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

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–1006]

RIN 1625–AA09

Drawbridge Operation Regulation; Connecticut River, East Haddam, CT

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the Route 82 Bridge (East Haddam Swing Bridge) across the Connecticut River, mile 16.8, at East Haddam, Connecticut. The Connecticut Department of Transportation submitted a request to reduce scheduled openings of the span for recreational vessels during the boating season and to allow the bridge owner to require six hours notice for bridge openings at night during the winter season. It is expected this change to the regulations will better serve the needs of the community while still continuing to satisfy the reasonable needs of navigation.

DATES: This rule is effective August 17, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–1006. In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. James Moore, Project Officer, First Coast Guard District, telephone 212–514–4334, *James.M.Moore2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On March 1, 2017, we published a notice of proposed rulemaking (NPRM) entitled ''Drawbridge Operation Regulation; Connecticut River, East Haddam, CT'' in the **Federal Register** (82 FR 12185). We received 16 comments on this rule which will be discussed in Section IV. Prior to publication of the NPRM, a public meeting was held on April 12, 2016 and no objections were raised to the proposed modification of the regulation governing operation of the bridge.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Route 82 Bridge (East Haddam Swing Bridge), mile 16.8, across the Connecticut River at East Haddam, Connecticut, offers mariners a vertical clearance of 22 feet at Mean High Water and 25 feet at Mean Low Water when the span is in the closed position. Vertical clearance is unlimited when the span is open. Horizontal clearance is 200 feet. Waterway users include recreational and commercial vessels including tugboat/barge combinations as well as tour/dinner boats. The drawbridge operating regulations are listed at 33 CFR 117.205(c).

The owner of the bridge, the Connecticut Department of Transportation, requested a change to the drawbridge operating regulation because of the increased volume of vehicular traffic across the bridge during peak commuting hours. This increased volume coupled with bridge openings for recreational vessels on the hour as well as the half-hour has resulted in lengthy traffic jams on either side of the bridge, particularly during the morning and evening rush hours. By reducing required openings for recreational vessels, traffic congestion at peak rush hours will dissipate. The Connecticut Department of Transportation also requested that from November 1 to April 30, vessels be required to provide at least six hours of notice for bridge openings between 8 p.m. and 4 a.m. For the last three years there have been no requested openings between these hours during this time of year. Allowing the bridge owner to require such notice will allow for more efficient and economical operation of the bridge.

The Coast Guard believes this change balances the needs of both land-based and marine traffic. The change will enhance vehicular traffic flow without significantly impacting vessel traffic.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard received a total of 16 comments in response to the notice of proposed rulemaking. All comments positively endorsed the proposed regulation change and no objections were noted. As a result, no changes have been made to this final rule.

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 protesters.

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.

The Coast Guard has determined this rule is not a significant regulatory action. The bridge will still open on the hour from 6 a.m. to 8 p.m. for recreational craft during the boating season and will open for all vessels with six hours of advance notice between 8 p.m. and 4 a.m. between November 1 and April 30. The minimum 22 foot vertical clearance available at Mean High Water when the bridge is in the closed position is sufficient to allow a majority of recreational traffic to pass without the necessity for an opening. Moreover, the advance notice requirements will be imposed during

evening hours over the course of the winter, during which time vessel traffic is infrequent.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. 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 bridge 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**, above.

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

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.l (series), which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction. A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.205 by revising paragraph (c) to read as follows:

§ 117.205 Connecticut River.

* * * * *

(c) The draw of the Route 82 Bridge, mile 16.8, at East Haddam, shall operate as follows:

(1) *From May 1 through October 31:* The draw shall open on signal for commercial vessels. For recreational vessels, the draw shall open on signal, except that from 6 a.m. to 8 p.m., the draw need open for recreational vessels on the hour only.

(2) *From November 1 through April 30:* The draw shall open on signal for all vessels, except that from 8 p.m. to 4 a.m., the draw shall open on signal if at least six-hours notice is given by calling the number posted at the bridge.

Dated: June 30, 2017.

S.D. Poulin,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2017–15055 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN 1840–AD14

[Docket ID ED–2015–OPE–0020]

Final Format and Summary of Responses to Request for Information Regarding Disclosures for Student Financial Accounts; Announcement of Applicable Dates

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Responses to request for information.

SUMMARY: On May 9, 2017, the Department of Education (Department) published in the **Federal Register** a Request for Information (RFI) to solicit ideas and information related to the major features and types of commonly assessed fees that postsecondary institutions (institutions) must disclose under Department regulations with regard to each of the institution's Tier 1 (T1) or Tier 2 (T2) arrangements. The Department announces the final format for these disclosures. To allow institutions sufficient time to adopt the final format, if they elect to do so, the Department is allowing additional time—until January 1, 2018—for institutions to comply with the applicable disclosure requirements.

DATES: The Department is allowing additional time—until January 1, 2018—for institutions to comply with the requirements in 34 CFR 668.164(d)(4)(i)(B)(*2*).

FOR FURTHER INFORMATION CONTACT: Ashley Higgins, U.S. Department of Education, 400 Maryland Avenue SW., Room 6W234, Washington, DC 20202. Telephone: (202) 453–6097 or by email: *Ashley.Higgins@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: The Secretary received 10 written responses to the RFI and is using this feedback to announce the final format, content, and update requirements that institutions may choose to follow to satisfy the requirements of § 668.164(d)(4)(i)(B)(*2*) with respect to the major features and assessed fees associated with their T1 and T2 arrangements. The Secretary thanks the commenters for their suggestions to improve the information presented to students. Furthermore, due to the delay in releasing the final format and update requirements, we are allowing institutions additional time—until January 1, 2018—to comply with the requirements in § 668.164(d)(4)(i)(B)(*2*).

We also remind institutions that the Consumer Financial Protection Bureau's (CFPB's) short-form template was not drafted to implement the Department's cash management regulations; accordingly, institutions using that template should not regard it as authorizing T1 or T2 arrangements that impose any fees otherwise prohibited under § 668.164(e) or (f), as applicable.

Analysis of Comments and Changes: An analysis of the comments and of any changes to the format, content, and update requirements since publication of the RFI follows.

General Comments

Comments: Several commenters suggested that the disclosure should read ''ask your school (or school's business office) about other ways to receive federal student aid'' instead of ''ask the financial aid office about other ways to receive your money.'' The commenters indicated that this is because the financial aid office is not responsible for disbursing aid.

Discussion: We thank the commenters for noting this distinction. While we do not intend to change the wording of the message on the example disclosure, we note that an institution is free to replace the wording ''the financial aid office'' with more appropriate contact information, as long as the contact information provided corresponds to someone directly employed by the school.

Changes: None.

Comments: One commenter indicated that simply stating that students have other ways to receive their money at the top of the form is insufficient and that the examples of a paper check and direct deposit should also be included in the example disclosure. The commenter also suggested that more specific contact information for the institution be included in the statement and that the language be bolded.

Discussion: We note that, under § 668.164(d)(4)(i)(B)(*2*), the institution is required to list the major features and commonly assessed fees associated with each T1 and T2 account as part of the selection menu. Section 668.164(d)(4)(i)(A)(*2*) requires that the student's options for receiving direct payments are described and presented in a clear, fact-based, and neutral manner. Section 668.164(d)(4)(i)(B)(*1*) requires that institutions must present prominently as the first option, the ability to receive student aid funds via direct deposit to a preexisting financial account belonging to the student. Because all of these items are required to be a part of the selection menu, we believe it is unnecessary to add them to the disclosures. We do not believe that more specific contact information for an institution is necessary, since it is highly likely that the student will be able to find such information on their own once they understand which office they need to speak to within their institution. We also do not believe it is necessary to bold the message at the top of the disclosures because the format makes the relevant information sufficiently clear.

Changes: None.

Comments: Several commenters expressed concerns that having institutions maintain the account disclosures in their selection menus will be administratively burdensome and instead suggested that it would be less burdensome to simply include a link to the disclosures in the selection menu. One commenter noted that there is a risk that schools will lack the capacity to update their disclosures in a timely manner should the fee schedule change. That same commenter also pointed out that, should students choose to open a bank account through the selection process, they will be directed to a disclosure page during the account-opening process.

Discussion: We disagree with the commenter. Under § 668.164(d)(4)(i)(B)(*2*), an institution must list the major features and commonly assessed fees associated with each T1 and T2 account as part of the selection menu (80 FR 67125, 67160). We believe that this approach is a more effective way of delivering important consumer information at the time a choice is being made, rather than simply including a link to a set of disclosures. Therefore, we require the disclosures to be visible within the selection menu.

Changes: None.

Comments: One commenter took issue with the phrase ''[y]our funds are/are not eligible for Federal Deposit Insurance Corporation/National Credit Union Administration (FDIC or NCUA) insurance,'' included on the disclosure. The commenter indicated that such a statement is incomplete, and could put institutions and financial account providers at risk since there are limits to FDIC and NCUA coverage, using the example that funds are only insured up to a certain amount and there are certain other limitations.

Discussion: We disagree that including a binary indicator of whether an account carries FDIC or NCUA insurance creates risk for either an institution or its partner financial account provider. The extent to which such coverage insures an accountholder's funds is immaterial to whether such coverage exists. In the RFI, we proposed that this statement be included because some types of accounts, especially prepaid accounts, do not have any FDIC or NCUA insurance. We continue to believe that this information is critical for students prior to opening an account and believe its inclusion will not create confusion for students or risk to institutions and financial account providers. However,

we are clarifying the disclosure language by replacing the phrase ''funds are/are not'' and with ''account is/is not.''

Changes: We are removing the phrase ''funds are/are not'' from the section of the disclosures addressing FDIC and NCUA insurance and replacing it with ''account is/is not.''

Comments: Several commenters suggested that the Department place more emphasis on overdraft fees, with some asking that overdraft fees be included in the top-line disclosure items. Some commenters also suggested the use of bold font for a proposed top-line overdraft disclosure. One commenter argued that this will help students who may be comparing fees between two programs if a campus offers both T1 and T2 accounts. One commenter also argued that giving more prominence to overdraft fees is important, since data show that students remain particularly vulnerable to incurring overdraft fees. Another commenter suggested that the statement on overdrafts be more expansive, arguing that a more prominent display of these fees will help institutions to compare financial programs in connection with their contracting decisions. Another commenter suggested that the disclosures include a statement that overdraft features are optional on T2 accounts, stating that accountholders who choose overdraft features are more likely to incur high fees.

Discussion: In the process of drafting the RFI, we considered including overdraft fees as a top-line disclosure item. However, we determined that it would be unnecessary to include overdraft fees in such a manner because financial account providers under T1 arrangements are unable to charge such fees and because, in the event that they are charged by T2 providers, they would almost certainly be included in the additional two fees listed in the disclosures. However, after reviewing the comments, we are concerned that this approach may result in a disclosure that unintentionally downplays a fee that is not only typically expensive compared to other fees that students may be charged, but can quickly compound itself when an account is in a negative balance. We are persuaded by the comments arguing that overdraft fees should result in a more prominent display on the disclosures. We also agree that such a placement may help students who are comparing two different types of accounts, even if the fee is not charged. However, we decline to add a statement that overdraft features are optional as we believe it may confuse students. We also believe that bold font for the top-line item is unnecessary, given its already prominent placement in the revised disclosure template.

Changes: We have added ''overdraft'' fees as a top-line disclosure item. Financial account providers operating under T1 arrangements (and any other account providers that do not charge an overdraft fee) can simply place an ''N/A'' in that box. As a result of this change, we have also removed the language that states ''[y]ou may be offered overdraft features. Fees could apply. *OR* No overdraft/credit feature'' from the disclosures.

Comments: A few commenters stated that institutions should also disclose the number and location of surcharge-free ATMs.

Discussion: While we thank the commenters for their interest in making sure that students are well informed about their account options, we disagree. The short-form disclosures are meant to be easily understandable by students, and adding the number and locations of each networked ATM is likely to greatly increase the length and complexity of the disclosures. We are also concerned that adding this feature may increase the burden on institutions and financial account providers without a commensurate benefit to students.

Changes: None.

Comments: One commenter suggested including money transfer or account closing fees associated with a student account, stating that this could disproportionally impact students who are dissatisfied with their accounts.

Discussion: The disclosures cannot capture every fee charged by a financial institution, and the fees specifically identified by the commenter have not been a significant source of complaint during or since the rulemaking. However, should any money transfer or account closing fee result in a significant share of revenue for a financial institution, this will be captured in the section listing additional fees. Because of this, we believe that it is unnecessary to add these types of fees to the disclosures.

Changes: None.

Comments: One commenter suggested removing some of the top-line disclosure items and replacing them with the high-revenue fees listed later in the disclosures, arguing that because some of these fees have been disallowed through regulation, they should not be included in the short-form disclosures.

Discussion: We disagree. Leaving fees that have been disallowed by regulation, such as overdraft fees for T1 accounts, in the short-form disclosures allows students to more easily compare T1 and T2 accounts with other bank accounts.

Changes: None.

Comments: In the RFI, we asked commenters to tell us whether there is a preferred start date for the requirement to include the two additional fee types that generated the highest revenue from account holders during the previous 24 months. One commenter responded that there is no need to delay the disclosure of the high-revenue fees and that financial account providers can furnish this information as soon as they begin using the disclosure template.

Discussion: We agree with the commenter. If an institution chooses to use this format, it must include all required elements no later than January 1, 2018 (or earlier at the institution's discretion). Because this was a requirement already proposed as part of the RFI, we are not making any changes as a result of this comment.

Changes: None.

Comments: One commenter suggested that account providers include the average or median annual cost for students who choose a particular financial account in the disclosures.

Discussion: Sections 668.164(e)(2)(vii)(B) and (f)(4)(iv)(B) already provide for the release of the average and median costs incurred by students who choose to use an account offered under a T1 or T2 arrangement. We do not believe that the value of adding this item to the template outweighs the costs of requiring institutions to meet duplicative requirements and of making the template more complicated.

Changes: None.

Comments: One commenter suggested that the form should include the relationship between the institution and financial account provider.

Discussion: Sections 668.164(e)(2)(vi), (e)(2)(vii)(A), (f)(4)(iii)(A), and (f)(4)(iv)(A) already provide for the release of the complete contract between the parties and information regarding the total consideration for the most recently completed award year, monetary and nonmonetary, paid or received by the parties under the terms of the contract. We do not believe that the value of adding this item to the template outweighs the costs of requiring institutions to meet duplicative requirements and of making the template more complicated.

Changes: None.

Comments: One commenter suggested that we add a statement to the disclosures to clarify that the fee schedule only applies as long as the account holders are enrolled students at

the institution at which they initially opened the financial account.

Discussion: We thank the commenter for the suggestion. However, the disclosure describes only fees and other information for enrolled students, so we do not believe this additional statement provides necessary information.

Changes: None.

Comments: Several commenters suggested using the format developed by the Pew Charitable Trusts for bank accounts, while using the proposed format only for prepaid accounts. Commenters argued that since this format has already been widely adopted by banks, it would be easy for institutions to comply with the regulations. Commenters also expressed their belief that the proposed disclosure format is more appropriate for standard checking accounts. One commenter stated that it may be confusing for students if the disclosures use terms common to prepaid cards to describe checking accounts.

Discussion: We agree with the commenter that the format developed by the Pew Charitable Trusts may be an appropriate format to use within the student choice menu. Nothing in the format set forth in this document prevents institutions from using these types of disclosures if they wish. However, institutions that choose to use Pew's format must ensure that they comply with the additional specific requirements for accounts offered under T1 and T2 arrangements. For example, under § 668.164(d)(4)(i)(A)(*1*) schools must include a written statement that students do not have to accept the account and may recommend that students ask about other ways to receive their Federal student aid. Another example is the requirement that, for accounts offered under T1 arrangements, the institution must also state that a student accountholder may access his or her title IV, HEA program funds in whole or in part up to the account balance via domestic withdrawals and transfers free of charge, during the student's entire period of enrollment following the date that such title IV, HEA program funds are deposited or transferred to the financial account, as required under § 668.164(e)(2)(v)(C).

Changes: None.

Comments: Several commenters requested a delay of the deadline for compliance. Suggested dates included December 31, 2017, and January 1, 2018.

Discussion: We agree with the commenters that July 1, 2017, is impracticable for institutions to adapt their selection menu to include this format. As a result, the Secretary is allowing additional time—until January 1, 2018—for institutions to comply with the requirements in § 668.164(d)(4)(i)(B)(*2*) regarding disclosures of an account's fees and major features.

Changes: Institutions now have until January 1, 2018, to include in their selection menu the disclosures regarding major features and fees required by § 668.164(d)(4)(i)(B)(*2*), whether through use of the disclosure template described in this document or in another manner.

Final Format of the Disclosures: The final suggested format of the disclosures is as follows:

You do not need this account to receive your Federal student aid.
Ask the financial aid office about other ways to receive your money.

Monthly fee	Per purchase	ATM withdrawal	Cash reload	Overdraft
$0	$0	$0 in-network $1.95* out-of-network	N/A	N/A

ATM balance inquiry (in-network or out-of-network)	$0 or $1.95*
Customer service (automated or live agent)	$0 or $1.95 per call
Inactivity	$0

The financial institution offering this account charges # other types of fees.
Here are some of them:

[Additional fee type]	$1.00*
[Additional fee type]	$3.00

* This fee can be lower depending on how and where this card is used.

Your account is/is not eligible for FDIC or NCUA insurance.

Find details and conditions for all fees and services in the terms and conditions of the account [link].

Description

• The institution's disclosures must list the following fees: Periodic fees, per purchase fees (including point-of-sale fees), ATM withdrawal fees, cash reload fees, overdraft fees, ATM balance inquiry fees, customer service fees, and inactivity fees. These fees are referred to as ''static fees'' because all institutions using the Secretary's format must list these fees in the disclosures, even if the amount of the fee is zero or the fee relates to a feature that is not offered as part of the specific account. In cases where the amount of any fee could vary, the disclosures must show the highest amount the account provider may charge for that fee, followed by a symbol, such as an asterisk, linked to a statement explaining that the fee could be lower depending on how and where the account is used. The asterisk would be included, for example, if point-of-sale fees differ depending on whether the cardholder is required to provide a PIN or signature. In cases where a static fee is not imposed, the institution may demonstrate that the fee is not applicable by placing ''N/A'' or an equivalent designation in the appropriate field.

• The disclosures must include the number of fee types the accountholder may be charged under the specific account program, excluding those fees that are either disclosed on the form or in close proximity as described below.

• The disclosures must also list the two additional fee types, if any, that generated the highest revenue from account holders during the previous 24 months excluding static fees, any purchase price, any activation fees and any fee types that generated less than five percent of the total revenue from accountholders, as well as the amounts of such additional fees. The two additional fee types would be determined for the specific financial account program or across programs with the same fee schedule. Institutions must ensure that the financial account provider reviews their fee revenue periodically and that they assist the institution in updating the disclosures if needed.

• The disclosures must include statements regarding FDIC/NCUA insurance and a link to the terms and conditions of the account.

• The disclosures must include a written statement that students do not have to accept the account offered under a T1 or T2 arrangement and may recommend that students ask about other ways to receive their Federal student aid.

• In close proximity to the disclosures, though not necessarily within the disclosures, the institution must disclose the financial account provider's name; the name of the account; for T2 accounts, any purchase price for the account (such as a fee for acquiring an access device or a replacement for an access device); and any fee for activating the account. If the financial account is a T1 account, the institution must also use this space to disclose that a student account holder may access his or her title IV, HEA program funds in part and in full up to the account balance via domestic withdrawals and transfers free of charge, during the student's entire period of enrollment following the date that such title IV, HEA program funds are deposited or transferred to the financial account, as required under § 668.164(e)(2)(v)(C). We also remind institutions that T1 accounts may not charge fees for opening or activating the financial account or initially receiving or activating an access device, nor for overdrafts or fees assessed on point-of-sale transactions.

Accessible Format: Individuals with disabilities can obtain this document 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 Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 13, 2017.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2017–15077 Filed 7–17–17; 8:45 am]

BILLING CODE 4000–01–P

POSTAL SERVICE

39 CFR Part 265

Production or Disclosure of Material or Information; Adding the Definition of a Record and Clarifying Language Concerning the Timing of Responses to Requests and Specific Categories of Records

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is adding the definition of a record to its regulations concerning the Freedom of Information Act. The Postal Service is deleting language in order to clarify the timing of responses to requests. The Postal Service is also adding two words to two provisions in its Freedom of Information Act regulations concerning special categories of records, for clarification purposes.

DATES: *Effective date:* July 18, 2017.

FOR FURTHER INFORMATION CONTACT: Natalie A. Bonanno, Chief Counsel, Federal Compliance, *natalie.a.bonanno@usps.gov,* 202–268–2944.

SUPPLEMENTARY INFORMATION: On November 30, 2016 (81 FR 86270), the Postal Service published its revised Freedom of Information Act (FOIA) regulations to comply with the FOIA Improvement Act of 2016 (FOIAIA), effective December 27, 2016. In response to public comments, the Postal Service published an additional change to these regulations on January 10, 2017 (82 FR 2896). After further review, the Postal Service published miscellaneous technical corrections to its regulations on March 8, 2017 (82 FR 12921). The Postal Service is now adding a record definition, deleting language from the timing of responses to requests, and adding two words to two provisions in its Freedom of Information Act regulations concerning records relating to specifically identified customers, for clarification purposes.

List of Subjects in 39 CFR Part 265

Administrative practice and procedure, Courts, Freedom of information, Government employees.

For the reasons stated in the preamble, the Postal Service amends 39 CFR chapter I as follows:

PART 265—[AMENDED]

■ 1. The authority citation for 39 CFR part 265 continues to read as follows:

Authority: 5 U.S.C. 552; 5 U.S.C. App. 3; 39 U.S.C. 401, 403, 410, 1001, 2601; Pub. L. 114–185.

■ 2. Revise § 265.1 to read as follows:

§ 265.1 General provisions.

(a) *Policy.* (1) This subpart contains the regulations that implement the Freedom of Information Act (FOIA), 5 U.S.C. 552, insofar as the Act applies to the Postal Service. These rules should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (OMB Guidelines). The Postal Service FOIA Requester's Guide, an easy-to-read guide for making Postal Service FOIA requests, is available at *http://about.usps.com/who-we-are/foia/welcome.htm.*

(2) Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed under part 266 of this chapter as well as under this subpart.

(3) It is the policy of the Postal Service to make its official records available to the public to the maximum extent consistent with the public interest. This policy requires a practice of full disclosure of those records that are covered by the requirements of the FOIA, subject only to the specific exemptions required or authorized by law. The exemptions from mandatory disclosure for various types of records provided by 5 U.S.C. 552(b) and 39 U.S.C. 410(c) reflect the fact that under some circumstances, the public interest may be better served by leaving the disclosure of particular records to the discretion of the Postal Service rather than by requiring their disclosure. This Postal Service policy does not create any right enforceable in court.

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

(b) Definitions—(1) *Record.* (i) For purposes of this part, a *record* is a discrete, distinct, or segregable grouping of information that pertains to a specific topic that is:

(A) Recorded, regardless of media, format, or physical characteristics, including electronic data; and

(B) In the custody or control of the Postal Service.

(ii) The definition of a record does not include any discrete, distinct, or segregable grouping of information created at the discretion of an employee primarily for the employee's convenience and not disclosed to other employees. The definition of a record is not the same as a ''document;'' a single ''document'' may be a single record or it may include multiple records and groupings of information that do not constitute records as defined in this section.

(2) *Component.* For purposes of this subpart, *component* means any department or facility within the Postal Service that maintains records; the Office of Inspector General; and the Postal Inspection Service. Postal Service refers to all such components collectively.

■ 3. Revise § 265.5(a) to read as follows:

§ 265.5 Timing of responses to requests.

(a) *In general.* Requests will ordinarily be responded to according to their order of receipt. A request that is not initially submitted to the appropriate FOIA RSC will be deemed to have been received by the Postal Service at the time that it is actually received by the appropriate FOIA RSC, but in any case a request will be deemed to have been received no later than 10 business days after the request is first received by a FOIA RSC.

* * * * *

■ 4. In § 265.14, revise paragraphs (d) introductory text and (d)(5) introductory text to read as follows:

§ 265.14 Rules concerning specific categories of records.

* * * * *

(d) *Disclosure of names and addresses of specifically identified Postal Service customers.* Upon request, the names and addresses of specifically identified Postal Service customers will be made available only as follows:

* * * * *

(5) *Exceptions.* Except as otherwise provided in these regulations, names or addresses of specifically identified Postal Service customers will be furnished only as follows:

* * * * *

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2017–14934 Filed 7–17–17; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2007–0085; FRL–9965–02–Region 4]

Air Plan Approval; NC; Open Burning and Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve several revisions to the North Carolina State Implementation Plan (SIP) submitted by the State of North Carolina through the North Carolina Department of Environmental Quality (formerly the North Carolina Department of Environment and Natural Resources (NCDENR)), Division of Air Quality (DAQ), on October 14, 2004, March 24, 2006, and January 31, 2008. The revisions include changes to several regulations and the addition of a new section to the Exclusionary Rules of the North Carolina SIP. These revisions are part of North Carolina's strategy to meet and maintain the national ambient air quality standards (NAAQS). This action is being taken pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

DATES: This direct final rule is effective September 18, 2017 without further notice, unless EPA receives adverse comment by August 17, 2017. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2007–0085 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sean Lakeman or Nacosta C. Ward, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Lakeman can be reached via telephone

at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.* Ms. Ward can be reached via telephone at (404) 562–9140, or via electronic mail at *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Analysis of the State Submittals

On October 14, 2004, March 24, 2006, and January 31, 2008, the State of North Carolina, through NCDENR, submitted revisions to the North Carolina SIP. These submissions pertain to revisions adopted by the North Carolina Environmental Management Commission (EMC) on March 11, 2004, November 10, 2005, and July 11, 2007, respectively. Of the revisions adopted, EPA is taking direct final action on the changes to the following regulations: 15A NCAC Subchapter 2D—Air Pollution Control Requirements, Section .0101, *Definitions;* Section .0103, *Copies of Referenced Federal Regulations;* Section .1901 *Purpose, Scope, and Impermissible Open Burning Section;* .1902, *Definitions;* Section .1903, *Permissible Open Burning Without An Air Quality Permit;* Section .2001, *Purpose, Scope, and Applicability;* and 15A NCAC Subchapter 2Q—Air Quality Permits*;* Section .0103, *Definitions;* Section .0105, *Copies of Referenced Documents;* Section .0304, *Applications;* Section .0305, *Application Submittal Content;* Section .0806, *Cotton Gins;* Section .0808, *Peaking Shaving Generators;* and Section .0810, *Air Curtain Burners.* These changes are a part of North Carolina's strategy to attain and maintain the NAAQS and are approvable into the North Carolina SIP pursuant to section 110 of the CAA. EPA is not taking action on revisions to 15A NCAC Subchapter 2D—Air Pollution Control Requirements, Section .1201, *Purpose and Scope,* submitted on January 31, 2008, because this rule pertains to incinerators and addresses emission guidelines under CAA sections 111(d) and 129 and 40 CFR part 60; it is not a part of the federally-approved SIP. EPA will take separate action on 15A NCAC Subchapter 2D—Air Pollution Control Requirements, Section .1904, *Air Curtain Burners.*

The changes that are the subject of this direct final rulemaking include an addition to the SIP of a new exclusionary rule for air curtain burners, amendments to existing definitions and additions of new definitions, amendments to open burning rules to account for new nonattainment areas, amendments to permitting rules to make them consistent with recent statutory changes, as well as modifications to other rules for clarifications, updates, and corrections. Detailed descriptions of the changes are below:

1. Regulation 15A NCAC 2D, Section .0101, *Definitions* and 2Q .0103, *Definitions,* as adopted by the EMC on March 11, 2004, and November 10, 2005:

- A definition of ''administrator'' is added and contains two exceptions to whom it is referencing. The exceptions are for certain rules to specify who the administrator is for that rule and when EPA's delegation or approval specifically states that EPA's authority is retained by the EPA Administrator and that authority is not included in the delegation or approval. The definitions have been renumbered to reflect this addition.
- 2D, Section .0101 is amended to include the definition of fine particulate matter ''$PM_{2.5}$''.
- 2Q, Section .0103 is also amended to change the definition of ''construction'' to exclude construction for permitting purposes in order to incorporate the activities defined by North Carolina statutes. Those activities defined in this change are clearing and grading; building access roads, driveways, and specified parking lots, building and installing underground pipe work; or the building of ancillary structures.

2. Regulations 15A NCAC 2D, Section .0103, *Copies of Referenced Federal Regulations* and 2Q, Section .0105, *Copies of Referenced Documents,* as adopted by the EMC on November 10, 2005, are amended to update the addresses of regional offices.

3. Regulation 15A NCAC 2D, Section .1901, *Purpose, Scope, and Permissible Open Burning,* as adopted by the EMC on March 11, 2004, and July 11, 2007 (which revised some of the March 11, 2004, changes), is amended to revise the purpose of the section to include the protection of air quality in the immediate area of open burning and revise the definition of open burning. Additionally, this rule title has also been changed to *Open Burning: Purpose: Scope.*

4. Regulation 15A NCAC 2D Sections .1902, *Definitions* and .1903, *Permissible Open Burning Without an Air Quality Permit,* as adopted by the EMC on March 11, 2004, November 10, 2005, and July 11, 2007:

- These rules are amended to account for new nonattainment and forecast areas and to include forecasts for $PM_{2.5}$.
  - In Section .1902, definitions of ''initiated,'' ''nonattainment area,'' ''off-site,'' ''air quality action day code 'orange' or above,'' ''air quality action day,'' ''smoke management plan,'' ''pile,'' and ''permanent site'' have been added.
  - In Sections .1902 and .1903, the definition of ''ozone forecast area'' is replaced by ''air quality forecast area.''
  - In Section .1903, the definition of ''ozone action day'' is replaced by ''air quality action day.''
  - Other Amendments under Section .1902:
- New forecast areas are added under the new definition ''air quality forecast area.''
  - Other Amendments under Section .1903:

This section is amended to:

- Give the regional office supervisor the discretion to allow or disallow such burning of land clearing debris within less than 1000 feet from a dwelling;
- remove the regional office supervisor's ability to allow fires to be initiated between 6 p.m. and 8 a.m. under favorable meteorological conditions; and
- allow fires purposely set for the instruction and training of personnel at permanent fire-fighting training facilities.
- The title of this section has been changed to *Open Burning Without an Air Quality Permit.*
- This section has also been reorganized to read more logically.

5. Regulation 15A NCAC 2D, Section .2001, *Purpose, Scope and Applicability,* as adopted by the EMC on November 10, 2005, is amended to clarify the applicability of the transportation conformity rules, which apply to areas identified as nonattainment or maintenance as determined by EPA in the Code of Federal Regulations or to areas listed in this rule.

6. Regulation 15A NCAC 2Q, Sections .0304, *Applications,* and .0305, *Application Submittal Content,* as adopted by the EMC on November 10, 2005, are amended to make the emissions inventory an integral part of the permit application package. As a result, a permittee must submit an emission inventory along with a request for permit renewal.

7. Regulation 15A NCAC 2Q, Section .0806, *Cotton Gins,* as adopted by the EMC on March 11, 2004, is amended to change the applicability of this rule to include cotton gins that gin cotton year-round instead of between September and January only. Paragraphs (c) and (g) of this rule are also revised for clarity.

8. Regulation 15A NCAC 2Q, Section .0808, *Peak Shaving Generators,* as adopted by the EMC on November 10, 2005, is amended to change the eligibility standard from one based on energy production to one based on fuel

consumption, which is more readily accessible. This rule excludes from Title V permitting requirements a facility's peak shaving generators if the generators' annual fuel consumption is below the levels noted in the rule. The fuel-consumption standard is designed to ensure that potential emissions of NO_X are below relevant permit applicability thresholds, and the rule imposes reporting and certification requirements on facilities claiming the exclusion. Therefore, the revision will not interfere with attainment and maintenance of the NAAQS pursuant to CAA section 110(l).

9. Regulation 15A NCAC 2Q, Section .0810, *Air Curtain Burners,* adds a new exclusionary rule for air curtain burners. This rule excludes from Title V permitting requirements certain air curtain burners that burn less than 8100 tons of land-clearing debris per year. The land-clearing-debris standard is designed to ensure that potential emissions of particulate matter are below relevant permit applicability thresholds, and the rule imposes reporting and certification requirements on facilities claiming the exclusion. Therefore, the revision will not interfere with attainment and maintenance of the NAAQS pursuant to CAA section 110(l).

II. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of 15A NCAC Subchapter 2D—*Air Pollution Control Requirements,* Sect. .0101, *Definitions;* Sect. .0103, *Copies of Referenced Federal Regulations;* Sect. .1404, *Recordkeeping: Reporting: Monitoring;* Sect. .1901 *Open Burning: Purpose: Scope;* Sect. .1902, *Definitions;* Sect. .1903, *Open Burning Without An Air Quality Permit;* Sect. .2001, *Purpose, Scope, and Applicability;* and Subchapter 2Q—Air Quality Permits, Sect. .0103, *Definitions;* Sect. .0105, *Copies of Referenced Documents;* Sect. .0304, *Applications;* Sect. .0305, *Application Submittal Content;* Sect. .0806, *Cotton Gins;* Sect. .0808, *Peaking Shaving Generators,* and Sect. .0810, *Air Curtain Burners.*

Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information)

III. Final Action

EPA is approving the aforementioned revisions to the North Carolina SIP submitted by the State of North Carolina on October 14, 2004, March 24, 2006, and January 31, 2008, pursuant to section 110 because these revisions are consistent with the CAA and EPA policy. Changes to the other sections in these submissions will be processed in a separate action, as appropriate, for approval into the North Carolina SIP. As noted above, EPA is not taking action on changes to 15A NCAC Subchapter 2D—Air Pollution Control Requirements, Section .1201, *Purpose and Scope,* as submitted on January 31, 2008, because this rule pertains to incinerators and addresses emission guidelines under CAA sections 111(d) and 129 and 40 CFR part 60 and is not a part of the federally-approved SIP.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective September 18, 2017 without further notice unless the Agency receives adverse comments by August 17, 2017.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 18, 2017 and no further action will be taken on the proposed rule.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the Agency may adopt as final those provisions of the rule that are not the subject of an adverse comment. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

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

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

[1] 62 FR 27968 (May 22, 1997).

methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 18, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 29, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart II—North Carolina

■ 2. In section 52.1770 (c), Table 1 is amended:

■ a. Under Subchapter 2D—Air Pollution Control Requirements by revising entries for ''Sect. .0101,'' ''Sect. .0103,'' ''Sect. .1901,'' ''Sect. .1902,'' ''Sect. .1903,'' and ''Sect. .2001;''

■ b. Under Subchapter 2Q—Air Quality Permits by revising entries for ''Sect. .0103,'' ''Sect. .0105,'' ''Sect. .0304,'' ''Sect. .0305,'' ''Sect. .0806,'' and ''Sect. .0808;'' and

■ c. Under Subchapter 2Q—Air Quality Permits by adding an entry for, ''Sect. .0810.''

The revisions and addition read as follows:

§ 52.1770 Identification of plan

* * * * *

(c) * * *

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D—Air Pollution Control Requirements				
Section .0100 Definitions and References				
Sect. .0101	Definitions	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	
Sect. .0103	Copies of Referenced Federal Regulations.	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	
* *	*	*	* *	*
Section .1900 Open Burning				
Sect. 1901	Open Burning: Purpose: Scope	7/11/2007	7/18/2017 [Insert **Federal Register** citation].	
Sect. .1902	Definitions	7/11/2007	7/18/2017 [Insert **Federal Register** citation].	
Sect. .1903	Open Burning Without A Permit	7/11/2007	7/18/2017 [Insert **Federal Register** citation].	
* *	*	*	* *	*
Section .2000 Transportation Conformity				
Sect. .2001	Purpose, Scope, and Applicability.	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
* * *	*	*	* * *	*
Subchapter 2Q—Air Quality Permits				
Section .0100 General Provisions				
* * *	*	*	* * *	*
Sect. .0103	Definitions	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	
* * *	*	*	* * *	*
Sect. .0105	Copies of Referenced Documents.	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	
* * *	*	*	* * *	*
Section .0300 Construction and Operating Permits				
* * *	*	*	* * *	*
Sect. .0304	Applications	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	
Sect. .0305	Application Submittal Content	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	
* * *	*	*	* * *	*
Section .0800 Exclusionary Rules				
* * *	*	*	* * *	*
Sect. .0806	Cotton Gins	3/11/2004	7/18/2017 [Insert **Federal Register** citation].	
* * *	*	*	* * *	*
Sect. .0808	Peak Shaving Generators	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	
Sect. .0810	Air Curtain Burners	11/10/2005	7/18/2017 [Insert **Federal Register** citation].	

* * * * *

[FR Doc. 2017–14963 Filed 7–17–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0512; EPA–R05–OAR–2016–0522; EPA–R05–OAR–2017–0322; FRL–9964–97–Region 5]

Air Plan Approval; Illinois; NAAQS Updates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revised rules submitted by the State of Illinois as State Implementation Plan (SIP) revisions. The submitted rules update Illinois' ambient air quality standards to include the 2015 primary National Ambient Air Quality Standard (NAAQS) for ozone (O_3), add EPA-promulgated monitoring methods for several NAAQS, and address EPA's revocation of the 1997 O_3 NAAQS. In addition, the revised rules contain the timing requirements for the ''flagging of exceptional events'' and the submission of documentation supporting exceptional events for the initial area designations for the 2015 primary annual O_3 standard. These SIP revisions update Illinois air pollution control regulations to be ''identical-in-substance'' to EPA rulemakings related to the NAAQS that occurred between January 1, 2014 and June 17, 2016.

DATES: This direct final rule will be effective September 18, 2017, unless EPA receives adverse comments by August 17, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0512, EPA–R05–OAR–2016–0522, or EPA–R05–2017–0322 at *https://www.regulations.gov* or via email to *Aburano.Douglas@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to

make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Michelle Becker, Life Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3901, *Becker.Michelle@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. When and why did the State make these submittals?
II. What are the State rule revisions?
III. Did the State hold public hearings for these submittals?
IV. What is EPA's analysis of the State's submittals?
V. What action is EPA taking?
VI. Incorporation by Reference.
VII. Statutory and Executive Order Reviews.

I. When and why did the State make these submittals?

Section 109 of the Clean Air Act (CAA) requires EPA to establish national primary (protective of human health) and secondary (protective of human welfare) air quality standards for pollutants for which air quality criteria have been issued under Section 108 of the CAA (the criteria pollutants [1]). Individually and collectively these standards are referred to as NAAQS. Section 109(d)(1) of the CAA requires EPA to review, and if necessary, based on accumulated health and welfare data, to revise each NAAQS every five years. If a NAAQS is revised, states whose rules include state air quality standards may revise their rules to address the revised NAAQS and associated monitoring requirements, and submit them to EPA as SIP revision requests. *See, e.g.,* 415 ILCS 5/10(H).

On August 9, 2016, the Illinois Environmental Protection Agency (IEPA) submitted to EPA for approval as SIP revisions: updating Illinois' ambient air quality standards by revoking the 1997 O_3 NAAQS and adding the 2015 primary O_3 NAAQS; revising the timing requirements for the ''flagging of exceptional events'' and the submission of demonstrations to justify data exclusion as a result of exceptional events for the initial designations for the 2015 primary annual O_3 standard; and adding EPA-promulgated monitoring methods. These updates correspond to revisions to the NAAQS adopted by EPA during the period January 1, 2015 through June 30, 2015, August 26, 2015, October 26, 2015, and November 19, 2015. The Illinois Pollution Control Board (IPCB) adopted these rule revisions on March 3, 2016.

On August 11, 2016, IEPA submitted to EPA for approval as SIP revisions additional updates to the methods used by Illinois to monitor air quality for several NAAQS. These updates correspond to EPA's revised monitoring methods promulgated during the period of January 1, 2014, through December 18, 2014. The IPCB adopted these rule revisions on March 5, 2015.

On May 30, 2017, IEPA submitted to EPA for approval as SIP revisions additional updates to the methods used by Illinois to monitor air quality for several NAAQS. These updates correspond to EPA's revised monitoring methods promulgated during the period of January 1, 2016, through July 13, 2016. The IPCB adopted these rule revisions on January 19, 2017.

The proposed SIP revisions would update Illinois air pollution control regulations to be ''identical-in-substance'' to EPA rulemakings related to the NAAQS that occurred between January 1, 2014 and July 13, 2016.[2] These revisions update Illinois ambient air quality standards to reflect revisions and EPA actions that affect the Federal NAAQS.

II. What are the State rule revisions?

35 IAC 243.105 Air Quality Monitoring Data Influenced by Exceptional Events

Illinois amended 35 IAC 243.105 to incorporate changes to the schedule for flagging data and submitting exceptional events demonstrations considered for initial area designations (80 FR 65292, October 26, 2015). The changes include the addition of 243.105(c)(2)(F), which identifies 243.Table A as the data submission process for a new or revised NAAQS. Also, 243.105(c)(3)(A) was revised to include an exception to the timing requirements for demonstration submissions that are allowed under 243.105(c)(2)(F).

35 IAC 243.108 Incorporations by Reference

Illinois revised this section to incorporate by reference EPA's updated ''List of Designated Reference and Equivalent Methods'' from January 1, 2014, to July 13, 2016. EPA issued updated versions of the ''List of Designated Reference and Equivalent Methods'' that included new Federal Equivalent Methods (FEMs) and Federal Reference Methods (FRMs) for monitoring of Carbon Monoxide (CO), Lead (Pb), oxides of nitrogen (NO_X), O_3, fine particulates ($PM_{2.5}$), and coarse particulates ($PM_{2.5–10}$). *See* 79 FR 34734 (June 18, 2014), 79 FR 65392 (November 4, 2014), 80 FR 32114 (June 5, 2015), 80 FR 12264 (August 26, 2015), 80 FR 72432 (November 19, 2015), 81 FR 4292 (January 26, 2016), 81 FR 25397 (April 28, 2016), and 81 FR 45284 (July 13, 2016).

The list with all approved FEMs and FRMs is located at: *https://www3.epa.gov/ttn/amtic/criteria.html*.

Illinois also added a statement to 35 IAC 243.108 that the incorporation by reference of EPA's promulgated monitoring methods ''includes the following USEPA methods designations that occurred after June 17, 2016: 81 FR 45284 (July 13, 2016).''

Additionally, Illinois updated 35 IAC 243.108 to incorporate by reference the 2016 versions of appendices A–1, A–2, B, C, D, F, G, H, I, J, K, L, N, O, P, Q, R, S, T and U of 40 CFR part 50. These appendices contain the reference monitoring methods for and the ''interpretation'' of (*i.e.,* data handling conventions and computations) the ambient standards for the criteria air pollutants.

EPA made two changes in the 2015 versions of these appendices relative to the 2013 versions.[3] First, EPA revised the appendix D reference method for the determination of O_3 adding new methodology and retaining previous measurement techniques (80 FR 65292, October 26, 2015). Second, EPA added appendix U to 40 CFR 50 (80 FR 65292, October 26, 2015). Appendix U, titled ''Interpretation of the Primary and

[1] The criteria pollutants are ozone (O_3), nitrogen oxides (represented by nitrogen dioxide (NO_2)), sulfur oxides (represented by sulfur dioxide (SO_2)), carbon monoxide (CO), particulate matter (represented by total suspended particulates (TSP), particulates (PM_{10}), and fine particulates ($PM_{2.5}$)), and lead (Pb). Note that Illinois also has air quality standard and monitoring rules for ''coarse particulate matter'' ($PM_{2.5–10}$), although this is not a criteria pollutant and is generally considered to be included in PM_{10}.

[2] Regulations that are ''identical-in-substance'' means State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if EPA administered the subject program in Illinois. *See* 415 ILCS 5/7.2(a).

[3] EPA did not make any changes to the appendices in 2014.

Secondary National Ambient Air Quality Standards for Ozone,'' explains the data handling conventions and computations necessary for determining when the primary and secondary NAAQS for O_3 are met. Illinois' rule revisions incorporate by reference these amended CFR appendices.

35 IAC 243.120 PM_{10} and $PM_{2.5}$

Illinois updated 35 IAC 243.120 to incorporate by reference the 2015 versions of 40 CFR 50, the changes to which are discussed above. Additionally, Illinois corrected a citation in subsection (a)(2) to 40 CFR 50.6, which contains the PM_{10} NAAQS. Previously this subsection had incorrectly cited to 40 CFR 51.6.

35 IAC 243.125 Ozone

Illinois added subsection (b) to incorporate the 2015 primary and secondary eight-hour NAAQS for ozone. The 2015 NAAQS for ozone is 70 parts per billion, determined by calculating the three-year average of the annual fourth-highest daily maximum eight-hour average (October 26, 2015, 80 FR 65292).

Additionally, Illinois removed subsection (a) ''1997 Primary and Secondary Eight-Hour NAAQS for Ozone,'' and renumbered former subsection (b), ''2008 Primary and Secondary Eight-Hour NAAQS for Ozone'' to new subsection (a). This was in response to EPA's promulgation of ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule), where EPA, among other things, revised the 1997 O_3 NAAQS so that it no longer applies after the April 6, 2016 effective date of the SIP Requirements Rule.[4] For a detailed explanation of this action, see 80 FR 12264 (March 6, 2015).

Consistent with 40 CFR 50.19(c), the revised O_3 standards must be measured by either a FRM based on appendix D of 40 CFR part 50, incorporated by reference in 35 IAC 243.108, or a FEM designated by EPA in accordance with 40 CFR part 53 and listed in EPA's ''List of Designated Reference and Equivalent Methods,'' which is also incorporated by reference in 35 IAC 243.108.

[4] The SIP Requirements Rule contained other requirements applicable to Illinois that are outside the scope of this ''identical-in-substance'' rulemaking and will be addressed through separate actions.

35 IAC 243. Table A. Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations

Illinois amended Table A to update the flagging and document submission deadlines for exceptional events demonstrations considered for initial area designations for O_3 to be consistent with EPA rulemaking as detailed in 80 FR 65292 (October 26, 2015).

The flagging and initial event description deadlines for data years one, two and three depend on the following conditions: (1) If state and tribal initial designation recommendations for a new/revised NAAQS are due August through January, then the flagging and initial event description deadline will be the July 1 prior to the recommendation deadline; (2) if state and tribal recommendations for a new/revised NAAQS are due February through July, then the flagging and initial event description deadline will be the January 1 prior to the recommendation deadline. The exceptional events demonstration submittal deadline for data years one, two and three is no later than the date state and tribal recommendations are due to EPA. Flagging, initial event description and exceptional events demonstration submittal deadline for data year four, and, where applicable, data year five is by the last day of the month that is one year and seven months after promulgation of a new/revised NAAQS. The two exceptions to this deadline are: (1) If EPA follows a three-year designation schedule, the deadline is two years and seven months after promulgation of a new/revised NAAQS; (2) if EPA notifies the state/tribe that it intends to complete the initial area designations process according to a schedule between two and three years, the deadline is five months prior to the date specified for final designations decisions in such EPA notification. The flagging and demonstration submittal deadlines are the same as the deadlines provided in Table 2 in 40 CFR 50.14.

III. Did the State hold public hearings for these submittals?

Illinois held a public hearing for the rule changes discussed in the August 9, 2016, submittal on February 18, 2016. Illinois held a public hearing for the rule revisions discussed in the August 11, 2016, submittal on January 8, 2015. Illinois held a public hearing for the rule revisions discussed in the May 30, 2017 submittal on December 7, 2016. Three comments pertaining to these submittals were received. The comments related to minor administrative issues and typographical errors, which were addressed by Illinois. No adverse comments were received.

IV. What is EPA's analysis of the State's submittals?

EPA finds the state's requested SIP revisions to be approvable because the state's rule revisions make the state's air quality standards and associated monitoring requirements identical-in-substance to EPA's promulgated NAAQS and monitoring methods as revised through July 13, 2016.

Additionally, EPA finds that the specified exceptional event flagging and demonstration submittal deadlines are approvable because they are consistent with the deadlines in 40 CFR 50.14.

V. What action is EPA taking?

EPA is approving the submitted rule revisions as revisions of the Illinois SIP. Specifically, we are approving 35 IAC sections 243.105, 243.108, 243.120, 243.125, and 243.Table A revised as discussed above, and we are incorporating by reference these revised rules into the Illinois SIP.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective September 18, 2017 without further notice unless we receive relevant adverse written comments by August 17, 2017. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective September 18, 2017.

VI. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Illinois Regulations described in the amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[5] EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and/or at the EPA Region 5 Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

VII. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 18, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 6, 2017.

Cheryl L. Newton,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.720 the table in paragraph (c) is amended under ''Part 243: Air Quality Standards'':

■ a. Under ''Subpart A'', by revising the entries for ''243.105'' and ''243.108''; and

■ b. Under ''Subpart B'', by revising the entries for ''243.120'', ''243.124'', ''243.125'', and ''243.TABLE A''.

The revisions read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

[5] 62 FR 27968 (May 22, 1997).

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
* *	*	*	* *	*
Subchapter I: Air Quality Standards and Episodes				
Part 243: Air Quality Standards				
Subpart A: General Provisions				
* *	*	*	* *	*
243.105	Air Quality Monitoring Data Influenced by Exceptional Events.	01/23/17	07/18/17, [Insert **Federal Register** citation].	
* *	*	*	* *	*
243.108	Incorporation by Reference	01/23/17	07/18/17 [Insert **Federal Register** citation].	
Subpart B: Standards and Measurement Methods				
243.120	PM_{10} and $PM_{2.5}$	01/23/17	07/18/17 [Insert **Federal Register** citation].	
* *	*	*	* *	*
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator).	01/23/17	07/18/17 [Insert **Federal Register** citation].	
243.125	Ozone	01/23/17	07/18/17 [Insert **Federal Register** citation].	
* *	*	*	* *	*
243.TABLE A	Schedule of Exceptional Event Flagging and Documentation Submission for New or Revised NAAQS.	01/23/17	07/18/17 [Insert **Federal Register** citation].	
* *	*	*	* *	*

* * * * *

[FR Doc. 2017–14948 Filed 7–17–17; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 82, No. 136
Tuesday, July 18, 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 COMMERCE

National Telecommunications and Information Administration

15 CFR Part 2301

[Docket No. 170627596–7596–01]

RIN 0660–AA34

Repeal of Regulations Governing the Public Telecommunications Facilities Program

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The National Telecommunications and Information Administration (NTIA) issues this NPRM to propose the repeal of its regulations governing the Public Telecommunications Facilities Program (PTFP). The PTFP is a competitive grant program that helps public broadcasting stations, state and local governments, Indian Tribes, and nonprofit organizations to construct public television and radio stations. As of Fiscal Year 2011, no funds have been available for PTFP grants. NTIA is proposing to repeal its regulations governing the PTFP because the regulations are unnecessary and obsolete.

DATES: Comments must be received by August 17, 2017 at 5:00 p.m. Eastern Standard Time.

ADDRESSES: The public may submit comments identified by [170627596–7596–01] by email to *ntiaregreform@ntia.doc.gov* or by mail to: Office of the Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4713, Washington, DC 20230. The public may also submit comments through the Federal e-Rulemaking Portal: *http://www.regulations.gov* (search using the docket number). Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Milton Brown, Deputy Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4713, Washington, DC 20230; telephone: (202) 482–1816; facsimile: (202) 501–8013; or email: *mbrown@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The PTFP is a competitive grant program that supports the planning and construction of public telecommunications facilities.[1] The program helps public broadcasting stations, state and local governments, Indian Tribes, and nonprofit organizations to construct public television and radio stations. On November 8, 1996, NTIA issued a final rule entitled, ''Public Telecommunications Facilities Program,'' to carry out its statutory responsibility to administer the PTFP.[2] With its final rule, NTIA revised and clarified its regulations governing the PTFP. The purpose of the regulations was to outline the PTFP grant application requirements, the evaluation and selection process, post-award requirements, and the completion of PTFP grant projects. Between Fiscal Years 1994 and 2010, NTIA awarded between $14 and $42 million each year in PTFP grant awards to assist radio, television, digital television including digital conversion projects, and distance learning.

For the past seven years, no funds have been available for PTFP grants. In 2010, the Department of Commerce found that the majority of PTFP grants had assisted digital television conversion projects which had concluded, and that support for public broadcasters was available from other sources.[3] For these reasons, the Department of Commerce identified the PTFP as ''outdated, ineffective, or duplicative.'' [4] Accordingly, Congress appropriated no funds for PTFP in Fiscal Year 2011.[5]

As a result of the lack of funding, NTIA began the orderly shutdown of the PTFP thereafter. NTIA has not processed applications or awarded any additional grants under the PTFP since that time. NTIA has continued to monitor PTFP grants it awarded before Fiscal Year 2011 to ensure taxpayer funds have been utilized in the most responsible and efficient manner.

II. Comments

The public may submit comments identified by [170627596–7596–01] by email to *ntiaregreform@ntia.doc.gov* or by mail to: Office of the Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4713, Washington, DC 20230. The public may also submit comments through the Federal e-Rulemaking Portal: *http://www.regulations.gov* (search using the docket number). Follow the online instructions for submitting comments. Comments submitted by email should be machine-readable and should not be copy-protected. Commenters should include the name of the person or organization filing the comment, as well as a page number on each page of their submissions. Paper submissions should include a CD or DVD with an electronic version of the comment, which should be labeled with the name and organizational affiliation of the filer. All comments received are a part of the public record and will be posted without change to the NTIA Web site (*http://www.ntia.doc.gov*) and the Federal e-Rulemaking Portal: *http://*

[1] The PTFP is authorized under the Public Telecommunications Financing Act of 1978, as amended, 47 U.S.C. 390–393, 397–399b.

[2] 61 FR 57966 (Nov. 8, 1996). (The rules were codified at 47 CFR part 2301.)

[3] *See* Commerce, Justice, Science, and Related Agencies Appropriations for Fiscal Year 2011: Hearing before the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Senate Committee on Appropriations, 111th Cong. 12, 22 (Mar. 4, 2010).

[4] *Id.* at 12.

[5] *See* Department of Defense and Full-Year Continuing Appropriations Act of 2011, Public Law 112–10, sec. 1320 (Apr. 15, 2011) (''Notwithstanding section 1101, the level of the following accounts shall be $0: 'Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities Planning and Construction' ''). In the 2014 appropriation, Congress rescinded $8.5 million from the NTIA PTFP account. Consolidated Appropriations Act, 2014, Public Law 113–76, sec. 524(a) (Jan. 17, 2014) (''Of the unobligated balances available for 'Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction,' $8,500,000 is hereby rescinded'').

www.regulations.gov. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

III. Repeal of Regulations for the Public Telecommunications Facilities Program

Congress authorized NTIA to establish regulations ''as may be necessary to carry out'' the PTFP.[6] Due to the lack of funding for seven years and no prospective funding for the PTFP, the regulations governing the PTFP are unnecessary and obsolete. If these regulations are not removed, it may suggest that the program is still active and may cause confusion regarding the status of the program. Accordingly, NTIA issues this NPRM to propose the repeal of its regulations governing the PTFP.

Executive Order 12866

The proposed repeal of the regulations governing the PTFP is not a significant regulatory action as defined by Executive Order 12866.

Executive Order 13132

The proposed repeal of the regulations governing the PTFP does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132.

Regulatory Flexibility Act

The proposed repeal of regulations governing the PTFP will not have a significant economic impact on a substantial number of small entities. NTIA estimates that the proposed repeal of the regulations governing PTFP will impact no small entities. The proposed repeal of the regulations governing PTFP does not include reporting, recordkeeping, or other compliance requirements; therefore, no small entities will be subject to such requirements. Thus, the Chief Counsel for Regulation of the Department of Commerce is providing a certification to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)).

Paperwork Reduction Act

The proposed repeal of the regulations governing the PTFP contains no collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 is not required. In 2013, OMB approved NTIA's requests to discontinue the following collections associated with the regulations governing the PTFP: OMB Control Numbers 0660–0003, 0660–0001, and 0605–0001; consequently, NTIA has no active collections associated with its regulations governing the PTFP.

Lists of Subjects in 15 CFR Part 2301

Administrative procedure, Grant programs—communications, Reporting and recordkeeping requirements, Telecommunications.

PART 2301—[REMOVED AND RESERVED]

■ For the reasons stated above, and under the authority of 47 U.S.C. 390–393 and 397–399b, NTIA proposes to remove and reserve Part 2301.

Dated: July 12, 2017.

Leonard Bechtel,

Director of Administration and Chief Financial Officer, performing the non-exclusive duties of the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration.

[FR Doc. 2017–14978 Filed 7–17–17; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0460]

RIN 1625–AA09

Drawbridge Operation Regulation; Shrewsbury River, Sea Bright, New Jersey

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Monmouth County Highway Bridge (alternatively referred to as the ''Sea Bright Bridge'' or the ''S–32 Bridge'') across the Shrewsbury River, mile 4.0 at Sea Bright, New Jersey. The bridge owner submitted a request to reduce scheduled openings of the span and include Fridays within the seasonal weekend operating schedule for the bridge. It is expected this change to the regulations will better serve the needs of the community while continuing to meet the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before September 18, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0460 using Federal eRulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. James Moore, Project Officer, First Coast Guard District, telephone 212–514–4334, email *James.M.Moore2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The Monmouth County Highway Bridge, mile 4.0, across the Shrewsbury River at Sea Bright, New Jersey, offers mariners a vertical clearance of 15 feet at Mean High Water and 17 feet at Mean Low Water when the span is in the closed position. Vertical clearance is unlimited when the draw is open. Horizontal clearance is 75 feet. Waterway users include recreational and a limited number of commercial vessels including tug/barge combinations.

The existing drawbridge regulation, 33 CFR 117.755, requires the draw of the Monmouth County Highway Bridge to open as follows:

The draw shall open on signal at all times; except that, from May 15 through September 30, on Saturday, Sunday and holidays, between 9 a.m. and 7 p.m., the draw need open only on the hour and half hour.

This regulation has been in effect since July 6, 2010. The owner of the bridge, the Monmouth County Board of Chosen Freeholders, requested a change to the drawbridge operating regulations given the increased volume of vehicular traffic crossing the bridge associated with the summer months. This increased vehicular traffic coupled with bridge openings for vessels on the hour as well as the half-hour has resulted in lengthy traffic jams on either side of the bridge during peak travel hours. Traffic congestion will be relieved through reduction of required bridge openings for vessels.

[6] 47 U.S.C. 392(e).

Monmouth County also requested that from May 15 to September 30 the modified operating regulations presently encompassing Saturdays, Sundays and holidays be expanded to include Fridays as well. Given the volume of vehicular traffic crossing the bridge at the beginning of the weekend, starting the modified weekend operating schedule on Friday will allow for more efficient and economical operation of the bridge.

III. Discussion of Proposed Rule

Members of the public attending a meeting held in Rumson, New Jersey on April 5, 2016 indicated a desire to modify the operating regulations based on repeated experience with traffic jams on either side of the bridge associated with seasonal waterway traffic patterns. Analysis furnished by Monmouth County confirms that the seasonal nature of bridge openings negatively impacts the efficient flow of vehicular traffic. Moreover, the study indicates that reducing the number of scheduled openings for vessels will not significantly affect the movement of waterway traffic. It was also noted that vehicular traffic builds significantly on each successive Friday leading into the weekend over the course of the summer. Based on the analysis provided, the Coast Guard proposes to permanently change the drawbridge operating regulation 33 CFR 117.755.

The proposed rule would allow the Monmouth County Highway Bridge to open as follows: The draw shall open on signal at all times; except that, from May 15 through September 30, on Friday, Saturday, Sunday and holidays, between 9 a.m. and 7 p.m., the draw need only open on the hour.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

The Coast Guard believes this rule is not a significant regulatory action. The bridge will open on the hour from 9 a.m. to 7 p.m. during Friday, Saturday, Sunday and Holidays throughout the summertime boating season, while still opening on signal during evening hours as well as through the autumn, winter and spring months. The minimum 15 foot vertical clearance available while the bridge is in the closed position is sufficient to allow a significant number of recreational vessels to safely and expeditiously pass through the draw without opening.

B. Impact on Small Entities

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

For the reasons stated in Sections III. and IV. A. above, this proposed rule will not pose a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

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

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

F. Environment

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

categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.755 by revising paragraph (a) to read as follows:

§ 117.755 Shrewsbury River

* * * * *

(a) The draw shall open on signal at all times; except that, from May 15 through September 30, on Friday, Saturday, Sunday and holidays, between 9 a.m. and 7 p.m., the draw need open only on the hour.

* * * * *

Dated: June 30, 2017.

S.D. Poulin,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2017–15054 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Chapter I

46 CFR Chapters I and III

49 CFR Chapter IV

[Docket No. USCG–2017–0663]

National Maritime Security Advisory Committee—Input To Support Regulatory Reform of Coast Guard Regulations—New Task

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Announcement of new task assignment for the National Maritime Security Advisory Committee (NMSAC); teleconference meeting.

SUMMARY: The U.S. Coast Guard is issuing a new task to the National Maritime Security Advisory Committee (NMSAC). The U.S. Coast Guard is asking NMSAC to help the agency identify existing regulations, guidance, and collections of information (that fall within the scope of the Committee's charter) for possible repeal, replacement, or modification. This tasking is in response to the issuance of Executive Orders 13771, ''Reducing Regulation and Controlling Regulatory Costs; 13777, ''Enforcing the Regulatory Reform Agenda;'' and 13783, ''Promoting Energy Independence and Economic Growth.'' The full Committee is scheduled to meet by teleconference on August 24, 2017, to discuss this tasking. This teleconference will be open to the public. The U.S. Coast Guard will consider NMSAC recommendations as part of the process of identifying regulations, guidance, and collections of information to be repealed, replaced, or modified pursuant to the three Executive Orders discussed above.

DATES: The full Committee is scheduled to meet by teleconference on August 24, 2017, from 11 a.m. to 12 p.m. EDT. Please note that this teleconference may adjourn early if the Committee has completed its business.

ADDRESSES: To join the teleconference or to request special accommodations, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 1 p.m. on August 17, 2017. The number of teleconference lines is limited and will be available on a first-come, first-served basis.

Instructions: Submit comments on the task statement at any time, including orally at the teleconference, but if you want Committee members to review your comments before the teleconference, please submit your comments no later than August 17, 2017. You must include the words ''Department of Homeland Security'' and the docket number for this action. Written comments may also be submitted using the Federal e-Rulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review *Regulations.gov's* Privacy and Security Notice at *https://www.regulations.gov/privacyNotice.*

Docket Search: For access to the docket or to read documents or comments related to this notice, go to *http://www.regulations.gov,* insert ''USCG–2017–0663'' in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Owens, Alternate Designated Federal Officer of the National Maritime Security Advisory Committee,

telephone (202) 372–1108, or email *ryan.f.owens@uscg.mil.*

SUPPLEMENTARY INFORMATION:

New Task to the Committee

The U.S. Coast Guard is issuing a new task to NMSAC to provide recommendations on whether existing regulations, guidance, and information collections (that fall within the scope of the Committee's charter) should be repealed, replaced, or modified. NMSAC will then provide advice and recommendations on the assigned task and submit a final recommendation report to the U.S. Coast Guard.

Background

On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' Under that Executive Order, for every one new regulation issued, at least two prior regulations must be identified for elimination, and the cost of planned regulations must be prudently managed and controlled through a budgeting process. On February 24, 2017, the President issued Executive Order 13777, ''Enforcing the Regulatory Reform Agenda.'' That Executive Order directs agencies to take specific steps to identify and alleviate unnecessary regulatory burdens placed on the American people. On March 28, 2017, the President issued Executive Order 13783, ''Promoting Energy Independence and Economic Growth.'' Executive Order 13783 promotes the clean and safe development of our Nation's vast energy resources, while at the same time avoiding agency actions that unnecessarily encumber energy production.

When implementing the regulatory offsets required by Executive Order 13771, each agency head is directed to prioritize, to the extent permitted by law, those regulations that the agency's Regulatory Reform Task Force identifies as outdated, unnecessary, or ineffective in accordance with Executive Order 13777. As part of this process to comply with all three Executive Orders, the U.S. Coast Guard is reaching out through multiple avenues to interested individuals to gather their input about what regulations, guidance, and information collections, they believe may need to be repealed, replaced, or modified. On June 8, 2017, the U.S. Coast Guard issued a general notice in the **Federal Register** requesting comments from interested individuals regarding their recommendations, 82 FR 26632. In addition to this general solicitation, the U.S. Coast Guard also wants to leverage the expertise of its Federal Advisory Committees and is issuing similar tasks to each of its Committees. A detailed discussion of each of the Executive orders and information on where U.S. Coast Guard regulations, guidance, and information collections are found is in the June 8th notice.

The Task

NMSAC is tasked to:

Provide input to the U.S. Coast Guard on all existing regulations, guidance, and information collections that fall within the scope of the Committee's charter.

1. One or more subcommittees/working groups, as needed, will be established to work on this tasking in accordance with the Committee charter and bylaws. The subcommittee(s) shall terminate upon the approval and submission of a final recommendation to the U.S. Coast Guard from the parent Committee.

2. Review regulations, guidance, and information collections and provide recommendations whether an existing rule, guidance, or information collection should be repealed, replaced or modified. If the Committee recommends modification, please provide specific recommendations for how the regulation, guidance, or information collection should be modified. Recommendations should include an explanation on how and to what extent repeal, replacement or modification will reduce costs or burdens to industry and the extent to which risks to health or safety would likely increase.

a. Identify regulations, guidance, or information collections that potentially impose the following types of burden on the industry:

i. Regulations, guidance, or information collections imposing administrative burdens on the industry.

ii. Regulations, guidance, or information collections imposing burdens in the development or use of domestically produced energy resources. ''Burden,'' for the purposes of compliance with Executive Order 13783, means ''to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.''

b. Identify regulations, guidance, or information collections that potentially impose the following types of costs on the industry:

i. Regulations, guidance, or information collections imposing costs that are outdated (such as due to technological advancement), or are no longer necessary.

ii. Regulations, guidance, or information collections imposing costs which are no longer enforced as written or which are ineffective.

iii. Regulations, guidance, or information collections imposing costs tied to reporting or recordkeeping requirements that impose burdens that exceed benefits. Explain why the reporting or recordkeeping requirement is overly burdensome, unnecessary, or how it could be modified.

c. Identify regulations, guidance, and information collections that the Committee believes have led to the elimination of jobs or inhibits job creation within a particular industry.

3. All regulations, guidance, and information collections, or parts thereof, recommended by the Committee should be described in sufficient detail (by section, paragraph, sentence, clause, etc.) so that it can readily be identified. Data (quantitative or qualitative) should be provided to support and illustrate the impact, cost, or burden, as applicable, for each recommendation. If the data is not readily available, the Committee should include information as to how such information can be obtained either by the Committee or directly by the Coast Guard.

Public Participation

All meetings associated with this tasking, both full Committee meetings and subcommittee/working groups, are open to the public. A public oral comment period will be held during the August 24, 2017, teleconference. Public comments or questions will be taken at the discretion of the Designated Federal Officer; commenters are requested to limit their comments to 3 minutes. Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a commenter. Subcommittee meetings held in association with this tasking will be announced as they are scheduled through notices posted to *http://homeport.uscg.mil/nmsac* and uploaded as supporting documents in the electronic docket for this action, [USCG–2017–0663], at *Regulations.gov*.

Jennifer F. Williams,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2017–15046 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Chapter I

46 CFR Chapters I and III

49 CFR Chapter IV

[Docket No. USCG–2017–0659]

Lower Mississippi Waterway Safety Advisory Committee—Input To Support Regulatory Reform of Coast Guard Regulations—New Task

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Announcement of new task assignment for the Lower Mississippi Waterway Safety Advisory Committee (LMRWSAC); teleconference meeting.

SUMMARY: The U.S. Coast Guard is issuing a new task to the Lower Mississippi Waterway Safety Advisory Committee (LMRWSAC). The U.S. Coast Guard is asking LMRWSAC to help the agency identify existing regulations, guidance, and collections of information (that fall within the scope of the Committee's charter) for possible repeal, replacement, or modification. This tasking is in response to the issuance of Executive Orders 13771, ''Reducing Regulation and Controlling Regulatory Costs; 13777, ''Enforcing the Regulatory Reform Agenda;'' and 13783, ''Promoting Energy Independence and Economic Growth.'' The full Committee is scheduled to meet by teleconference on August 2, 2017, to discuss this tasking. This teleconference will be open to the public. The U.S. Coast Guard will consider LMRWSAC recommendations as part of the process of identifying regulations, guidance, and collections of information to be repealed, replaced, or modified pursuant to the three Executive Orders discussed above.

DATES: The full Committee is scheduled to meet by teleconference on August 2, 2017, from 9 a.m. to 10 a.m. CST. Please note that this teleconference may adjourn early if the Committee has completed its business.

ADDRESSES: To join the teleconference or to request special accommodations, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 1 p.m. on July 26, 2017. The number of teleconference lines is limited and will be available on a first-come, first-served basis.

Instructions: Submit comments on the task statement at any time, including orally at the teleconference, but if you want Committee members to review your comments before the teleconference, please submit your comments no later than July 26, 2017. You must include the words ''Department of Homeland Security'' and the docket number for this action. Written comments may also be submitted using the Federal e-Rulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review Regulations.gov's Privacy and Security Notice at *https://www.regulations.gov/privacyNotice.*

Docket Search: For access to the docket or to read documents or comments related to this notice, go to *http://www.regulations.gov,* insert ''USCG–2017–0659'' in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Lieutenant Brian Porter, Alternate Designated Federal Officer of the Lower Mississippi Waterway Advisory Committee, telephone (504) 365–2375, or email *brian.j.porter@uscg.mil.*

SUPPLEMENTARY INFORMATION:

New Task to the Committee

The U.S. Coast Guard is issuing a new task to LMRWSAC to provide recommendations on whether existing regulations, guidance, and information collections (that fall within the scope of the Committee's charter) should be repealed, replaced, or modified. LMRWSAC will then provide advice and recommendations on the assigned task and submit a final recommendation report to the U.S. Coast Guard.

Background

On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' Under that Executive Order, for every one new regulation issued, at least two prior regulations must be identified for elimination, and the cost of planned regulations must be prudently managed and controlled through a budgeting process. On February 24, 2017, the President issued Executive Order 13777, ''Enforcing the Regulatory Reform Agenda.'' That Executive Order directs agencies to take specific steps to identify and alleviate unnecessary regulatory burdens placed on the American people. On March 28, 2017, the President issued Executive Order 13783, ''Promoting Energy Independence and Economic Growth.'' Executive Order 13783 promotes the clean and safe development of our Nation's vast energy resources, while at the same time avoiding agency actions that unnecessarily encumber energy production.

When implementing the regulatory offsets required by Executive Order 13771, each agency head is directed to prioritize, to the extent permitted by law, those regulations that the agency's Regulatory Reform Task Force identifies as outdated, unnecessary, or ineffective in accordance with Executive Order 13777. As part of this process to comply with all three Executive Orders, the U.S. Coast Guard is reaching out through multiple avenues to interested individuals to gather their input about what regulations, guidance, and information collections, they believe may need to be repealed, replaced, or modified. On June 8, 2017, the U.S. Coast Guard issued a general notice in the **Federal Register** requesting comments from interested individuals regarding their recommendations, 82 FR 26632. In addition to this general solicitation, the U.S. Coast Guard also wants to leverage the expertise of its Federal Advisory Committees and is issuing similar tasks to each of its Committees. A detailed discussion of each of the Executive orders and information on where U.S. Coast Guard regulations, guidance, and information collections are found is in the June 8th notice.

The Task

LMRWSAC is tasked to:

Provide input to the U.S. Coast Guard on all existing regulations, guidance, and information collections that fall within the scope of the Committee's charter.

1. One or more subcommittees/working groups, as needed, will be established to work on this tasking in accordance with the Committee charter and bylaws. The subcommittee(s) shall terminate upon the approval and submission of a final recommendation to the U.S. Coast Guard from the parent Committee.

2. Review regulations, guidance, and information collections and provide recommendations whether an existing rule, guidance, or information collection should be repealed, replaced or modified. If the Committee recommends modification, please provide specific recommendations for how the regulation, guidance, or information collection should be modified. Recommendations should include an explanation on how and to what extent repeal, replacement or modification will reduce costs or burdens to industry and the extent to which risks to health or safety would likely increase.

a. Identify regulations, guidance, or information collections that potentially impose the following types of burden on the industry:

i. Regulations, guidance, or information collections imposing administrative burdens on the industry.

ii. Regulations, guidance, or information collections imposing burdens in the development or use of domestically produced energy resources. ''Burden,'' for the purposes of compliance with Executive Order 13783, means ''to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.''

b. Identify regulations, guidance, or information collections that potentially impose the following types of costs on the industry:

i. Regulations, guidance, or information collections imposing costs that are outdated (such as due to technological advancement), or are no longer necessary.

ii. Regulations, guidance, or information collections imposing costs which are no longer enforced as written or which are ineffective.

iii. Regulations, guidance, or information collections imposing costs tied to reporting or recordkeeping requirements that impose burdens that exceed benefits. Explain why the reporting or recordkeeping requirement is overly burdensome, unnecessary, or how it could be modified.

c. Identify regulations, guidance, and information collections that the Committee believes have led to the elimination of jobs or inhibits job creation within a particular industry.

3. All regulations, guidance, and information collections, or parts thereof, recommended by the Committee should be described in sufficient detail (by section, paragraph, sentence, clause, etc.) so that it can readily be identified. Data (quantitative or qualitative) should be provided to support and illustrate the impact, cost, or burden, as applicable, for each recommendation. If the data is not readily available, the Committee should include information as to how such information can be obtained either by the Committee or directly by the Coast Guard.

Public Participation

All meetings associated with this tasking, both full Committee meetings and subcommittee/working groups, are open to the public. A public oral comment period will be held during the August 2, 2017, teleconference. Public comments or questions will be taken at the discretion of the Designated Federal Officer; commenters are requested to limit their comments to 3 minutes. Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a commenter. Subcommittee meetings held in association with this tasking will be announced as they are scheduled through notices posted to *http://homeport.uscg.mil/lmrwsac* and uploaded as supporting documents in the electronic docket for this action, [USCG–2017–0659], at *Regulations.gov.*

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–14991 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0512; EPA–R05–2016–0522; EPA–R05–OAR–2017–0322; FRL–9964–98–Region 5]

Air Plan Approval; Illinois; NAAQS Updates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revised rules submitted by the State of Illinois as State Implementation Plan (SIP) revisions. The submitted rules update Illinois' ambient air quality standards to include the 2015 primary National Ambient Air Quality Standard (NAAQS) for ozone (O_3), add EPA-promulgated monitoring methods for multiple NAAQS, and address EPA's revocation of the 1997 O_3 NAAQS. In addition, the revised rules contain the timing requirements for the ''flagging of exceptional events'' and the submission of documentation supporting exceptional events for the initial area designations for the 2015 primary annual O_3 standard. These SIP revisions update Illinois air pollution control regulations to be ''identical-in-substance'' to EPA rulemakings related to the NAAQS that occurred between January 1, 2014 and July 13, 2016.

DATES: Comments must be received on or before August 17, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0512, EPA–R05–OAR–2016–0522, or EPA–R05–2017–0322 at *https://www.regulations.gov* or via email to *aburano.douglas@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Michelle Becker, Life Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3901, *becker.michelle@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this issue of the **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this issue of the **Federal Register**.

Dated: July 6, 2017.

Cheryl L. Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–14945 Filed 7–17–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2007–0085; FRL–9965–01–Region 4]

Air Plan Approval; NC; Open Burning and Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve several revisions to the North Carolina State Implementation Plan (SIP) submitted by the State of North Carolina, through the North Carolina Department of Environmental Quality (formerly the North Carolina Department of Environment and Natural Resources), Division of Air Quality, on October 14, 2004, March 24, 2006, and

January 31, 2008. The proposed revisions pertain to changes to several regulations and the addition of a new section to the Exclusionary Rules of the North Carolina SIP. These revisions are part of North Carolina's strategy to meet and maintain the national ambient air quality standards. This action is being taken pursuant to the Clean Air Act and its implementing regulations.

DATES: Written comments must be received on or before August 17, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2007–0085 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sean Lakeman or Nacosta C. Ward, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Lakeman can be reached via telephone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.* Ms. Ward can be reached via telephone at (404) 562–9140, or via electronic mail at *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this issue of the **Federal Register**, EPA is approving the State's implementation plan revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: June 29, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–14961 Filed 7–17–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2017–0091; FRL–9965–00–OAR]

RIN 2060–AT04

Public Hearing for Standards for 2018 and Biomass-Based Diesel Volume for 2019 Under the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a public hearing to be held in Washington, DC on August 1, 2017 for the proposed rule ''Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019.'' This proposed rule will be published separately in the **Federal Register**. The pre-publication version of this proposal can be found at *https://www.epa.gov/renewable-fuel-standard-program/regulations-and-volume-standards-under-renewable-fuel-standard.* In the separate notice of proposed rulemaking, EPA has proposed amendments to the renewable fuel standard program regulations that would establish annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and renewable fuels that would apply to all gasoline and diesel produced in the U.S. or imported in the year 2018. In addition, the separate proposal includes a proposed biomass-based diesel applicable volume for 2019.

DATES: The public hearing will be held on August 1, 2017, at the location noted below under **ADDRESSES**. The hearing will begin at 9 a.m. and end when all parties present who wish to speak have had an opportunity to do so. Parties wishing to testify at the hearing should notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** by July 25, 2017. Additional information regarding the hearing appears below under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The hearing will be held at the following location: Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue NW., Washington, DC, USA, 20001 (phone number 202–737–1234). A complete set of documents related to the proposal will be available for public inspection through the Federal eRulemaking Portal: *https://www.regulations.gov,* Docket ID No. EPA–HQ–OAR–2017–0091. Documents can also be viewed at the EPA Docket Center, located at 1301 Constitution Avenue NW., Room 3334, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4131; Fax number: (734) 214–4816; Email address: *RFS_Hearing@epa.gov.*

SUPPLEMENTARY INFORMATION: The proposal for which EPA is holding the public hearing will be published separately in the **Federal Register**. The pre-publication version can be found at *https://www.epa.gov/renewable-fuel-standard-program/regulations-and-volume-standards-under-renewable-fuel-standard.*

Public Hearing: The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal (which can be found at *https://www.epa.gov/renewable-fuel-standard-program/regulations-and-volume-standards-under-renewable-fuel-standard*). The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments must be received by the last day of the comment period, as specified in the notice of proposed rulemaking.

How can I get copies of this document, the proposed rule, and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2017–0091. The EPA has also

developed a Web site for the Renewable Fuel Standard (RFS) program, including the notice of proposed rulemaking, at the address given above. Please refer to the notice of proposed rulemaking for detailed information on accessing information related to the proposal.

Dated: July 10, 2017.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2017–14946 Filed 7–17–17; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 82, No. 136
Tuesday, July 18, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0020]

Availability of an Environmental Assessment for Field Testing a Vaccine For Use Against Infectious Bursal Disease, Marek's Disease, and Newcastle Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed Bursal Disease-Marek's Disease-Newcastle Disease Vaccine, Serotype 3, Live Marek's Disease Vector. Based on the environmental assessment, risk analysis, and other relevant data, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment. We are making the documents available to the public for review and comment.

DATES: We will consider all comments that we receive on or before August 17, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0020.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0020, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0020* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 851–3426, fax (301) 734–4314.

For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment (as well as the risk analysis with confidential business information redacted), contact Dr. Patricia L. Foley, Risk Manager, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 337–6100, fax (515) 337–6120.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) is authorized to promulgate regulations designed to ensure that veterinary biological products are pure, safe, potent, and efficacious before a veterinary biological product license may be issued. Veterinary biological products include viruses, serums, toxins, and analogous products of natural or synthetic origin, such as vaccines, antitoxins, or the immunizing components of microorganisms intended for the diagnosis, treatment, or prevention of diseases in domestic animals.

APHIS issues licenses to qualified establishments that produce veterinary biological products and issues permits to importers of such products. APHIS also enforces requirements concerning production, packaging, labeling, and shipping of these products and sets standards for the testing of these products. Regulations concerning veterinary biological products are contained in 9 CFR parts 101 to 124.

A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from APHIS, as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS considers the potential effects of this product on the safety of animals, public health, and the environment. Based upon a risk analysis and other relevant data, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Merck Animal Health.

Product: Bursal Disease-Marek's Disease-Newcastle Disease Vaccine, Serotype 3, Live Marek's Disease Vector.

Possible Field Test Locations: Alabama, Arkansas, Georgia, Missouri, South Carolina, and Tennessee.

The above-mentioned product is a live Marek's Disease serotype 3 vaccine virus containing a gene from the Newcastle disease virus and a gene from the infectious bursal disease virus. The attenuated vaccine is intended for use in healthy 18-day-old chicken embryos by the *in ovo* route or day-old chicks by subcutaneous inoculation, as an aid in the prevention of infectious bursal disease, Marek's disease, and Newcastle disease.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

We are publishing this notice to inform the public that we will accept written comments regarding the EA from interested or affected persons for a period of 30 days from the date of this notice. Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the associated product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following satisfactory completion of the field test, provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

Authority: 21 U.S.C. 151–159.

Done in Washington, DC, this 12th day of July 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–14977 Filed 7–17–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture's Rural Utilities Service (RUS), invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., Stop 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492, Facsimile: (202) 720–8435. Email: *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for extension. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) The accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) Ways to enhance the quality, utility and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., Room 5164–S, Stop 1522, Washington, DC 20250–1522. Telephone: (202) 690–4492, Facsimile: (202) 720–8435, Email: *Thomas.Dickson@wdc.usda.gov.*

Title: 7 CFR part 1776, ''Household Water Well System Grant Program''.

OMB Control Number: 0572–0139.

Type of Request: Extension of a currently approved information collection.

Abstract: The Rural Utilities Service supports the sound development of rural communities and the growth of our economy without endangering the environment. RUS provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans in greatest need.

The Household Water Well System (HWWS) Grant Program makes grants to qualified private non-profit organizations which will help homeowners finance the cost of private wells. As the grant recipient, non-profit organizations will establish a revolving loan fund lending program to provide water well loans to individuals who own or will own private wells in rural areas. The individual loan recipients may use the funds to construct, refurbish, and service their household well systems for an existing home.

The collection of information consists of the materials to file a grant application with the agency, including forms, certifications and required documentation.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 32.35 hours per response.

Respondents: Non-profit institutions.

Estimated Number of Respondents: 7.

Estimated Number of Responses per Respondent: 24.

Estimated Total Annual Burden on Respondents: 776 Hours.

Copies of this information collection can be obtained from Rebecca Hunt, Management Analyst, Program Development and Regulatory Analysis, at (202) 205–3660; FAX: (202) 720–8435.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 26, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–14979 Filed 7–17–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Scientific Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (Census Bureau) is giving notice of a meeting of the Census Scientific Advisory Committee (C–SAC). The Committee will address policy, research, and technical issues relating to a full range of Census Bureau programs and activities, including communications, decennial, demographic, economic, field operations, geographic, information technology, and statistics. The C–SAC will meet in a plenary session from September 14–15, 2017. Last minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees Web site for the most current meeting agenda at: *http://www.census.gov/about/cac.html.* The meeting will be available via webcast at: *http://www.ustream.tv/uscensusbureau.* Topics of discussion will include the following items:

- 2020 Systems and Operations
- Ranked Statistics
- Privacy and Security—Issues as it relates to systems and administrative records data

- Internet Self-Response
- C–SAC Working Groups Progress Reports

DATES: September 14–15, 2017. On Thursday, September 14, the meeting will begin at approximately 8:30 a.m. and end at approximately 5:00 p.m. On Friday, September 14, the meeting will begin at approximately 8:30 a.m. and end at approximately 3:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Auditorium, 4600 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Tara Dunlop Jackson, Branch Chief for Advisory Committees, Customer Liaison and Marketing Services Office, *tara.dunlop.jackson@census.gov,* Department of Commerce, U.S. Census Bureau, Room 8H177, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–5222. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The members of the C–SAC are appointed by the Director, U.S. Census Bureau. The Committee provides scientific and technical expertise, as appropriate, to address Census Bureau program needs and objectives. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10).

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on September 15. However, individuals with extensive questions or statements must submit them in writing to: *census.scientific.advisory.committee@census.gov* (subject line ''September 2017 C–SAC Meeting Public Comment''), or by letter submission to Kimberly L. Leonard, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H179, 4600 Silver Hill Road, Washington, DC 20233.

If you plan to attend the meeting, please register by Monday, September 11, 2017. You may access the online registration from the following link: *http://www.regonline.com/csac_meeting_sep2017.* Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer as soon as known, and preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Dated: July 11, 2017.

Ron S. Jarmin,

Performing the Non-Exclusive Functions and Duties of the Director, Bureau of the Census.

[FR Doc. 2017–15013 Filed 7–17–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Request for Nominations of Members To Serve on the Census Scientific Advisory Committee

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of request for nominations.

SUMMARY: The Bureau of the Census (Census Bureau) is requesting nominations of individuals and organizations to the Census Scientific Advisory Committee. The Census Bureau will consider nominations received in response to this notice, as well as from other sources. The **SUPPLEMENTARY INFORMATION** section of this notice provides committee and membership criteria.

DATES: Please submit nominations by August 11, 2017.

ADDRESSES: Please submit nominations by email to the *census.scientific.advisory.committee@census.gov* (subject line ''2017 CSAC Nominations''), or by letter submission to Kimberly L. Leonard, Committee Liaison Officer, 2017 CSAC Nominations, Department of Commerce, U.S. Census Bureau, Room 8H179, 4600 Silver Hill Road, Washington, DC 20233. Nominations also may be submitted via fax at (301) 763–8609.

FOR FURTHER INFORMATION CONTACT: Tara Dunlop Jackson, Branch Chief for Advisory Committees, Customer Liaison Marketing Services Offices, Department of Commerce, U.S. Census Bureau, Room 8H177, 4600 Silver Hill Road, Washington, DC 20233, telephone (301) 763–5222 or *tara.dunlop.jackson@census.gov.* For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Census Scientific Advisory Committee was established in accordance with the Federal Advisory Committee Act (Title 5, United States Code (U.S.C.), Appendix 2). The following provides information about the committee, membership, and the nomination process.

Objectives and Duties

1. The Census Scientific Advisory Committee advises the Director of the U.S. Census Bureau on the uses of scientific developments in statistical data collection, statistical analysis, survey methodology, geospatial analysis, econometrics, cognitive psychology, and computer science as they pertain to the full range of Census Bureau programs and activities (including: Communications, decennial, demographic, economic, field operations, geographic, information technology, and statistics).

2. The Census Scientific Advisory Committee provides scientific and technical expertise from the following disciplines: Demography, economics, geography, psychology, statistics, survey methodology, social and behavioral sciences, Information Technology and computing, marketing, communications, and other fields of expertise, as appropriate, to address Census Bureau program needs and objectives. This expertise is necessary to ensure that the Census Bureau continues to provide relevant and timely statistics used by federal, state, and local governments as well as business and industry in an increasingly technologically-oriented society.

3. The Census Scientific Advisory Committee functions solely as an advisory body under the Federal Advisory Committee Act.

4. The Census Scientific Advisory Committee reports to the Director of the Census Bureau.

Membership

1. The Census Scientific Advisory Committee consists of up to 21 members and one Chair appointed by the Director of the Census Bureau.

2. Members are appointed for a three-year term with staggered term-end dates.

3. Members shall serve as either Special Government Employees (SGEs) or Representatives. SGEs will be subject to the ethical standards applicable to SGEs. Members will be individually advised of the capacity in which they serve through appointment letters. Committee membership will be reevaluated at the conclusion of the three-year term with the prospect of member renewal, active attendance and participation in meetings, administrative compliance, Census Bureau needs, and the Director's concurrence will also be factors in renewals.

4. Committee members are selected in accordance with applicable Department of Commerce guidelines. The Census Scientific Advisory Committee aims to have balanced representation, considering such factors as geography, technical, and scientific expertise. The Advisory Committee will include members from diverse backgrounds, including academia and private enterprise, which are further diversified by business type or industry, geography, and other factors.

5. No employee of the federal government can serve as a member of the Census Scientific Advisory Committee.

Miscellaneous

1. Members of the Census Scientific Advisory Committee serve without compensation, but receive reimbursement for committee-related travel and lodging expenses.

2. The Census Scientific Advisory Committee meets once or twice a year, budget permitting. Additional meetings may be held as deemed necessary by the Census Director or Designated Federal Official. All Advisory Committee meetings are open to the public in accordance with the Federal Advisory Committee Act.

Nomination Information

1. Nominations are requested as described above.

2. Nominees must have scientific and technical expertise in such areas as demography, economics, geography, psychology, statistics, survey methodology, social and behavioral sciences, Information Technology, computing, or marketing. Such knowledge and expertise are needed to provide advice and recommendations to the Director of the Census Bureau on the trends, uses, and application of scientific innovations and developments in relation to the full range of Census Bureau programs and activities.

3. Individuals, groups, and/or organizations may submit nominations on behalf of individual candidates. A summary of the candidate's qualifications (resumé or curriculum vitae) must be included along with the nomination letter. Nominees must be able to actively participate in the tasks of the Census Scientific Advisory Committee, including, but not limited to, regular meeting attendance, committee meeting discussant responsibilities, review of materials, as well as participation in conference calls, webinars, working groups, and/or special committee activities.

4. Nominations of organizations may come from individuals or organizations. Organizations also may self-nominate. A summary of the organization's qualifications and the experience that qualifies it for membership should be included in the nomination letter. Nominated organizations must be able to actively participate in the tasks of the Census Scientific Advisory Committee, including, but not limited to, regular meeting attendance, review of materials, and participation in conference calls, webinars, working groups, and special committee activities.

5. The Department of Commerce is committed to equal opportunity in the workplace and seeks diverse Advisory Committee membership.

Dated: July 11, 2017.

Ron S. Jarmin,

Performing the Non-Exclusive Functions and Duties of the Director, Bureau of the Census.

[FR Doc. 2017–15014 Filed 7–17–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967; C–570–968]

Aluminum Extrusions From the People's Republic of China: Notice of Second Amended Final Scope Ruling Pursuant to Court Decision

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

SUMMARY: On March 28, 2017, the Court of Appeals for the Federal Circuit (Federal Circuit) reversed the Court of International Trade (CIT) and sustained the Department of Commerce's (Department) original scope ruling in which it found that Meridian Products LLC's (Meridian) refrigerator/freezer trim kits did not satisfy the finished goods kit exclusion under the antidumping (AD) and countervailing duty (CVD) orders covering aluminum extrusions from the People's Republic of China (PRC). The Department is therefore issuing a second amended final scope ruling.

DATES: Effective July 18, 2017.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–3965.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 2012, the Department issued its Final Scope Ruling on Refrigerator Trim Kits in which it determined that the refrigerator/freezer trim kits imported by Meridian did not meet the scope exclusions for ''finished merchandise'' and ''finished goods kits.'' [1] In particular, the Department held that, because the trim kits at issue consisted of pieces of aluminum extrusions plus fasteners and extraneous materials, they did not meet either scope exclusion. Therefore, the Department found the products at issue to be within the scope of the *Orders*.[2]

As discussed in detail in the Third Remand Results,[3] the CIT remanded the Final Scope Ruling on Refrigerator Trim Kits three times.[4] In *Meridian IV*,[5] the CIT held that the Department's long-standing recognition of a ''fasteners'' exception to the ''finished goods kit'' exclusion in the scope was unreasonable, finding that ''the inclusion of 'fasteners' or 'extraneous materials' is not determinative when qualifying a kit consistent of multiple parts which otherwise meets the exclusionary requirements, as a 'finished goods kit.' '' [6] Additionally, the CIT explained that there is nothing in the scope language that indicates that the parts of a finished goods kit cannot consist entirely of aluminum extrusions.[7] The CIT explained that ''to qualify as a 'finished goods kit', a kit must contain every part required to assemble the final finished good, and it logically follows that if a kit is imported with all of the parts necessary to fully assemble the kit into its final finished form, then obviously (and necessarily) some of those 'parts' may be fasteners.'' [8]

[1] The finished goods kit exclusion states: ''A finished goods kits is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled 'as is' into a finished product.'' The scope further states that, ''{a}n imported product will not be considered a 'finished goods kit'' and therefore excluded from the scope of the investigation merely by including fasteners such as screws, bolts, etc. in the packaging with an aluminum extrusion product.''

[2] *See* Memorandum, ''Final Scope Ruling on Certain Refrigerator/Freezer Trim Kits, dated December 17, 2012 (Final Scope Ruling on Refrigerator Trim Kits) at 11. *See also Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011) (*Orders*).

[3] *See* Final Results of Redetermination Pursuant to Court Remand, *Meridian Products, LLC* v. *United States,* Court No. 13–00018, Slip. Op. 15–67 (Oct. 29, 2015) (Third Remand Results).

[4] *See* Third Remand Results at 6–10.

[5] *See Meridian Products, LLC* v. *United States,* Court No. 13–00018, Slip. Op. 15–67 (Oct. 29, 2015) (*Meridian IV*).

[6] *See Meridian IV,* Slip Op. 15–67 at 12–13.

[7] *Id.*

[8] *Id.,* at 14 (emphasis omitted).

In the Third Remand Results, the Department found, in accordance with the Court's instructions in *Meridian IV,* under respectful protest, that Meridian's trim kits are excluded from the scope of the *Orders* as finished goods kits because at the time of importation, the kits contained all the parts necessary to assemble a final finished good—a complete trim kit.[9] In *Meridian V,*[10] the Court sustained the Third Remand Results in its entirety.[11] Subsequently, the Department published a *First Amended Final Scope Ruling* in which the Department found that Meridian's refrigerator/freezer trim kits are not covered by the scope of the *Orders.*[12] Consistent with the decision of the Federal Circuit in *Timken,*[13] as clarified by *Diamond Sawblades,*[14] the *First Amended Final Scope Ruling* additionally provided notice to the public of the CIT's final judgment in *Meridian V* not in harmony with the Department's Final Scope Ruling on Refrigerator Trim Kits and of the continuation of the suspension of liquidation of the trim kits at issue pending a final and conclusive court decision, if appealed.[15]

On March 28, 2017, the Federal Circuit reversed the CIT and sustained the Department's original scope ruling in which it found that Meridian's refrigerator/freezer trim kits did not satisfy the finished goods kit exclusion under the *Orders.* In *Meridian VI,*[16] the Federal Circuit found that the plain language of the exclusion language, when appropriately read as a whole, supported the Department's interpretation. The Federal Circuit further held that the Department's prior scope rulings, one of the 19 CFR 351.225(k)(1) sources, further supported the Department's interpretation. Finally, the Federal Circuit looked to other aspects of the scope language, including the similar finished merchandise exclusion, which supported the division of products into two categories: (1) Products which contained only aluminum extrusions and fasteners (not excluded); and (C2) products which incorporated non-aluminum extrusion components beyond fasteners (excluded).[17]

Second Amended Final Scope Ruling

Because there is now a final and conclusive court decision which reinstates the Department's original scope ruling, we are amending the *First Amended Final Scope Ruling* with respect to Meridian's refrigerator/freezer trim kits. Based on the Federal Circuit's holding in *Meridian VI,* Meridian's refrigerator/freezer trim kits are subject to the *Orders.*

Accordingly, the Department will instruct Customs and Border Protection to continue to suspend liquidation of Meridian's refrigerator/freezer trim kits until appropriate liquidation instructions are sent. As of the date of publication of this notice in the **Federal Register,** the cash deposit rate for entries of Meridian's refrigerator/freezer trim kits entries will be the applicable cash deposit rate of the exporters of the merchandise from the PRC to the United States.

This notice is issued and published in accordance with sections 516A(c)(1) and (e)(1) of the Tariff Act of 1930, as amended.

Dated: July 11, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–15040 Filed 7–17–17; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See* Third Remand Results at 14.

[10] *See Meridian LLC* v. *United States,* Court No. 13–00018, Slip Op. 16–5 (CIT January 20, 2016) (*Meridian V*).

[11] *See Meridian V,* Slip Op. 16–5 at 4.

[12] *See Aluminum Extrusions From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision,* 81 FR 7749 (February 16, 2016) (*First Amended Final Scope Ruling*).

[13] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[14] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[15] *See First Amended Final Scope Ruling,* 81 FR at 7749–7750.

[16] *See Meridian Prods., LLC* v. *United States,* 851 F.3d 1375 (Fed. Cir. Mar. 28, 2017) (*Meridian VI*).

[17] *Id.,* at 1383–85.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF536

Marine Mammals; File No. 21018

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Brent Stewart, Ph.D., Hubbs-SeaWorld Research Institute, 2595 Ingraham Street, San Diego, CA 92109 has applied in due form for a permit to conduct research on pinnipeds in California.

DATES: Written, telefaxed, or email comments must be received on or before August 17, 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 (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 21018 from the list of available applications.

These documents are 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: Sara Young or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests a five-year permit to study three species of pinnipeds in California. The objectives of the research are to continue long-term research on the comparative ecology, demography, community ecology, foraging patterns, pathology and phenology of California pinnipeds and to further characterize the resource and habitats used by each species, including patterns of spatial and temporal similarities and differences California sea lions (*Zalophus californianus*), northern elephant seals (*Mirounga angustirostris*), and harbor seals (*Phoca vitulina*) would be captured and sampled at several sites including San Nicolas Island, San Miguel Island, Santa Rosa Island, Santa Cruz Island, Piedras Blancas, Cape San Martin, and Gorda. Some animals would only receive a flipper tag or a dye mark. Other animals

would be physically or chemically restrained; measured and weighed; have a variety of samples taken, including: blood, skin, blubber, and mucus membrane swabs; and have tracking or data recording instruments attached. For proposed take numbers by species and location and details on sampling methodologies, see the application. The applicant has requested authorization for the unintentional research related mortality of up to four animals of each species annually.

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 the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 12, 2017.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–15039 Filed 7–17–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Recreational Angler Survey of Sea Turtle Interactions

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 18, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Melissa Cook, NOAA's National Marine Fisheries Service (NMFS), Southeast Fisheries Science Center (SFSC), 3209 Frederic Street, Pascagoula, MS, 39567, (228) 549–1628, or *melissa.cook@noaa.gov,* or Ellen Keane, NOAA's NMFS, Greater Atlantic Regional Fisheries Office (GARFO), 55 Great Republic Drive, Gloucester, MA, 01930, (978) 282–8476, or *ellen.keane@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA NMFS would like to conduct an intercept survey to assess the extent of interactions between recreational anglers on piers and other shore-based fishing structures, and sea turtles. This survey will also assess the feasibility of an intercept survey for this purpose in terms response rates and data collection. The survey will be administered on piers and other fixed structures nationwide, but focused within NOAA Fisheries Greater Atlantic Region and Southeast Region, and will survey approximately 36,000 individual recreational fishermen. The respondents will be verbally asked a series of questions, no longer than 5 minutes, and the interviewer will record answers.

II. Method of Collection

The survey will be implemented through verbal interviews.

III. Data

OMB Control Number: 0648–XXXX.
Form Number(s): None.
Type of Review: Regular submission.
Affected Public: Individuals or households.
Estimated Number of Respondents: 36,000.
Estimated Time per Response: 5 minutes.
Estimated Total Annual Burden Hours: 3,000.
Estimated Total Annual Cost to Public: $0 in recordkeeping/recording costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 12, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–14964 Filed 7–17–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–33]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Kathy Valadez, (703) 697–9217 or Pamela Young, (703) 697–9107; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–33 with attached Policy Justification and Sensitivity of Technology.

Dated: July 13, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

JUN 26 2017

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-33, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and services estimated to cost $366.2 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 17–33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* The Government of India

(ii) *Total Estimated Value:*

Major Defense Equipment *	$285.0 million
Other	$81.2 million
Total	$366.2 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

One (1) C–17 Transport Aircraft

Four (4) Engines, Turbofan F–117–PW–100

Non-MDE includes:

Also included in the proposed sale are one (1) AN/AAR–47 Missile Warning System, one (1) AN/ALE–47 Countermeasures Dispensing System (CMDS), one (1) AN/APX–119 Identification Friend or Foe (IFF) Transponder, precision navigation equipment, spare and repair parts, maintenance, support and test equipment, publications and technical documentation, warranty, quality assurance, ferry support, U.S. Government and contractor engineering, logistics and technical support services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (X7–D–SAE)

(v) *Prior Related Cases, if any:* IN–D–SAC—$4.12B, 29 Jun 2011

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 26 JUN 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of India—C–17 Transport Aircraft

The Government of India has requested the possible sale of one (1) C–17 transport aircraft with four (4) Turbofan F–117–PW–100 engines. The sale would also include one (1) AN/AAR–47 Missile Warning System, one (1) AN/ALE–47 Countermeasures Dispensing System (CMDS), one (1) AN/APX–119 Identification Friend or Foe (IFF) Transponder, precision navigation equipment, spare and repair parts, maintenance, support and test equipment, publications and technical documentation, warranty, Quality Assurance, ferry support, U.S. Government and contractor engineering, logistics and technical support services, and other related elements of logistics and program support. The estimated cost is $366.2 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to strengthen the U.S.-India relationship and to improve the security of an important partner which has been, and continues to be, an important force for economic progress and stability in South Asia.

The proposed sale will improve India's capability to meet current and future strategic airlift requirements. India lies in a region prone to natural disasters and will use the additional capability for Humanitarian Assistance and Disaster Relief (HA/DR). In addition, through this purchase India will be able to provide more rapid strategic combat airlift capabilities for its armed forces. India currently operates C–17 aircraft and will have no difficulty absorbing this aircraft into its armed forces.

The proposed sale will not alter the basic military balance in the region.

The principal contractor will be the Boeing Company, Chicago, IL. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to India.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Boeing C–17A Globemaster III military airlift aircraft is the most flexible cargo aircraft to enter the U.S. Air Force fleet. The C–17 is capable of strategic delivery of up to 170,900 pounds of personnel and/or equipment to main operating bases or forward operating locations. The aircraft is also capable short field landings with a full cargo load. The aircraft can perform tactical airlift and airdrop missions as well as transport litters and ambulatory patients during aeromedical evacuation when required. A fully integrated electronic cockpit and advanced cargo delivery system allow a crew of three: Pilot, co-pilot, and loadmaster, to operate the aircraft on any type of mission.

2. The AN/AAR–47 is a small, lightweight, passive, electro-optic, threat warning device used to detect surface-to-air missiles fired at helicopters and low-flying fixed-wing aircraft and automatically provide countermeasures, as well as audio and visual-sector warning messages to the aircrew. The basic system consists of multiple Optical Sensor Converter (OSC) units, a Computer Processor (CP) and a Control Indicator (CI). The set of OSC units, which normally consists of four, is mounted on the aircraft exterior to provide omni-directional protection. The OSC detects the rocket plume of missiles and sends appropriate signals to the CP for processing. The CP analyzes the data from each OSC and automatically deploys the appropriate countermeasures. The CP also contains comprehensive Built-in-Test (BIT) circuitry. The CI displays the incoming direction of the threat, so that the pilot can take appropriate action. Hardware is UNCLASSIFIED. Software is SECRET. Technical data and documentation to be provided are UNCLASSIFIED.

3. The AN/ALE–47 Countermeasures Dispensing System (CMDS) is an integrated, threat-adaptive, software-programmable dispensing system capable of dispensing chaff, flares, and active radio frequency expendables. The threats countered by the CMDS include radar-directed anti-aircraft artillery (AAA), radar command-guided missiles, radar homing guided missiles, and infrared (IR) guided missiles. The system is internally mounted and may be operated as a stand-alone system or may be integrated with other on-board electronic warfare and avionics systems. The AN/ALE–47 uses threat data received over the aircraft interfaces to assess the threat situation and to determine a response. Expendable decoys tailored to the immediate aircraft and threat environment may be dispensed using one of four operational modes. The hardware, technical data, and documentation to be provide are UNCLASSIFIED.

4. The AN/APX–119 Identification Friend or Foe (IFF) Digital Transponder is an identification system designed for command and control. It enables military and civilian air traffic control interrogation systems to identify aircraft. The hardware, technical data, and documentation to be provided are UNCLASSIFIED.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used

to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that the Government of India can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal are authorized for release and export to the Government of India.

[FR Doc. 2017–15006 Filed 7–17–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–12]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Kathy Valadez, (703) 697–9217 or Pamela Young, (703) 697–9107; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–12 with attached Policy Justification and Sensitivity of Technology.

Dated: July 13, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 23 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-12, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost $1.3 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 17–12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$0.04 billion
Other	$1.26 billion
Total	$1.30 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

The Government of Australia requested the sale of up to five (5) Gulfstream G–550 aircraft modified to integrate Airborne Intelligence, Surveillance, Reconnaissance, and Electronic Warfare (AISREW) mission systems, Global Positioning System (GPS) capability, secure communications, aircraft defensive systems, and whole life costs of airborne and ground segments.

This proposed sale includes up to five (5) AN/AAQ–24 (V)N Large Aircraft Infrared Countermeasures (LAIRCM) systems, and additional sub-component spares. Each prime LAIRCM system will consist of: one (1) Guardian Laser Terminal Assemblies (GLTA), five (5) Infrared Missile Warning Sensors, (IRMWS), one (1) LAIRCM System Processor Replacements (LSPR) MDE items, one (1) LAIRCM System Processor Replacements (LSPR), one (1) Control Indicator Unit Replacement (CIUR), one (1) Smart Card Assembly (SCA), one (1) High Capacity Card (HCC), and one (1) User Data Memory (UDM) card. Also included are: MX–20 HD Electro-Optical and Infrared systems, Osprey 50 AESA Radars, AISREW equipment, secure communications equipment, and Identification Friend or Foe (IFF) Systems. These systems will be installed on up to five (5) G–550 aircraft.

Major Defense Equipment (MDE):

Eight (8) GLTA AN/AAQ–24 (V)N (5 installed and 3 spares)

Twenty-nine (29) IRMWS (25 installed and 4 spares)

Six (6) LSPR AN/AAQ–24 (V)N (5 installed and 1 spare)

Six (6) Embedded/GPS/INS (EGI) with GPS Security Devices, Airborne (5 installed and 1 spare)

Seven (7) Multifunctional Information Distribution Systems—Joint Tactical Radio System (MIDS JTRS) (5 installed and 2 spares)

Non-MDE includes:

Also included in this sale are up to five (5) G–550 Aircraft, CIURs, SCAs, HCCs and UDM cards, AN/ALE–47 Countermeasure Dispenser Sets (CMDS), MX–20HD Electro-Optical and Infra-Red systems, Osprey 50 AESA Radars, AISREW ISR equipment, Secure Communications equipment, Identification Friend or Foe Systems, aircraft modification and integration, ground systems for data processing and crew training, ground support equipment, publications and technical data, U.S. Government and contractor engineering, technical and logistics support services, flight test and certification, and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (QCS)

(v) *Prior Related Cases, if any:* AT–D–SAA & AT–D–GCA

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex Attached.

(viii) *Date Report Delivered to Congress:* 23 JUN 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—Gulfstream G550 Aircraft with Airborne Intelligence, Surveillance, Reconnaissance, and Electronic Warfare (AISREW) Mission Systems

The Government of Australia requested the possible sale of up to five (5) Gulfstream G–550 aircraft modified to integrate Airborne Intelligence, Surveillance, Reconnaissance, and Electronic Warfare (AISREW) mission systems, Global Positioning System (GPS) capability, secure communications, aircraft defensive systems; spares, including whole life costs of airborne and ground segments; aircraft modification and integration; ground systems for data processing and crew training; ground support equipment; publications and technical data; U.S. Government and contractor engineering, technical and logistics support services; flight test and certification; and other related elements of logistical and program support. The total estimated program cost is $1.3 billion.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a major contributor to political stability, security, and economic development in the Western Pacific. Australia is an important Major non-NATO Ally and partner that contributes significantly to peacekeeping and humanitarian operations around the world. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale supports and complements the ongoing efforts of Australia to modernize its Electronic Warfare capability and increases interoperability between the U.S. Air Force and the Royal Australian Air Force (RAAF). Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment does not alter the basic military balance in the region.

The prime contractors will be L3 of Greenville, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale may require the assignment of up to six (6) U.S. contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. This sale will involve the release of sensitive technology to Australia. Sensitive and/or classified (up to SECRET) elements of the proposed sale include the AN/AAQ–24 (V)N Large Aircraft Infrared Countermeasures (LAIRCM) systems, Embedded/GPS/INS (EGI) with security devices, Airborne, Multifunctional Information Distribution Systems—Joint Tactical Radio System (MIDS JTRS), AN/ALE–47 Countermeasure Dispenser Set (CMDS), MX–20HD Electro-Optical and Infra-Red systems, Osprey 50 AESA Radars, and Airborne Intelligence, Surveillance, Reconnaissance and Electronic (AISREW) mission system.

2. The AN/AAQ–24 (V)N LAIRCM is a self-contained, directed energy countermeasures system designed to protect aircraft from infrared (IR)-guided surface-to-air missiles. The system features digital technology and micro-miniature solid state electronics. The system operates in all conditions, detecting incoming missiles and jamming infrared-seeker equipped missiles with aimed bursts of laser energy. The LAIRCM system consists of multiple Infrared Missile Warning System (IRMWS) Sensors, Guardian Laser Turret Assembly (GLTA), LAIRCM System Processor Replacement (LSPR), Control Indicator Unit Replacement

(CIUR), and a classified High Capacity Card (HCC), and User Data Memory (UDM) card. The HCC is loaded into the CIUR prior to flight. When the classified HCC is not in use, it is removed from the CIUR and placed in onboard secure storage. LAIRCM Line Replaceable Unit (LRU) hardware is classified SECRET when the HCC is inserted into the CIUR. LAIRCM system software, including Operational Flight Program is classified SECRET. Technical data and documentation to be provided are UNCLASSIFIED.

The set of IRMWS Sensor units are mounted on the aircraft exterior to provide omni-directional protection. The IRMWS Sensor warns of threat missile approach by detecting radiation associated with the rocket motor. The IRMWS is a small, lightweight, passive, electro-optic, threat warning device used to detect surface-to-air missiles fired at helicopters and low-flying fixed-wing aircraft and automatically provides countermeasures, as well as audio and visual warning messages to the aircrew. The basic system consists of multiple IRMWS Sensor units, one (1) GLTA, LSPR and CIUR. The set of IRMWS units (each A–330 MRTT has five (5)) mounted on the aircraft exterior to provide omni-directional protection. Hardware is UNCLASSIFIED. Software is SECRET. Technical data and documentation to be provided are UNCLASSIFIED.

3. Multifunctional Information Distribution System-Joint Tactical Radio System (MIDS JTRS) is an advanced Link-16 command, control, communications, and intelligence (C3I) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. The MIDS JTRS terminal hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified CONFIDENTIAL. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair (through intermediate level) of the data link terminal, installed systems, and related software.

4. The AN/ALE–47 Countermeasure Dispenser Set (CMDS) provides an integrated threat-adaptive, computer controlled capability for dispensing chaff, flares, and active radio frequency expendables. The AN/ALE–47 system enhances aircraft survivability in sophisticated threat environments. The threats countered by the CMDS include radar-directed anti-aircraft artillery (AAA), radar command-guided missiles, radar homing guided missiles, and infrared (IR) guided missiles. The system is internally mounted and may be operated as a stand-alone system or may be integrated with other on-board Electronic Warfare (EW) and avionics systems. The AN/ALE–47 uses threat data received over the aircraft interfaces to assess the threat situation and determine a response. Expendable routines tailored to the immediate aircraft and threat environment may be dispensed using one of four operational modes. Hardware is UNCLASSIFIED. Software is SECRET. Technical data and documentation to be provided is UNCLASSIFIED.

5. The Embedded GPS–INS (EGI) LN–200 is a sensor that combines GPS and inertial sensor inputs to provide accurate location information for navigation and targeting. The EGI LN–200 is UNCLASSIFIED. The GPS crypto-variable keys needed for the highest GPS accuracy are classified up to SECRET.

6. Wescam MX–20HD is a gyro-stabilized, multi-spectral, multi-field of view Electro-Optical/Infrared (EO/IR) system. The systems provide surveillance laser illumination and laser designation through use of an externally mounted turret sensor unit and internally mounted master control. Sensor video imagery is displayed in the aircraft real time and may be recorded for subsequent ground analysis. Hardware is UNCLASSIFED. Technical data and documentation to be provided is UNCLASSIFIED.

7. The Osprey family of surveillance radars provides second generation Active Electronically Scanned Array (AESA) surveillance capability as the primary sensor on airborne assets. The Osprey radars are at a high technology readiness level and are in production for fixed and rotary wing applications. This Osprey configuration employs a side-looking radar. Osprey radars provide a genuine multi-domain capability, with high performance sea surveillance, notably against ''difficult targets, land surveillance with wide swath, very high resolution ground mapping small and low speed ground target indication, high performance air to air surveillance, tracking and intercept.

8. The AISREW mission system provides near-real-time information to tactical forces, combatant commanders and national-level authorities across the spectrum of conflict. The mission system can forward gathered information in a variety of formats via secured communications systems. Most hardware used in this AISREW system is generic and commercially available. However, if any of the specialized hardware or publications are lost, the information could provide insight into many critical U.S. capabilities. Information gained could be used to develop countermeasures as well as offensive and defensive counter-tactics.

9. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent system which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

10. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

11. All defense articles and services listed in this transmittal have been authorized for release and export to Australia.

[FR Doc. 2017–15008 Filed 7–17–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–75]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification.

FOR FURTHER INFORMATION CONTACT: Kathy Valadez, (703) 697–9217 or Pamela Young, (703) 697–9107; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–75 with attached Policy Justification and Sensitivity of Technology.

Dated: July 13, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 29 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-75, concerning the Department of the Air Force proposed Letter(s) of Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $400 million. After this letter is delivered to our office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 16–75

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office (TECRO) in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment	$0 million
(MDE)* Other	$400 million
Total	$400 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Non-MDE includes: Follow-on sustainment package for the Surveillance Radar Program (SRP) that includes contractor logistics support (sustainment); engineering services and technical updates to address equipment obsolescence; transportation and material costs associated with contractor repair and return services; spare and repair parts; support and test equipment; publications and technical documentation personnel training and training equipment; U.S. Government and contractor engineering; technical and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (QAP)

(v) *Prior Related Cases, if any:* TW–D–DAH—$831 million—27 Oct 2004; TW–D–QAI—$370 million—25 May 2012.

(vi) *Sales Commission, Fee, etc., Paid, Offered. or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 29 JUN 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office (TECRO) in the United States—Surveillance Radar Program CSRP) Operation and Maintenance Support

TECRO requested a possible sale of SRP Operations and Maintenance follow-on sustainment package that includes, contractor logistics support (sustainment); engineering services and technical updates to address equipment obsolescence; transportation and material costs associated with contractor repair and return services; spare and repair parts; support and test equipment; publications and technical documentation personnel training and training equipment; U.S. Government and contractor engineering; technical and logistics support services; and other related elements of logistical and program support. The total estimated program cost is $400 million.

This proposed sale is consistent with United States law and policy as expressed in Public Law 96–8.

This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the security and defensive capability of the recipient, which has been and continues to be an important force for political stability, military balance, and economic progress in the region.

The proposed sale improves the recipient's capability to provide early warning against current and future airborne threats. The SRP is a key component to the recipient's Command, Control, Communications, Computers, Intelligence Surveillance and Reconnaissance architecture. It will use the requested updates and sustainment as a defensive deterrent to regional threats and to strengthen its homeland defense. This potential sale will not introduce new capabilities, but will continue a similar sustainment package to one currently in place.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

Currently, market research is being conducted to determine the viability of a qualified contractor in accordance with Federal Acquisition Regulations. The purchaser typically requests offsets, but any offsets will be determined between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives outside the United States.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–75

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The purchaser currently owns an Early Warning Radar (EWR) that serves as a critical element to its Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) infrastructure. The radars provide a robust capability to detect, acquire, and track theater ballistic missiles, air breathing targets, and cruise missile threats. The system is able to operate in severe clutter and jamming environments amid high levels of background radio frequency interference. The follow on sustainment package requested will not introduce new capabilities.

2. The highest classification of the hardware to be exported is UNCLASSIFIED. The highest classification of the technical documentation to be exported is SECRET. There are technical manuals as well as Engineering Change Proposals, drawings, and specifications required as part of the sustainment updates. Components requiring depot level maintenance will be shipped to the U.S. for servicing. The highest level of software to be exported is UNCLASSIFIED.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Taipei Economic and Cultural Representative Office (TECRO) in the United States.

1.

[FR Doc. 2017–15012 Filed 7–17–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–69]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Kathy Valadez, (703) 697–9217 or Pamela Young, (703) 697–9107; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–69 with attached Policy Justification and Sensitivity of Technology.

Dated: July 13, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 29 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-69, concerning the Department of the Navy's proposed Letter(s) of Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $250 million. After this letter is delivered to our office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 16–69

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act., as Amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office (TECRO) in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment ...	$150 million
Other	100 million
Total	250 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Forty-six (46) MK 48 Mod 6AT Heavyweight Torpedoes (HWT)

Non-MDE includes:
Shipping containers, operator manuals and technical documentation, U.S. Government and contractor engineering, technical and logistics support services.

(iv) *Military Department:* Navy

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Notification Delivered to Congress:* 29 JUN 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office (TECRO) in the United States—MK 48 Mod 6AT Heavyweight Torpedo (HWT)

Taiwan has requested a possible sale of forty-six (46) MK 48 Mod 6AT Heavyweight Torpedoes (HWT). This sale will include HWT containers, torpedo support, torpedo spare parts, publications, training, weapon system support, engineering and technical assistance. The total estimated program cost is $250 million.

This proposed sale is consistent with United States law and policy, as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive capabilities. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance and economic progress in the region.

The proposed sale will improve the recipient's capability in current and future defensive efforts. The recipient will use the enhanced capability as a deterrent to regional threats and to strengthen homeland defense. The recipient will have no difficulty absorbing this equipment into its armed forces.

There are no prime contractors associated with this case as all materials will be procured from U.S. Navy stocks. There are no known offset agreements proposed in connection with this potential sale.

It is estimated that during implementation of this proposed sale a number of U.S. Government and contractor representatives will be assigned to the recipient or travel there intermittently during the program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–69

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

Annex

Item No vii

(vii) *Sensitivity of Technology*:

1. The MK 48 Heavy Weight Torpedo (HWT) has been in service in the U.S. Navy (USN) since 1972. This sale furnishes the MK 48 Mod 6 Advanced Technology (AT) version of the system. The purchaser currently does not have this weapon system in its inventory. The proposed sale consists of 46 HWTs, containers, spare and repair parts, weapons system support and integration, personnel training, training equipment, test equipment, U.S. Government and contractor engineering, technical and logistics support services and other related elements of logistical support.

a. There is no Critical Program Information associated with the MK 48 Mod 6AT HWT hardware, technical documentation or software. The highest classification of the hardware to be exported is SECRET. The highest classification of the technical manual that will be exported is CONFIDENTIAL. The technical manual is required for operation of the MK 48 Mod 6AT HWT. The highest classification of the software to be exported is SECRET. The MK 48 Mod 6AT HWT meets Anti-Tampering requirements.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient country can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives in the Policy justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Taipei Economic and Cultural Representative Office (TECRO) in the United States.

[FR Doc. 2017–15063 Filed 7–17–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–74]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification.

FOR FURTHER INFORMATION CONTACT: Kathy Valadez, (703) 697–9217 or Pamela Young, (703) 697–9107; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–74 with attached Policy Justification.

Dated: July 13, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 29 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-74, concerning the Department of the Air Force proposed Letter(s) of Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $147.5 million. After this letter is delivered to our office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 16–74

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office (TECRO) in the United States

(ii) *Total Estimated Value:*

Major Defense Equipment*.	$47.5
Other	$100.0
Total	$147.5

(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:*

Major Defense Equipment (MDE):
Fifty (50) AGM–88B High-Speed Anti-Radiation Missiles (HARMs)
Ten (10) AGM–88B Training HARMs
Non-MDE includes:
HARM integration, LAU-l 18A Launchers, missile containers, spare and repair parts, support and test equipment, Joint Mission Planning System update, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (QBZ)

(v) *Prior Related Cases. if any:* None

(vi) *Sales Commission Fee. etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 29 JUN 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office (TECRO) in the United States—AGM–88B High-Speed Anti-Radiation Missiles (HARM)

TECRO requested a possible sale of fifty (50) AGM–88B HARMs and ten (10) AGM–88B Training HARMs. This request also includes: HARM integration, LAU-l 18A Launchers, missile containers, spare and repair parts, support and test equipment, Joint Mission Planning System update, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The total estimated program cost is $147.5 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability in current and future defensive efforts. The recipient will use the enhanced capability as a deterrent to regional threats and to strengthen homeland defense. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

Currently, market research is being conducted to determine the viability of a qualified contractor in accordance with Federal Acquisition Regulations. The purchaser typically requests offsets, but any offsets will be determined between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives outside the United States.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–74

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act

Annex Item No. vii

(iii) *Sensitivity of Technology:*

1. AGM–88B High-Speed Anti-Radiation Missile (HARM) is a supersonic air-to-surface missile designed to seek and destroy enemy radar-equipped air defense systems. HARM has a proportional guidance system that hones in on enemy radar emissions through a fixed antenna and seeker head in the missile nose. The missile consists of four sections; guidance section, warhead, control section, and rocket motor.

2. The highest classification of the hardware to be exported is SECRET. The highest classification of the technical documentation to be exported is SECRET, but no radar cross section and infrared signature data nor U.S.-only tactics or tactical doctrine will be disclosed. The highest classification of the software to be exported is SECRET; however, no software source code will be disclosed. All reprogramming of missile microprocessor memories must be accomplished by U.S. Government personnel or U.S. Government approved contractors.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons. A determination has been made that the recipient country can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification and in accordance with the Taiwan Relations Act.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Taipei Economic and Cultural Representative Office (TECRO) in the United States.

[FR Doc. 2017–15018 Filed 7–17–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Catalog of Federal Domestic Assistance number 84.063]

Annual Updates to the Income Contingent Repayment (ICR) Plan Formula for 2017—William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces the annual updates to the ICR plan formula for 2017, as required by 34 CFR 685.209(b)(1)(ii)(A), to give notice to Direct Loan borrowers and the public regarding how monthly ICR payment amounts will be calculated for the 2017–2018 year.

DATES: The adjustments to the income percentage factors for the ICR plan

formula contained in this notice are effective from July 1, 2017, to June 30, 2018, for any borrower who enters the ICR plan or has his or her monthly payment amount recalculated under the ICR plan during that period.

FOR FURTHER INFORMATION CONTACT: Ian Foss, U.S. Department of Education, 830 First Street NE., Room 113H2, Washington, DC 20202. Telephone: (202) 377–3681 or by email: *ian.foss@ed.gov.*

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

SUPPLEMENTARY INFORMATION: Under the William D. Ford Federal Direct Loan (Direct Loan) Program, borrowers may choose to repay their non-defaulted loans (Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans made to graduate or professional students, and Direct Consolidation Loans) under the ICR plan. The ICR plan bases the borrower's repayment amount on the borrower's income, family size, loan amount, and the interest rate applicable to each of the borrower's loans.

ICR is one of several income-driven repayment plans. Other income-driven repayment plans include the Income-Based Repayment (IBR) plan, the Pay As You Earn Repayment (PAYE plan, and the Revised Pay As You Earn Repayment (REPAYE) plan. The IBR, PAYE, and REPAYE plans provide lower payment amounts than the ICR plan for most borrowers.

A Direct Loan borrower who repays his or her loans under the ICR plan pays the lesser of: (1) The amount that he or she would pay over 12 years with fixed payments multiplied by an income percentage factor; or (2) 20 percent of discretionary income.

Each year, to reflect changes in inflation, we adjust the income percentage factor used to calculate a borrower's ICR payment. We use the adjusted income percentage factors to calculate a borrower's monthly ICR payment amount when the borrower initially applies for the ICR plan or when the borrower submits his or her annual income documentation, as required under the ICR plan. This notice contains the adjusted income percentage factors for 2017, examples of how the monthly payment amount in ICR is calculated, and charts showing sample repayment amounts based on the adjusted ICR plan formula. This information is included in the following three attachments:

- *Attachment 1—Income Percentage Factors for 2017*
- *Attachment 2—Examples of the Calculations of Monthly Repayment Amounts*
- *Attachment 3—Charts Showing Sample Repayment* Amounts for Single and Married Borrowers

In Attachment 1, to reflect changes in inflation, we have updated the income percentage factors that were published in the **Federal Register** on April 4, 2016 (81 FR 19153). Specifically, we have revised the table of income percentage factors by changing the dollar amounts of the incomes shown by a percentage equal to the estimated percentage change between the not-seasonally-adjusted Consumer Price Index for all urban consumers for December 2016 and December 2017.

The income percentage factors reflected in Attachment 1 may cause a borrower's payments to be lower than they were in prior years, even if the borrower's income is the same as in the prior year. However, the revised repayment amount more accurately reflects the impact of inflation on the borrower's current ability to repay.

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

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1087 *et seq.*

Dated: July 13, 2017.

Matthew D. Sessa,

Acting Chief Operating Officer, Federal Student Aid.

Attachment 1—Income Percentage Factors for 2017

INCOME PERCENTAGE FACTORS FOR 2017

Single		Married/Head of Household	
Income	% Factor	Income	% Factor
$11,668	55.00	$11,668	50.52
$16,055	57.79	$18,410	56.68
$20,658	60.57	$21,939	59.56
$25,366	66.23	$28,681	67.79
$29,862	71.89	$35,531	75.22
$35,531	80.33	$44,629	87.61
$44,629	88.77	$55,972	100.00
$55,973	100.00	$67,319	100.00
$67,319	100.00	$84,340	109.40
$80,910	111.80	$112,698	125.00
$103,602	123.50	$152,404	140.60
$146,735	141.20	$213,144	150.00
$168,245	150.00	$348,294	200.00
$299,673	200.00	.....	.....

Attachment 2—Examples of the Calculations of Monthly Repayment Amounts

General notes about the examples in this attachment:

- We have a calculator that borrowers can use to estimate what their payment amounts would be under the ICR plan. The calculator is called the ''Repayment Estimator'' and is available at StudentLoans.gov. This calculator provides a detailed, individualized assessment of a borrower's loans and repayment plan options, including the ICR plan.
- The interest rates used in the examples are for illustration only. The actual interest rates on an individual borrower's Direct Loans depend on the loan type and when the postsecondary institution first disbursed the Direct Loan to the borrower.
- The Poverty Guideline amounts used in the examples are from the 2017 U.S. Department of Health and Human Services (HHS) Poverty Guidelines for the 48 contiguous States and the District of Columbia. Different Poverty Guidelines apply to residents of Alaska and Hawaii. The Poverty Guidelines for 2017 were published in the **Federal Register** on January 31, 2017 (82 FR 8831).
- All of the examples use an income percentage factor corresponding to an adjusted gross income (AGI) in the table in Attachment 1. If your AGI is not listed in the income percentage factors table in Attachment 1, calculate the applicable income percentage by following the instructions under the ''Interpolation'' heading later in this attachment.
- Married borrowers may repay their Direct Loans jointly under the ICR plan. If a married couple elects this option, we add the outstanding balance on the Direct Loans of each borrower and we add together both borrowers' AGIs to determine a joint ICR payment amount. We then prorate the joint payment amount for each borrower based on the proportion of that borrower's debt to the total outstanding balance. We bill each borrower separately.
- For example, if a married couple, John and Sally, has a total outstanding Direct Loan debt of $60,000, of which $40,000 belongs to John and $20,000 to Sally, we would apportion 67 percent of the monthly ICR payment to John and the remaining 33 percent to Sally. To take advantage of a joint ICR payment, married couples need not file taxes jointly; they may file separately and subsequently provide the other spouse's tax information to the borrower's Federal loan servicer.

Calculating the monthly payment amount using a standard amortization and a 12-year repayment period.

The formula to amortize a loan with a standard schedule (in which each payment is the same over the course of the repayment period) is as follows:

$M = P \times <(I \div 12) \div [1 - \{1 + (I \div 12)\}\wedge–N]>$

In the formula—

- M is the monthly payment amount;
- P is the outstanding principal balance of the loan at the time the calculation is performed;
- I is the annual interest rate on the loan, expressed as a decimal (for example, for a loan with an interest rate of 6 percent, 0.06); and
- N is the total number of months in the repayment period (for example, for a loan with a 12-year repayment period, 144 months).

For example, assume that Billy has a $10,000 Direct Unsubsidized Loan with an interest rate of 6 percent.

Step 1: To solve for M, first simplify the numerator of the fraction by which we multiply P, the outstanding principal balance. To do this divide I, the interest rate, as a decimal, by 12. In this example, Billy's interest rate is 6 percent. As a decimal, 6 percent is 0.06.

- $0.06 \div 12 = 0.005$

Step 2: Next, simplify the denominator of the fraction by which we multiply P. To do this divide I, the interest rate, as a decimal, by 12. Then, add one. Next, raise the sum of the two figures to the negative power that corresponds to the length of the repayment period in months. In this example, because we are amortizing a loan to calculate the monthly payment amount under the ICR plan, the applicable figure is 12 years, which is 144 months. Finally, subtract the result from one.

- $0.06 \div 12 = 0.005$
- $1 + 0.005 = 1.005$
- $1.005 \wedge -144 = 0.48762628$
- $1 - 0.48762628 = 0.51237372$

Step 3: Next, resolve the fraction by dividing the result from Step one by the result from Step two.

- $0.005 \div 0.51237372 = 0.0097585$

Step 4: Finally, solve for M, the monthly payment amount, by multiplying the outstanding principal balance of the loan by the result of Step 3.

- $\$10{,}000 \times 0.0097585 = \$97.59$

The remainder of the examples in this attachment will only show the results of the formula.

Example 1. Brenda is single with no dependents and has $15,000 in Direct Subsidized and Unsubsidized Loans. The interest rate on Brenda's loans is 6 percent, and she has an AGI of $29,862.

Step 1: Determine the total monthly payment amount based on what Brenda would pay over 12 years using standard amortization. To do this, use the formula that precedes Example 1. In this example, the monthly payment amount would be $146.38.

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to Brenda's AGI. In this example, an AGI of $29,862 corresponds to an income percentage factor of 71.89 percent.

- $0.7189 \times \$146.38 = \$105.23$

Step 3: Determine 20 percent of Brenda's discretionary income and divide by 12 (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). For Brenda, subtract the Poverty Guideline amount for a family of one from her AGI, multiply the result by 20 percent, and then divide by 12:

- $\$29{,}862 - \$12{,}060 = \$17{,}802$
- $\$17{,}802 \times 0.20 = \$3{,}560.40$
- $\$3{,}560.40 \div 12 = \$296.70$

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be the monthly ICR payment amount. In this example, Brenda will be paying the amount calculated under Step 2 ($105.23).

Note: Brenda would have a lower payment under other income-driven repayment plans. Specifically, Brenda's payment would be $98.10 under the PAYE and REPAYE plans. However, Brenda's payment would be $147.15 under the IBR plan, which is higher than the payment she would have under the ICR plan.

Example 2. Joseph is married to Susan and has no dependents. They file their Federal income tax return jointly. Joseph has a Direct Loan balance of $10,000, and Susan has a Direct Loan balance of $15,000. The interest rate on all of the loans is 6 percent.

Joseph and Susan have a combined AGI of $84,340 and are repaying their loans jointly under the ICR plan (for general information regarding joint ICR payments for married couples, see the fifth and sixth bullets under the heading ''General notes about the examples in this attachment'').

Step 1: Add Joseph's and Susan's Direct Loan balances to determine their combined aggregate loan balance:

- $\$10{,}000 + \$15{,}000 = \$25{,}000$

Step 2: Determine the combined monthly payment amount for Joseph and Susan based on what both borrowers would pay over 12 years using standard amortization. To do this,

use the formula that precedes Example 1. In this example, the combined monthly payment amount would be $243.96.

Step 3: Multiply the result of Step 2 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to Joseph and Susan's combined AGI. In this example, the combined AGI of $84,340 corresponds to an income percentage factor of 109.40 percent.

- 1.094 × $243.96 = $266.90

Step 4: Determine 20 percent of Joseph and Susan's combined discretionary income (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). To do this, subtract the Poverty Guideline amount for a family of two from the combined AGI, multiply the result by 20 percent, and then divide by 12:

- $84,340 − $ 16,240 = $68,100
- $68,100 × 0.20 = $13,620
- $13,620 ÷ 12 = $1,135.00

Step 5: Compare the amount from Step 3 with the amount from Step 4. The lower of the two will be Joseph and Susan's joint monthly payment amount. Joseph and Susan will jointly pay the amount calculated under Step 3 ($266.90).

Note: For Joseph and Susan, the ICR plan provides the lowest monthly payment of all of the income-driven repayment plans. Joseph and Susan would not be eligible for the IBR or PAYE plans, and would have a combined monthly payment under the REPAYE plan of $499.83.

Step 6: Because Joseph and Susan are jointly repaying their Direct Loans under the ICR plan, the monthly payment amount calculated under Step 5 applies to both Joseph's and Susan's loans. To determine the amount for which each borrower will be responsible, prorate the amount calculated under Step 4 by each spouse's share of the combined Direct Loan debt. Joseph has a Direct Loan debt of $10,000 and Susan has a Direct Loan debt of $15,000. For Joseph, the monthly payment amount will be:

- $10,000 ÷ ($10,000 + $15,000) = 40 percent
- 0.40 × $266.90 = $106.76

For Susan, the monthly payment amount will be:

- $15,000 ÷ ($10,000 + $15,000) = 60 percent
- 0.60 × $266.90 = $160.14

Example 3. David is single with no dependents and has $60,000 in Direct Subsidized and Unsubsidized Loans. The interest rate on all of the loans is 6 percent, and David's AGI is $35,531.

Step 1: Determine the total monthly payment amount based on what David would pay over 12 years using standard amortization. To do this, use the formula that precedes Example 1. In this example, the monthly payment amount would be $585.51.

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to David's AGI. In this example, an AGI of $35,531 corresponds to an income percentage factor of 80.33 percent.

- 0.8033 × $585.51 = $470.34

Step 3: Determine 20 percent of David's discretionary income and divide by 12 (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). To do this, subtract the Poverty Guideline amount for a family of one from David's AGI, multiply the result by 20 percent, and then divide by 12:

- $35,531 − $12,060 = $23,471
- $23,471 × 0.20 = $4,694.20
- $4,694.20 ÷ 12 = $391.18

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be David's monthly payment amount. In this example, David will be paying the amount calculated under Step 3 ($379.68).

Note: David would have a lower payment under each of the other income-driven plans. Specifically, David's payment would be $145.34 under the PAYE and REPAYE plans and $218.01 under the IBR plan.

Interpolation. If an income is not included on the income percentage factor table, calculate the income percentage factor through linear interpolation. For example, assume that Joan is single with an income of $50,000.

Step 1: Find the closest income listed that is less than Joan's income ($50,000) and the closest income listed that is greater than Joan's income ($50,000).

Step 2: Subtract the lower amount from the higher amount (for this discussion we will call the result the ''income interval''):

- $55,773 − $44,629 = $11,114

Step 3: Determine the difference between the two income percentage factors that correspond to the incomes used in Step 2 (for this discussion, we will call the result the ''income percentage factor interval''):

- 100.00 percent − 88.77 percent = 11.23 percent

Step 4: Subtract from Joan's income the closest income shown on the chart that is less than Joan's income of $50,000:

- $50,000 − $44,629 = $5,371

Step 5: Divide the result of Step 4 by the income interval determined in Step 2:

- 5,371 ÷ 11,114 = 48.33 percent

Step 6: Multiply the result of Step 5 by the income percentage factor interval:

- 11.23 percent × 48.33 percent = 5.43 percent

Step 7: Add the result of Step 6 to the lower of the two income percentage factors used in Step 3 to calculate the income percentage factor interval for 50,000 in income:

- 5.43 percent + 88.77 percent = 94.20 percent (rounded to the nearest hundredth)

The result is the income percentage factor that we will use to calculate Joan's monthly repayment amount under the ICR plan.

Attachment 3—Charts Showing Sample Income-Driven Repayment Amounts for Single and Married Borrowers

Below are two charts that provide first-year payment amount estimates for a variety of loan debt sizes and incomes under all of the income-driven repayment plans and the 10-Year Standard Repayment Plan. The first chart is for single borrowers who have a family size of one. The second chart is for a borrower who is married or a head of household and who has a family size of three. The ICR plan calculations assume that the loan debt has an interest rate of 6 percent. For married borrowers, the calculations assume that the borrower files a joint Federal income tax return with his or her spouse and that the borrower's spouse does not have Federal student loans. A field with a ''-'' character indicates that the borrower in the example would not be eligible to enter the applicable repayment based plan based on the borrower's income, loan debt, and family size.

SAMPLE FIRST-YEAR MONTHLY REPAYMENT AMOUNTS FOR A SINGLE BORROWER

Family Size = 1

	Income	Plan	$20,000	$40,000	$60,000	$80,000	$100,000
Initial Debt	20,000	ICR	$117	$165	$195	$217	$237
		IBR	24	-	-	-	-
		PAYE	16	183	-	-	-
		REPAYE	16	183	349	516	683
		10-Year Standard	222	222	222	222	222
	40,000	ICR	132	330	390	433	475
		IBR	24	274	-	-	-
		PAYE	16	183	349	-	-
		REPAYE	16	183	349	516	683
		10-Year Standard	444	444	444	444	444
	60,000	ICR	132	466	586	650	712
		IBR	24	274	524	-	-
		PAYE	16	183	349	516	-
		REPAYE	16	183	349	516	683
		10-Year Standard	666	666	666	666	666
	80,000	ICR	132	466	781	867	950
		IBR	24	274	524	774	-
		PAYE	16	183	349	516	683
		REPAYE	16	183	349	516	683
		10-Year Standard	888	888	888	888	888
	100,000	ICR	132	466	799	1,083	1,187
		IBR	24	274	524	774	1,024
		PAYE	16	183	349	516	683
		REPAYE	16	183	349	516	683
		10-Year Standard	1,110	1,110	1,110	1,110	1,110

SAMPLE FIRST-YEAR MONTHLY REPAYMENT AMOUNTS FOR A MARRIED OR HEAD-OF-HOUSEHOLD BORROWER

Family size = 3

	Income	Plan	$20,000	$40,000	$60,000	$80,000	$100,000
Initial Debt	20,000	ICR	$0	$159	$195	$209	$230
		IBR	0	117	-	-	-
		PAYE	0	78	-	-	-
		REPAYE	0	78	245	411	578
		10-Year Standard	222	222	222	222	222
	40,000	ICR	0	317	390	418	461
		IBR	0	117	367	-	-
		PAYE	0	78	245	411	-
		REPAYE	0	78	245	411	578
		10-Year Standard	444	444	444	444	444
	60,000	ICR	0	326	586	633	699
		IBR	0	117	367	617	-
		PAYE	0	78	245	411	578
		REPAYE	0	78	245	411	578
		10-Year Standard	666	666	666	666	666
	80,000	ICR	0	326	660	835	921
		IBR	0	117	367	617	867
		PAYE	0	78	245	411	578
		REPAYE	0	78	245	411	578
		10-Year Standard	888	888	888	888	888
	100,000	ICR	0	326	660	993	1,152
		IBR	0	117	367	617	867
		PAYE	0	78	245	411	578
		REPAYE	0	78	245	411	578
		10-Year Standard	1,110	1,110	1,110	1,110	1,110

[FR Doc. 2017–15061 Filed 7–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0055]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; International Early Learning Study (IELS) 2018 Field Test Data Collection and Main Study Recruitment

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 17, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0055. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact NCES Information Collections at *NCES.Information.Collections@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: International Early Learning Study (IELS) 2018 Field Test Data Collection and Main Study Recruitment.

OMB Control Number: 1850–0936.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 6,309.

Total Estimated Number of Annual Burden Hours: 2,563.

Abstract: The International Early Learning Study (IELS), scheduled to be conducted in 2018, is a new study sponsored by the Organization for Economic Cooperation and Development (OECD), an intergovernmental organization of industrialized countries. In the United States, the IELS is conducted by the National Center for Education Statistics (NCES). The IELS focuses on young children and their cognitive and non-cognitive skills and competencies as they transition to primary school. The IELS is designed to examine: Children's early learning and development in a broad range of domains, including social and cognitive skills; the relationship between children's early learning and children's participation in early childhood education and care (ECEC); the role of contextual factors, including children's individual characteristics and their home backgrounds and experiences, in promoting young children's growth and development; and how early learning varies across and within countries prior to beginning, or in the early stages of primary school. In 2018, in the participating countries, including the United States, the IELS will assess nationally-representative samples of 5-year-old children enrolled in public and private schools that offer kindergarten in the United States through direct and indirect measures, and will collect contextual data about their home learning environments, ECEC histories, and demographic characteristics. The IELS will measure young children's knowledge, skills, and competencies in both cognitive and non-cognitive domains, including language and literacy, mathematics and numeracy, executive function/self-regulation, and social emotional skills. This assessment will take place as children are transitioning to primary school and will provide data on how U.S. children entering kindergarten compare with their international peers on skills deemed important for later success. To prepare for the main study that will take place in October–November 2018, the IELS countries will conduct a field test in the fall of 2017 to evaluate newly developed assessment instruments and questionnaires and to test the study operations. The U.S. IELS field test data collection will occur from November to December, 2017, with respondent recruitment beginning in early September 2017. Recruitment activities for the 2017 field test were approved in April 2017 (OMB 1850–0936 v.1–2). This request is to conduct 2017 IELS field test data collection as well as recruitment for the IELS 2018 main study.

Dated: July 13, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–15047 Filed 7–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0065]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NCER–NPSAS Grant Study—Connecting Students With Financial Aid (CSFA) 2017: Testing the Effectiveness of FAFSA Interventions on College Outcomes

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 17, 2017.

ADDRESSES: To access and review all the documents related to the information

collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0065. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact NCES Information Collections at *NCES.Information.Collections@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: NCER–NPSAS Grant Study—Connecting Students with Financial Aid (CSFA) 2017: Testing the Effectiveness of FAFSA Interventions on College Outcomes.

OMB Control Number: 1850–0931.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 52,300.

Total Estimated Number of Annual Burden Hours: 5,534.

Abstract: In 2010, the National Center for Education Research (NCER) and the National Center for Education Statistics (NCES), both within the U.S. Department of Education's Institute of Education Sciences (IES), began collaborating on an education grant opportunity related to the cross-sectional National Postsecondary Student Aid Study (NPSAS). NPSAS is a large, nationally-representative sample of postsecondary institutions and students that contains student-level records on student demographics and family background, work experience, expectations, receipt of financial aid, and postsecondary enrollment (see *http://nces.ed.gov/surveys/npsas/about.asp;* (OMB #1850–0666)). Since 1987, NPSAS has been fielded every 3 to 4 years, most recently during the 2015–16 academic year. The goal of the NCER–NPSAS grant opportunity collaboration is to provide researchers with the possibility of developing unique research projects pertaining to college persistence and completion that utilize a subset of the NPSAS sample that is not already set aside for one of the NPSAS-based longitudinal studies (BPS or B&B). Under the NCER–NPSAS grant opportunity, researchers can submit applications to the Postsecondary and Adult Education topic within the Education Research Grants program (CFDA 84.305A), under either the Exploration or Efficacy and Replication research goal. Consistent with these two goals, NCER supports research projects using NPSAS to: (1) Explore relationships between malleable factors (*e.g.,* information on benefits of financial aid and FAFSA renewal) and postsecondary persistence and completion, as well as the mediators and moderators of those relationships; and (2) evaluate the efficacy of interventions aimed at improving persistence and completion of postsecondary education (*e.g.,* financial aid and FAFSA renewal advice delivered via text messaging). Researchers approved for funding through this program can obtain indirect access to a subsample of the national NPSAS sample (after the study's student interviews are completed) in order to conduct unique research projects that adhere to the guidelines set forth in the Request for Applications (RFA) for the Education Research Grants Program, as well as guidelines set forth by NCES and the NPSAS program. The request to conduct the ''Connecting Students with Financial Aid (CSFA) 2017: Testing the Effectiveness of FAFSA Interventions on College Outcomes'' study, funded by the NCER–NPSAS grant and designed to measure the effectiveness of an intervention that will provide financial aid information and reminders to college students who were initially interviewed as part of NPSAS:16 was approved in January 2017 (OMB #1850–0931 v.1). Cognitive interviews on the survey items were conducted in March 2017 to examine whether college students correctly understand the question wording and whether their answers get adequately captured in multiple-choice questions of the survey instrument to be administered after the end of the intervention. The results of cognitive testing were used to revise the CSFA survey. This request is for approval of these revisions for the survey that will begin in August 2017.

Dated: July 13, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–15038 Filed 7–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–860–000.

Applicants: Dauphin Island Gathering Partners.

Description: 2016 Cash Out Report of of Dauphin Island Gathering Partners.

Filed Date: 06/28/2017.

Accession Number: 20170628–5206.

Comment Date: 5:00 p.m. Eastern Time on Monday, July 17, 2017.

Docket Numbers: RP17–894–000.

Applicants: Dominion Energy Questar Pipeline, LLC.

Description: Dominion Energy Questar Pipeline, LLC submits tariff filing per 154.204: FSS Semi-annual Testing to be effective 8/10/2017.

Filed Date: 07/10/2017.

Accession Number: 20170710–5373.

Comment Date: 5:00 p.m. Eastern Time on Monday, July 24, 2017.

Docket Numbers: RP17–895–000.

Applicants: Chesapeake Energy Marketing, L.L.C.,WSGP Gas Producing, LLC.

Description: Joint Petition of Chesapeake Energy Marketing, L.L.C., et al. for Limited Waiver and Request for Expedited Action.

Filed Date: 07/10/2017.

Accession Number: 20170710–5412.

Comment Date: 5:00 p.m. Eastern Time on Thursday, July 20, 2017.

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: July 12, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–15059 Filed 7–17–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–887–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.204: Enhanced Firm Transportation Service to be effective 8/5/2017.

Filed Date: 07/05/2017.

Accession Number: 20170705–5117.

Comment Date: 5:00 p.m. Eastern Time on Monday, July 17, 2017.

Docket Numbers: RP17–888–000.

Applicants: Alliance Pipeline L.P.

Description: Alliance Pipeline L.P. submits tariff filing per 154.204: Negotiated Rate PAL—2017–07 to be effective 7/6/2017.

Filed Date: 07/05/2017.

Accession Number: 20170705–5134.

Comment Date: 5:00 p.m. Eastern Time on Monday, July 17, 2017.

Docket Numbers: RP17–892–000.

Applicants: Destin Pipeline Company, L.L.C.

Description: Destin Pipeline Company, L.L.C. submits tariff filing per 154.204: Request for Negotiated Rate Authority to be effective 8/6/2017.

Filed Date: 07/07/2017.

Accession Number: 20170707–5177.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, July 19, 2017.

Docket Numbers: RP17–893–000.

Applicants: Northern Natural Gas Company.

Description: Petition for Limited Waiver of Northern Natural Gas Company.

Filed Date: 07/07/2017.

Accession Number: 20170707–5192.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, July 19, 2017.

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: July 11, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–15058 Filed 7–17–17; 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 exempt wholesale generator filings:

Docket Numbers: EG17–122–000.

Applicants: SUNE Beacon Site 2, LLC.

Description: Notice of Self-Certification of EWG Status of SunE Beacon Site 2 LLC.

Filed Date: 7/11/17.

Accession Number: 20170711–5256.

Comments Due: 5 p.m. ET 8/1/17.

Docket Numbers: EG17–123–000.

Applicants: Great Bay Solar 1, LLC.

Description: Self-Certification of EWG of Great Bay Solar 1, LLC.

Filed Date: 7/11/17.

Accession Number: 20170711–5257.

Comments Due: 5 p.m. ET 8/1/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–942–001.

Applicants: Lazarus Energy Holdings, LLC.

Description: Compliance filing: Tariff Revision and Cancellation to be effective 2/6/2017.

Filed Date: 7/12/17.

Accession Number: 20170712–5002.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–1581–001.

Applicants: Florida Power & Light Company.

Description: Compliance filing: FPL, JEA, and FPUC–IA for Nassau-Oneil-FPUC Stepdown Substations Compliance to be effective 5/11/2017.

Filed Date: 7/11/17.

Accession Number: 20170711–5237.

Comments Due: 5 p.m. ET 8/1/17.

Docket Numbers: ER17–1639–001.

Applicants: AEP Generation Resources Inc.

Description: Tariff Amendment: AEP GR Conesville Zimmer Reactive Filing RS3 Deficiency to be effective 5/9/2017.

Filed Date: 7/11/17.

Accession Number: 20170711–5238.

Comments Due: 5 p.m. ET 8/1/17.

Docket Numbers: ER17–1728–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2017–07–12 Amendment to Attachment X Clean-up filing to be effective 7/12/2017.

Filed Date: 7/12/17.

Accession Number: 20170712–5067.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2075–000.

Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: EIM Tariff to be effective 9/11/2017.

Filed Date: 7/12/17.

Accession Number: 20170712–5003.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2076–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3341 KCP&L and City of Gardner, KS Interconnection Agreement to be effective 6/29/2017.

Filed Date: 7/12/17.

Accession Number: 20170712–5044.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2077–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3342 MKEC/Pratt Energy/KEPCO/Ninnescah Interconnection Agr to be effective 6/29/2017.

Filed Date: 7/12/17.

Accession Number: 20170712–5045.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2078–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Notice of Cancellation of Transmission Interconnection Agreement No. 2090 of Midcontinent Independent System Operator, Inc.

Filed Date: 7/12/17.

Accession Number: 20170712–5081.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2079–000.

Applicants: PJM Interconnection, L.L.C.

Description: § *205(d) Rate Filing: Original Service Agreement No. 4696; Queue AA2–053/AA2-174 (ISA) to be effective 6/12/2017.*

Filed Date: 7/12/17.

Accession Number: 20170712–5102.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2080–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 3246; Queue No. W1–119 to be effective 4/30/2014.

Filed Date: 7/12/17.

Accession Number: 20170712–5108.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2081–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 3247; Queue No. W1–120 to be effective 4/30/2014.

Filed Date: 7/12/17.

Accession Number: 20170712–5114.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2082–000.

Applicants: West Valley Power, LLC.

Description: Tariff Cancellation: Cancellation of Market Based Rate Tariff to be effective 7/13/2017.

Filed Date: 7/12/17.

Accession Number: 20170712–5149.

Comments Due: 5 p.m. ET 8/2/17.

Docket Numbers: ER17–2083–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–07–12_SA 3030 Tenaska-Entergy GIA (J486) to be effective 7/13/2017.

Filed Date: 7/12/17.

Accession Number: 20170712–5158.

Comments Due: 5 p.m. ET 8/2/17.

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: July 12, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–15057 Filed 7–17–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2074–000]

Burney Forest Products, A Joint Venture; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Burney Forest Products, A Joint Venture's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 1, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 12, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–15060 Filed 7–17–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATES AND TIME: Thursday, July 13, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting was open to the public.

FEDERAL REGISTER NOTICE OF PREVIOUS ANNOUNCEMENT: 82 FR 31779.

THE FOLLOWING ITEM WAS ALSO DISCUSSED: Proposed Interim Enforcement Policy on Use of Campaign Funds by Members of Congress for Residential Security Systems.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer; Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–15103 Filed 7–14–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 10, 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. *South State Corporation,* Columbia, South Carolina; to acquire 100 percent of the voting shares of Park Sterling Corporation, and thereby indirectly acquire Park Sterling Bank, both of Charlotte, North Carolina.

B. Federal Reserve Bank of Minneapolis (Brendan S. Murrin, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Mackinac National Bancorp, Inc.,* Saint Ignace, Michigan; to become a bank holding company by acquiring 100 percent of the outstanding voting shares of First National Bank of Saint Ignace, Saint Ignace, Michigan.

Board of Governors of the Federal Reserve System, July 13, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–15041 Filed 7–17–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) invites comment on a proposal to extend for three years, with revision, the Consolidated Financial Statements for Holding Companies (FR Y–9C) (OMB No. 7100–0128), the Parent Company Only Financial Statements for Large Holding Companies (FR Y–9LP) OMB No. 7100–0128), the Parent Company Only Financial Statements for Small Holding Companies FR Y–9SP) (OMB No. 7100–0128), the Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7N) (OMB No. 7100–0125), and the Consolidated Report of Condition and Income for Edge and Agreement Corporations (FR 2886b) (OMB No. 7100–0086).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before September 18, 2017.

ADDRESSES: You may submit comments, identified by *FR Y–9C, FR Y–9LP, FR Y–9SP, FR Y–7N, or FR 2886b,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal(s)

The Board invites public comment on the following information collection, which is being reviewed under

authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

1. Consolidated Financial Statements for Holding Companies, Parent Company Only Financial Statements for Large Holding Companies, Parent Company Only Financial Statements for Small Holding Companies, Financial Statement for Employee Stock Ownership Plan Holding Companies, and the Supplemental to the Consolidated Financial Statements for Holding Companies.

Agency form number: FR Y–9C, FR Y–9LP, FR Y–9SP, FR Y–9ES, and FR Y–9CS.

OMB control number: 7100–0128.

Frequency: Quarterly and semiannually.

Reporters: Bank holding companies (BHCs), savings and loan holding companies (SLHCs), securities holding companies (SHCs), and U.S. Intermediate Holding Companies (IHCs) (collectively, holding companies (HCs)).

Estimated annual reporting hours: FR Y–9C (non advanced approaches holding companies): 123,636 hours; FR Y–9C (advanced approached holding companies): 3,628 hours; FR Y–9LP: 16,400 hours; FR Y–9SP: 42,811; FR Y–9ES: 42 hours; FR Y–9CS: 472 hours.

Estimated average hours per response: FR Y–9C (non advanced approaches holding companies): 49.14 hours; FR Y–9C (advanced approached holding companies HCs): 50.39 hours; FR Y–9LP: 5.27 hours; FR Y–9SP: 5.40 hours FR Y–9ES: 0.50 hours; FR Y–9CS: 0.50 hours.

Number of respondents: FR Y–9C (non advanced approaches holding companies): 629; FR Y–9C (advanced approached holding companies): 18; FR Y–9LP: 778; FR Y–9SP: 3,964 FR Y–9ES: 83; FR Y–9CS: 236.

General description of report: Pursuant to the Bank Holding Company Act of 1956 (BHC Act), as amended, and the Home Owners' Loan Act (HOLA), the Federal Reserve requires HCs to provide standardized financial statements to fulfill the Federal Reserve's statutory obligation to supervise these organizations. HCs file the FRY–9C and FR Y–9LP quarterly, and the FR Y–9SP semiannually, the FR Y–9ES annually, and the FR Y–9CS on a schedule that is determined when this supplement is used.

Proposed revisions: The Federal Reserve proposes to implement a number of revisions to the FR Y–9C reporting requirements most of which are consistent with changes to the Call Report (which were effective March 31, 2017).[1] Additionally, the Federal Reserve proposes to eliminate the concept of extraordinary items on various reports, add one new item to the FR Y–9SP report, and revise the instructions to clarify the reporting of certain tax benefits on various reports. These changes would be effective for reports submitted on or after October 1, 2017, beginning with the reports reflecting the September 30, 2017 report date. The proposed changes include:

- Deleting of existing data items from Schedule HI–B, Part I Charge-Offs and Recoveries on Loans and Leases and Changes in Allowance for Loans and Lease Losses, of the FR Y–9C report that pertain to charge-offs and recoveries on loans to U.S. banks and foreign banks.
- Deleting of existing data items from Schedule HC–M, Memoranda, and Schedule HC–N, Past Due and Nonaccrual Loans, and Leases and Other Assets of the FR Y–9C that pertain to certain loans covered by loss-sharing agreements with the FDIC.
- Increasing one reporting threshold and adding one new reporting threshold on the FR Y–9C for certain data items on Schedule HI, Consolidated Income Statement.
- Eliminating extraordinary items on the FR Y–9LP, FR Y–7N and FR 2886b.
- Revising data items for the reclassification of certain tax benefits on the FR Y–9C, FR Y–9LP, FR Y–7N, and FR 2886b.
- Adding one new data item to Schedule SI of the FR Y–9SP to collect information pertaining to discontinued operations.
- Revising one control total and adding two control totals on Schedule HC–C and HC–N of the FR Y–9C report.
- Revising captions and instructions to replace ''Loans net of unearned income'' with ''Loans held for investment'' across all applicable regulatory reports.

Legal authorization and confidentiality: The Board's Legal Division has determined that the FR Y–9 family of reports is authorized by section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)), section 10 of Home Owners' Loan Act (12 U.S.C. 1467a(b)), 12 U.S.C. 1850a(c)(1), section 165 of the Dodd-Frank Act (12 U.S.C. 5365), and section 252.153(b)(2) of Regulation YY (12 CFR 252.153(b)(2)). The obligation of covered institutions to report this information is mandatory. In general, the Board does not consider the financial data in these reports to be confidential. However, a respondent may request confidential treatment pursuant to sections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)). The applicability of these exemptions would need to be reviewed on a case by case basis.

2. *Report title:* The Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations, Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations, and the Capital and Asset Report of Foreign Banking Organizations.

Agency form number: FR Y–7N, FR Y–7NS, and FR Y–7Q.

OMB control number: 7100–0125.

Frequency: Quarterly and annually.

Reporters: Foreign bank organizations (FBOs).

Estimated annual reporting hours: FR Y–7N (quarterly): 1,360; FR Y–7N (annual): 313; FR Y–7NS: 66; FR Y–7Q (quarterly): 1,644; FR Y–7Q (annual): 48.

Estimated average hours per response: FR Y–7N (quarterly): 6.8; FR Y–7N (annual): 6.8; FR Y–7NS: 1.0 FR Y–7Q (quarterly): 3.00; FR Y–7Q (annual): 1.5.

[1] The reporting changes to the FFIEC 031 and FFIEC 041 are effective March 31, 2017. Final comment period ended 2/7/2017. *See* 82 FR 2444 (January 9, 2017). Certain data items deleted on the FFIEC 031 and FFIEC 041 do not correspond to any FR Y–9C data items. Also, certain data items were deleted from the FFIEC 041 report because the data is predominantly reported by banks with foreign offices (FFIEC 031), but remains on the FR Y–9C since no distinction is made for reporting of HCs with foreign offices versus those without foreign offices.

Number of respondents: FR Y–7N (annual): 50; FR Y–7N (annual): 46; FR Y–7NS: 66; FR Y–7Q (quarterly): 137; FR Y–7Q (annual): 32.

General description of report: The FR Y–7N and FR Y–7NS collect financial information for non-functionally regulated U.S. nonbank subsidiaries held by FBOs other than through a BHC, IHC or U.S. bank. FBOs file the FR Y–7N quarterly or annually or the FR Y–7NS annually predominantly based on asset size thresholds. The FR Y–7Q collects consolidated regulatory capital information from all FBOs either quarterly or annually. The FR Y–7Q is filed quarterly by FBOs that have effectively elected to become or be treated as a U.S. financial holding company (FHC) and by FBOs that have total consolidated assets of $50 billion or more, regardless of FHC status. All other FBOs file the FR Y–7Q annually.

Proposed revisions: The Federal Reserve proposes to revise the report form and instructions for the FR Y–7N to eliminate the concept of extraordinary items to be consistent with Accounting Standards Update (ASU) 2015–01, reclassify and clarify the reporting for certain tax benefits, and replace report form captions and instructions referencing ''Loans net of unearned income'' with ''Loans held for investment,'' effective for reports submitted on or after October 1, 2017, beginning with the reports reflecting the September 30, 2017 report date.

Legal authorization and confidentiality: The Board's Legal Division has determined that the FR Y–7N, FR Y–7NS, and FR Y–7Q are authorized by section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) and sections 8(c) and 13 of the International Banking Act (12 U.S.C. 3106(c) and 3108). Section 165 of the Dodd-Frank Act (12 U.S.C. 5365) directs the Board to establish enhanced prudential standards for certain companies, including certain FBOs. The obligation of covered institutions to report this information is mandatory. In general, the Board does not consider the financial data in these reports to be confidential. However, a respondent may request confidential treatment pursuant to sections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)). The applicability of these exemptions would need to be reviewed on a case by case basis.

3. *Report title:* Consolidated Report of Condition and Income for Edge and Agreement Corporations.

Agency form number: FR 2886b.

OMB control number: 7100–0086.

Frequency: Quarterly.

Reporters: Edge and agreement corporations and investment (nonbanking) Edge and agreement corporations.

Estimated annual reporting hours: Banking: Edge and agreement corporations (quarterly): 424; Banking: Edge and agreement corporations (annually): 15; Investment: Edge and agreement corporations (quarterly): 922; Investment: Edge and agreement corporations (annually): 86.

Estimated average hours per response: Banking: Edge and agreement corporations (quarterly): 15.15; Banking: Edge and agreement corporations (annually): 15.15; Investment: Edge and agreement corporations (quarterly): 9.6; Investment: Edge and agreement corporations (annually): 9.6.

Number of respondents: Banking: Edge and agreement corporations (quarterly): 7; Banking: Edge and agreement corporations (annually): 1; Investment: Edge and agreement corporations (quarterly): 24; Investment: Edge and agreement corporations (annually): 9.

General description of report: The FR 2886b reporting form is filed quarterly and annually by banking Edge and agreement corporations and investment (nonbanking) Edge and agreement corporations (collectively, ''Edges or Edge corporations''). The mandatory FR 2886b comprises an income statement with two schedules reconciling changes in capital and reserve accounts and a balance sheet with 11 supporting schedules. Other than examination reports, it provides the only financial data available for these corporations. The Federal Reserve is solely responsible for authorizing, supervising, and assigning ratings to Edges. The Federal Reserve uses the data collected on the FR 2886b to identify present and potential problems and monitor and develop a better understanding of activities within the industry.

Proposed revisions: The Federal Reserve proposes to revise the report form and instructions to eliminate the concept of extraordinary items to be consistent with Accounting Standards Update (ASU) 2015–01, reclassify and clarify the reporting for certain tax benefits in the reporting instructions, and replace report form captions and instructions referencing ''Loans net of unearned income'' with ''Loans held for investment,'' effective for reports submitted on or after October 1, 2017, beginning with the reports reflecting the September 30, 2017 report date.

Legal authorization and confidentiality: The Board's Legal Division has determined that Sections 25 and 25A of the Federal Reserve Act authorize the Federal Reserve to collect the FR 2886b (12 U.S.C. 602, 625). The obligation of covered institutions to report this information is mandatory. The information collected on this report is generally not considered confidential. However, information provided on Schedule RC–M (with the exception for item 3) and on Schedule RC–V, both of which pertain to claims on and liabilities to related organizations, may be exempt from disclosure pursuant to exemption (b)(4) of the Freedom of Information Act, (5 U.S.C. 552(b)(4)). The information provided in the Patriot Act Contact Information section of the reporting form may be exempt from disclosure pursuant to exemption (b)(7)(C) of the Freedom of Information Act (5 U.S.C. 552(b)(7)(C)).

Board of Governors of the Federal Reserve System, July 13, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–15045 Filed 7–17–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) invites comment on a proposal to extend for three years, with revision, the Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies (FR Y–11; OMB No. 7100–0244), the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies (FR Y–11S; OMB No. 7100–0244), the Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314; OMB No. 7100–0073), and the Abbreviated Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314S; OMB No. 7100–0073).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all

comments received from the public and other agencies.

DATES: Comments must be submitted on or before September 18, 2017.

ADDRESSES: You may submit comments, identified by *FR Y–11, FR Y–11S, FR 2314, or FR 2314S,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on all aspects of the proposal, including:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Information Collections

1. Report title: Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies and the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies.

Agency form number: FR Y–11 and FR Y–11S.

OMB control number: 7100–0244.

Frequency: Quarterly and annually.

Reporters: Holding companies.

Estimated annual reporting hours: FR Y–11 (quarterly): 17,244; FR Y–11 (annual): 1,564; FR Y–11S: 299.

Estimated average hours per response: FR Y–11 (quarterly): 6.8; FR Y–11 (annual): 6.8; FR Y–11S: 1.

Number of respondents: FR Y–11 (quarterly): 634; FR Y–11 (annual): 230; FR Y–11S: 299.

General Description of Report: The FR Y–11 reporting forms collect financial information for individual non-functionally regulated U.S. nonbank subsidiaries of domestic holding companies (*i.e.,* bank holding companies, savings and loan holding companies, securities holding companies, and intermediate holding companies). Holding companies file the FR Y–11 on a quarterly or annual basis or the FR Y–11S on an annual basis, predominantly based on whether the organization meets certain asset size thresholds. The FR Y–11 data are used with other holding company data to assess the condition of holding companies that are heavily engaged in nonbanking activities and to monitor the volume, nature, and condition of their nonbanking operations.

Legal authorization and confidentiality: The Board's Legal Division has determined that the FR Y–11 series of reports are mandatory and the collection of these reports from bank holding companies, savings and loan holding companies, securities holding companies, and intermediate holding companies (IHCs) is authorized under: Section 5(c) of the Bank Holding Company Act (BHC Act) (12 U.S.C. 1844(c)); section 10(b) of the Homeowners' Loan Act (12 U.S.C. 1467a(b)(2)); section 165 of the Dodd-Frank Act (12 U.S.C. 5365)(IHCs only); sections 8 and 13 of the International Banking Act (12 U.S.C. 3106, 3108); and section 618 of the Dodd-Frank Act, (12 U.S.C. 1850a). Overall, the Federal Reserve does not consider these data to be confidential. However, a respondent may request confidential treatment pursuant to sections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), (b)(8)). The applicability of these exemptions would need to be determined on a case-by-case basis.

Proposed revisions: The Federal Reserve is proposing to revise the instructions for Schedule IS and related line item captions on the reporting form to remove the term ''extraordinary items'' and replace it with ''discontinued operations'' on the Financial Statements of U.S. Nonbank Subsidiaries of U.S. Holding Companies (FR Y–11), effective for reports submitted on or after October 1, 2017, beginning with the reports reflecting the September 30, 2017 report date. This reflects ASU No. 2015–01, ''Simplifying Income Statement Presentation by Eliminating the Concept of Extraordinary Items,'' issued by the Financial Accounting Standards Board in 2015. Additionally, the Federal Reserve proposes to replace report form captions and instructions referencing ''Loans net of unearned income'' with

''Loans held for investment'' where applicable.

2. Report title: Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations and the Abbreviated Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations.

Agency form number: FR 2314 and FR 2314S.

OMB control number: 7100–0073.

Frequency: Quarterly and annually.

Reporters: U.S. state member banks, holding companies, and Edge or agreement corporations.

Estimated annual reporting hours: FR 2314 (quarterly): 13,807; FR 2314 (annual): 1,690; FR 2314S: 322.

Estimated average hours per response: FR 2314 (quarterly): 6.6; FR 2314 (annual): 6.6; FR 2314S: 1.

Number of respondents: FR 2314 (quarterly): 523; FR 2314 (annual): 256; FR 2314S: 322.

General Description of Report: The FR 2314 reporting forms collect financial information for non-functionally regulated direct or indirect foreign subsidiaries of U.S. state member banks (SMBs), Edge and agreement corporations, and holding companies (*i.e.,* bank holding companies, savings and loan holding companies, securities holding companies, and intermediate holding companies). Parent organizations (SMBs, Edge and agreement corporations, or holding companies) file the FR 2314 on a quarterly or annual basis, or the FR 2314S on an annual basis, predominantly based on whether the organization meets certain asset size thresholds. The FR 2314 data are used to identify current and potential problems at the foreign subsidiaries of U.S. parent companies, to monitor the activities of U.S. banking organizations in specific countries, and to develop a better understanding of activities within the industry, in general, and of individual institutions, in particular.

Legal authorization and confidentiality: The Board's Legal Division has determined that the FR 2314 series of reports is mandatory and the collection of these reports from bank holding companies, savings and loan holding companies, securities holding companies, and intermediate holding companies (IHCs) is authorized under: Section 5(c) of the Bank Holding Company Act (BHC Act) (12 U.S.C. 1844(c)); section 10(b) of the Homeowners' Loan Act, (12 U.S.C. 1467a(b)(2)); section 165 of the Dodd-Frank Act, (12 U.S.C. 5365)(IHCs only); sections 8 and 13 of the International Banking Act (12 U.S.C. 3106, 3108); and section 618 of the Dodd-Frank Act, (12 U.S.C. 1850a). Collection of information from non-functionally regulated direct or indirect foreign subsidiaries of U.S. state member banks, Edge and agreement corporations filing the FR 2314 series of reports is authorized under sections 9(6), 25(7) and 25A(17) of the Federal Reserve Act, (12 U.S.C. 324, 602, and 625), respectively. Overall, the Federal Reserve does not consider these data to be confidential. However, a respondent may request confidential treatment pursuant to sections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), (b)(8)). The applicability of these exemptions would need to be determined on a case-by-case basis.

Proposed revisions: The Federal Reserve is proposing to revise the instructions for Schedule IS and related line item captions on the reporting form to remove the term ''extraordinary items'' and replace it with ''discontinued operations'' on the Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314), effective for reports submitted on or after October 1, 2017, beginning with the reports reflecting the September 30, 2017 report date. This reflects ASU No. 2015–01, ''Simplifying Income Statement Presentation by Eliminating the Concept of Extraordinary Items,'' issued by the Financial Accounting Standards Board in 2015. Additionally, the Federal Reserve proposes to replace report form captions and instructions referencing ''Loans net of unearned income'' with ''Loans held for investment'' where applicable.

Board of Governors of the Federal Reserve System, July 12, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–15044 Filed 7–17–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 1, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Dean Calhoun and Sandy K. Calhoun, both of Coldwater, Michigan together with Nicole L. Calhoun, as custodian for two minor grandchildren,* Valparaiso, Indiana; as a group acting in concert, to retain voting shares of Southern Michigan Bancorp, Inc., and thereby indirectly retain voting shares of Southern Michigan Bank & Trust, both of Coldwater, Michigan.

Board of Governors of the Federal Reserve System, July 13, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–15042 Filed 7–17–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

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

ACTION: Notice.

SUMMARY: The FTC proposes to conduct a study to examine consumer perception of class action notices (''Notice Study''). This is the second of two notices required under the Paperwork Reduction Act (''PRA'') seeking public comments on proposed research before requesting Office of Management and Budget (''OMB'') review and clearance of the collection of information discussed herein.

DATES: Comments must be received on or before August 17, 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 ''Class Action Notice Consumer Perception Study, Project No. P024210'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/classactionnoticepra2,* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Class Action Notice Consumer Perception Study, Project No.

P024210'' 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 J), 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, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Robin Moore and Colin MacDonald, Attorneys, 202–326–2167 (Moore) or 202–326–3192 (MacDonald), Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission.

SUPPLEMENTARY INFORMATION:

I. Background

The Class Action Fairness Project strives to protect injured consumers from settlements that provide them with little to no benefit and to protect businesses from the incentives such settlements may create for the filing of frivolous lawsuits. As part of this program, the FTC monitors class actions and files amicus briefs or intervenes in appropriate cases; [1] coordinates with state, federal, and private groups to advise and seek suggestions on matters that merit FTC attention; and monitors the progress of legislation and class action rule changes.

On May 5, 2015, the FTC published the first notice regarding this study in the **Federal Register**. *See* 80 FR 25676 (May 5, 2015).[2]

II. The FTC's Proposed Study

To further the above-noted goals, the FTC staff proposes to conduct an Internet-based consumer research study to explore consumer perceptions of class action notices. Based on marketplace trends identified through review of class action settlements and discussions with notice administrators, the study will focus on notices sent to individual consumers via email. Using a treatment-effect methodology, the study will examine whether variables such as the email address of the sender and subject line impact respondents' perception of and willingness to open an email notification. The proposed study will also gauge consumer comprehension of the options conveyed by the notice, including the process for participating in the settlement and the implications of consumers' choices. In the May 5, 2015, **Federal Register** Notice, the Commission also proposed to study whether respondents understood the implications for opting out of a settlement. However, to avoid duplication of the Commission's Deciding Factors Study, the Commission has determined not to examine this issue in the Notice Study.[3] Notices used in the study are based on notices sent to class members in various nationwide class action settlements and streamlined versions designed by the FTC staff. We plan to use the study results, along with other information such as public comments, to guide the FTC's Class Action Fairness Project.

Having considered the costs and benefits of various data collection methods, FTC staff has concluded that an Internet panel with nationwide coverage will provide the most efficient way to collect data to meet the research objectives within a feasible budget. Thus, the Commission proposes to collect responses from a broad spectrum of the U.S. adult population. Participants will be drawn from an Internet panel maintained by a commercial firm that operates the panel. All participation will be voluntary. While the results will not be generalizable to the U.S. population, comparing the responses to various treatments should provide useful insight into consumer understanding of the claims being considered.[4] The FTC staff has contracted with Great Lakes Marketing, a consumer research firm with substantial experience assessing consumer communications via the Internet and other alternative protocols, to administer the Internet study.

III. Paperwork Reduction Act

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.[5] As required by Section 3506(c)(2) of the PRA, the FTC published a notice seeking public comment on: (1) Whether the reporting requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (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. *See* 80 FR 25676 (May 5, 2015). In response, the Commission received two comments, neither of which substantively commented on the FTC's proposed study.[6] Each comment is discussed in Section IV below.

Pursuant to Section 3507 of the PRA and OMB regulations, 5 CFR part 1320, that implement the PRA, the Commission is providing this second opportunity for public comment. All comments should be filed as prescribed in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below, and must be received on or before August 17, 2017.

As before, staff estimates that respondents will require, on average, approximately 20 minutes to complete

[1] *See, e.g.,* FTC's Mem. of Law as Amicus Curiae, *Nwabueze* v. *AT&T, Inc.,* 3:09–cv–1529 (N.D. Cal. Aug. 30, 2013), *available at https://www.ftc.gov/sites/default/files/documents/amicus_briefs/nwabueze-v.att-inc./130830nwabuezeamicus.pdf;* FTC's Mem. of Law as Amicus Curiae, *White* v. *EDebitPay, LLC,* 2:11–cv–06738 (C.D. Cal. Aug. 9, 2013), *available at https://www.ftc.gov/sites/default/files/documents/amicus_briefs/anita-white-et-al.v.edebitpay-l.l.c.et-al.no.211-cv-06738-cbm-ffm-c.d.cal-august-9–2013/130809edebitpayamicusbrief.pdf;* Mot. of FTC for Leave to File Brief as Amicus Curiae, *Moore* v. *Verizon Commc'ns, Inc.,* 4:09–cv–08123 (N.D. Cal. Aug. 17, 2012), *available at https://www.ftc.gov/sites/default/files/documents/amicus_briefs/moore-v.verizon-communications-inc./120817mooreverizonamicusbrief.pdf.*

[2] The FTC announced the instant study in May 2015. However, in light of the Advisory Committee on Civil Rules' (''Advisory Committee'') consideration of explicitly including electronic notice as permissible under Rule 23(c)(2) of the Federal Rules of Civil Procedure, FTC staff determined that it would be appropriate to assess the prevalence of electronic notification and to consider issues raised by commenters on the Advisory Committee's proposal. *See e.g,* Letter from Todd B. Hilsee to The Advisory Committee on Civil Rules of the Judicial Conference of the United States (undated), *available at http://www.uscourts.gov/file/19653/download.* As part of that process, FTC staff reviewed class action settlements, researched additional issues, and consulted with class action administrators. In addition, in November 2016, pursuant to Section 6(b) of the FTC Act, the Commission issued orders seeking data, which further informed FTC staff's analysis. *See* Press Release, Fed. Trade Comm'n, FTC Seeks to Study Class Action Settlements (Nov. 14, 2016), *available at https://www.ftc.gov/news-events/press-releases/2016/11/ftc-seeks-study-class-action-settlements.* FTC staff will also use data obtained through the 6(b) Orders to inform a second study, the Deciding Factors Study. *See* 80 FR 25677, 25678 (May 5, 2015). Based on marketplace trends identified through FTC's staff's research and data analysis, the study will focus on notices sent to individual consumers via email.

[3] The Commission has determined that the opt-out issue is more appropriately addressed in the Deciding Factors Study, which will examine factors that influence class members' decision to participate in settlement, opt out of the settlement, or object to the settlement. *See* 80 FR 25677, 25678 (May 5, 2015).

[4] *See* Fed. Trade Comm'n, Appliance Labeling Rule: Proposed Rule, 72 FR 6836, 6838–39, 6841, 6843–51, 6854 (Feb. 13, 2007) (codified at 16 CFR part 305) (discussing results of consumer research involving treatment groups).

[5] 44 U.S.C. 3502(3); 5 CFR 1320.3(c).

[6] The Commission received comments from the Class Action Trolls, Inc. (#615–00004) and one individual commenter (#615–00005), *available at http://www.ftc.gov/policy/public-comments/initiative-615.*

the Internet questionnaire. Staff will also pretest the questionnaire with approximately 100 respondents to ensure that all questions are easily understood. Allowing for an extra three minutes for questions unique to the pretest, staff estimates that the pretest will take approximately 23 minutes. Cumulatively, those completing the questionnaire will require approximately 2,667 hours (8,000 persons × 20 minutes each), and those completing the pretest will require approximately 38 hours (100 respondents × 23 minutes each).

Staff is revising its overall estimate of burden to include those responders who do not complete the questionnaire and pretest. Staff projects that those who will prematurely end the process will do so in less than one minute. The staff anticipates that 60 percent of those invited to participate in the study will complete the questionnaire. Accordingly, the contractor might contact as many as 13,333 people to achieve the study's goal of surveying 8,000 respondents, which would result in an additional 89 hours total. [(13,333 total contacts—8,000 people completing the questionnaire) × 1 minute each]. For the pretest, the staff estimates that an additional 67 people will prematurely end the process, which totals an additional 1 hour [(167 total contacts—100 persons completing the pretest) × 1 minute each]. Cumulatively, complete and partial surveying of 13,333 people will total about 2,756 hours and complete and partial pretesting will total 39 hours, for an overall total of 2,795 hours. The cost per respondent should be negligible. Participation will not require start-up, capital, or labor expenditures.

IV. Analysis of Comments Received

As noted above, the Commission received two comments regarding the proposed collections of information. *Class Action Trolls, Inc.* requested updates as information becomes available on issues related to this study. Information will be made public as appropriate on *FTC.gov* and through other means. The *Individual Commenter* expressed support for the FTC's work in this area.

V. 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 17, 2017. Write ''Class Action Notice Consumer Perception Study, Project No. P024210'' 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/classactionnoticepra2,* by following the instructions 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 ''Class Action Notice Consumer Perception Study, Project No. P024210'' 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 J), 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, Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Comments on any proposed information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead can also be sent via email to *wliberante@omb.eop.gov.*

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. 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 17, 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. 2017–14976 Filed 7–17–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 162 3079]

Benjamin Moore & Co., Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 10, 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: ''In the Matter of Benjamin Moore & Co., Inc., File No. 1623079'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/benjaminmooreconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of Benjamin Moore & Co., Inc., File No. 1623079'' 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 D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Katherine E. Johnson (202–326–2185), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for July 11, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 10, 2017. Write ''In the Matter of Benjamin Moore & Co., Inc., File No. 1623079'' 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/benjaminmooreconsent* by following the instructions 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 prefer to file your comment on paper, write ''In the Matter of Benjamin Moore & Co., Inc., File No. 1623079'' 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 D), 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 D), 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 at *http://www.ftc.gov* 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 10, 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.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Benjamin Moore & Co., Inc. (''respondent'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves respondent's marketing, sale, and distribution of purportedly ''emission-free'' paints. Emission is any compound emitted from paint during application or thereafter and includes volatile organic compounds (or VOCs). According to the FTC complaint, respondent made unsubstantiated representations that Natura paints: (1) Are emission-free; (2) are emission-free during or immediately after painting; (3) will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies and allergy and asthma sufferers; and (4) will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as babies and allergy and asthma sufferers. The FTC also alleges that respondent used its Green Promise seal without adequately disclosing that respondent awarded the seal to its own product. Consumers likely interpret such seals as a claim that an independent third party certified the product. The FTC further alleges that respondent provided independent retailers with promotional materials containing the same claims it made to consumers. Thus, the complaint alleges that respondent engaged in deceptive practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains five provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I prohibits emission-free and VOC-free claims unless both content and emission are actually zero or at trace levels. The orders define ''emission'' to include all emissions (not just VOCs that cause smog). This definition reflects the Commission's Enforcement Policy Statement and consumer expectations: Consumers are likely concerned about the potential health effects from exposure to chemical emissions found in indoor air, not just VOCs that affect outdoor air quality. The order defines ''trace level of emission'' to mean (1) no intentionally added VOC, (2) emission of the covered product does not cause material harm that consumers typically associate with emission, including harm to the environment or human health, and (3) emission of the covered product does not result in more than harmless concentrations of any compound higher than would be found under normal conditions in the typical residential home without interior architectural coating. Part II prohibits misleading representations regarding emission, VOC levels, odor, and any general environmental and health benefit of paints. The order requires competent and reliable scientific evidence to substantiate these representations. Parts IV and V prohibit respondent from misrepresenting third-party certifications and failing to adequately disclose a material connection. Part VI prohibits respondent from providing third parties with the means and instrumentalities to make false, unsubstantiated, or otherwise misleading representations of material fact regarding paints, including any representation prohibited by Parts I, II, IV or V.

To correct allegedly existing unsubstantiated zero emission and VOC claims and deceptive certification claims, Part III requires the respondent to send letters to its dealers and distributors, instructing them to place placards next to paint cans and at point of sale.

Parts VII through XI are reporting and compliance provisions. Part VII mandates that respondent acknowledge receipt of the order, distribute the order to certain employees and agents, and secure acknowledgments from recipients of the order. Part VIII requires that respondent submit compliance reports to the FTC within sixty (60) days of the order's issuance and submit additional reports when certain events occur. Part IX requires that respondent must create and retain certain records for five (5) years. Part X provides for the FTC's continued compliance monitoring of respondent's activity during the order's effective dates. Part XI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

If the Commission finalizes the agreement's proposed order, it plans to propose harmonizing with this order the consent orders issued in the PPG Architectural Finishes, Inc. (Docket No. C–4385) and The Sherwin-Williams Company (Docket No. C–4386) matters. Specifically, the Commission plans to issue orders to show cause why those matters should not be modified pursuant to Section 3.72(b) of the Commission Rules of Practice, 16 CFR 3.72(b).

The purpose of the analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–14972 Filed 7–17–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 162 3081]

ICP Construction Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 10, 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: ''In the Matter of ICP Construction Inc., File No. 162–3081'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/icpconstructionconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of ICP Construction Inc., File No. 162–3081'' 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 D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Megan Gray (202–326–3408), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement

package can be obtained from the FTC Home Page (for July 11, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 10, 2017. Write ''In the Matter of ICP Construction Inc., File No. 162–3081'' 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/icpconstructionconsent* by following the instructions 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 prefer to file your comment on paper, write ''In the Matter of ICP Construction Inc., File No. 162–3081'' 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 D), 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 D), 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 at *http://www.ftc.gov* 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 10, 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.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from ICP Construction Inc., formerly known as California Products Corp., d/b/a/Muralo Paints, a corporation (''respondent'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves respondent's marketing, sale, and distribution of purportedly ''VOC-free'' paints. ''VOC'' is the abbreviation for volatile organic compounds. VOC-free includes claims such as ''zero VOCs,'' ''0 VOCs,'' and ''No VOCs.'' According to the FTC complaint, respondent made unsubstantiated representations that its paints: (1) Are VOC-free; (2) are VOC-free during or immediately after painting; (3) will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies; and (4) will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as babies. The FTC also alleges that respondent used its ECO ASSURANCE seal without adequately disclosing that respondent awarded the seal to its own product. Consumers likely interpret the seal as a claim that an independent third party certified the product. The FTC further alleges that respondent provided independent retailers with promotional materials containing the same claims it made to consumers. Thus, the complaint alleges that respondent engaged in deceptive practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains five provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I prohibits emission-free and VOC-free claims unless both content and emission are actually zero or at trace level. The orders define ''emission'' to include all emissions (not just VOC that causes smog). This definition reflects the Commission's Enforcement Policy Statement and consumer expectations: Consumers are likely concerned about the potential health effects from exposure to chemical emission found in indoor air, not just VOC that affect outdoor air quality. The order defines ''trace level of emission'' to mean (1) no intentionally added VOC, (2) emission of the covered product does not cause material harm that consumers typically associate with emission, including harm to the environment or human health, and (3) emission of the covered product does not result in more than harmless concentrations of any compound higher than would be found under normal conditions in the typical residential home without interior architectural coating. Part II prohibits misleading

representations regarding emission, VOC level, odor, and any general environmental and health benefit of paints. The order requires competent and reliable scientific evidence to substantiate these representations. Parts IV and V prohibit respondent from misrepresenting third-party certifications and failing to adequately disclose a material connection. Part VI prohibits respondent from providing third parties with the means and instrumentalities to make false, unsubstantiated, or otherwise misleading representations of material fact regarding paints, including any representation prohibited by Parts I, II, IV, or V.

To correct existing unsubstantiated zero-VOC claims and deceptive certification claims, Part III requires the respondent to send letters to its dealers and distributors, instructing them to post placards next to paint cans and at point of sale.

Parts VII through XI are reporting and compliance provisions. Part VII mandates that respondent acknowledge receipt of the order, distribute the order to certain employees and agents, and secure acknowledgments from recipients of the order. Part VIII requires that respondent submit compliance reports to the FTC within sixty (60) days of the order's issuance and submit additional reports when certain events occur. Part IX requires that respondent must create and retain certain records for five (5) years. Part X provides for the FTC's continued compliance monitoring of respondent's activity during the order's effective dates. Part XI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

If the Commission finalizes the agreement's proposed order, it plans to propose harmonizing with this order the consent orders issued in the PPG Architectural Finishes, Inc. (Docket No. C–4385) and The Sherwin-Williams Company (Docket No. C–4386) matters. Specifically, the Commission plans to issue orders to show cause why those matters should not be modified pursuant to Section 3.72(b) of the Commission Rules of Practice, 16 CFR 3.72(b).

The purpose of the analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–14974 Filed 7–17–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 162 3080]

Imperial Paints, LLC; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 10, 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: ''In the Matter of Imperial Paints, LLC, File No. 1623080'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/imperialpaintsconsent* by following the instructions on the Web-based form. If you prefer to file your comment on paper, write ''In the Matter of Imperial Paints, LLC, File No. 1623080'' 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 D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Alejandro Rosenberg (202–326–2698), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for July 11, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 10, 2017. Write ''In the Matter of Imperial Paints, LLC, File No. 1623080'' 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/imperialpaintsconsent* by following the instructions 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 prefer to file your comment on paper, write ''In the Matter of Imperial Paints, LLC, File No. 1623080'' 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 D), 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 D), 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 at *http://www.ftc.gov* 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 10, 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.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Imperial Paints, LLC, a limited liability company (''respondent''), doing business as Lullaby Paints and Ecos Paints.

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves respondent's marketing, sale, and distribution of purportedly ''VOC-free'' paints. ''VOC'' is the abbreviation for volatile organic compounds. VOC-free includes claims such as ''zero VOCs,'' ''0 VOCs,'' and ''No VOCs.'' According to the FTC complaint, respondent made unsubstantiated representations that its paints: (1) Are VOC-free; (2) are VOC-free during or immediately after painting; (3) will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies, pregnant women, and allergy and asthma sufferers; and (4) will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as babies, pregnant women, and allergy and asthma sufferers. The FTC further alleges that respondent provided independent retailers with promotional materials containing the same claims it made to consumers. Thus, the complaint alleges that respondent engaged in deceptive practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains three provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I prohibits emission-free and VOC-free claims unless both content and emissions are actually zero or at trace levels. The orders define ''emission'' to include all emissions (not just VOCs that cause smog). This definition reflects the Commission's Enforcement Policy Statement and consumer expectations: consumers are likely concerned about the potential health effects from exposure to chemical emissions found in indoor air, not just VOCs that affect outdoor air quality. The order defines ''trace level of emission'' to mean (1) no intentionally added VOC, (2) emission of the covered product does not cause material harm that consumers typically associate with emission, including harm to the environment or human health, and (3) emission of the covered product does not result in more than harmless concentrations of any compound higher than would be found under normal conditions in the typical residential home without interior architectural coating. Part II prohibits misleading representations regarding emission, VOC levels, odor, and any general environmental and health benefit of paints. The order requires competent and reliable scientific evidence to substantiate these representations. Part IV prohibits respondent from providing third parties with the means and instrumentalities to make false, unsubstantiated, or otherwise misleading representations of material fact regarding paints, including any representation prohibited by Parts I or II.

To correct existing unsubstantiated zero emission and VOC claims, Part III requires the respondent to send letters to its dealers and distributors, instructing them to put stickers on paint cans to obscure allegedly unsubstantiated emission and VOC claims.

Part V through IX are reporting and compliance provisions. Part V mandates that respondent acknowledge receipt of the order, distribute the order to certain employees and agents, and secure acknowledgments from recipients of the order. Part VI requires that respondent submit compliance reports to the FTC within sixty (60) days of the order's issuance and submit additional reports when certain events occur. Part VII requires that respondent must create and retain certain records for five (5) years. Part VIII provides for the FTC's continued compliance monitoring of respondent's activity during the order's effective dates. Part IX is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

If the Commission finalizes the agreement's proposed order, it plans to propose harmonizing with this order the consent orders issued in the PPG Architectural Finishes, Inc. (Docket No. C–4385) and The Sherwin-Williams Company (Docket No. C–4386) matters. Specifically, the Commission plans to issue orders to show cause why those matters should not be modified pursuant to Section 3.72(b) of the Commission Rules of Practice, 16 CFR 3.72(b).

The purpose of the analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–14975 Filed 7–17–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 162 3082]

YOLO Colorhouse, LLC; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 10, 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: ''In the Matter of YOLO Colorhouse, LLC, File No. 162–3082'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/yolocolorhouseconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of YOLO Colorhouse, LLC, File No. 162–3082'' 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 D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Katherine E. Johnson (202–326–2185), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for July 11, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 10, 2017. Write ''In the Matter of YOLO Colorhouse, LLC, File No. 162–3082'' 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/yolocolorhouseconsent* by following the instructions 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 prefer to file your comment on paper, write ''In the Matter of YOLO Colorhouse, LLC, File No. 162–3082'' 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 D), 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 D), 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 at *http://www.ftc.gov* 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 10, 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.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from YOLO Colorhouse, LLC, a limited liability company (''respondent'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves respondent's marketing, sale, and distribution of

purportedly ''VOC-free'' paints. ''VOC'' is the abbreviation for volatile organic compounds. VOC-free includes claims such as ''zero VOCs,'' ''0 VOCs,'' and ''No VOCs.'' According to the FTC complaint, respondent made unsubstantiated representations that its paints: (1) Are VOC-free; (2) are VOC-free during or immediately after painting; (3) will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as children; and (4) will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as children. The FTC further alleges that respondent provided independent retailers with promotional materials containing the same claims it made to consumers. Thus, the complaint alleges that respondent engaged in deceptive practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains three provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I prohibits emission-free and VOC-free claims unless both content and emissions are actually zero or at trace levels. The orders define ''emission'' to include all emissions (not just VOCs that cause smog). This definition reflects the Commission's Enforcement Policy Statement and consumer expectations: consumers are likely concerned about the potential health effects from exposure to chemical emissions found in indoor air, not just VOCs that affect outdoor air quality. The order defines ''trace level of emission'' to mean (1) no intentionally added VOC, (2) emission of the covered product does not cause material harm that consumers typically associate with emission, including harm to the environment or human health, and (3) emission of the covered product does not result in more than harmless concentrations of and compound higher than would be found under normal conditions in the typical residential home without interior architectural coating. Part II prohibits misleading representations regarding emission, VOC levels, odor, and any general environmental and health benefit of paints. The order requires competent and reliable scientific evidence to substantiate these representations. Part IV prohibits respondent from providing third parties with the means and instrumentalities to make false, unsubstantiated, or otherwise misleading representations of material fact regarding paints, including any representation prohibited by Parts I or II.

To correct existing unsubstantiated zero emission and VOC claims, Part III requires the respondent to send letters to its dealers and distributors, instructing them to put stickers on paint cans to obscure allegedly unsubstantiated emission and VOC claims.

Parts V through IX are reporting and compliance provisions. Part V mandates that respondent acknowledge receipt of the order, distribute the order to certain employees and agents, and secure acknowledgments from recipients of the order. Part VI requires that respondent submit compliance reports to the FTC within sixty (60) days of the order's issuance and submit additional reports when certain events occur. Part VII requires that respondent must create and retain certain records for five (5) years. Part VIII provides for the FTC's continued compliance monitoring of respondent's activity during the order's effective dates. Part IX is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

If the Commission finalizes the agreement's proposed order, it plans to propose harmonizing with this order the consent orders issued in the PPG Architectural Finishes, Inc. (Docket No. C–4385) and The Sherwin-Williams Company (Docket No. C–4386) matters. Specifically, the Commission plans to issue orders to show cause why those matters should not be modified pursuant to Section 3.72(b) of the Commission Rules of Practice, 16 CFR 3.72(b).

The purpose of the analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–14973 Filed 7–17–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–0040]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Draft Guidance for Industry; How To Prepare a Pre-Request for Designation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910—NEW and title ''Draft Guidance for Industry; How to Prepare a Pre-Request for Designation (Pre-RFD).'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Draft Guidance for Industry; How To Prepare a Pre-Request for Designation (Pre-RFD)

OMB Control Number 0910—NEW

Since its establishment on December 24, 2002, the FDA Office of Combination Products (OCP) has served as a resource for sponsors at various stages of development of their product. Sponsors often seek OCP feedback on whether their medical product will be regulated as a drug, a device, a biologic,

or a combination product, and which FDA medical product Agency Center (Center for Drug Evaluation and Research, Center for Biologics Evaluation and Research, or Center for Devices and Radiological Health) will regulate it, if it is a non-combination product, or will have the primary jurisdiction for the premarket review and regulation of the product, if it is a combination product.

There are two ways that a sponsor can receive such feedback from OCP. One option is to submit an RFD to receive a formal, binding determination for the sponsor's product with respect to classification and/or center assignment that may be changed under conditions specified in section 563 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–2) and 21 CFR 3.9 in the regulations. The RFD process is codified in 21 CFR part 3, and OCP has issued a guidance about this process (see ''How to Write a Request for Designation'' at *https://www.fda.gov/RegulatoryInformation/Guidances/ucm126053.htm*). A second more flexible option is for a sponsor to submit an inquiry to OCP to receive a preliminary jurisdictional assessment, which is not binding.

Many sponsors seek to utilize the flexibility of more approachable ways to interact with OCP and the medical product Agency Centers to obtain feedback from the Agency before submitting a marketing application to the Agency. Over time, these informal methods of obtaining feedback have become increasingly customary with sponsors, and for some, even preferable to the formal RFD process. Accordingly, FDA is enhancing the transparency and consistency of this process, which will now be called the ''Pre-Request for Designation (Pre-RFD) Program.''

This draft guidance describes this structured process with clear recommendations for sponsors wishing to submit Pre-RFDs. It also provides the process for review of Pre-RFDs by FDA staff, the general timeframes for sponsors to receive feedback from OCP, and the process for scheduling teleconferences and meetings in relation to a Pre-RFD.

This draft guidance describes how to prepare a Pre-RFD. The guidance provides recommendations regarding the information that should be submitted in a Pre-RFD request and procedures that should be followed for meetings or conference calls between OCP, the Centers, and industry representatives or sponsors.

The proposed collections of information are necessary to allow the Agency to receive Pre-RFD requests in order to implement this voluntary submission program.

In the **Federal Register** of January 13, 2017 (82 FR 4351), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although two comments were received, they were not responsive to the four collection of information topics solicited and therefore will not be discussed.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pre-RFD Submissions	136	1	136	12	1,632
Pre-RFD Meetings	136	1	136	1	136
Total					1,768

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–15005 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0600]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Animal Drug User Fee Cover Sheet

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0539. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Animal Drug User Fee Cover Sheet OMB Control Number 0910–0539—Extension

Under section 740 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 379j–12), FDA has the authority to assess and collect application fees from each person who submits certain new animal drug applications or certain supplemental animal drug applications. The Animal Drug User Fee cover sheet (Form FDA 3546) is designed to collect the minimum necessary information to determine whether a fee is required for the review of an application or supplement or whether an application fee waiver was granted, to determine the amount of the fee required, and to assure that each animal drug user fee payment is appropriately linked to the

animal drug application for which payment is made. The form, when completed electronically, will result in the generation of a unique payment identification number used by FDA to track the payment. FDA's Center for Veterinary Medicine and FDA's Office of Management will use the information collected to initiate the administrative screening of new animal drug applications and supplements to determine whether the payment has been received.

Description of Respondents: Respondents to this collection of information are new animal drug applicants.

In the **Federal Register** of October 21, 2016 (81 FR 72810), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received no comments. FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FD&C act section/ description	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
740(a)(1); Animal Drug User Fee cover sheet.	FDA 3546	21	1	21	1	21

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimates in table 1 are based on our experience with new animal drug applications and supplemental animal drug applications and the average number of Animal Drug User Fee cover sheets submitted during fiscal years 2013–2015. We estimate 21 respondents will each submit a cover sheet (Form FDA 3546) for a total of 21 responses. We calculate a reporting burden of 1 hour per response, for a total of 21 hours. The burden hours are increased. The overall increase in burden hours (by 4 hours) is due to the normal variation in the number of Animal Drug User Fee cover sheets submitted to FDA.

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–14997 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–N–0037]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Animal Drug User Fee Act Waivers and Reductions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0540. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Animal Drug User Fees and Fee Waivers and Reductions OMB Control Number 0910–0540—Extension

Enacted on November 18, 2003, the Animal Drug User Fee Act (Pub. L. 108–130) amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) by adding section 740 of the FD&C Act (21 U.S.C 379j–12), which requires that FDA assess and collect user fees with respect to new animal drug applications for certain applications, products, establishments, and sponsors. It also requires the Agency to grant a waiver from, or a reduction of, those fees in certain circumstances. Thus, to implement this statutory provision of ADUFA, FDA developed a guidance entitled ''Guidance for Industry: Animal Drug User Fees and Fee Waivers and Reductions.'' This document provides guidance on the types of fees FDA is authorized to collect under ADUFA, and how to request waivers and reductions from FDA's animal drug user fees. Further, this guidance also describes the types of fees and fee waivers and reductions; what information FDA recommends be submitted in support of a request for a fee waiver or reduction; how to submit such a request; and FDA's process for reviewing requests. FDA uses the information submitted by respondents to determine whether to grant the requested fee waiver or reduction.

Respondents to this collection of information are new animal drug sponsors. Requests for waivers or reductions may be submitted by a person paying any of the animal drug user fees assessed, including application fees, product fees, establishment fees, or sponsor fees.

In the **Federal Register** of October 17, 2016 (81 FR 71506), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received no comments.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FD&C act section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
740(d)(1)(A); significant barrier to innovation	55	1 time for each application.	55	2	110
740(d)(1)(B); fees exceed cost	8	3.75	30	.5 (30 minutes)	15
740(d)(1)(C); free choice feeds	5	1 time for each application.	5	2	10
740(d)(1)(D); minor use or minor species	69	1 time for each application.	69	2	138
740(d)(1)(E); small business	1	1 time for each application.	1	2	2
Request for reconsideration of a decision	1	1 time for each application.	1	2	2
Request for review (user fee appeal officer)	0	1 time for each application.	0	0	0
Total					277

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on FDA's database system, from fiscal year (FY) 2014 to 2016 there were an estimated 177 sponsors subject to ADUFA. However, not all sponsors will have any submissions in a given year and some may have multiple submissions. The total number of waiver requests is based on the average number of submission types received by FDA in FY 2014 to 2016. The burden has not changed since the last OMB approval.

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–14998 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0583]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Radioactive Drug Research Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0053. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonnalynn Capezutto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Radioactive Drug Research Committees

OMB Control Number 0910–0053—Extension

Under sections 201, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 355, and 371), FDA has the authority to issue regulations governing the use of radioactive drugs for basic scientific research. Section 361.1 (21 CFR 361.1) sets forth specific regulations regarding the establishment and composition of Radioactive Drug Research Committees (RDRCs) and their role in approving and monitoring basic research studies utilizing radiopharmaceuticals. No basic research study involving any administration of a radioactive drug to research subjects is permitted without the authorization of an FDA-approved RDRC (§ 361.1(d)(7)). The type of research that may be undertaken with a radiopharmaceutical drug must be intended to obtain basic information and not to carry out a clinical trial for safety or efficacy. The types of basic research permitted are specified in the regulation, and include studies of metabolism, human physiology, pathophysiology, or biochemistry.

Section 361.1(c)(2) requires that each RDRC shall select a chairman, who shall sign all applications, minutes, and reports of the committee. Each committee shall meet at least once each quarter in which research activity has been authorized or conducted. Minutes shall be kept and shall include the numerical results of votes on protocols involving use in human subjects. Under § 361.1(c)(3), each RDRC shall submit an annual report to FDA. The annual report shall include the names and qualifications of the members of, and of any consultants used by, the RDRC, using Form FDA 2914, and a summary of each study conducted during the preceding year, using Form FDA 2915.

Under § 361.1(d)(5), each investigator shall obtain the proper consent required under the regulations. Each female research subject of childbearing potential must state in writing that she is not pregnant, or on the basis of a pregnancy test be confirmed as not pregnant.

Under § 361.1(d)(8), the investigator shall immediately report to the RDRC all adverse effects associated with use of the drug, and the committee shall then report to FDA all adverse reactions probably attributed to the use of the radioactive drug.

Section 361.1(f) sets forth labeling requirements for radioactive drugs.

These requirements are not in the reporting burden estimate because they are information supplied by the Federal Government to the recipient for the purposes of disclosure to the public (5 CFR 1320.3(c)(2)).

Types of research studies not permitted under this regulation are also specified, and include those intended for immediate therapeutic, diagnostic, or similar purposes or to determine the safety or effectiveness of the drug in humans for such purposes (*i.e.,* to carry out a clinical trial for safety or efficacy). These studies require filing of an investigational new drug application under 21 CFR part 312, and the associated information collections are covered in OMB control number 0910–0014.

The primary purpose of this collection of information is to determine whether the research studies are being conducted in accordance with required regulations and that human subject safety is assured. If these studies were not reviewed, human subjects could be subjected to inappropriate radiation or pharmacologic risks. Respondents to this information collection are the chairperson(s) of each individual RDRC, investigators, and participants in the studies. The burden estimates are based on FDA's experience with these reporting and recordkeeping requirements and the number of submissions received by FDA under the regulations over the past 3 years.

In the **Federal Register** of April 25, 2017 (82 FR 19052), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. No comments were received.

We therefore estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section/Form FDA	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
361.1(c)(3) (Reports) and (c)(4) (Approval); Form FDA 2914 (Membership Summary)	69	1	69	1	69
361.1(c)(3) (Reports); Form FDA 2915 (Study Summary)	35	14	490	3.5	1,715
361.1(c)(8) (Adverse Events)	10	1	10	*0.5	5
Total			569		1,789

[1] There are no capital or operating and maintenance costs associated with the information collection.
* 30 minutes.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
361.1(c)(2)	69	4	276	10	2,760
361.1(d)(5)	35	14	490	*0.75	368
Total			766		3,128

[1] There are no capital or operating and maintenance costs associated with the information collection.
* 45 minutes.

Dated: July 11, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–15000 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–2428]

Agency Information Collection Activities; Proposed Collection; Comment Request; Animal Drug Adverse Event Reporting and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's existing reporting and recordkeeping requirements for animal drug adverse events and product/manufacturing defects.

DATES: Submit either electronic or written comments on the collection of information by September 18, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 18, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of September 18, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to

the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–2428 for ''Animal Drug Adverse Event Reporting and Recordkeeping.'' Received comments, those filed in a timely manner (see **DATES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Animal Drug Adverse Event Reporting and Recordkeeping—21 U.S.C. 360b(l), 21 CFR 510.301 and 514.80 OMB Control Number 0910–0284—Extension

With regard to adverse events and product/manufacturing defects associated with approved new animal drugs, section 512(l) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360b(l)) requires applicants with approved new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) to establish and maintain records and reports of data relating to experience with uses of such drug, or with respect to animal feeds bearing or containing such drug, to facilitate a determination under section 512(e) as to whether there may be grounds for suspending or withdrawing approval of the NADA or ANADA under section 512(e) or 512(m)(4). Sections 571(e)(3) and 512(e)(2) of the FD&C Act (21 U.S.C. 360ccc(e)(3) and 360b(e)(2)) require that applicants with conditionally approved new animal drug applications (CNADAs) maintain adequate records and make reports in accordance with a regulation or order issued under section 512(l). Finally, section 512(m)(5) of the FD&C Act requires an applicant for a license to manufacture animal feeds bearing or containing new animal drugs to maintain adequate records and make reports ''as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine'' whether there may be grounds for suspending or withdrawing approval of the new animal drug under section 512(e) or a license to manufacture animal feeds bearing or containing new animal drugs under section 512(m)(4).

Section 514.80 of our regulations (21 CFR 514.80) sets forth the recordkeeping and reporting requirements for applicants and nonapplicants of approved NADAs and ANADAs. Section 510.301 of our regulations (21 CFR 510.301) sets forth the recordkeeping and reporting requirements for licensed medicated feed manufacturing facilities.

Recordkeeping and Reporting Requirements for Applicants of Approved NADAs and ANADAs

Section 514.80 requires applicants to keep records of and report to us data, studies, and other information concerning experience with new animal drugs for each approved NADA and ANADA. Following complaints from animal owners or veterinarians or following their own detection of a problem, applicants are required to submit adverse event reports and product defect reports under § 514.80(b)(1), (b)(2)(i) and (ii), (b)(3), and (b)(4)(iv)(A) on Form FDA 1932. Form FDA 1932a (the voluntary reporting form) is used by veterinarians and the general public to submit adverse event reports, product defects, and lack of effectiveness complaints directly to FDA. Form FDA 2301 is used by applicants to submit the required transmittal of periodic reports (§ 514.80(b)(4)); special drug experience reports (§ 514.80(b)(5)(i)); promotional material for new animal drugs (§ 514.80(b)(5)(ii)); and distributor statements (§ 514.80(b)(5)(iii)). We review the records and reports required in § 514.80 and the voluntary reports to facilitate a determination under section 512(e) of the FD&C Act as to whether there may be grounds for suspending or withdrawing approval of the new animal drug. We have made minor editorial revisions to Form FDA 1932a, to clarify how to report adverse drug events associated with compounded products using that form. Submitters are already reporting adverse drug events associated with compounded products on Form FDA 1932a. The clarifications include: The addition of a new question, ''Is this a compounded product''; the addition of a new field to allow the submitter to provide product strength, ''Strength of Active Ingredient(s)''; modifying the title of the existing field requesting the name of manufacturer, so that it reads, ''Name of Manufacturer or Compounding Pharmacy/Compounder of Suspected Product''; and a request for contact information for the manufacturer or compounder. We estimate that the revisions will not change the average amount of time necessary to complete the form.

Recordkeeping and Reporting Requirements for Applicants of CNADAs

As noted, sections 571(e)(3) and 512(e)(2) of the FD&C Act require that applicants for CNADAs maintain adequate records and make reports in accordance with a regulation or order issued under section 512(l) of the FD&C Act. Moreover, section 512(l) requires submission of such information as required ''by general regulation, or by order . . .'' Conditional approval letters explicitly establish an order requiring the submission of postmarketing information in accordance with the requirements of § 514.80. Applicants submit adverse event reports and product defect reports on Form FDA 1932.

Recordkeeping and Reporting Requirements for Licensed Medicated Feed Manufacturing Facilities

Section 510.301 requires a licensed medicated feed manufacturer to keep records of and report to us information concerning experience with animal feeds bearing or containing approved new animal drugs. Under § 510.301(a), a licensed medicated feed manufacturer must immediately report to us information concerning any mixup in the new animal drug or its labeling; any bacterial or significant chemical, physical, or other change or deterioration in a drug; and any failure of one or more distributed batches of a drug to meet the specifications established for it. Under § 510.301(b), a licensed medicated feed manufacturer must report to us within 15 working days of receipt of information concerning any unexpected side effect, injury, toxicity, or sensitivity reaction or any unexpected incidence or severity thereof, and any unusual failure of the new animal drug to exhibit its expected pharmacological activity. OMB initially approved the information collection provisions of § 510.301 under control number 0910–0012. That approval was subsequently consolidated into this collection in 2004. We reviewed the records and reports required by § 510.301 to facilitate a determination as to whether there may be grounds for suspending or withdrawing approval of the new animal drug under section 512(e) of the FD&C Act, or grounds for revoking a license to manufacture medicated feed under section 512(m)(4).

Since the consolidation of the 0910–0012 collection into this collection in 2004, we have included the estimated number of medicated feed adverse event reports as part of our estimate of the number of all mandatory adverse event reports for new animal drugs. To improve the clarity of our estimates we have added a row to table 1, on which we separately report our estimates of medicated feed reports.

The continuous monitoring of approved NADAs, ANADAs, CNADAs, and animal feeds bearing or containing new animal drugs affords the primary means by which we obtain information regarding potential problems with the safety and efficacy of marketed approved new animal drugs, as well as potential product/manufacturing problems. Postapproval marketing surveillance is important because data previously submitted to us may not be adequate as animal drug effects can change over time and less apparent effects may take years to manifest.

Description of respondents: Respondents to this collection of information are animal drug manufacturers with approved NADAs, ANADAs, or CNADAs, as well as licensed commercial feed mills and licensed mixer-feeders.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	FDA Form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Medicated feed reports, § 510.301(a) and (b).	N/A	5	1	5	.25 (15 minutes) ...	1.25
Mandatory adverse event reporting, 21 U.S.C. 360b(l); § 514.80(b)(1); (b)(2)(i) and (ii); (b)(3); and (b)(4)(iv)(A).	1932	22	81	1,782	1	1,782
Voluntary adverse event reporting by veterinarians and the general public.	1932a	197	1	197	1	197
Periodic drug experience reports, § 514.80(b)(4).	2301	200	8.11	1,622	16	25,952

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Activity	FDA Form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Special drug experience reports, § 514.80(b)(5)(i).	2301	200	0.57	114	2	228
Submission of advertisements and promotional labeling, § 514.80(b)(5)(ii).	2301	200	20.12	4,024	2	8,048
Submission of distributor statements, § 514.80(b)(5)(iii).	2301	190	0.1	19	2	38
Total						36,246.25

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our reporting estimates on our experience with adverse event reporting for approved new animal drugs and the number of reports received in the previous 3 years.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Recordkeeping, § 510.301 [2]	5	1	5	4	20
Recordkeeping, 21 U.S.C. 360b(l) and § 514.80(e) [3]	646.70	7.19	4,649.8	14	65,097
Total					65,117

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] This estimate includes all recordkeeping by licensed medicated feed manufacturers under § 510.301.
[3] This estimate includes all recordkeeping by applicants of approved NADAs, ANADAs, and CNADAs under § 514.80(e).

We base our recordkeeping estimates on our experience with adverse event reporting for approved new animal drugs and the number of reports received in the previous 3 years. Since the consolidation of the 0910–0012 collection into this collection in 2004, we have included the estimated recordkeeping burden for medicated feed adverse event reports as part of our estimate of the recordkeeping burden of all mandatory adverse event reports for new animal drugs. To improve the clarity of our estimates we have added a row to table 2, on which we separately report our recordkeeping estimate for medicated feed adverse event reports (20 hours).

The burden of this collection has changed. Due to the addition of a new row to table 1 and a new row to table 2, there was a slight increase in the estimated number of reports submitted to FDA under total annual responses (by 7.8 responses). The overall decrease in burden hours (by 1.75 hours) is due to the normal variation in the submission of reports to FDA.

We continually strive to improve our systems for collecting and analyzing drug experience reports and adverse event reports. To that end, we have developed an electronic submission system by which Form FDA 2301 may be submitted to the Agency. For Form FDA 1932a, we have a fillable electronic form available online, which can be submitted by email to FDA Center for Veterinary Medicine. We specifically invite comment from respondents on the utility of these reporting forms. Electronic adverse event reporting for approved new animal drugs (including mandatory reporting under § 514.80(b) and voluntary reporting) has been approved under OMB control number 0910–0645. Reporting and recordkeeping associated with the index of legally marketed unapproved new animal drugs for minor species (21 CFR part 516) is approved under OMB control number 0910–0620.

Dated: July 11, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–14993 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0920]

Agency Information Collection Activities; Proposed Collection; Comment Request; Health and Diet Survey, as Used by the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the Health and Diet Survey as used by FDA to gauge and to track consumer attitudes, awareness, knowledge, and behavior

regarding various topics related to health, nutrition, physical activity, and product labeling.

DATES: Submit either electronic or written comments on the collection of information by September 18, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 18, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of September 18, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–N–0920 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Health and Diet Survey, as Used by the Food and Drug Administration.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Health and Diet Survey as Used by the Food and Drug Administration OMB Control Number 0910–0545—Extension

We are seeking to renew OMB approval of the Health and Diet Survey, which is a voluntary consumer survey intended to gauge and to track consumer attitudes, awareness, knowledge, and behavior regarding various topics related to health, nutrition, physical activity, and product labeling. OMB approved this collection as a generic collection on December 5, 2014. The authority for FDA to collect the information derives from FDA's Commissioner of Food and Drugs authority provided in section 1003(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(d)(2)).

We will use the Health and Diet Survey findings to test and refine our ideas, but will generally conduct further

research before making important decisions such as adopting new policies and allocating or redirecting significant resources to support these policies.

This survey has been repeated approximately every 3 to 5 years over the course of the past 3 decades for the purpose of tracking changes and trends in public opinions and consumer behavior, with some new questions added or omitted or partially modified in each iteration in response to emerging and current events or issues. In the next 3 years, we plan to field this survey two to three times. We will use the information from the Health and Diet Survey to evaluate and develop strategies and programs to encourage and help consumers adopt healthy diets and lifestyles. The information will also help FDA evaluate and track consumer awareness and behavior as outcome measures of their achievement in improving public health.

Description of Respondents: The respondents are adults, age 18 and older, drawn from the 50 States and the District of Columbia. Participation will be voluntary.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Cognitive interview screener	100	1	100	0.08 (5 minutes)	8
Cognitive interview	18	1	18	1	18
Pretest screener	2,000	1	2,000	0.033 (2 minutes)	66
Pretest	200	1	200	0.25 (15 minutes)	50
Survey screener	40,000	1	40,000	0.033 (2 minutes)	1,320
Survey	4,000	1	4,000	0.25 (15 minutes)	1,000
Total					2,462

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate of the number of respondents and the average burden per response on our experience with previous Health and Diet Surveys and we estimate that the burden for this information collection has increased by 580 hours (from 1,882 to 2,462 hours) since the last OMB approval. The increase is due to an expected increase in the number of participants completing the survey screener (from 30,000 to 40,000 participants) and number of participants taking the survey (from 3,000 to 4,000). We will use a cognitive interview screener with 100 individuals to recruit prospective interview participants. We estimate that it will take a screener respondent approximately 5 minutes (0.08 hours) to complete the cognitive interview screener, for a total of 8 hours. We will conduct cognitive interviews with 18 participants. We estimate that it will take a participant approximately 1 hour to complete the interview, for a total of 18 hours. Prior to the administration of the Health and Diet Survey, the Agency plans to conduct a pretest to identify and resolve potential survey administration problems. We will use a pretest screener with 2,000 individuals; we estimate that it will take a respondent approximately 2 minutes (0.033 hours) to complete the pretest screener, for a total of 66 hours. The pretest will be conducted with 200 participants; we estimate that it will take a participant 15 minutes (0.25 hours) to complete the pretest, for a total of 50 hours. We will use a survey screener to select an eligible adult respondent in each household reached by landline telephone numbers to participate in the survey. A total of 40,000 individuals in the 50 states and the District of Columbia will be screened by telephone. We estimate that it will take a respondent 2 minutes (0.033 hours) to complete the screening, for a total of 1,320 hours. We estimate that 4,000 eligible adults will participate in the survey, each taking 15 minutes (0.25 hours), for a total of 1,000 hours. Thus, the total estimated burden is 2,462 hours.

We are requesting this burden for unplanned surveys so as not to restrict our ability to gather information on consumer attitudes, awareness, knowledge, and behavior regarding various topics related to health, nutrition, physical activity, and product labeling. This ability will help the Agency identify and respond to emerging issues in a more timely manner.

Dated: July 11, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–15001 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0598]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practice Regulations for Type A Medicated Articles

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0154. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice Regulations for Type A Medicated Articles—21 CFR Part 226 OMB Control Number 0910–0154—Extension

Under section 501 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), FDA has the statutory authority to issue current good manufacturing practice (cGMP) regulations for drugs, including Type A medicated articles. A Type A medicated article is a feed product containing a concentrated drug diluted with a feed carrier substance. A Type A medicated article is intended solely for use in the manufacture of another Type A medicated article or a Type B or Type C medicated feed. Medicated feeds are administered to animals for the prevention, cure, mitigation, or treatment of disease or for growth promotion and feed efficiency.

Statutory requirements for cGMPs for Type A medicated articles have been codified in part 226 (21 CFR part 226). Type A medicated articles, which are not manufactured in accordance with these regulations, are considered adulterated under section 501(a)(2)(B) of the FD&C Act (21 U.S.C. 351(a)(2)(B)). Under part 226, a manufacturer is required to establish, maintain, and retain records for Type A medicated articles, including records to document procedures required under the manufacturing process to assure that proper quality control is maintained. Such records would, for example, contain information concerning receipt and inventory of drug components, batch production, laboratory assay results (*i.e.,* batch and stability testing), and product distribution.

The required records are used by both the respondents and FDA. The records are used by manufacturers of Type A medicated articles to verify that appropriate control measures have been maintained, or that appropriate corrective actions were taken if the control measures were not maintained. Such verification activities are essential to ensure that the cGMP system is working as planned. We review the records during the conduct of periodic plant inspections. This information is needed so that we can monitor drug usage and possible misformulation of Type A medicated articles. The information could also prove useful to us in investigating product defects when a drug is recalled. In addition, we will use the cGMP criteria in part 226 to determine whether or not the systems used by manufacturers of Type A medicated articles are adequate to assure that their medicated articles meet the requirements of the FD&C Act as to safety and also meet the article's claimed identity, strength, quality, and purity, as required by section 501(a)(2)(B) of the FD&C Act. The respondents for Type A medicated articles are pharmaceutical firms that manufacture both human and veterinary drugs, those firms that produce only veterinary drugs, and commercial feed mills.

In the **Federal Register** of October 17, 2016 (81 FR 71513), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received no comment. FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Noumber of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
226.42, requires records be prepared and maintained for 2 years with respect to components (drug and non-drug) used in the manufacture of the medicated premixes.	65	260	16,900	0.75 (45 minutes)	12,675
226.58, requires recordkeeping for establishment of laboratory controls to ensure that adequate specifications and test procedures for the drug components and Type A medicated articles conform to appropriate standards of identity, strength, quality, and purity.	65	260	16,900	1.75	29,575
226.80, requires maintenance of records for packaging and labeling of Type A medicated articles.	65	260	16,900	0.75 (45 minutes)	12,675
226.102, requires maintenance of master-formula and batch-production records for Type A medicated articles.	65	260	16,900	1.75	29,575
226.110, requires maintenance of distribution records (2 years) for each shipment of Type A medicated articles for recall purposes.	65	260	16,900	.25 (15 minutes)	4,225
226.115, requires maintenance of complaint files for Type A medicated articles for 2 years.	65	10	650	.5 (30 minutes)	325
Total	.....	.....	.....	.....	76, 375

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We based our estimate of the time required for record preparation and maintenance on our communications with industry. We derived additional information needed to calculate the total burden hours (*i.e.,* manufacturing sites, number of Type A medicated articles being manufactured, etc.) from our records and experience. The burden has not changed since the last OMB approval.

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–14996 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0231]

Agency Information Collection Activities; Proposed Collection; Comment Request; Adverse Experience Reporting for Licensed Biological Products; and General Records

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the proposed extension of the collection of information concerning requirements relating to FDA's Adverse Experience Reporting System (FAERS) for licensed biological products, and general records associated with the manufacture and distribution of biological products.

DATES: Submit either electronic or written comments on the collection of information by September 18, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 18, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of September 18, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2011–N–0231 for ''Adverse Experience Reporting for Licensed Biological Products; and General Records.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed

collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

Adverse Experience Reporting for Licensed Biological Products; and General Records—21 CFR Part 600

OMB Control Number 0910–0308—Extension

Under the Public Health Service Act (42 U.S.C. 262), FDA may only approve a biologics license application for a biological product that is safe, pure, and potent. When a biological product is approved and enters the market, the product is introduced to a larger patient population in settings different from clinical trials. New information generated during the postmarketing period offers further insight into the benefits and risks of the product, and evaluation of this information is important to ensure its safe use. FDA issued the Adverse Experience Reporting (AER) requirements in part 600 (21 CFR part 600) to enable FDA to take actions necessary for the protection of the public health in response to reports of adverse experiences related to licensed biological products. The primary purpose of FDA's AERS is to identify potentially serious safety problems with licensed biological products. Although premarket testing discloses a general safety profile of a biological product's comparatively common adverse effects, the larger and more diverse patient populations exposed to the licensed biological product provides the opportunity to collect information on rare, latent, and long-term effects. In addition, production and/or distribution problems have contaminated biological products in the past. AER reports are obtained from a variety of sources, including manufacturers, patients, physicians, foreign regulatory agencies, and clinical investigators. Identification of new and unexpected safety issues through the analysis of the data in AERS contributes directly to increased public health protection. For example, evaluation of these safety issues enables FDA to take focused regulatory action. Such action may include, but is not limited to, important changes to the product's labeling (such as adding a new warning), coordination with manufacturers to ensure adequate corrective action is taken, and removal of a biological product from the market when necessary.

Section 600.80(c)(1) requires licensed manufacturers or any person whose name appears on the label of a licensed biological product to report each adverse experience that is both serious and unexpected, whether foreign or domestic, as soon as possible but in no case later than 15 calendar days of initial receipt of the information by the licensed manufacturer. These reports are known as postmarketing 15-day Alert reports. This section also requires licensed manufacturers to submit any followup reports within 15 calendar days of receipt of new information or as requested by FDA, and if additional information is not obtainable, to maintain records of the unsuccessful steps taken to seek additional information. In addition, this section requires that a person who submits an adverse action report to the licensed manufacturer rather than to FDA, maintain a record of this action. Section 600.80(e) requires licensed manufacturers to submit a 15-day Alert report for an adverse experience obtained from a postmarketing clinical study only if the licensed manufacturer concludes that there is a reasonable possibility that the product caused the adverse experience. Section 600.80(c)(2) requires licensed manufacturers to report each adverse experience not reported in a postmarketing 15-day Alert report at quarterly intervals, for 3 years from the date of issuance of the biologics license, and then at annual intervals. The majority of these periodic reports are submitted annually, since a large percentage of currently licensed biological products have been licensed longer than 3 years. Section 600.80(k) requires licensed manufacturers to maintain for a period of 10 years records of all adverse experiences known to the licensed manufacturer, including raw data and any correspondence relating to the adverse experiences. Section 600.81 requires licensed manufacturers to submit, at an interval of every 6 months, information about the quantity of the product distributed under the biologics license, including the quantity distributed to distributors. These distribution reports provide FDA with important information about products distributed under biologics licenses, including the quantity, certain lot numbers, labeled date of expiration, the fill lot numbers for the total number of dosage units of each strength or potency distributed (*e.g.,* 50,000 per 10-milliliter vials), and date of release. FDA may require the licensed manufacturer to submit distribution reports under this section at times other than every 6 months. Under § 600.82(a), an applicant of a biological product or blood and blood component must notify FDA of a permanent discontinuance of manufacture or an interruption in manufacturing or disruption in supply, as applicable. Under §§ 600.80(h)(2) and 600.81(b)(2), a licensed manufacturer may request a temporary waiver for the requirements under §§ 600.80(h)(1) and 600.80(b)(1), respectively. Requests for waivers must be submitted in accordance with § 600.90. Under § 600.90, a licensed manufacturer may submit a waiver request for any requirements that apply to the licensed manufacturer under §§ 600.80 and 600.81. A waiver request submitted under § 600.90 must include supporting documentation.

Manufacturers of biological products for human use must keep records of each step in the manufacture and distribution of a product, including any recalls. These recordkeeping requirements serve preventative and remedial purposes by establishing accountability and traceability in the manufacture and distribution of products. These requirements also enable FDA to perform meaningful inspections. Section 600.12 requires, among other things, that records be made concurrently with the performance of each step in the manufacture and distribution of products. These records must be retained for no less than 5 years after the records of manufacture have been completed or 6 months after the latest expiration date for the individual product, whichever represents a later date. In addition, under § 600.12, manufacturers must maintain records relating to the sterilization of equipment and supplies, animal necropsy records, and records in cases of divided manufacturing responsibility with respect to a product. Under § 600.12(b)(2), manufacturers are also required to maintain complete records pertaining to the recall from distribution of any product. Furthermore, § 610.18(b) (21 CFR 610.18(b)) requires, in part, that the results of all periodic tests for verification of cultures and determination of freedom from extraneous organisms be recorded and retained. The recordkeeping requirements for §§ 610.12(g), 610.13(a)(2), 610.18(d), 680.2(f), and 21 CFR 680.3(f) are approved under OMB control number 0910–0139.

Respondents to this collection of information include manufacturers of biological products (including blood and blood components) and any person

whose name appears on the label of a licensed biological product. In table 1, the number of respondents is based on the estimated number of manufacturers that are subject to those regulations or that submitted the required information to the Center for Biologics Evaluation and Research and Center for Drugs Evaluation and Research, FDA, in fiscal year (FY) 2016. Based on information obtained from the FDA's database system, there were 93 manufacturers of biological products. This number excludes those manufacturers who produce Whole Blood, components of Whole Blood, or in-vitro diagnostic licensed products, because of the exemption under § 600.80(m). The total annual responses are based on the number of submissions received by FDA in FY 2016. There were an estimated 125,371 15-day Alert reports, 180,580 periodic reports, and 677 lot distribution reports submitted to FDA. The number of 15-day Alert reports for postmarketing studies under § 600.80(e) is included in the total number of 15-day Alert reports. FDA received 81 requests from 40 manufacturers for waivers under § 600.90 (including §§ 600.80(h)(2) and 600.81(b)(2)), of which 79 were granted. The hours per response are based on FDA experience. The burden hours required to complete the MedWatch Form (Form FDA 3500A) for § 600.80(c)(1), (e), and (f) are reported under OMB control number 0910–0291.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
600.80(c)(1), 600.80(d), and 600.80(e); postmarketing 15-day Alert reports	93	1,348.07	125,371	1	125,371
600.82; notification of discontinuance or interruption in manufacturing	18	1.61	29	2	58
600.80(c)(2); periodic adverse experience reports	93	1,941.72	180,580	28	5,056,240
600.81 Distribution Reports	93	7.28	677	1	677
600.80(h)(2), 600.81(b)(2), and 600.90; waiver requests	40	2.03	81	1	81
Total					5,182,427

[1] There are no capital costs or operating and maintenance costs associated with this collection information.

In table 2 the number of respondents is based on the number of manufacturers subject to those regulations. Based on information obtained from FDA's database system, there were 263 licensed manufacturers of biological products in FY 2016. However, the number of recordkeepers listed for § 600.12(a) through (e) excluding (b)(2) is estimated to be 114. This number excludes manufacturers of blood and blood components because their burden hours for recordkeeping have been reported under § 606.160 in OMB control number 0910–0116. The total annual records is based on the annual average of lots released in FY 2016 (7,198), number of recalls made (575), and total number of adverse experience reports received (305,951) in FY 2016. The hours per record are based on FDA experience.

FDA estimates the burden of this recordkeeping as follows:

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper (in hours)	Total hours
600.12; [2] maintenance of records	114	63.14	7,198	32	230,336
600.12(b)(2); recall records	263	2.19	575	24	13,800
600.80(c)(1) and 600.80(k)	93	3,289.79	305,951	1	305,951
Total					550,087

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] The recordkeeping requirements in § 610.18(b) are included in the estimate for § 600.12.

The burden for this information collection has changed since the last OMB approval. Because of an increase in the number of AER reports we have received during the past 3 years, we have increased our reporting and recordkeeping burden estimates.

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–15004 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0002]

Hospira, Inc. et al.; Withdrawal of Approval of 44 New Drug Applications and 158 Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of October 4, 2016 (81 FR 68427). The document announced the withdrawal of approval of 44 new drug applications and 158 abbreviated new drug applications (ANDAs) from multiple applicants, effective November 3, 2016. The document inadvertently announced withdrawal of approval for the following two ANDAs: ANDA 074123 for Pindolol Tablets, held by G&W Laboratories, Inc., 111 Coolidge St., South Plainfield, NJ 07080; and ANDA 080828 for Hydrocortisone Acetate Ophthalmic Ointment USP, held by Fera Pharmaceuticals LLC, 134 Birch Hill Rd., Locust Valley, NY 11560. FDA confirms that the approval of ANDAs 074123 and 080828 is still in effect.

FOR FURTHER INFORMATION CONTACT: Florine Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6248, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Tuesday, October 4, 2016, appearing on page 68427 in FR Doc. 2016–23893, the following corrections are made:

1. On page 68429, in table 1, the entry for ANDA 074123 is removed.

2. On page 68431, in table 1, the entry for ANDA 080828 is removed.

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–15003 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0017]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Voluntary National Retail Food Regulatory Program Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0621. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Voluntary National Retail Food Regulatory Program Standards

OMB Control Number 0910–0621—Extension

The Voluntary National Retail Food Regulatory Program Standards (the Program Standards) define nine essential elements of an effective regulatory program for retail food establishments, establish basic quality control criteria for each element, and provide a means of recognition for the State, local, territorial, tribal and Federal regulatory programs that meet the Program Standards. The program elements addressed by the Program Standards are as follows: (1) Regulatory foundation; (2) trained regulatory staff; (3) inspection program based on Hazard Analysis and Critical Control Point (HACCP) principles; (4) uniform inspection program, (5) foodborne illness and food defense preparedness and response; (6) compliance and enforcement; (7) industry and community relations; (8) program support and resources; and (9) program assessment. Each standard includes a list of records needed to document conformance with the standard (referred to in the Program Standards document as ''quality records'') and has one or more corresponding forms and worksheets to facilitate the collection of information needed to assess the retail food regulatory program against that standard. The respondents are State, local, territorial, tribal, and potentially other Federal regulatory Agencies. Regulatory Agencies may use existing available records or may choose to develop and use alternate forms and worksheets that capture the same information.

In the course of their normal activities, State, local, territorial, tribal, and Federal regulatory Agencies already collect and keep on file many of the records needed as quality records to document compliance with each of the Program Standards. Although the detail and format in which this information is collected and recorded may vary by jurisdiction, records that are kept as a usual and customary part of normal Agency activities include inspection records, written quality assurance procedures, records of quality assurance checks, staff training certificates and other training records, a log or database of food-related illness or injury complaints, records of investigations resulting from such complaints, an inventory of inspection equipment, records of outside audits, and records of outreach efforts (*e.g.,* meeting agendas and minutes, documentation of food safety education activities). No new recordkeeping burden is associated with these existing records, which are already a part of usual and customary program recordkeeping activities by State, local, territorial, tribal and Federal regulatory Agencies, and which can serve as quality records under the Program Standards.

In April 2016, the Conference for Food Protection (CFP) recommended that FDA make a change in Program Standard #4—Uniform Inspection Program, more specifically to change Program Standard #4's Program Self-Assessment and Verification Audit Form. Once changes have been incorporated into the 2017 version, it will be available on FDA's Web site.

With this change, in order to achieve conformance to Program Standard #4, jurisdictions must achieve an overall inspection program performance rating for 20 elements as opposed to 10 elements that were previously required. The previous 10 elements had several criteria under one program element. The change to 20 elements allows the Standard to clearly delineate out each criterion individually rather than having several criteria under one program element. This streamlines and clarifies the process in meeting the standard. As a result, the assessment review of each inspector's work will now be required for three joint inspections as opposed to the previously required two.

State, local, territorial, tribal and Federal regulatory Agencies that enroll in the Program Standards and seek listing in the FDA National Registry are required to report to FDA on the completion of the following three management tasks outlined in the Program Standards: (1) Conducting a program self-assessment; (2) conducting a risk factor study of the regulated industry; and (3) obtaining an independent outside audit (verification audit). The results are reported on forms formerly known as Forms FDA 3519 and FDA 3520. Currently FDA is working to consolidate both Forms FDA 3519 ''FDA National Registry Report'' and FDA 3520 ''Permission to Publish in National Registry'' into one form thereby reducing the burden by 50 percent. The new Form FDA 3958 ''Voluntary National Retail Food Regulatory Program Standards FDA National Registry Report'' will be provided in the Program Standards document, and will also be provided on FDA's Web site at: *https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/ProgramStandards/default.htm.* If a regulatory Agency follows all the recordkeeping recommendations in the individual standards and their sample worksheets, it will have all the information needed to complete the forms.

In the **Federal Register** of March 20, 2017 (82 FR 14369), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received four comments, two which duplicated each other. Therefore, FDA received three separate comments, two of which were PRA related and one which was not PRA-related and will not be addressed here.

(Comment 1) One commenter noted that achieving all of the standards under the existing program lasts only 2 years, and then a state regulatory program has to start all over again. The commenter indicated standards certification should last for 7 years, and then there would be more incentive to achieve some or all of the standards.

(Response 1) The purpose of the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) is to establish best practices for regulatory programs that license and inspect foodservice and retail food establishments. Jurisdictions are encouraged to use the Retail Program Standards to improve program management and to implement best practices that enhance the quality of public health services provided to stakeholders. Effective use of the Retail Program Standards will enable a jurisdiction to make lasting programmatic improvements to their retail food protection program. While meeting all nine standards is a significant accomplishment, the true intent is continual program improvement across all standards during varied time frames. There are general procedures for enrolling in the Retail Program Standards and maintaining active participation. Though timelines may vary depending on jurisdictional needs and priorities at any given time, the general administrative procedure is that within the first year of enrollment the jurisdiction will conduct a self-assessment using the criteria in the nine Retail Program Standards. As part of the continuous improvement process, jurisdictions review the self-assessment to determine program areas that need improvements and will provide the greatest health benefit. To maintain active participation in the Retail Program Standards and listing on the National Registry, the participating jurisdiction must conduct a self-assessment every 60 months. FDA works in conjunction with the Conference for Food Protection (CFP) in a process whereby representatives from the food industry, government, academia, consumer and professional organizations identify and address emerging problems of food safety in an open forum and formulate recommendations biennially to enhance the Retail Program Standards. These recommendations are then submitted to FDA for consideration to be incorporated into the newest edition of the FDA Food Code or the Retail Program Standards. Issues may be submitted by anyone who has an interest or concern about food safety. For an overview of the CFP please go to: *www.foodprotect.org.*

(Comment 2) Another commenter thanked the FDA for the opportunity to provide the comments on the proposed FDA Voluntary Standards. They stated that it was great to have these standards for health officials to do their absolute best for their community, and provided their comments to FDA on behalf of a trade quality assurance group.

(Response 2) FDA appreciates the continued support from the retail food industry for the Retail Program Standards. FDA works in conjunction with the CFP in a process whereby representatives from consumer and professional organizations, food industry, government, and academia identify and address emerging problems of food safety in an open forum and formulate recommendations. These recommendations are then submitted to FDA for consideration to be incorporated into the newest editions of the FDA Food Code or the Retail Program Standards. Issues may be submitted directly to CRP as there is a clear defined process and template for issue submittal. For an overview of the CFP and instructions on how to submit an issue, use the following link: *http://www.foodprotect.org/about/issue-submission/.*

Recordkeeping

FDA's recordkeeping burden estimate includes time required for a State, local, territorial, tribal, or Federal Agency to review the instructions in the Program Standards, compile information from existing sources, and create any records recommended in the Program Standards that are not already kept in the normal course of the Agency's usual and customary activities. Sample worksheets are provided to assist in this compilation. In estimating the time needed for the program self-assessment (Program Standards 1 through 8, shown in table 1), FDA considered responses from four State and three local jurisdictions that participated in an FDA Program Standards Pilot study. Table 2 shows the estimated recordkeeping burden for the completion of the baseline data collection, and table 3 shows the estimated recordkeeping burden for the verification audit.

FDA estimates the burden of this collection of information as follows:

TABLE 1—SELF-ASSESSMENT

Standard	Recordkeeping activity	Hours per record
No. 1: Regulatory Foundation	Self-Assessment: Completion of worksheet recording results of evaluations and comparison on worksheets [1].	16
No. 2: Trained Regulatory Staff	Self-Assessment: Completion of CFP Field Training Manual and Documentation of Successful Completion—Field Training Process; completion of summary worksheet of each employee training records [1 2].	19.3
No. 3: HACCP Principles	Self-Assessment: Completion of worksheet documentation [1]	4
No. 4: Uniform Inspection Program	Self-Assessment: Completion of worksheet documentation of jurisdiction's quality assurance procedures [1 2].	19
No. 5: Foodborne Illness Investigation	Self-Assessment: Completion of worksheet documentation [1]	5
No. 6: Compliance Enforcement	Self-Assessment: Selection and review of 20 to 70 establishment files at 25 minutes per file. Estimate is based on a mean number of 45. Completion of worksheet [1].	19
No. 7: Industry & Community Relations	Self-Assessment: Completion of worksheet [1]	2
No. 8: Program Support and Resources	Self-Assessment: Selection and review of establishment files [1]	8
Total		92.3

[1] Or comparable documentation.
[2] Estimates will vary depending on number of regulated food establishments and the number of inspectors employed by the jurisdiction.

TABLE 2—BASELINE DATA COLLECTION

Standard	Recordkeeping activity	Hours per record
No. 9: Program Assessment	Risk Factor Study and Intervention Strategy [1]	333

[1] Calculation based on mean sample size of 39 and average FDA inspection time for each establishment type. Estimates will vary depending on number of regulated food establishments within a jurisdiction and the number of inspectors employed by the jurisdiction.

TABLE 3—VERIFICATION AUDIT

Activity	Recordkeeping activity	Hours per record
Administrative Procedures	Verification Audit [1]	46.15

[1] We estimate that no more than 50% of time spent to complete self-assessment of all nine standards is spent completing verification audit worksheets. Time will be considerably less if less than nine standards require verification audits.

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping (hours)	Total hours
Recordkeeping for FDA Worksheets [2]	500	1	500	94.29	47,145

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Or comparable documentation.

FDA bases its estimates of the number of recordkeepers and the hours per record on its experience with the Program Standards over the past 16 years. As of September 30, 2016, 711 jurisdictions were enrolled in the Program Standards. However, based upon the level of ongoing support provided by FDA to enrolled jurisdictions and the number of forms submitted annually, FDA estimates that no more than 500 jurisdictions actively participate in the Program Standards during any given year. There are approximately 3,000 jurisdictions in the United States and its territories that have retail food regulatory programs. Enrollment in the Program Standards is voluntary and, therefore, FDA does not expect all jurisdictions to participate.

FDA bases its estimate of the hours per record on the recordkeeping estimates for the management tasks of self-assessment, risk factor study, and verification audit (tables 1, 2, and 3) that enrolled jurisdictions must perform a total of 471.45 hours (92.3 + 333 + 46.15 = 471.45). Enrolled jurisdictions must conduct the work described in tables 1, 2, and 3 over a 5-year period. Therefore FDA estimates that, annually, 500 recordkeepers will spend 94.29 hours (471.45 ÷ 5 = 94.29) performing the required recordkeeping for a total of 47,145 hours as shown in table 4.

Reporting

Previously, FDA required regulatory jurisdictions that participate in the Program Standards to submit two forms annually: Form FDA 3519, ''FDA National Registry Report,'' and Form FDA 3520, ''Permission to Publish in National Registry.'' FDA created a new consolidated FDA Form 3958 that has four parts: Part 1 requires the name and address of the jurisdiction; name and contact information for the contact

person for this jurisdiction; the jurisdictions Web site address and if the jurisdiction is willing to serve as an auditor for another jurisdiction. Part 2 requires information about enrollment, whether this jurisdiction is a new enrollee and the date of enrollment; indication whether this jurisdiction would like to be removed from the jurisdiction listing; indication of updated findings to the self-assessment or verification audit. Part 3 requires information about self-assessment findings and verification audit findings; dates when self-assessment was completed; which standards have been met as determined by the self-assessment; which standards have been met as verified by a verification audit including the completion dates. Part 4 requires permission to publish information on FDA's Web site by checking the appropriate box(es) to indicate what information FDA may publish on the Web site.

FDA estimates the reporting burden for this collection of information as follows:

TABLE 5—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	FDA form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (hours)	Total hours
Submission of "Voluntary National Retail Food Regulatory Program Standards FDA National Registry Report".	3,958	500	1	500	*0.1	50
Request for documentation of successful completion of staff training.	Conference for Food Protection Training Plan and Log.	500	3	1,500	*0.1	150
Total						200

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
* 6 minutes

FDA bases its estimates of the number of respondents and the hours per response on its experience with the Program Standards. As explained previously, FDA estimates that no more than 500 regulatory jurisdictions will participate in the Program Standards in any given year. FDA estimates a total of 6 minutes annually for each enrolled jurisdiction to complete the form. FDA bases its estimate on the small number of data elements on the form and the ease of availability of the information. FDA estimates that, annually, 500 regulatory jurisdictions will submit one Form FDA 3958 for a total of 500 annual responses. Each submission is estimated to take 0.1 hour (or 6 minutes) per response for a total of 50 hours. In addition, FDA estimates that, annually, 500 regulatory jurisdictions will submit three requests for documentation of successful completion of staff training using the CFP Training Plan and Log for a total of 1,500 annual responses. Each submission is estimated to take 0.1 hour (or 6 minutes) per response for a total of 150 hours. The total reporting burden for this information collection is 200 hours.

Thus, the total hourly burden for this information collection is 47,345 hours (47,145 recordkeeping hours and 200 reporting hours).

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–14994 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–3585]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Character-Space-Limited Online Prescription Drug Communications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–NEW and title "Character-Space-Limited Online Prescription Drug Communications." Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Character Space-Limited Online Prescription Drug Communications

OMB Control Number 0910—NEW

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act. Under the FD&C Act and implementing

regulations, promotional labeling and advertising about prescription drugs are generally required to be truthful, non-misleading, and to reveal facts material to the presentations made about the product being promoted (*see* section 502(a) and (n), 201(n) of the FD&C Act (21 U.S.C. 352(a) and (n), 321(n)); *see also* 21 CFR 202.1).

Prescription drug regulations require a fair balance of the content and prominence of risk and benefit information in prescription drug product claim promotion. The rise of Internet communications that have character space limitations, such as sponsored link promotion and microblog messaging, has led to questions about how to use these communications for prescription drug promotion while complying with the fair balance requirements. In 2014, FDA released a draft guidance entitled, ''Guidance for Industry Internet/Social Media Platforms with Character Space Limitations—Presenting Risk and Benefit Information for Prescription Drugs and Medical Devices,'' (Ref. 1) which states:

> Regardless of character space constraints that may be present on certain Internet/social media platforms, if a firm chooses to make a product benefit claim, the firm should also incorporate risk information within the same character-space-limited communication. The firm should also provide a mechanism to allow direct access to a more complete discussion of the risks associated with its product.

The concept of linking to risk information by providing substantive product risk information on a landing page (''link to the risk information''), rather than presenting substantive risk information together with product benefit information within the character-space-limited communication, has been the subject of legislation and has been discussed as an option by some in industry and media (for example, Refs. 2–5).

The studies are designed to address the question of whether substantive risk information in the character-space-limited communications is effective in communicating risks when benefit claims are made, or whether a link to the risk information is sufficient. Within each study, we will manipulate whether or not substantive risk information appears in the character-space-limited communication.

Another factor to consider is that when consumers turn to the Internet for information, they are driven by different goals. These goals can affect what information they pay attention to and what kind of information they find (Refs. 6–8). Therefore, we will also manipulate whether participants are instructed to browse the information or to search for specific information.

Two pretests will be conducted to test the goal instructions, stimuli, questionnaire, and procedure. In studies 1–4, participants will be randomly assigned to one experimental condition and will view the corresponding study materials (tables 1–4). Across all studies, we will examine two different character-space-limited formats and two medical conditions. For pretest 1 and study 1, the study materials will be a character-space-limited communication about a fictional weight loss drug, embedded in a Google search page about weight loss. The study 2 materials will be a character-space-limited communication about a fictional drug to treat migraine, embedded in a Google search page about migraine. The study 3 materials will be a character-space-limited communication about a fictional weight loss drug, embedded in a Twitter search page about weight loss. The pretest 2 and study 4 materials will be a character-space-limited communication about a fictional drug to treat migraine, embedded in a Twitter search page about migraine.

All study materials will allow for scrolling and clicking on any links. The study materials will be accessible by participants only. After viewing the study materials, participants will complete a questionnaire that assesses participants' retention of the risk information and their perceptions of the drug's risks and benefits. We will also measure covariates such as demographics and health literacy. The questionnaires are available upon request.

We hypothesize that participants who see substantive risk information in the character-space-limited communication, compared with link-only participants, will have greater retention of the risk included in the communication and higher perceived risk. We will explore whether including substantive risk information in the character-space-limited communication affects the likelihood that participants notice the communication or click the link to the risk information. We hypothesize that participants with a search goal, compared with a browse goal, will have greater retention of the benefit and risk information and higher perceived risk because they will be more likely to notice the character-space-limited communication and to click the link to the risk information. We will test these hypotheses in studies 1–4 to determine whether these effects hold across different medical conditions and different character-space-limited platforms. To test these hypotheses, we will conduct inferential statistical tests such as logistic regression and analysis of variance.

All participants will be 18 years of age or older. We will exclude individuals who work in healthcare or marketing. Half of the studies will have a sample of participants who self-report needing to lose 30 pounds or more; the other half will have a sample of participants who self-report suffering from migraines. We selected these samples to increase the likelihood that participants will be interested in the fictitious study drugs and therefore motivated to pay attention during the study. The studies will be conducted with an Internet panel. With the sample sizes described in the tables, we will have sufficient power to detect small-sized effects in studies 1–4 (table 5).

TABLE 1—STUDY 1: GOOGLE SPONSORED LINK, WEIGHT LOSS

			Motivation			
			General search		Learn about treatments	
			Risk only landing page	Risk and benefit landing page	Risk only landing page	Risk and benefit landing page
Mobile	Risk Location	In character space-limited communication.				
		On linked Web page only.				
Desktop/Laptop	Risk Location	In character space-limited communication.				

TABLE 1—STUDY 1: GOOGLE SPONSORED LINK, WEIGHT LOSS—Continued

			Motivation			
			General search		Learn about treatments	
			Risk only landing page	Risk and benefit landing page	Risk only landing page	Risk and benefit landing page
		On linked Web page only				

TABLE 2—STUDY 2: GOOGLE SPONSORED LINK, MIGRAINE

			Motivation			
			General search		Learn about treatments	
			Risk only landing page	Risk and benefit landing page	Risk only landing page	Risk and benefit landing page
Mobile	Risk Location	In character space-limited communication. On linked Web page only.				
Desktop/Laptop	Risk Location	In character space-limited communication. On linked Web page only.				

TABLE 3—STUDY 3: TWITTER, WEIGHT LOSS

			Motivation			
			General search		Learn about treatments	
			Risk only landing page	Risk and benefit landing page	Risk only landing page	Risk and benefit landing page
Mobile	Risk Location	In character space-limited communication. On linked Web page only.				
Desktop/Laptop	Risk Location	In character space-limited communication. On linked Web page only.				

TABLE 4—STUDY 4: TWITTER, MIGRAINE

			Motivation			
			General search		Learn about treatments	
			Risk only landing page	Risk and benefit landing page	Risk only landing page	Risk and benefit landing page
Mobile	Risk Location	In character space-limited communication. On linked Web page only.				
Desktop/Laptop	Risk Location	In character space-limited communication. On linked Web page only.				

FDA estimates the burden of this collection of information as follows:

TABLE 5—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretest 1 screener	464	1	1	0.08 (5 minutes)	39

TABLE 5—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretest 2 screener	464	1	1	0.08 (5 minutes)	39
Study 1 screener	786	1	1	0.08 (5 minutes)	66
Study 2 screener	786	1	1	0.08 (5 minutes)	66
Study 3 screener	786	1	1	0.08 (5 minutes)	66
Study 4 screener	786	1	1	0.08 (5 minutes)	66
Pretest 1	277	1	1	0.33 (20 minutes)	93
Pretest 2	277	1	1	0.33 (20 minutes)	93
Study 1	469	1	1	0.33 (20 minutes)	157
Study 2	469	1	1	0.33 (20 minutes)	157
Study 3	469	1	1	0.33 (20 minutes)	157
Study 4	469	1	1	0.33 (20 minutes)	157
Total	6,502				1,156

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In the **Federal Register** of November 7, 2016 (81 FR 78163), FDA published a 60-day notice requesting public comment on the proposed extension of this collection of information. Eleven comments were received. Two comments did not address any of the information collection topics solicited and therefore we do not discuss them in this document (they called for a ban on prescription drug character-space-limited communications). No comments addressed Topic 2—Accuracy of Our Estimate.

Topic 1—Practical Utility

Four comments addressed topic 1 with respect to the practical utility of the study stimuli and real-world application. FDA's goal is always to regulate prescription drug promotion in support of our public health mission. We are not aware of any studies, to date, that specifically assess the general question of whether a link to prescription drug information can effectively convey the risks associated with a drug when benefit claims about that drug are made within character-space-limited communications. This concept has been suggested in various ways by our stakeholders, and we feel that it is important to gain further insight into this potential practice. We appreciate the considerations these comments have put forth; however, we feel that the current objective is important and will maintain it for this project.

One comment stated that a balance of risk and benefit is not needed in a character-space-limited communication. The proposed research is designed to test this question.

One comment encouraged dissemination of our results and requested we indicate a subsequent use for this information collection. We plan to disseminate our results via our Web site and peer-reviewed publication. FDA will use the information from this study to inform its understanding and regulation of prescription drug promotion. Results from studies we conduct are evaluated within the broader context of research and findings from other sources.

Topic 3—Ways To Enhance Quality, Clarity, Utility

Comments Related to Study Design

Several comments suggested ways to enhance the study design. Four comments suggested alternate study objectives, such as testing risk icons, testing different kinds of character-space-limited communications, and testing direct-to-consumer promotion in the presence of misinformation about the product. We appreciate these suggestions for future studies. However, we feel the current objectives are important and will maintain them for this project.

Two comments recommended including mobile displays. We agree and will recruit an equal number of participants who are using mobile and non-mobile devices. This will not change the study burden.

One comment suggested manipulating whether the landing page includes only risk information or whether it includes risk and benefit information. We have taken this suggestion and revised the study design. This does not change the study burden.

One comment suggested evaluating participant engagement with the stimuli. We plan to measure engagement variables such as clicking links and scrolling.

One comment suggested that the issue we should be studying is whether consumers know that drugs generally have risks rather than whether consumers know the specifics risks associated with a drug. We believe the purpose of communicating the drug's specific risk information is so consumers can make informed decisions based on both the drug's benefits and risks.

One comment suggested FDA conduct background research before conducting the proposed research. We appreciate these suggestions, and note that FDA has undertaken a content analysis of mobile prescription drug promotion (*http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/ucm090276.htm*). For this proposed research, FDA wishes to use its resources more pointedly toward the research questions proposed in this notice.

One comment suggested explicitly telling participants to search for drug risk information. We will use random assignment to instruct participants either to search or browse for information. However, we will not instruct participants to search for risk information, specifically, because we are interested in how individuals respond to character-space-limited communications with and without risk information rather than whether participants can find risk information when they are instructed to search for it.

One comment suggested that the browse/search goal construct was not relevant because approximately half of U.S. Internet users have searched for medical information online and because this construct hasn't been studied in the realm of prescription drug information before. The comment asserts that consumers are unlikely to browse health information online. This comment assumes that only consumers actively searching for prescription drug information will be exposed to

communications about these products. We disagree. Consumers who view information about a topic more generally (such as weight loss) may not be actively searching for prescription drug information but may come across it anyway. Our conditions are meant to simulate a search of ''migraine'' or ''weight loss'' that contains prescription drug information, for which consumers either will or will not specifically be looking.

One comment suggested adding a general population sample. We chose to recruit individuals with the medical condition being advertised to increase the likelihood that participants will be engaged with the browse and search tasks. Weight concerns and migraine affect large segments of the population. To reduce burden, we do not plan to add a general population sample.

One comment suggested that we change the ''browse2'' instruction so that it discusses browsing information in general rather than referring to a topic. We made this change.

Comments Related to Study Stimuli

Several comments suggested ways to enhance the study stimuli. Four comments suggested testing Twitter cards or photos embedded in tweets that would expand the space available to communicate risk information. Sponsors are permitted to promote their products on platforms using additional multimedia components, and we appreciate these suggestions for future studies. However, the current study aims to address the more general question of whether a link to prescription drug risk information can effectively convey the risks associated with a drug when benefit claims about that drug are made within character-space-limited communications used in prescription drug promotion.

One comment addressed the content surrounding the character-space-limited communication. The other links and tweets will replicate real-world searches, including links to general health information Web sites and links to Web sites for other (non-prescription) treatments. The surrounding content will not differ across condition for experimental control.

One comment suggested using high-visibility techniques to communicate risks. We appreciate this suggestion but we intend to make the prominence of the risk and benefit information comparable in these studies.

One comment suggested formatting the landing page to optimize readability (*e.g.,* easy-to-read font size) and ensuring participants know they can click the links. We will take these suggestions when we create the landing pages and study instructions. Another comment suggested specific tools to use to create our stimuli. We are employing a professional firm to create realistic stimuli.

One comment suggested using ''decoy'' links/tweets and suggested randomizing the order of the links/tweets to decrease bias. We will have nine other links or tweets, for a total of ten to simulate one search page. To make the stimuli as close to real-world online searches as possible, the sponsored link will always appear at the top of the search results. To keep the stimuli similar across studies, the tweet will also appear at the top of the page. The order will remain constant across conditions in all studies.

One comment suggested changing ''Important Risk Information'' to ''See Important Risk Information'' to include a ''call to action.'' We have made this change.

Comments Related to the Questionnaire

Several comments had suggestions for how we ask our questions. Two comments suggested changes to our medical condition screening questions. These questions come from the National Health Interview Survey and the National Health and Nutrition Examination Survey. We plan to keep these questions ''as is'' so we can compare our samples to these national samples. We will change the description of our samples to match these questions.

Two comments suggested adding a ''don't know'' option or letting some participants opt out of the first series of questions. We added a ''don't know'' option to these questions. We will use cognitive interviews and pretests to assess whether we need to make additional changes, including other minor wording changes suggested in the comments.

Two comments suggested moving, editing, or deleting specific questions (such as perceptions and intentions). We moved the items as suggested, and will flag these items for potential editing or removal based on cognitive interview and pretest results.

One comment suggested screening out participants who had never used Google or Twitter and participants with low health literacy. We added a screening question regarding Internet usage. We do not plan to screen based on literacy, but rather we will examine whether literacy moderates any effects.

One comment suggested defining ''serious side effect'' for consumers; however, previous FDA research found that consumers were able to understand this concept (Ref. 9).

Topic 4—Ways To Minimize Burden

One comment addressed topic 4. This comment suggested conducting 20 hour-long qualitative interviews per study rather than conducting pretests. To clarify, we will conduct nine hour-long qualitative interviews to cognitively test the study stimuli and materials. We will use the pretests to test and select the browse and search goal instructions for the main studies and to pilot the main studies.

II. References

The following references are on display in the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. ''Guidance for Industry: Internet/Social Media Platforms with Character Space Limitations—Presenting Risk and Benefit Information for Prescription Drugs and Medical Devices,'' available at: *http://www.fda.gov/downloads/drugs/guidancecomplianceregulatoryinformation/guidances/ucm401087.pdf.*
2. *https://www.congress.gov/bill/114th-congress/house-bill/2479/text.*
3. *https://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/ucm184250.htm.*
4. *http://www.politico.com/story/2015/06/at-the-fda-drugs-and-tweets-dont-mix-118693.*
5. *http://www.dtcperspectives.com/is-one-click-in-the-cards/.*
6. Detlor, B., S. Sproule, and C. Gupta, ''Pre-Purchase Online Information Seeking: Search Versus Browse.'' *Journal of Electronic Commerce Research,* vol. 4, pp. 72–84, 2003.
7. Pieters, R. and M. Wedel, ''Goal Control of Attention to Advertising: The Yarbus Implication.'' *Journal of Consumer Research,* vol. 34, pp. 224–233, 2007.
8. Schlosser, A.E., ''Experiencing Products in the Virtual World: The Role of Goal and Imagery in Influencing Attitudes Versus Purchase Intentions.'' *Journal of Consumer Research,* vol. 30, pp. 184–198, 2003, *https://dx.doi.org/10.1086/376807.*
9. FDA. ''Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products; Final Rule.'' 73 FR 63886 to 6389. Available at *https://www.regulations.gov/document?D=FDA-2003-N-0313-0008*, 2008.

Dated: July 11, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–15002 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–3327]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; E6(R2) Good Clinical Practice; International Council for Harmonisation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''E6(R2) Good Clinical Practice; International Council for Harmonisation.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733; *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance on E6(R2) Good Clinical Practice; International Council for Harmonisation

OMB Control Number 0910—NEW

This information collection request supports Agency guidance entitled ''E6(R2) Good Clinical Practice'' (ICH E6(R2)), which was prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. ICH E6(R2) amends the ICH guidance entitled ''E6 Good Clinical Practice: Consolidated Guidance'' (issued in April 1996) to encourage implementation of improved and more-efficient approaches to clinical trial design, conduct, oversight, recording, and reporting that are intended to increase clinical trial quality and efficiency while continuing to ensure human subject protection and reliability of trial results. Standards regarding electronic records and essential documents intended to increase clinical trial quality and efficiency have also been updated. The guidance includes additions to ICH E6(R1) that are identified as ''ADDENDUM'' and are marked with vertical lines on both sides of the text.

In table 1, we estimate that approximately 1,457 sponsors of clinical trials of human drugs will develop approximately 1,457 quality management systems per year (as described in ICH E6(R2) in section 5.0, including sections 5.0.1 to 5.0.7). We further estimate that it will take sponsors approximately 60 hours to develop and implement each quality management system, totaling 87,420 hours annually. The estimated number of sponsors who will develop a quality management system, as described in ICH E6(R2), is based on the number of annual investigational new drug applications (INDs) and new drug applications (NDAs) submitted to the Center for Drug Evaluation and Research. The estimated number of hours it will take to develop a quality management system is based on FDA interactions with sponsors about activities that support drug development plans.

In table 2, we estimate that approximately 1,457 sponsors of clinical trials of human drugs will describe the quality management approach implemented in a clinical trial and summarize important deviations from the predefined quality tolerance limits and remedial actions taken in the clinical study report (as described in section 5.0.7 of ICH E6(R2)). We further estimate that sponsors will submit approximately 4.6 responses per respondent and that it will take sponsors 3 hours to complete this reporting task, totaling 20,107 reporting hours annually. These estimates are based on FDA's past experiences with INDs and NDAs.

In table 3, we estimate that approximately 218 sponsors of clinical trials of biological products will develop approximately 218 quality management systems per year (as described in ICH E6(R2) in section 5.0, including sections 5.0.1 to 5.0.7). We further estimate that it will take sponsors approximately 60 hours to develop and implement each quality management system, totaling 13,080 hours annually. The estimated number of sponsors who will develop a quality management system, as described in ICH E6(R2), is based on the number of annual INDs and biologics license application (BLAs) submitted to the Center for Biologics Evaluation and Research. The estimated number of hours it will take to develop a quality management system is based on FDA interactions with sponsors about activities that support drug development plans.

In table 4, we estimate that approximately 218 sponsors of clinical trials of biological products will describe the quality management approach implemented in a clinical trial and summarize important deviations from the predefined quality tolerance limits and remedial actions taken in a clinical study report (as described in section 5.0.7 of ICH E6(R2)). We further estimate that sponsors will submit approximately 3.69 responses per respondent and that it will take sponsors 3 hours to complete this reporting task, totaling 2,413 reporting hours annually. As described previously, these estimates are based on past experiences with INDs and BLAs submitted to the Agency.

In the **Federal Register** of May 31, 2016 (81 FR 34345), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received on the proposed collection of information.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR HUMAN DRUGS [1]

E6(R2) Good clinical practice; International Council for Harmonisation; guidance for industry	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Section 5.0—Quality Management (including sections 5.0.1 to 5.0.7)—Developing a Quality Management System	1,457	1	1,457	60	87,420

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]

E6(R2) Good clinical practice; International Council for Harmonisation; guidance for industry	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Section 5.0.7—Risk Reporting—Describing the Quality Management Approach Implemented in a Clinical Trial and Summarizing Important Deviations From the Predefined Quality Tolerance Limits and Remedial Actions Taken in the Clinical Study Report	1,457	4.6	6,702	3	20,107

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR BIOLOGICS [1]

E6(R2) Good clinical practice; International Council for Harmonisation; guidance for industry	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Section 5.0—Quality Management (including 5.0.1 to 5.0.7)—Developing a Quality Management System	218	1	218	60	13,080

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICS [1]

E6(R2) Good clinical practice; International Council for Harmonisation; guidance for industry	Number of responses	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Section 5.0.7—Risk Reporting—Describing the Quality Management Approach Implemented in a Clinical Trial and Summarizing Important Deviations From the Predefined Quality Tolerance Limits and Remedial Actions Taken in the Clinical Study Report	218	3.69	804	3	2,413

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–14999 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0601]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practice Regulations for Medicated Feeds

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 17, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0152. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice Regulations for Medicated Feeds—21 CFR Part 225

OMB Control Number 0910–0152—Extension

Under section 501 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 351), FDA has the statutory authority to issue current good manufacturing practice (cGMP) regulations for drugs, including medicated feeds. Medicated feeds are administered to animals for the prevention, cure, mitigation, or treatment of disease, or growth promotion and feed efficiency. Statutory requirements for cGMPs have been codified under part 225 (21 CFR part 225). Medicated feeds that are not manufactured in accordance with these regulations are considered adulterated under section 501(a)(2)(B) of the FD&C Act. Under part 225, a manufacturer is required to establish, maintain, and retain records for a medicated feed, including records to document procedures required during the manufacturing process to assure that proper quality control is maintained. Such records would, for example, contain information concerning receipt and inventory of drug components, batch production, laboratory assay results (*i.e.* batch and stability testing), labels, and product distribution.

This information is needed so that FDA can monitor drug usage and possible misformulation of medicated feeds to investigate violative drug residues in products from treated animals and to investigate product defects when a drug is recalled. In addition, FDA will use the cGMP criteria in part 225 to determine whether or not the systems and procedures used by manufacturers of medicated feeds are adequate to assure that their feeds meet the requirements of the FD&C Act as to safety, and also that they meet their claimed identity, strength, quality, and purity, as required by section 501(a)(2)(B) of the FD&C Act.

A license is required when the manufacturer of a medicated feed involves the use of a drug or drugs that FDA has determined requires more control because of the need for a withdrawal period before slaughter or because of carcinogenic concerns. Conversely, a license is not required and the recordkeeping requirements are less demanding for those medicated feeds for which FDA has determined that the drugs used in their manufacture need less control. Respondents to this collection of information are commercial feed mills and mixer-feeders.

In the **Federal Register** of October 17, 2016 (81 FR 71508), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received one letter in response to the notice, which contained multiple comments. One comment was generally supportive of the recordkeeping provisions of part 225. Another comment suggested that we should collect data from manufacturers of medicated feed, and described several benefits of having this information. Our regulations in part 225 require recordkeeping to document procedures required during the manufacturing process to assure that proper quality control is maintained. The regulations do not require manufacturers to submit this information to us on a routine basis but, rather, to make the information available to us upon inspection. To the extent that the comments recommend changes to our cGMP regulations for medicated feed, which can only be accomplished by rulemaking, the comments were outside the scope of the four collection of information topics on which the notice requested comments and will not be discussed in this document.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN

[Registered Licensed Commercial Feed Mills] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
225.42(b)(5) through (b)(8), requires records of receipt, storage, and inventory control of medicated feeds.	877	260	228,020	1	228,020
225.58(c) and (d), requires records of the results of periodic assays for medicated feeds that are in accord with label specifications and also those medicated feeds not within documented permissible assay limits.	877	45	39,465	.50 (30 minutes)	19,732.5
225.80(b)(2), requires that verified medicated feed label(s) be kept for 1 year.	877	1,600	1,403,200	.12 (7 minutes)	168,384
225.102(b)(1), requires records of Master Record Files and production records for medicated feeds.	877	7,800	6,840,600	.08 (5 minutes)	547,248
225.110(b)(1) and (b)(2), requires maintenance of distribution records for medicated feeds.	877	7,800	6,840,600	.02 (1 minute)	136,812
225.115(b)(1) and (b)(2), requires maintenance of complaint files by the medicated feed manufacturer.	877	5	4,385	.12 (7 minutes)	526.2
Total					1,100,722.7

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN

[Registered Licensed Mixer-Feeders] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
225.42(b)(5) through (b)(8), requires records of receipt, storage, and inventory control of medicated feeds.	100	260	26,000	.15 (9 minutes)	3,900
225.58(c) and (d), requires records of the results of periodic assays for medicated feeds that are in accord with label specifications and also those medicated feeds not within documented permissible assay limits.	100	36	3,600	.50 (30 minutes)	1,800
225.80(b)(2), requires that verified medicated feed label(s) be kept for 1 year.	100	48	4,800	.12 (7 minutes)	576
225.102(b)(1) through (b)(5), requires records of Master Record Files and production records for medicated feeds.	100	260	26,000	.40 (24 minutes)	10,400
Total	.....	.....	.....	.....	16,676

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL RECORDKEEPING BURDEN

[Nonregistered Unlicensed Commercial Feed Mills] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
225.142, requires procedures for identification, storage, and inventory control (receipt and use) of Type A medicated articles and Type B medicated feeds.	4,186	4	16,744	1	16,744
225.158, requires records of investigation and corrective action when the results of laboratory assays of drug components indicate that the medicated feed is not in accord with the permissible assay limits.	4,186	1	4,186	4	16,744
225.180, requires identification, storage, and inventory control of labeling in a manner that prevents label mix-ups and assures that correct labels are used for medicated feeds.	4,186	96	401,856	.12 (7 minutes)	48,223
225.202, requires records of formulation, production, and distribution of medicated feeds.	4,186	260	1,088,360	.65 (39 minutes)	707,434
Total	.....	.....	.....	.....	789,145

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN

[Nonregistered Unlicensed Mixer-Feeders] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
225.142, requires procedures for identification, storage, and inventory control (receipt and use) of Type A medicated articles and Type B medicated feeds.	3,400	4	13,600	1	13,600
225.158, requires records of investigation and corrective action when the results of laboratory assays of drug components indicate that the medicated feed is not in accord with the permissible assay limits.	3,400	1	3,400	4	13,600
225.180, requires identification, storage, and inventory control of labeling in a manner that prevents label mix-ups and assures that correct labels are used for medicated feeds.	3,400	32	108,800	.12 (7 minutes)	13,056
225.202, requires records of formulation, production, and distribution of medicated feeds.	3,400	260	884,000	.33 (20 minutes)	291,720

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN—Continued

[Nonregistered Unlicensed Mixer-Feeders] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Total					331,976

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We based our estimate of the time required for record preparation and maintenance on our communications with industry. We derived additional information needed to calculate the total burden hours (*i.e.,* number of recordkeepers, number of medicated feeds being manufactured, etc.) from our records and experience. The burden has not changed since the last OMB approval.

Dated: July 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–14995 Filed 7–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0692]

Equivalency Determination for ''Marine Charts,'' ''Charts,'' or ''Maps,'' ''Publications,'' and Navigation Functions—Notice of Availability of Navigation and Vessel Inspection Circular 01–16 Change 1

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard (USCG) is announcing, the availability of Navigation and Vessel Inspection Circular (NVIC) 01–16 change 1. The NVIC provides that display of certain electronic charts and publications will meet—as an equivalency—the ''marine charts,'' ''charts,'' ''maps,'' or ''publications'' carriage requirements and provides for an equivalency for position fixing and plotting. USCG intends, by this policy, to provide a path for U.S. flagged vessels to replace paper charts and most hard copy publications if so desired.

FOR FURTHER INFORMATION CONTACT: Please address questions or feedback concerning this policy to LCDR Matthew Walter, telephone 202–372–1565 or email *cgnav@uscg.mil.*

SUPPLEMENTARY INFORMATION: In response to recommendations from Coast Guard Federal Safety Advisory Committees, industry stakeholders and agency partners, the Coast Guard updated its original policy on electronic charts and publications. Navigation and Vessel Inspection Circular (NVIC) 01–16 change 1 is revised to focus on the equivalency determination for charts, publications and, newly added, navigation functions. It only accepts certain electronic charts as described. It requires vessels that operate offshore to display charts on certain systems. It describes the minimum performance requirements for equipment receiving position information and restates our policy on electronic navigation publications.

Title 33 of the Code of Federal Regulations requires ''currently corrected marine charts'' of a large enough scale and with enough detail to make safe navigation possible. In 2002, the Coast Guard authorized U.S. flagged SOLAS-compliant vessels to use an Electronic Chart Display and Information System (ECDIS) in lieu of paper charts.[1] That policy did not apply to the U.S. flagged vessels engaged solely on domestic voyages. Therefore, the Coast Guard is publishing an equivalency to address electronic chart carriage on those vessels.

Title 33 of the CFR 164 also requires that some vessels fix their position [2] and other vessels fix and plot their position.[3] The USCG recognizes the benefit of real-time positioning data, and that it can provide greater situational awareness than what could be achieved using paper charts. Therefore, USCG is announcing an equivalency to fixing and plotting. Title 33 of the CFR, along with the International Convention of Safety of Life at Sea (SOLAS) Chapter V Regulation 27, also requires currently corrected editions of, or applicable currently corrected extracts from, nautical publications necessary for the intended voyage. In 2010, USCG announced policy accepting some electronic publications in lieu of paper publications.[4] NVIC 01–16 change 1 does not substantively change this USCG publication policy, but rather consolidates information.

Additionally, NVIC 01–16 change 1 also provides guidance to marine inspectors regarding how to identify approved and/or appropriate electronic charts, display systems, position information and electronic publications. Finally, this Circular recommends practices that vessel owners and operators should consider when navigating with the assistance of electronics.

This Circular is not a substitute for applicable legal requirements, nor is it itself a rule. It does not provide equivalence for the purposes of SOLAS certificates. Mariners are responsible to safely navigate and follow applicable regulatory requirements.

Dated: July 10, 2017.

RADM Paul F. Thomas,

Assistant Commandant for Prevention Policy, U.S. Coast Guard.

[FR Doc. 2017–15056 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–04–P

[1] 67 **Federal Register** 53382 as amended by 69 **Federal Register** 42192, Carriage of Navigation Equipment for Ships on International Voyages.

[2] 33 CFR 164.11 & 164.78—Self-propelled vessels 1600 or more gross tons and towing vessels 12 meters or more in length.

[3] 33 CFR 164.11—Self-propelled vessels 1600 or more gross tons.

[4] CG–543 Policy Letter 10–05 canceled and replaced by Navigation and Vessel Inspection Circular 01–16.

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4320–DR; Docket ID FEMA–2017–0001]

Tennessee; 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 Tennessee (FEMA–4320–DR), dated June 23, 2017, and related determinations.

DATES: *Effective Date:* June 23, 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 23, 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 Tennessee resulting from severe storms, straight-line winds, and flooding during the period of May 27–28, 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 Tennessee.

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 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 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 Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Warren J. Riley, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Tennessee have been designated as adversely affected by this major disaster:

Blount, Cumberland, Fayette, Knox, Loudon, Morgan, Putnam, Rhea, Roane, Sevier, Shelby, and Smith Counties for Public Assistance.

All areas within the State of Tennessee 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.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–15020 Filed 7–17–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

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 November 3, 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: June 16, 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
Humboldt County, Iowa and Incorporated Areas Docket No.: FEMA–B–1621	
City of Bradgate	City Hall, 202 South Garfield Street, Bradgate, IA 50520.
City of Dakota City	City Hall, 26 5th Street South, Dakota City, IA 50529.
City of Humboldt	City Hall, 29 5th Street South, Humboldt, IA 50548.
City of Livermore	City Hall, 401 4th Avenue, Livermore, IA 50558.
City of Lu Verne	City Hall, 109 Dewitt Street, Lu Verne, IA 50560.
City of Rutland	City Hall, 201 Sheridan Avenue, Rutland, IA 50582.
City of Thor	City Hall, 223 North Ann Street, Thor, IA 50591.
Unincorporated Areas of Humboldt County	Humboldt County Courthouse, 203 Main Street, Dakota City, IA 50529.
Niagara County, New York (All Jurisdictions) Docket No.: FEMA–B–1634	
Town of Pendleton	Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, NY 14094.
Delaware County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1634	
Borough of Upland	Municipal Office, 224 Castle Avenue, Upland, PA 19015.
City of Chester	Planning Department, 1 4th Street, Chester, PA 19013.

[FR Doc. 2017–15027 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1604]

Proposed Flood Hazard Determinations for Dallas County, Iowa and Incorporated Areas and Warren County, Iowa and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed notice; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed notice concerning proposed flood hazard determinations, which may include the addition or modification of any Base Flood Elevation, base flood depth, Special Flood Hazard Area boundary or zone designation, or regulatory floodway (herein after referred to as proposed flood hazard determinations) on the Flood Insurance Rate Maps and, where applicable, in the supporting Flood Insurance Study reports for Dallas County, Iowa and Incorporated Areas and Warren County, Iowa and Incorporated Areas.

DATES: This withdrawal is effective July 18, 2017.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1604, to 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.*

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;*

SUPPLEMENTARY INFORMATION: On April 4, 2016, FEMA published a proposed notice at 81 FR 19232, proposing flood hazard determinations for Dallas County, Iowa and Incorporated Areas and Warren County, Iowa and Incorporated Areas. FEMA is withdrawing the proposed notice.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: June 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2017–15025 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1714]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the 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 National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before October 16, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each

community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1714, to 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*.

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: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf*.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: June 16, 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
Sierra County, California and Incorporated Areas Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 15–09–1829S Preliminary Date: August 19, 2015	
Unincorporated Areas of Sierra County	Sierra County Department of Planning, 101 Courthouse Square, Downieville, CA 95936.

[FR Doc. 2017–15028 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1733]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

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 specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the 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 National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: June 28, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Colorado:						
Boulder	Town of Superior (17–08–0088P).	The Honorable Clint Folsom, Mayor, Town of Superior, 124 East Coal Creek Drive, Superior, CO 80027.	Town Hall, 124 East Coal Creek Drive, Superior, CO 80027.	*http://www.msc.fema.gov/lomc*	Sep. 28, 2017	080203
Boulder	Unincorporated areas of Boulder County (17–08–0088P).	The Honorable Deb Gardner, Chair, Boulder County, Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80306.	*http://www.msc.fema.gov/lomc*	Sep. 28, 2017	080023
Denver	City and County of Denver (17–08–0542P).	The Honorable Michael Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Room 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2017	080046
Connecticut:						
Fairfield	Town of Greenwich (17–01–0822P).	The Honorable Peter Tesei, First Selectman, Town of Greenwich, Board of Selectmen, 101 Field Point Road, Greenwich, CT 06830.	Planning and Zoning Department, 101 Field Point Road, Greenwich, CT 06830.	*http://www.msc.fema.gov/lomc*	Sep. 5, 2017	090008
New London ...	Town of Groton .. (17–01–0859P) ..	Mr. Mark R. Oefinger, Manager, Town of Groton, 45 Fort Hill Road, Groton, CT 06340.	Town Hall, 45 Fort Hill Road, Groton, CT 06340.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2017	090097
New London ...	Town of Ledyard (17–01–0859P).	The Honorable Fred Allyn III, Mayor, Town of Ledyard, 741 Colonel Ledyard Highway, Ledyard, CT 06339.	Town Hall, 741 Colonel Ledyard Highway, Ledyard, CT 06339.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2017	090157
Florida:						
Charlotte	Unincorporated areas of Charlotte County (17–04–3236P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	*http://www.msc.fema.gov/lomc*	Sep. 21, 2017	120061

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Indian River	City of Vero Beach (17–04–3092P).	The Honorable Laura Moss, Mayor, City of Vero Beach, 1053 20th Place, Vero Beach, FL 32960.	Planning and Development Department, 1053 20th Place, Vero Beach, FL 32960.	*http://www.msc.fema.gov/lomc*	Sep. 25, 2017	120124
Lee	City of Sanibel (17–04–1616P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2017	120402
Lee	Unincorporated areas of Lee County (17–04–0381P).	The Honorable Frank Mann, Chairman, Lee County Board of Commissioners, 2120 Main Street, Fort Myers, FL 33901.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	*http://www.msc.fema.gov/lomc*	Oct. 4, 2017	125124
Miami-Dade	City of Miami (17–04–3352P).	The Honorable Tomás P. Regalado, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	Building Department, 444 Southwest 2nd Avenue, Miami, FL 33130.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2017	120650
Monroe	Unincorporated areas of Monroe County (17–04–4161P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Key West, FL 33050.	*http://www.msc.fema.gov/lomc*	Sep. 26, 2017	125129
Sumter	City of Wildwood (17–04–0118P).	The Honorable Ed Wolf, Mayor, City of Wildwood, 100 North Main Street, Wildwood, FL 34785.	Community Development Department, 7375 Powell Road, Wildwood, FL 34785.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2017	120299
Sumter	Unincorporated areas of Sumter County (17–04–0118P).	The Honorable Doug Gilpin, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County, Community Development Department, 7375 Powell Road, Wildwood, FL 34785.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2017	120296
Georgia: Gordon ...	Unincorporated areas of Gordon County (17–04–0799P).	The Honorable Becky Hood, Chair, Gordon County Board of Commissioners, 201 North Wall Street, Calhoun, GA 30701.	Gordon County Building, Planning and Development Department, 200 South Wall Street, Calhoun, GA 30701.	*http://www.msc.fema.gov/lomc*	Aug. 31, 2017	130094
Maryland: Montgomery.	City of Rockville (17–03–0445P).	Mr. Robert DiSpirito, Manager, City of Rockville, 111 Maryland Avenue, Rockville, MD 20850.	Department of Public Works, 111 Maryland Avenue, Rockville, MD 20850.	*http://www.msc.fema.gov/lomc*	Sep. 22, 2017	240051
Massachusetts:						
Worcester	Town of Northbridge (16–01–2019P).	The Honorable James R. Marzec, Chairman, Town of Northbridge Board of Selectmen, 7 Main Street, Whitinsville, MA 01588.	Town Hall, 7 Main Street, Whitinsville, MA 01588.	*http://www.msc.fema.gov/lomc*	Sep. 20, 2017	250322
Worcester	Town of Sutton (16–01–2019P).	The Honorable John L. Hebert, Chairman, Town of Sutton Board of Selectmen, 4 Uxbridge Road, Sutton, MA 01590.	Town Hall, 4 Uxbridge Road, Sutton, MA 01590.	*http://www.msc.fema.gov/lomc*	Sep. 20, 2017	250338
North Carolina:						
Catawba	City of Conover (16–04–1634P).	The Honorable Lee E. Moritz, Jr., Mayor, City of Conover, P.O. Box 549, Conover, NC 28613.	City Hall, 101 1st Street East, Conover, NC 28613.	*http://www.msc.fema.gov/lomc*	May 30, 2017	370053
Catawba	City of Conover (16–04–8093P).	The Honorable Lee E. Moritz, Jr., Mayor, City of Conover, P.O. Box 549, Conover, NC 28613.	City Hall, 101 1st Street East, Conover, NC 28613.	*http://www.msc.fema.gov/lomc*	Sep. 15, 2017	370053
Catawba	Unincorporated areas of Catawba County (16–04–1634P).	The Honorable C. Randall Isenhower, Chairman, Catawba County Board of Commissioners, P.O. Box 389, Newton, NC 28658.	Catawba County Planning and Parks Service Department, 100–A South West Boulevard, Newton, NC 28658.	*http://www.msc.fema.gov/lomc*	May 30, 2017	370050

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Macon	Town of Franklin (16–04–5247P).	The Honorable Bob Scott, Mayor, Town of Franklin, P.O. Box 1479, Franklin, NC 28744.	Town Hall, 95 East Main Street, Franklin, NC 28734.	*http://www.msc.fema.gov/lomc*	Sep. 18, 2017	375350
Macon	Unincorporated areas of Macon County (16–04–5247P).	The Honorable James P. Tate, Chairman, Macon County Board of Commissioners, 5 West Main Street, NC 28734.	Macon County, Director of Planning, Permitting and Development Office, 5 West Main Street, Franklin, NC 28734.	*http://www.msc.fema.gov/lomc*	Sep. 18, 2017	370150
Onslow	Town of North Topsail Beach (17–04–2762P).	The Honorable Fred J. Burns, Mayor, Town of North Topsail Beach, 2008 Loggerhead Court, North Topsail Beach, NC 28460.	Planning Department, 2008 Loggerhead Court, North Topsail Beach, NC 28460.	*http://www.msc.fema.gov/lomc*	Oct. 6, 2017	370466
Pitt	City of Greenville (17–04–3225P).	The Honorable Allen M. Thomas, Mayor, City of Greenville, P.O. Box 7207, Greenville, NC 27835.	City Hall, 200 West 5th Street, Greenville, NC 27834.	*http://www.msc.fema.gov/lomc*	Oct. 2, 2017	370191
Wake	Town of Apex (17–04–3427P).	The Honorable Lance Olive, Mayor, Town of Apex, P.O. Box 250, Apex, NC 27502.	Engineering Department, 73 Hunter Street, Apex, NC 27502.	*http://www.msc.fema.gov/lomc*	Oct. 2, 2017	370467
Watauga	Town of Boone (16–04–8003P).	The Honorable Rennie Brantz, Mayor, Town of Boone, 567 West King Street, Boone, NC 28607.	Planning and Inspections Department, 680 West King Street, Suite C, Boone, NC 28607.	*http://www.msc.fema.gov/lomc*	Sept. 14, 2017	370253
Watauga	Unincorporated areas of Watauga County (16–04–8003P).	The Honorable John Welch Chairman, Board of Commissioners, 814 West King Street, Suite 205, Boone, NC 28607.	Watauga County Planning and Inspections Department, 331 Queen Street, Suite A, Boone, NC 28607.	*http://www.msc.fema.gov/lomc*	Sept. 14, 2017	370251
Pennsylvania: Chester.	Township of West Pikeland (17–03–0003P).	Mr. Jim Wendelgass, Manager, Township of West Pikeland, 1645 Art School Road, Chester Springs, PA 19425.	Township Building, 1645 Art School Road, Chester Springs, PA 19425.	HTTP://WWW.MSC.FEMA.GOV/LOMC.	Oct. 4, 2017	421151
South Dakota: Union.	Unincorporated areas of Union County (16–08–0762P).	The Honorable Milton Ustad, Chairman, Union County Board of Commissioners, 209 East Main Street, Elk Point, SD 57025.	Union County Planning and Zoning Department, 209 East Main Street, Elk Point, SD 57025.	*http://www.msc.fema.gov/lomc*	Sep. 29, 2017	460242
Texas:						
Bexar	City of Converse (17–06–1168P).	The Honorable Al Suarez, Mayor, City of Converse, 403 South Seguin Road, Converse, TX 78109.	City Hall, 403 South Seguin Road, Converse, TX 78109.	*http://www.msc.fema.gov/lomc*	Oct. 2, 2017	480038
Bexar	City of San Antonio (16-06-4428P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc*	Oct. 2, 2017	480045
Collin	City of McKinney (17–06–0438P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	*http://www.msc.fema.gov/lomc*	Oct. 2, 2017	480135
Collin	Unincorporated areas of Collin County (17–06–0438P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	*http://www.msc.fema.gov/lomc*	Oct. 2, 2017	480130
Dallas	City of Lancaster (17–06–2357P).	The Honorable Marcus E. Knight, Mayor, City of Lancaster, P.O. Box 940, Lancaster, TX 75146.	City Hall, 700 East Main Street, Lancaster, TX 75146.	*http://www.msc.fema.gov/lomc*	Sep. 21, 2017	480182
Ellis	City of Midlothian (16–06–3253P).	The Honorable Bill Houston, Mayor, City of Midlothian, 104 West Avenue E, Midlothian, TX 76065.	Engineering Department, 104 West Avenue E, Midlothian, TX 76065.	*http://www.msc.fema.gov/lomc*	Sep. 28, 2017	480801

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Harris	City of Tomball (16–06–4206P).	The Honorable Gretchen Fagan, Mayor, City of Tomball, 401 Market Street, Tomball, TX 77375.	Community Development Department, 501 James Street, Tomball, TX 77375.	*http://www.msc.fema.gov/lomc*	Sep. 18, 2017	480315
Harris	Unincorporated areas of Harris County (16–06–3930P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*http://www.msc.fema.gov/lomc*	Sep. 25, 2017	480287
Harris	Unincorporated areas of Harris County (16–06–3936P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*http://www.msc.fema.gov/lomc*	Sep. 18, 2017	480287
Harris	Unincorporated areas of Harris County (16–06–4206P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*http://www.msc.fema.gov/lomc*	Sep. 18, 2017	480287
Harris	Unincorporated areas of Harris County (17–06–0884P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*http://www.msc.fema.gov/lomc*	Oct. 2, 2017	480287
Travis	City of Austin (17–06–0072P).	The Honorable Steve Adler, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	Watershed Protection Department, 505 Barton Springs Road, Austin, TX 78704.	*http://www.msc.fema.gov/lomc*	Sep. 18, 2017	480624
Travis	Unincorporated areas of Travis County (17–06–0072P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Transportation and Natural Resources Department, 700 Lavaca Street, Suite 540, Austin, TX 78701.	*http://www.msc.fema.gov/lomc*	Sep. 18, 2017	481026
Utah:						
Iron	City of Cedar City (17–08–0143P).	The Honorable Maile Wilson, Mayor, City of Cedar City, 10 North Main Street, Cedar City, UT 84720.	City Hall, 10 North Main Street, Cedar City, UT 84720.	*http://www.msc.fema.gov/lomc*	Oct. 12, 2017	490074
Kane	Unincorporated areas of Kane County (17–08–0684P).	The Honorable Dirk Clayson, Chairman, Kane County Commission, 76 North Main Street, Kanab, UT 84741.	Kane County Courthouse, 76 North Main Street, Kanab, UT 84741.	*http://www.msc.fema.gov/lomc*	Sep. 22, 2017	490083
Salt Lake	City of Draper (17–08–0291P).	The Honorable Troy K. Walker, Mayor, City of Draper, 1020 East Pioneer Road, Draper, UT 84020.	City Hall, 1020 East Pioneer Road, Draper, UT 84020.	*http://www.msc.fema.gov/lomc*	Oct. 2, 2017	490244
Virginia: Loudoun	Unincorporated areas of Loudoun County (17–03–1055P).	The Honorable Phyllis J. Randall, Chair, Loudoun County Board of Supervisors, P.O. Box 7000, Leesburg, VA 20177.	Loudoun County Department of Building and Development, 1 Harrison Street, Leesburg, VA 20177.	*http://www.msc.fema.gov/lomc*	Oct. 6, 2017	510099

[FR Doc. 2017–15023 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0032]

New Information Collection Request: The Department of Homeland Security, Office of Cybersecurity and Communications, US–CERT.gov Collection

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Cybersecurity and Communications (CS&C), National Cybersecurity and Communications Integration Center (NCCIC), United States Computer Emergency Readiness Team (US–CERT) will submit 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.

DATES: Comments are encouraged and will be accepted until September 18, 2017. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/CS&C/NCCIC/US–CERT, 245 Murray Lane, SW., Mail Stop 0640, Arlington,VA 20598–0640. Emailed requests should go to *info@us-cert.gov.* Written comments should reach the contact person listed no later than September 18, 2017. Comments must be identified by ''DHS–2017–0032'' and may be submitted by *one* of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.*

• *Email: info@us-cert.gov* Include the docket number ''DHS–2017–0032'' in the subject line of the message.

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 *http://www.regulations.gov,* including any personal information provided.

SUPPLEMENTARY INFORMATION: US–CERT is responsible for performing, coordinating, and supporting response to information security incidents, which may originate outside the Federal community and affect users within it, or originate within the Federal community and affect users outside of it. Often, therefore, the effective handling of security incidents relies on information sharing among individual users, industry, and the Federal Government, which may be facilitated by and through US–CERT.

US–CERT fulfills the role of the Federal information security incident center for the United States Federal Government as defined in the Federal Information Security Modernization Act of 2014. Each Federal agency is required to notify and consult with US–CERT regarding information security incidents involving the information and information systems (managed by a Federal agency, contractor, or other source) that support the operations and assets of the agency. Additional entities report incident information to US–CERT voluntarily.

Per the Federal Information Security Modernization Act of 2014, as codified in subchapter II of chapter 35 of title 44 of the United States Code, US–CERT must inform operators of agency information systems about current and potential information security threats and vulnerabilities. Per the Homeland Security Act, as amended, the NCCIC, of which US–CERT and ICS–CERT are a part, is required to be the Federal civilian interface for sharing cybersecurity risks, incidents, analysis, and warnings for federal and non-Federal entities.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Cybersecurity and Communications, National Cybersecurity and Communications Integration Center, United States Computer Emergency Readiness Team.

Title: Clearance for the Collection of Routine Feedback through *US-CERT.gov.*

OMB Number: 1670—NEW.

Frequency: Ongoing.

Affected Public: Voluntary respondents.

Number of Respondents: 126,325 respondents (estimate).

Estimated Time per Respondent: 3 minutes.

Total Burden Hours: 6,140 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost (operating/maintaining): $0.

David Epperson,

Chief Information Officer.

[FR Doc. 2017–15067 Filed 7–17–17; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0034]

Information Collection Request: The Department of Homeland Security, Stakeholder Engagement and Cyber Infrastructure Resilience Division (SECIR)

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 60-day notice and request for comments.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Cybersecurity and Communications (CS&C), Stakeholder Engagement & Cyber Infrastructure Resilience Division (SECIR), will submit 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.

DATES: Comments are encouraged and will be accepted until September 18, 2017. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/CS&C/SECIR, 4200 Wilson Blvd., Mail Stop 0412, Arlington,VA 22203–0412. Emailed requests should go to *nppd-prac@HQ.DHS.GOV.* Written comments should reach the contact person listed no later than September 18, 2017. Comments must be identified by ''DHS–2017–0034''and may be submitted by *one* of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting written comments.

• *Email: nppd-prac@HQ.DHS.GOV.* Please include the docket number DHS–2017–0034 in the subject line of the message.

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 *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: Section 227 of the Homeland Security Act authorizes the National Cybersecurity and Communications Integration Center (NCCIC) within NPPD as a ''Federal civilian interface for the multi-directional and cross-sector sharing of information related to . . . cybersecurity risks.'' 6 U.S.C. 148(c)(1). This authority applies to Federal and non-Federal entities, including the private sector, small and medium businesses, sectors of critical infrastructure, and information sharing organizations. This provision includes the authority to receive, analyze and disseminate information about cybersecurity risks and incidents and to provide guidance, assessments, incident response support, and other technical assistance upon request and codifies NPPD's coordinating role among federal and non-federal entities. 6 U.S.C. 148.

As part of its information sharing responsibilities with non-Federal entities, the National Defense Authorization Act For Fiscal Year 2017 amended the Homeland Security Act to authorize the Department to specifically focus on small businesses. See Public Law 114–328 (2017). Specifically, the Act authorizes NPPD to ''leverage small business development centers to provide assistance to small business concerns by disseminating information

on cyber threat indicators, defense measures, cybersecurity risks, incidents, analyses, and warnings to help small business concerns in developing or enhancing cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees.'' 6 U.S.C. 148(l); see also 15 U.S.C. 648(g) (similarly authorizing DHS, ''and any other Federal department or agency in coordination with the Department of Homeland Security'' to ''leverage small business concerns by disseminating information relating to cybersecurity risks and other homeland security matters to help small business concerns in developing or enhancing cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees'').

Consistent with these authorities, E.O. 13636 directs the Department to increase its cybersecurity information sharing efforts with the private sector and consult on and promote the National Institute of Standards and Technology (NIST) Cybersecurity Framework. To facilitate the Department's promotion of the NIST Cybersecurity Framework, the E.O. directs the Secretary to establish a voluntary program to support the adoption of the Framework in coordination with Sector Specific Agencies, which in turn ''shall coordinate with Sector Coordinating Councils to review the Cybersecurity Framework and, if necessary, develop implementation guidance or supplemental materials to address sector-specific risks and operating environments.'' E.O. No. 13636, 78 FR 11739 (2013).

Accordingly, the Information Technology (IT) Sector, represented by industry via the IT Sector Coordinating Council (SCC) and by Government via the IT Government Coordinating Council (GCC), established the IT Sector Small and Midsized Business (SMB) Cybersecurity Best Practices Working Group (''Working Group'') to develop best practices for implementing the NIST Cybersecurity Framework in the SMB community. The Working Group, which consists of industry and government representatives, developed the SMB Cybersecurity Survey to determine Return on Investment (ROI) metrics for NIST Cybersecurity Framework adoption among SMB stakeholders. This process will assess the effectiveness of the NIST Cybersecurity Framework. This process will also establish a baseline for ROI metrics, which have not previously existed in the SMB community. The IT Sector-Specific Agency (SSA), headquartered in DHS CS&C, is supporting the Working Group's survey development.

DHS is not administering, controlling or soliciting the collection of the information via the survey. The IT SCC will administer the survey and anonymize the data, which will then be sent to DHS for analysis. DHS is not administering or soliciting the collection of information via the survey. The analysis will determine ROI information for NIST Cybersecurity Framework adoption in the SMB community. The results of this analysis will be used to provide the SMB community with best practices on how to use the Cybersecurity Framework for business protection and risk management.

The questionnaire will be distributed to SMBs and is a two-part survey. Questions 1–11 of the survey are for an organization's leadership, as these questions pertain to high level information about the company (core function, number of employees, etc.). The remaining questions are intended for the Chief Information Services Officer (CISO) and/or appropriate IT staff, as these questions are technical and ask about the IT security of the company.

The private sector will collect Point of Contact (POC) information through the survey instrument, but will not include that information on the anonymized dataset they submit to DHS. DHS will use anonymized data to conduct their analysis. The IT SCC will administer the survey.

The intent is for DHS to only receive derivative products—anonymized micro-dataset to come up with the summary statistics, or aggregated summary results. The IT SCC will conduct the actual data collection. DHS will aid with the statistical analysis where needed, but would not be working with the individual responses to the questionnaire. Even if the POC question does get included in the questionnaire, DHS would not be collecting or retaining PII.

Once the survey is administered by the private sector partners of the IT SCC to the member organizations, the collected raw inputs will be compiled and the resulting dataset will be processed by the private sector partners to (a) assign unique random identifiers to each of the responses, (b) scrub any PII from the microdata, (c) QA against the raw input. These processing steps (a–c) will be implemented PRIOR to handing the dataset to DHS for statistical analysis. This survey represents a new collection.

OMB is particularly interested in comments that:

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

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Cybersecurity and Communications, Stakeholder Engagement & Cyber Infrastructure Resilience Division.

Title: The Department of Homeland Security, Stakeholder Engagement & Cyber Infrastructure Resilience Division.

OMB Number: 1670—NEW.

Frequency: Once every five years.

Affected Public: Private sector, Small & Midsize Business (SMB).

Number of Respondents: 1,000 annually.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 500 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost (operating/maintaining): $0.

Dated: July 12, 2017.

David Epperson,

Chief Information Officer.

[FR Doc. 2017–15068 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One New Public Collection of Information: Military Severely Injured Joint Support Operations Center (MSIJSOC) and Travel Protocol Office (TPO) Programs

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on a new Information Collection Request (ICR) abstracted below, that we will submit to the Office of Management and Budget (OMB) for approval in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of travel information to TSA to provide wounded warriors, severely injured military personnel, and certain other travelers with assistance through the airport security screening process.

DATES: Send your comments by September 18, 2017.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be made available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Purpose and Description of Data Collection

The Transportation Security Administration (TSA) established the Military Severely Injured Joint Support Operations Center (MSIJSOC) and the Travel Protocol Office (TPO) programs to support and facilitate the movement of wounded warriors, severely injured military personnel, veterans and other travelers requiring an escort through the airport security screening process. The MSIJSOC and TPO programs are available at commercial airports within the continental United States and its territories.

The MSIJSOC program works with passengers who are wounded warriors, severely injured military members, and veterans. Once flight arrangements are made with the airlines, the traveler, his or her family, or other representative may contact the TSA Cares Hotline no later than 72 hours prior to their scheduled flight time with the details of the itinerary. TSA will collect the traveler's name, travel itinerary (flight departure and arrival information), and a point-of-contact's mobile phone number. Once TSA collects this information, TSA Cares will contact MSIJSOC, where the staff will vet the request via the appropriate Wounded Warrior Care Coordinator to verify the wounded warriors, severely injured military members, and veterans' eligibility. After verifying eligibility, the MSIJSOC will contact the respective TSA official at the appropriate airport for action.

Additionally, the TPO program facilitates the movement of foreign dignitaries, accredited Ambassadors to the United States and others who may require an escort through the airport security screening process. These travelers may contact the TPO office by submitting a request for travel support via telephone. Travelers and their points-of-contact should submit their travel support requests no later than 72 hours prior to the respective scheduled flight to allow TSA to make timely notification regarding the travel. TSA will collect the traveler's name, travel itinerary (flight departure and arrival information), and a point-of-contact's mobile phone number.

The estimated annual burden for this collection is 467 hours. The estimated number of annual respondents is 5,600 with each response taking approximately 0.0833 hours (5600 × 0.0833).

Dated: July 12, 2017.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2017–15019 Filed 7–17–17; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2016–0141; FXES11140200000–178–FF02ENEH00]

Draft Environmental Impact Statement and Draft Barton Springs Edwards Aquifer Conservation District Habitat Conservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: notice of receipt of a permit application; and announcement of a public meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental impact statement (dEIS), which evaluates the impacts of, and alternatives to, the proposed Barton Springs Edwards Aquifer Conservation District (BSEACD) Habitat Conservation Plan (dHCP) for federally-listed Barton Springs salamander (BSS) and Austin blind salamander (ABS) (collectively, covered species) incidental take in portions of Travis and Hays Counties, Texas, where pumping withdrawals are implemented, authorized, or permitted by BSEACD. We also announce that we will hold a public meeting on this project.

DATES: *Comments:* We will accept comments received or postmarked on or before September 18, 2017. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section below) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on these actions.

ADDRESSES: *Obtaining Documents:*

- *Internet:* You may obtain copies of the dEIS and dHCP on the Federal eRulemaking Portal at *http://www.regulations.gov* (Docket Number FWS–R2–ES–2016–0141); or
- You may also obtain copies of the dEIS and dHCP on the Service's Web site at *http://www.fws.gov/southwest/es/AustinTexas/* (refer to permit number TE10607C).
- *U.S. Mail:* A limited number of CD–ROM and printed copies of the dEIS and dHCP are available, by request, from the Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; phone (512) 490–0057; or fax (512) 490–0974. Please note that your request is in reference to the HCP for BSS and ABS (TE10607C).
- *In-Person:* Copies of the dEIS and dHCP are also available for public

inspection and review at the following locations, by appointment and written request only, 8 a.m. to 4:30 p.m.:

○ U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758, 512/490–0057.

○ U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Albuquerque, NM 87102, Room 6034, 505/248–6920.

○ Department of the Interior, Natural Resources Library, 1849 C. St. NW., Washington, DC 20240.

Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM 87103 (Attention: Branch of Environmental Review).

Submitting Comments: You may submit written comments by one of the following methods:

• *Electronically:* Go to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R2–ES–2016–0141, which is the docket number for this notice. On the left side of the screen, under the Document Type heading, click on the Notices link to locate this document and submit a comment.

• *By Hard Copy:* Submit by U.S. mail or hand-delivery to Public Comments Processing, Attn: FWS–R2–ES–2016–0141; U.S. Fish and Wildlife Service; MS BPHC–PPM; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

• For how to view comments on the EIS from the Environmental Protection Agency (EPA), or for information on EPA's role in the EIS process, see EPA's Role in the EIS Process under **SUPPLEMENTARY INFORMATION.**

• We will also accept written and oral comments at the public meeting (see **DATES**).

We request that you send comments by only the methods described above. We will post all information received on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Availability of Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758 or (512) 490–0057.

SUPPLEMENTARY INFORMATION: In addition to this notice of the dEIS, EPA is publishing a notice announcing the dEIS, as required under section 309 of the Clean Air Act (42 U.S.C. 7401 *et seq.*). The publication of EPA's notice is the official start of the comment period for an EIS (see EPA's Role in the EIS Process below).

Background

We initially prepared a notice of intent (NOI) to prepare an environmental impact statement (EIS), which was published in the **Federal Register** on August 9, 2005 (70 FR 46186). A scoping meeting was held in Austin, Texas, on August 23, 2005. Issues identified during the initial scoping meeting were incorporated into a combined dHCP and dEIS dated August 2007. Subsequent to preparation of this document, the ABS became listed as an endangered species and new information became available for the BSS. In 2014 we initiated a process to update the scope of issues and concerns concerning the proposed action. We prepared a second NOI to prepare an environmental assessment (EA), which was published in the **Federal Register** on March 5, 2014 (79 FR 12522) and a public scoping meeting was held on April 3, 2014. After reviewing the scope and possible controversy on the activities covered in the dHCP, the Service determined that an EIS was the appropriate NEPA analysis. A summary of comments provided during both scoping periods can be found in Appendix A of the dEIS.

Proposed Action

The proposed action involves the issuance of an ITP by the Service for the covered activities in the permit area, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The ITP would cover ''take'' of the covered species associated with permitted pumping occurring within the permit area.

The requested term of the ITP is 20 years. To meet the requirements of a section 10(a)(1)(B) ITP, the applicant developed and proposes to implement their dHCP, which describes the conservation measures the applicant has agreed to undertake to minimize and mitigate for the impacts of the proposed incidental take of the covered species to the maximum extent practicable, and ensure that incidental take will not appreciably reduce the likelihood of the survival and recovery of these species in the wild.

Alternatives

Four alternatives to the proposed action we are considering as part of this process are:

No Action Alternative. Under the No Action Alternative BSEACD would not seek, and the Service would not issue, an ITP. Under this alternative, compliance with the Act would continue to occur only on an individual basis through project-specific consultations with the Service. BSEACD would notify pumpers of approaching drought and issue notices to stop pumping once drought is declared and take of the covered species is imminent. Under this Alternative, each pumper would be expected to comply with pumping cessation notices issued by BSEACD, or would need to seek an individual ITP for the covered species in order to continue pumping. Each independent application for an ITP would require an analysis of the incidental take and impacts to listed species, the identification and implementation of appropriate and practicable mitigation measures, and the preparation of appropriate documentation to support the permitting action. Mitigation requirements would be individually negotiated with the Service on the basis of the level of impact to listed species and the conservation value of the mitigation options and opportunities available to the individual applicant.

Alternative 2: The preferred alternative. Permitted Pumping Under the District HCP. The permitted pumping alternative would involve approval of the BSEACD HCP addressing authorized pumping of the Barton Springs Segment of the Edwards Aquifer and the issuance of an ITP by the Service. Alternative 2 measures could meet state-mandated Desired Future Conditions (DFC). These actions would limit Aquifer pumping during Drought of Record (DOR)-like conditions to no more than 5.2 cubic feet per second (cfs), thereby maintaining a minimum average Barton Springs monthly springflow of 6.5 cfs. The BSEACD HCP incorporates actions to minimize and mitigate unavoidable incidental take and, includes demand reduction measures, programs encouraging the development and use of new water supplies, greater enforcement capabilities, cooperative efforts with other entities, and mechanisms to adapt management strategies and respond to emergencies.

Alternative 3: Water Demand Reduction. Under the water demand reduction alternative BSEACD would not seek, and the Service would not issue, an ITP. BSEACD's permitting program would control Aquifer pumping, both in absolute-use terms and during drought conditions, to protect the covered species and avoid incidental take. Alternative 3 would require mandated pumping reductions during DOR conditions to less than 1 cfs to maintain minimum average monthly Barton Springs springflow of 11 cfs. These regulatory curtailments, backed with effective enforcement to ensure

compliance, would protect springflow for the covered species. Minimum required springflows equivalent to historical conditions would be ensured under Alternative 3. However, this alternative would employ the most severe regulatory measures to achieve the level of pumping reductions needed and would require one or more sources of replacement water for some indeterminate fraction of the amount curtailed to meet residual demand.

Alternative 4: Water Supply Augmentation and Substitution. Under Alternative 4 BSEACD would propose an HCP and seek a 5 year ITP. Alternative 4 would involve the development of other alternative water supplies that would augment the amount of water pumped from the Aquifer, substitute for Aquifer withdrawals, or involve a combination of both to achieve the goal of substantially reducing Aquifer pumping to a level below 1 cfs in order to provide for a minimum average monthly springflow of 11 cfs during drought of record conditions. As additional water supplies become available, the amount of Aquifer pumping would be reduced in direct proportion to the amount of water augmented or substituted. BSEACD currently does not have the regulatory authority to develop alternative water supplies. Use of augmented or substituted water supplies would have to be implemented voluntarily as is currently being done by some users within the permit area. There are also current limitations on the amount of alternative water supplies that could economically be made available to groundwater users within the region.

Section 9 of the Act and its implementing regulations prohibit ''take'' of fish and wildlife species listed as threatened or endangered under section 4 of the Act. However, section 10(a) of the Act authorizes us to issue permits to take listed wildlife species where such take is incidental to, and not the purpose of, otherwise lawful activities and where the applicant meets certain statutory requirements.

Public Meeting

The Service will hold a public meeting during the public comment period. The date, time, and location of the meeting will be noticed in local newspapers at least two weeks before the meeting and will also be posted on the following Web site: *http://www.fws.gov/southwest/es/AustinTexas/.* The public meeting will be physically accessible to people with disabilities. Requests for reasonable accommodations (*e.g.,* auxiliary aids or sign language interpretation) should be directed to Charlotte Kuchera, 512/490–0057, ext. 224, at least 5 working days prior to the meeting date.

EPA's Role in the EIS Process

In addition, EPA is publishing a notice announcing the dEIS, as required under section 309 of the Clean Air Act. The publication date of EPA's notice of availability is the official start of the public comment period for the dEIS. Under the Clean Air Act, EPA also must subsequently announce the final EIS via the **Federal Register**. The EPA is charged under section 309 of the Clean Air Act to review all Federal agencies' EISs and to comment on the adequacy and the acceptability of the environmental impacts of proposed actions in the EISs.

EPA also serves as the repository (EIS database) for EISs prepared by Federal agencies and provides notice of their availability in the **Federal Register**. The EIS database provides information about EISs prepared by Federal agencies, as well as EPA's comments concerning the EISs. All EISs are filed with EPA, which publishes a notice of availability on Fridays in the **Federal Register**.

The notice of availability is the start of the 60-day public comment period for draft EISs. For more information, see *http://www.epa.gov/compliance/nepa/eisdata.html.* You may search for EPA comments on EISs, along with EISs themselves, at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2017–15037 Filed 7–17–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900 253G]

Land Acquisitions; The Chickasaw Nation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice informs the public that the Principal Deputy Assistant Secretary—Indian Affairs proclaimed approximately 30.03 acres, more or less, of land near the Town of Willis, Marshall County, Oklahoma (Willis Site) in trust for the Chickasaw Nation for gaming and other purposes on January 19, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Bureau of Indian Affairs, MS–3657 MIB, 1849 C Street NW., Washington, DC 20240, telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly provided in the **Federal Register**.

On January 19, 2017, the Principal Deputy Assistant Secretary—Indian Affairs issued a decision to accept the Willis Site, consisting of approximately 30.03 acres, more or less, of land in trust for the Chickasaw Nation (Nation), under the authority of the Indian Reorganization Act, 25 U.S.C. 5108. The Principal Deputy Assistant Secretary—Indian Affairs determined that Nation's request also meets the requirements of the Indian Gaming Regulatory Act's ''Oklahoma exception,'' 25 U.S.C. 2719(a)(2)(A)(i), to the general prohibition contained in 25 U.S.C. 2719(a) on gaming on lands acquired in trust after October 17, 1988.

The Principal Deputy Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, will

immediately acquire title to the Willis Site in the name of the United States of America in trust for the Nation upon fulfillment of Departmental requirements.

The 30.03 acres, more or less, are located in Marshall County, Oklahoma, and are described as follows:

A parcel or tract of land in the Southeast Quarter of Section 1, Township 8 South, Range 4 East, of the Indian Meridian, Marshall County, Oklahoma, more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter;

THENCE South 89°30′30″ West, along the South line of said Southeast Quarter, a distance of 787.65 feet to a point on the easterly right of way line of State Highway 99 (U.S. Highway 377) as shown on Federal Aid Secondary Project No. S–896 (2) (3)–S Plans (SWO 2294 (1)), said point being North 89°30′30″ East 1857.50 feet from the Southwest Corner of said Southeast Quarter;

THENCE along said easterly right of way line, the following eight (8) courses:

1. North 04°26′00″ West a distance of 50.12 feet;
2. North 86°03′31″ West a distance of 323.45 feet;
3. North 04°26′00″ West a distance of 237.02 feet;
4. North 06°52′36″ East a distance of 305.94 feet;
5. North 04°26′00″ West a distance of 580.00 feet;
6. North 15°44′36″ West a distance of 9.87 feet to the POINT OF BEGINNING;
7. continuing North 15°44′36″ West, a distance of 372.55 feet;
8. North 04°26′00″ West a distance of 940.17 feet;

THENCE North 89°29′14″ East, parallel with the North line of said Southeast Quarter, a distance of 1078.65 feet;

THENCE South 00°39′14″ East, parallel with the East line of said Southeast Quarter, a distance of 135.71 feet;

THENCE South 89°20′46″ West a distance of 30.00 feet;

THENCE South 00°39′14″ East, parallel with the East line of said Southeast Quarter, a distance of 552.00 feet;

THENCE South 03°47′57″ East a distance of 330.34 feet;

THENCE South 04°34′12″ East a distance of 280.92 feet;

THENCE South 89°30′30″ West, parallel with the South line of said Southeast Quarter, a distance of 927.00 feet to the POINT OF BEGINNING. Said described tract of land contains an area of 1,036,772 square feet or 29.9994 acres, more or less. SURFACE ONLY.

As surveyed in True North bearings, more particularly described as follows:

A tract of land in the Southeast Quarter (SE/4) of Section One (1), Township Eight (8) South, Range Four (4) East, Indian Meridian, Marshall County, Oklahoma, being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of said Section 1; Thence N89°49′51″ W, along the South line of the Southeast Quarter, a distance of 791.92 feet to a point on the East Right-of-Way line of State Highway No. 99 as filed in Book 233 on Page 646 and Book 232 on Page 100 in the Office of the County Clerk, Marshall County, Oklahoma;

THENCE along said East Right-of-Way line for the following Eight (8) courses:

1. Thence N03°46′26″ W., a distance of 49.96 feet;
2. Thence N85°24′26″ W., a distance of 319.80 feet;
3. Thence N03°46′26″ W., a distance of 237.30 feet;
4. Thence N07°32′34″ E., a distance of 306.00 feet;
5. Thence N03°46′26″ W., a distance of 580.00 feet;
6. Thence N15°04′26″ W., a distance of 9.87 feet to the POINT OF BEGINNING;
7. Thence continuing N15°04′26″ W., a distance of 372.63 feet;
8. Thence N03°46′26″ W., a distance of 940.17 feet; Thence S89°53′31″ E. along the North line of a Tract as filed in Book 1003 on Page 08 in the Office of the County Clerk and being parallel with the North line of the Southeast Quarter, a distance of 1079.22 feet to a point on the West line of a tract of land as filed in Book 606 on Page 237 in the office of the County Clerk; Thence S00°00′21″ W., along the West line of said aforementioned tract, a distance of 136.49 feet to the Southwest Corner thereof; Thence N89°59′39″ W., along the North line of a tract of land as described and filed in Book 853 on Page 26 in the Office of the County Clerk, a distance of 30.00 feet to the Northwest Corner thereof; Thence S00°00′21″ W., along the West line of said tract as filed in Book 853 on Page 26 and along the West line of a tract of land as filed in Book 780 on Page 166 in the Office of the County Clerk, a distance of 552.00 feet to the Southwest Corner of the aforementioned Tract; Thence S03°08′23″ E., along the West line of a tract of land as filed in Book 679 on Page 178 in the Office of the County Clerk, a distance of 330.27 feet to the Southwest Corner thereof; Thence S03°54′49″ E., along the West line of a tract of land as filed in Book 358 on Page 231 in the Office of the County Clerk, a distance of 281.05 feet;

THENCE N89°49′51″ W., parallel with the South line of the Southeast Quarter, a distance of 927.64 feet to the POINT OF BEGINNING, having an area of 30.03 Acres. All bearings contained in this legal description were based upon True North by GPS Observation. Prepared on this date, DECEMBER 27, 2013 by Obert D. Bennett, RPLS No. 1471 Oklahoma. SURFACE ONLY.

Dated: June 21, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017–15009 Filed 7–17–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900 253G]

Land Acquisitions; The Cherokee Nation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Principal Deputy Assistant Secretary—Indian Affairs made a final agency determination to acquire 51.35 acres, more or less, located in Sequoyah County, Oklahoma (the Parcels) in trust for the Cherokee Nation for gaming and other purposes on January 19, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Bureau of Indian Affairs, MS–3657 MIB, 1849 C Street NW., Washington, DC 20240, telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12 (c)(2)(ii) that notice of the decision to acquire land in trust be promptly provided in the **Federal Register**.

On January 19, 2017, the Assistant Secretary—Indian Affairs issued a decision to accept the Parcels, consisting of approximately 51.35 acres, more or less, of land in trust for the Nation, under the authority of the Indian Reorganization Act, 25 U.S.C. 5108. The Principal Deputy Assistant Secretary—Indian Affairs determined that the Nation's request also meets the requirements of the Indian Gaming

Regulatory Act's ''Oklahoma exception,'' 25 U.S.C. 2719(a)(2)(A)(i), to the general prohibition contained in 25 U.S.C. 2719(a) on gaming on lands acquired in trust after October 17, 1988.

The Principal Deputy Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, will immediately acquire title to the Parcels in the name of the United States of America in trust for the Nation upon fulfillment of Departmental requirements.

The 51.35 acres, more or less, are located in Sequoyah County, Oklahoma, and are described as follows:

A part of Section 23, Township 11 North, Range 26 East, I.B.&M., Sequoyah County, Oklahoma, more particularly described as follows:

Parcel 1 Truck/Travel Plaza 8.2 Acres

Tract A

Beginning at the NW corner of said S2 SW4 SW4; thence East along the North line of said S2 SW4 SW4 751.6 feet; thence South 02°40′ West 451.7 feet to a point on the North right of way line of a frontage road for U.S. Highway 64; thence along said right of way line South 89°50′ West 67.3 feet; thence South 01°31′ East 23.5 feet; thence South 88°29′ West 260.6 feet; thence North 81° 53′ West 51.0 feet; thence South 88°29′ West 353.3 feet to the West line of said S2 SW4 SW4; thence North 0°02′ East along said West line 483.9 feet to the Point of Beginning.

ALSO FURTHER DESCRIBED IN SURVEY Approved 10–13–2014 by Licensed Professional Land Surveyor #1199 Richard Wright as follows:

A Tract of land that is a part of the S/2 SW/4 SW/4 of Section Twenty-Three (23), Township Eleven (11) North, Range Twenty-Six (26) East of the Indian Meridian, Sequoyah County, State of Oklahoma, according to the United States Government Survey Thereof, being more particularly described as follows:

Commencing at the Northwest Corner of said SW/4; thence along the West Line thereof S. 04°09′44″ E. 1985.58 feet to the Northwest corner of said S/2 SW/4 SW/4, said Northwest corner being the Point of Beginning;

Thence along the North Line of said S/2 SW/4 SW/4 N. 86°16′37″ E. 751.58 feet; thence S. 01°18′13″ E. 456.76 feet to the North Right of Way of State Highway 64; thence along said Highway Right of Way the following five courses; thence S. 86°34′00″ W. 67.27 feet; thence S. 04°47′00″ E. 23.50 feet; thence S. 85°02′08″ W. 249.66 feet; thence N. 83°39′15″ W. 51.00 feet; thence S. 85°02′09″ W. 362.01 feet to the West line of said S/2 SW/4 SW/4; thence along said West Line N. 04°09′44″ W. 483.83 feet to the Point of Beginning, containing 8.13 acres more or less.

Basis of Bearing: Bearings Based True North, the West Line of the Southwest Quarter of Section 23, T11N, R26E Having a Bearing of N04°09′44″ W.

AND

Tract B

Commencing at the NW Corner of said S2 SW4 SW4; thence running East along the North line of said S2 SW4 SW4, 1257.11 feet; thence South 01°16′00″ West 250.28 feet to the Point of Beginning;

Thence South 88°44′00″ East 60.00 feet to the East line of said S2 SW4 SW4; thence South 01°16′00″ West along said East line 36.18 feet to the North right of way line of U.S. Highway 64 frontage road; thence South 69°37′00″ West along said right of way line 64.55 feet; thence North 01°16′00″ East 60.00 feet to the Point of Beginning.

ALSO FURTHER DESCRIBED IN SURVEY Approved 10–13–2014 by Licensed Professional Land Surveyor #1199 Richard Wright as follows:

A Tract of land that is a part of the S/2 SW/4 SW/4 of Section Twenty-Three (23), Township Eleven (11) North, Range Twenty-Six (26) East of the Indian Meridian, Sequoyah County, State of Oklahoma, according to the United States Government Survey Thereof, being more particularly described as follows:

Commencing at the Northwest Corner of said SW/4; thence along the West Line thereof S. 04°09′44″ E. 1985.58 feet to the Northwest corner of said S/2 SW/4 SW/4; thence along the North Line thereof N. 86°16′37″ E. 1324.38 feet to the East line of said S/2 SW/4 SW/4; thence along said East Line S04°11′12″ E. 253.32 feet to the point of Beginning;

Thence continuing along said East Line S04°11′12″ E. 36.22 feet to the North Right of Way of State Highway 64; thence along said Highway Right of Way S. 65°09′59″ W. 64.15 feet; thence leaving said Right of Way N. 04°11′12″ W. 60.00 feet; thence N. 86°51′17″ E. 60.00 feet to the Point of Beginning containing 0.07 acres more or less.

Basis of Bearing: Bearings Based True North, the West Line of the Southwest Quarter of Section 23, T11N, R26E Having a Bearing of N04°09′44″ W.

Parcel 2 Hotel 3.4 Acres

Beginning at a point 1,044.61 feet East of the NW corner of the S2 SW4 SW4; thence North 207 feet; thence South 86°28′59″ East 277.74 feet to the East line of said SW4 SW4; thence South 01°16′00″ West along said East line, 441.64 feet; thence North 88°44′00″ West 60.00 feet; thence South 01°16′00″ West 60.00 feet to the North right-of-way line of US. Highway 64 Frontage Road; thence South 69°37′00″ West along said Frontage Road 219.38 feet; thence North 386.61 feet to the POINT OF BEGINNING.

ALSO FURTHER DESCRIBED IN SURVEY Approved 10–13–2014 by Licensed Professional Land Surveyor #1199 Richard Wright as follows:

A Tract of land that is a part of the E/2 SW/4 SW/4 of Section Twenty-Three (23), Township Eleven (11) North, Range Twenty-Six (26) East of the Indian Meridian, Sequoyah County, State of Oklahoma, according to the United States Government Survey Thereof, being more particularly described as follows:

Commencing at the Northwest Corner of said SW/4; thence along the West Line thereof S 04°09′44″ E. 1985.58 feet to the Northwest corner of said S/2 SW/4 SW/4; thence along the North Line thereof N 86°16′37″ E. 1045.67 feet to the Point of Beginning;

Thence N. 04°01′38″ W. 205.68 feet; thence N. 89°45′38″ E. 278.78 feet to the East line of said S/2 SW/4 SW/4; thence along said East line S. 04°11′12″ E. 442.07 feet; thence leaving said East Line S. 86°51′17″ W. 60.00 feet; thence S. 04°11′12″ E. 60.00 feet to the north Highway Right of Way Line of State Highway 64; thence along said Highway Right of Way S. 65°05′59″ W. 234.98 feet; thence leaving said Right of Way N. 04°01′38″ W. 397.60 feet to the Point of Beginning containing 3.40 acres more or less.

Basis of Bearing: Bearings Based True North, the West Line of the Southwest Quarter of Section 23, T11N, R26E Having a Bearing of N04°09′44″ W.

Parcel 3 Land 3.36 Acres

Tract A

Beginning at an existing monument marking the NE corner of the SW4 SW4; Thence along the East line of said Forty Acres, South 02°08′14″ East 453.72 feet to a set rebar with cap; Thence leaving said East line, South 88°17′13″ West 278.41 feet; Thence South 01°44′16″ East 2.00 feet; Thence South 88°29′39″ West 39.95 feet to an existing p/k nail; Thence North 03°12′26″ West 456.02 feet to a set rebar with cap on the North line of the SW4 SW4; Thence along said North line North 88°20′22″ East 326.89 feet to the Point of Beginning.

ALSO FURTHER DESCRIBED IN SURVEY Approved 10–13–2014 by Licensed Professional Land Surveyor #1199 Richard Wright as follows:

A Tract of land that is a part of the E/2 SW/4 SW/4 of Section Twenty-

Three (23), Township Eleven (11) North, Range Twenty-Six (26) East of the Indian Meridian. Sequoyah County, State of Oklahoma, according to the United States Government Survey Thereof, being more particularly described as follows:

Commencing at the Northwest Corner of said SW/4; thence along the West Line thereof S. 04°09′44″ E. 1323.76 feet to the Northwest corner of the SW/4 SW/4; thence along the North Line thereof N. 86°17′13″ E. 1009.38 feet to the Point of Beginning;

Thence continuing along said North line N. 86°17′13″ E. 314.71 feet to the Northeast corner of said SW/4 SW/4; thence along the East Line thereof S. 04°11′12″ E. 455.68 feet; thence leaving said East Line S 86°13′44″ W. 278.12 feet; thence S. 03°45′23″ E. 2.000 feet; thence S. 86°14′35″ W. 40.01 feet; thence N. 03°45′23″ W. 457.97 feet to the Point of Beginning containing 3.31 acres more or less.

Basis of Bearing: Bearings Based True North, the West Line of the Southwest Quarter of Section 23, T11N, R26E Having a Bearing of N04°09′44″ W.

AND

Tract B

Commencing at the NE corner of SW4 SW4; Thence South 02°07′21″ East along the East line of said SW a distance 453.72 feet to the Point of Beginning;

Thence continuing South 02°07′21″ East along said East line a distance of 17.15 feet; Thence North 88°12′18″ West a distance of 278.47 feet; Thence North 88°15′48″ East a distance of 277.83 feet to the Point of Beginning.

ALSO FURTHER DESCRIBED IN SURVEY Approved 10–13–2014 by Licensed Professional Land Surveyor #1199 Richard Wright as follows:

Commencing at the Northwest Corner of said SW/4; thence along the West Line thereof S. 04°09′44″ E. 1323.76 feet to the Northwest corner of the SW/4 SW/4; thence along the North Line thereof N. 86°17′13″ E. 1324.09 feet to the Northeast corner of said SW/4 SW/4; thence along the East Line of said SW/4 SW/4 S. 04°11′12″ E. 455.68 feet to the Point of Beginning;

Thence continuing along said East line S. 04°11′12″ E. 17.17 feet; thence S. 89°45′38″ W. 278.78 feet; thence N. 86°13′44″ E. 278.12 feet to the Point of Beginning containing 0.05 acres more or less.

Basis of Bearing: Bearings Based True North, the West Line of the Southwest Quarter of Section 23, T11N, R26E Having a Bearing of N04°09′44″ W.

Parcel 4 Land 36.39 Acres

Beginning at an existing monument marking the SW Corner of the NE4 SW4; Thence along the West line North 02°06′07″ West 661.46 feet to a set rebar with cap; Thence leaving said West line North 88°20′39″ East 1324.70 feet to a set rebar with cap on the East line of the NE4 SW4; Thence along the East line of the SW4 South 02°07′34″ East 1030.15 feet to a set rebar with cap on the North right of way line of Interstate 40; Thence leaving said East line and along said right of way line South 68°22′49″ West 89.84 feet to a right of way marker; Thence South 56°48′43″ West 249.44 feet to a right of way marker; Thence around a curve to the right having a radius of 1789.86 feet and subtended by a chord bearing and distance of South 59°38′43″ West 176.96 feet to a set rebar with cap; Thence leaving said right of way line North 02°07′33″ West 162.99 feet to a set rebar with cap; Thence South 88°20′39″ West 420 feet to a set rebar with cap; Thence South 02°07′33″ East 210 feet to a set rebar with cap; Thence South 88°20′39″ West 450.56 feet along the West line of the SE4 SW4; Thence along said West line North 02°08′14″ West 661.81 feet to the Point of Beginning.

ALSO FURTHER DESCRIBED IN SURVEY Approved 10–13–2014 by Licensed Professional Land Surveyor #1199 Richard Wright as follows:

A Tract of land that is a part of the E/2 SW/4 of Section Twenty-Three (23), Township Eleven (11) North, Range Twenty-Six (26) East of the Indian Meridian, Sequoyah County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

Commencing at the Northwest Corner of said SW/4; thence along the West Line thereof S. 04°09′44″ E. 1323.76 feet to the Northwest corner of the SW/4 SW/4; thence along the North Line thereof N. 86°17′13″ E. 1324.09 feet to the Northeast corner of said SW/4 SW/4, said Northeast corner being the Point of Beginning; Thence along the West Line of said E/2 SW/4 N. 04°08′39″ W. 661.89 feet; thence leaving said West Line N. 86°17′55″ E. 1324.10 feet to the East Line of said SW/4; thence along said East Line S. 04°08′34″ E. 1030.53 feet to the North Right of Way of State Highway 64; thence along said Highway Right of Way the following three courses; thence S. 65°57′03″ W. 88.98 feet to a Concrete Right of Way Monument; Thence S. 54°46′36″ W. 249.44 feet to a Concrete Right of Way Monument; thence on a curve to the right having a radius of 1789.86 feet, an arc length of 177.03 feet, a chord bearing of S. 57°36′36″ W., and a chord length of 176.96 feet; thence leaving said Right of Way N. 03°55′59″ W. 163.08 feet; thence S. 86°18′50″ W. 419.94 feet; thence S. 04°08′51″ E. 209.99 feet; thence S. 86°19′08″ W. 451.05 feet to said West Line of E/2 SW/4; thence along said West Line N. 04°11′12″ W. 661.59 feet to the Point of Beginning, containing 36.39 acres more or less.

Basis of Bearing: Bearings Based True North, the West Line of the Southwest Quarter of Section 23, T11N, R26E Having a Bearing of N04°09′44″ W.

Dated: June 12, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017–15007 Filed 7–17–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900 253G]

Indian Gaming; Tribal-State Class III Gaming Compact Amendment Taking Effect in the State of Wisconsin

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Tribal-State Class III Gaming Compact Amendment entered into between the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Indian Reservation of Wisconsin and the State of Wisconsin is taking effect.

DATES: This notice takes effect July 18, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Section 11 of the Indian Gaming Regulatory Act (IGRA) requires the Secretary of the Interior (Secretary) to publish in the **Federal Register** notice of approved Tribal-State compacts that are for the purpose of engaging in Class III gaming activities on Indian lands. *See* Public Law 100–497, 25 U.S.C. 2701 *et seq.* The Secretary took no action on the amendment to the compact entered into between the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Indian Reservation of Wisconsin and the State of Wisconsin within 45 days of its submission. Therefore, the compact is considered to

have been approved, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Dated: June 26, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017–15010 Filed 7–17–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900 253G]

Land Acquisitions; The Chickasaw Nation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Principal Deputy Assistant Secretary—Indian Affairs made a final agency determination to acquire 30.05 acres, more or less, of land near the Town of Terral, Jefferson County, Oklahoma (Terral Site) in trust for the Chickasaw Nation for gaming and other purposes on January 19, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Bureau of Indian Affairs, MS–3657 MIB, 1849 C Street NW., Washington, DC 20240, telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly provided in the **Federal Register**.

On January 19, 2017, the Principal Deputy Assistant Secretary—Indian Affairs issued a decision to accept the Terral Site, consisting of approximately 30.05 acres, more or less, of land in trust for the Chickasaw Nation (Nation), under the authority of the Indian Reorganization Act, 25 U.S.C. 5108. The Principal Deputy Assistant Secretary—Indian Affairs determined that Nation's request also meets the requirements of the Indian Gaming Regulatory Act's ''Oklahoma exception,'' 25 U.S.C. 2719(a)(2)(A)(i), to the general prohibition contained in 25 U.S.C. 2719(a) on gaming on lands acquired in trust after October 17, 1988.

The Principal Deputy Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, will immediately acquire title to the Terral Site in the name of the United States of America in trust for the Nation upon fulfillment of Departmental requirements.

The 30.05 acres, more or less, are located in Jefferson County, Oklahoma, and are described as follows:

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) South, Range Seven (7) West, Indian Base and Meridian, Jefferson County, Oklahoma, being more particularly described as follows: Commencing at the Southeast Corner of said Section 4;

Thence N. 89°55′53″ W., along the South line of the Southeast Quarter, a distance of 800.90 feet to the POINT OF BEGINNING; Thence continuing N. 89°55′53″ W., along the South line of the Southeast Quarter, a distance of 923.58 feet to a point on the Easterly Right of Way line of U.S. Highway No. 81 as filed in the Office of the County Clerk, Jefferson County, Oklahoma on a Warranty Deed in Book 489 on Page 289; Thence along said Easterly Right of Way line of U.S. Highway No. 81 for the following Four (4) Courses,

1. Thence N. 00°48′14″ E., a distance of 656.17 feet;

2. Thence N. 27°10′10″ W., a distance of 164.04 feet;

3. Thence with a non-tangent curve, turning to the Left with an arc length of 424.41 feet, with a radius of 2431.83 feet, with a chord bearing of N. 21°43′54″ W., with a chord length of 423.87 feet;

4. Thence N. 35°29′11″ W., a distance of 156.29 feet to a point on the North line of the South Half of the Southeast Quarter; Thence S. 89°58′49″ E., along the North line of the South Half of the Southeast Quarter, a distance of 1233.24 feet; Thence S. 00°09′38″ E., parallel with the West line of the Southeast Quarter of the Southeast Quarter, a distance of 1323.74 feet to the POINT OF BEGINNING, containing 30.05 Acres more or less. This legal description was based upon True North as determined by GPS Observation. Prepared by Obert D. Bennett, RPLS No. 1471 on December 19, 2013. SURFACE ONLY.

Dated: June 21, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017–15011 Filed 7–17–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23623; 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 10, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 2, 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 10, 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:

CALIFORNIA

Los Angeles County

Valentine, Walter D., Cottage B, 1419 E. Palm St., Altadena, SG100001337

San Bernardino County

Dunn, Robert J., House, 1621 Garden St., Redlands, SG100001336

San Francisco County

Geilfuss, Henry, House, 811 Treat Ave., San Francisco, SG100001338

COLORADO

Larimer County

Truscott Junior High School, (Colorado's Mid Century Schools, 1945–1970 MPS), 211 W. 6th St., Loveland, MP100001339

CONNECTICUT

New Haven County

Orange Street Historic District (Boundary Increase), Portions of Anderson, Canner, Cottage, Eagle, Foster, Nash, Nicoll, North Bank & Willow Sts., New Haven, BC100001340

ILLINOIS

Cook County

West Loop—LaSalle Street Historic District, 330 S. Wells & 212 W. Van Buren Sts., Chicago, BC100001342

MICHIGAN

Keweenaw County

Brockway Mountain Drive, Entire length of Brockway Mountain Dr., Eagle Harbor Township, SG100001345

MISSOURI

Jackson County

ACME Cleansing Company Building, 3200 Gillham Rd., Kansas City, SG100001346
Agee Apartments Historic District, (Colonnade Apartment Buildings of Kansas City, MO MPS), 3200–3218 Linwood Blvd., Kansas City, MP100001347
Blenheim School, (Kansas City, Missouri School District Pre-1970 MPS), 2411 E. 70th Terrace, Kansas City, MP100001348
Gotham Apartments, (Colonnade Apartment Buildings of Kansas City, MO MPS), 2718 Linwood Blvd., Kansas City, MP100001349
Kansas City Public Library and Board of Education Building, 1211 McGee St., Kansas City, SG100001350
Luzier Special Formula Laboratories Building, 3216 Gillham Place, Kansas City, SG100001351

Oregon County

Church of the Holy Trinity, 117 N. 5th St., Thayer, SG100001352

NEBRASKA

Douglas County

Fairacres Historic District, Roughly bounded by Fairacres Rd., Dodge, N. 62nd, California & N. 68th Sts., Omaha, SG100001353
Gross, J.A., Commercial Building, 4801–4811 NW. Radial Hwy., Omaha, SG100001354
Immanuel Deaconess Institute Nurses' Home and School for Nursing, 3483 Larimore Ave., Omaha, SG100001355

Red Willow County

Bartley Sales Barn, SW. corner of US 6/34 & Commercial St., Bartley, SG100001356

Sarpy County

Bellevue College Dormitories, 400 W. 19th Ave., Bellevue, SG100001357

NEW YORK

Delaware County

United Presbyterian Church of Davenport, 15673 & 15705 NY 23, Davenport, SG100001360

Erie County

Buffalo Public School No. 77 (PS 77), 429 Plymouth Ave., Buffalo, SG100001361

Oneida County

Bagg's Square East Historic District, Broad, Catherine, 1st, John, Main, Oriskany, Railroad & 2nd Sts., Utica, SG100001362

Westchester County

Underhill—Acker House, 4 Hamilton Ave., Croton-on-Hudson, SG100001363

PENNSYLVANIA

Philadelphia County

First Troop Philadelphia City Cavalry Armory, (Pennsylvania National Guard Armories MPS), 22 S. 23rd St., Philadelphia, 90000420

RHODE ISLAND

Providence County

Rochambeau Worsted Company Mill, 60 King St., Providence, SG100001366

SOUTH CAROLINA

Charleston County

Charleston Cemeteries Historic District, Huguenin Ave., roughly bounded by Algonquin Rd., CSXRR, N. Romney & Meeting Sts., Charleston, SG100001367

TENNESSEE

Blount County

Vose School, Birch & Locust Sts., Alcoa, SG100001368

Morgan County

Tanner Store, 201 Court St., Wartburg, SG100001369

Shelby County

Clayborn Temple, 294 Hernando St., Memphis, SG100001370
Wildwood Farms, 2737 S. Germantown Rd., Germantown, SG100001371

TEXAS

Collin County

Plano Downtown Historic District, 1000 blk. & 1112 E. 15th St., 1020 E. 15th Pl., 1410–1416 J & 1416–1430 K Aves., Plano, SG100001372

Dallas County

Garland Downtown Historic District (Boundary Increase), 212 N. 7th St., Garland, BC100001373

Harris County

Duncan, Charles W., Sr. and Mary, House, 3664 Inverness Dr., Houston, SG100001374
Heights Theater, (Houston Heights MRA), 339 W. 19th St., Houston, MP100001375

Montague County

Montague County Courthouse and Jail, 101 E. Franklin St., Montague, SG100001377

Tarrant County

Oxsheer, Fountain G. and Mary, House, 1119 Pennsylvania Ave., Fort Worth, SG100001378

Travis County

Tucker Apartment House, 1105 Nueces St., Austin, SG100001379

WISCONSIN

Crawford County

St. Mary's Academy and College, 604 S. Beaumont Rd., Prairie du Chien, SG100001380

In the interest of preservation, a SHORTENED comment period has been requested for the following resource(s):

NORTH DAKOTA

Morton County

Mandan High School, 406 4th St., Mandan, SG100001364, Comment period: 3 days

A request for removal has been made for the following resource(s):

NEBRASKA

Valley County

People's Unitarian Church, 1640 N. St., Ord, OT84002497

TEXAS

Harris County

Houston Turn-Verein, 5202 Almeda Rd., Houston, OT78002944

An additional documentation has been received for the following resource(s):

CONNECTICUT

New London County

Fort Griswold, Bounded by Baker Ave., Smith St., Park Ave., Monument Ave., and Thames River, Groton, AD70000694

NEW JERSEY

Burlington County

Smithville Historic District, Smithville Rd., Forest, Railroad, Park & Maple Aves., River St., Smithville Lake, Smithville, AD77000856

NORTH CAROLINA

Durham County

Morehead Hill Historic District, (Durham MRA), 803 & 807 Vickers Ave., Durham, AD85001792

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 nomination and supports listing the property in the National Register of Historic Places.

INDIANA

La Porte County

Michigan City Breakwater Light, (Light Stations of the United States MPS), On breakwater in L. Michigan .5 mi. NW. of Michigan City Harbor, Michigan City vicinity, MP100001344

Authority: 36 CFR 60.13.

Dated: June 22, 2017.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2017–14988 Filed 7–17–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23640; 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 17, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 2, 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 17, 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:

CALIFORNIA

Los Angeles County

Mayfair Hotel, 115 E. 3rd St., Pomona, SG100001382

Mendocino County

Albion River Bridge, (Highway Bridges of California MPS), Mile markers 43.7–44.0 on CA 1, Albion, MP100001383

Placer County

Crabbe, Earl, Gymnasium, (Auburn, CA MPS), Agard St., Auburn, MP100001384

Sacramento County

Mohr and Yoerk Market, 1029 K St., Sacramento, SG100001385

FLORIDA

Alachua County

Stephens House, 19802 Old Bellamy Rd., Alachua, SG100001386

Duval County

Atlantic Coast Line Railroad Locomotive No. 1504, (Florida's Historic Railroad Resources MPS), 1000 West Bay St., Jacksonville, MP100001388

Memorial Park, Memorial Park Dr., Jacksonville, SG100001389

Jackson County

Sneads Community House and Old Pump, (Florida's New Deal Resources MPS), 8025 Old Spanish Trail, Sneads, MP100001390

MICHIGAN

Jackson County

Vinkle, Henry and Aurora (Walker), House, 371 W. Michigan Ave., Grass Lake, SG100001391

MONTANA

Lewis and Clark County

Montana Aeronautics Commission Operations Historic District, 2630 Airport Rd., Helena, SG100001392

NEBRASKA

Adams County

Hastings College, 710 N. Turner Ave., Hastings, SG100001393

Lancaster County

Eastridge Historic District, Generally bounded by L to A Sts., 56th & Cotner Blvd. to Sunrise & Mulder Drs., Lincoln, SG100001394

NEW JERSEY

Mercer County

Princeton Historic District (Boundary Increase), 62 Washington Rd., Princeton, BC100001395

Middlesex County

Middlesex Avenue—Woodwild Park Historic District, Middlesex, Oak, Linden, E. Chestnut, Maple, Elm, Highland & Hillside Aves., Library Place, Clarendon Ct., Pleasant Place, Borough of Metuchen, SG100001396

SOUTH DAKOTA

Brookings County

Mortimer Cabin, 20247 Oakwood Dr., Bruce vicinity, SG100001397

Fall River County

Colgan, Arthur and Ellen, House, 407 3rd St., Edgemont, SG100001398

Faulk County

Parker, C.W., Carousel No. 825, 109 9th Ave. S., Faulkton, SG100001399

Hand County

McWhorter, Port and Helen, House, 426 N. Broadway, Miller, SG100001400

Minnehaha County

Stadum—Green House, 2101 S. Pendar Ln., Sioux Falls, SG100001401

Moody County

First Presbyterian Church and Cemetery, 22712 SD 13, Flandreau vicinity, SG100001402

Stanley County

American Legion Community Hall, 115 Deadwood St., Fort Pierre, SG100001403

WISCONSIN

Rock County

Beloit Power Plant, 850 Pleasant St., Beloit, SG100001404

An additional documentation has been received for the following resource(s):

ARKANSAS

Monroe County

Moore-Jacobs House, 500 N. Main St., Clarendon, AD83001160

FLORIDA

Collier County

Naples Historic District, 9th Ave. S., 3rd St., 13th Ave. S, Gulf of Mexico, Naples, AD87002179

Authority: 36 CFR 60.13

Dated: June 23, 2017.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2017–14990 Filed 7–17–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23664; 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 24, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 2, 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 24, 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:

HAWAII

Hawaii County

Honoka'a United Methodist Church, (Honoka'a Town, Hawaii MPS), 45–3525 Mamane St., Honoka'a, MP100001413
Masaaki Sakata Property, (Honoka'a Town, Hawaii MPS), 45–3577 Mamane St., Honoka'a, MP100001414
Teiji Yamatsuka Store, (Honoka'a Town, Hawaii MPS), 45–3590 Mamane St., Honoka'a, MP100001415

Honolulu County

TWO BROTHERS (New England Whaling Ship) Shipwreck, Address Restricted, French Frigate Shoals vicinity, SG100001416
Cooper Apartments, 413 Seaside Ave., Honolulu, SG100001417

KENTUCKY

Barren County

Rock Cabin Camp, 5091 Mammoth Cave Rd., Cave City vicinity, SG100001418

Bell County

Middlesboro Jewish Cemetery, 100 Hebrew Cemetery Rd., Middlesboro, SG100001419

Campbell County

Robinson, E.O., House, 105 Regency Ct., Highland Heights, SG100001420

Green County

Montgomery—Sandidge House, 1851 Columbia Hwy., Greensburg vicinity, SG100001421

Jefferson County

Kentucky Home School for Girls, 2305 Douglass Blvd., Louisville, SG100001422

Knott County

Devou Park, Montague Rd., Covington, SG100001423

Madison County

Kellogg and Company Warehouse, 131 Orchard St., Richmond, SG100001424

Mason County

West 2nd Street Historic District, W. 2nd, Rosemary Clooney & Short Sts., Rosemary, Shultz & unnamed Alleys, Maysville, SG100001425

McCracken County

Westminster Presbyterian Church, 2732 Broadway, Paducah, SG100001426

Mercer County

Harrodsburg Downtown Historic District (Boundary Increase and Additional Documentation), 109–225 E. Poplar, 115, 125 W. Poplar, 320–104 S. Chiles, 122, 112, 108 W. Lexington, Harrodsburg, BC100001427

Scott County

Craig—Peak House, 556 Cane Run Rd., Georgetown, SG100001428

LOUISIANA

Caddo Parish

Oil City School, 407 N. Kerley Ave., Oil City, SG100001429

Calcasieu Parish

DeQuincy Colored High School Gym, 502 S. Grand Ave., DeQuincy, SG100001430

Grant Parish

Fish Creek Site, 414 & 406 Trails End Rd., Pollock vicinity, SG100001431

Orleans Parish

Agudath Achim Anshe Sfard Synagogue, 2230 Carondelet St., New Orleans, SG100001432

Tangipahoa Parish

First Christian Church, 305 E. Charles St., Hammond, SG100001433
Greater St. James AME Church, 311 E. Michigan St., Hammond, SG100001434
Miller Memorial Library, 108 S. Pine St., Hammond, SG100001435

NEW MEXICO

Chaves County

Roswell Artist-in-Residence Compound, 1404 W. Berrendo Rd., Roswell, SG100001436

Dona Ana County

Tortugas Pueblo Fiesta of Our Lady of Guadalupe, Bounded by Emilia Rd., E. Guadalupe St., Juan Diego Ave. & Stern Dr., Toutugas, SG100001437

OHIO

Cuyahoga County

Building at 3101 Euclid Avenue, 3101 Euclid Ave., Cleveland, SG100001438

RHODE ISLAND

Providence County

Lafayette Worsted Company Administrative Headquarters Historic District, 134 & 148 Hamlet Ave., Woonsocket, SG100001439

UTAH

Salt Lake County

Burton, Harold W. and Evelyn, House, 2195 Walker Ln., Holladay, SG100001440
Gardner, Robert Jr., House, 1475 E. Murphy's Ln., Millcreek, SG100001441
Granite Schools Campus, 3305 South 500 East, South Salt Lake City, SG100001442

WASHINGTON

King County

Colonnade Hotel, 107 Pine St., Seattle, SG100001443

WISCONSIN

Columbia County

Dix Street—Warner Street Historic District, Roughly bounded by Maple Ave., Dix, Hibbard, Warner, Fuller & S. Charles Sts., Columbus, SG100001444

Dane County

Garver's Supply Company Factory and Office, 3244 Atwood Ave., Madison, SG100001445

An additional documentation has been received for the following resource(s):

ARIZONA

Maricopa County

Campus Vista Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), 2901 N. 8th Ave., Phoenix, AD10000321

Pima County

Blenman—Elm Historic District, 2926 E. Lester St., Tucson, AD03000318

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the property(ies) in the National Register of Historic Places.

ARIZONA

Maricopa County

Bartlett Dam, (Salt River Project MPS), On Verde R. approx. 50 mi. ENE. of Phoenix, Carefree vicinity, MP100001406
Horse Mesa Dam, (Salt River Project MPS), On Salt R. approx. 65 mi. ENE. of Phoenix, Phoenix vicinity, MP100001408
Horseshoe Dam, (Salt River Project MPS), On Verde R. approx. 58 mi. ENE of Phoenix, Phoenix vicinity, MP100001409
Mormon Flat Dam, (Salt River Project MPS), On Salt R. approx. 50 mi. ENE. of Phoenix, Phoenix vicinity, MP100001410
Salt River Project Diversion and Conveyance System Historic District, (Salt River Project MPS), Greater Phoenix metropolitan area, Phoenix vicinity, MP100001454

Stewart Mountain Dam, (Salt River Project MPS), On Salt R. approx. 40 mi. ENE. of Phoenix, Phoenix vicinity, MP100001411

Authority: 36 CFR 60.13

Dated: June 29, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program, and Keeper, National Register of Historic Places.

[FR Doc. 2017–14989 Filed 7–17–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–029]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: July 20, 2017 at 10:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731–TA–1330 (Final) (Dioctyl Terephthalate (DOTP) from Korea). The Commission is currently scheduled to complete and file its determination and views of the Commission by August 2, 2017.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: July 13, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–15124 Filed 7–14–17; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–313–314, 317, and 379 (Fourth Review)]

Brass Sheet and Strip From France, Germany, Italy, and Japan; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty orders on brass sheet and strip from France, Germany, Italy, and Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: *Effective Date:* June 5, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer ((202) 205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On June 5, 2017, the Commission determined that the domestic interested party group response to its notice of institution (82 FR 12238, March 1, 2017) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on September 8, 2017, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the reviews may file written comments with the Secretary on what determinations the Commission should reach in the reviews. Comments are due on or before September 13, 2017 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by September 13, 2017. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determinations.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the responses submitted by Aurubis Buffalo, Inc., GBC Metals (d/b/a Olin Brass), Heyco Metals, Inc., PMX Industries, Inc., and Revere Copper Products, Inc. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

Issued: July 12, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–14971 Filed 7–17–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0001]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Report of Theft or Loss of Controlled Substance; DEA Form 106

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-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. The proposed information collection was previously published in the **Federal Register**, on May 15, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until August 17, 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 or sent to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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:* Report of Theft or Loss of Controlled Substance.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 106. 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): None.

Abstract: In accordance with current 21 CFR 1301.74, a DEA registrant must notify the Field Division Office of the Administration in writing, of any theft or significant loss of any controlled substance within one business day of discovery of the theft or loss, and must complete and send to the DEA a DEA Form 106 upon determination of a theft or significant loss. The DEA Form 106 is designed to provide a uniform method of reporting and recording thefts and losses of controlled substances as required by 21 U.S.C. 827, 21 CFR 1301.74(c) and 1301.76(b). The form is entitled ''Report of Theft or Loss of Controlled Substances'' and it is used by the DEA to help determine the quantities and types of controlled substances that are stolen or lost. It may also serve as a record of the theft or loss for the registrant.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

Estimated Total Number of Registrants: 11,363.

Average Burden per Collection: 0.3333 hour.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 10,188 annual burden hours.

If additional information is required please 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., Suite 3E.405B, Washington, DC 20530.

Dated: July 13, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–15017 Filed 7–17–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0046]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Self-Certification, Training, and Logbooks for Regulated Sellers and Mail-Order Distributors of Scheduled Listed Chemical Products; DEA Form 597

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-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. The proposed information collection was previously published in the **Federal Register**, on May 15, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until August 17, 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 or send to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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:* Self-Certification, Training, and Logbooks for Regulated Sellers and Mail-Order Distributors of Scheduled Listed Chemical Products.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form: 597. 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): None.

Abstract: The Combat Methamphetamine Epidemic Act of 2005 (CMEA) and Combat Methamphetamine Enhancement Act of 2010 (MEA) mandates that retail sellers of scheduled listed chemical products maintain a written or electronic logbook of sales, retain a record of employee training, and complete a self-certification form verifying the training and compliance with CMEA and MEA provisions regarding retail sales of scheduled listed chemical products.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Activity	Number of annual respondents	Number of annual responses	Average time per response (minutes)	Total annual hours
Training record	53,860	367,780	3	18,389
Self-certification		53,860	15	13,465
Transaction record (regulated seller)		24,297,303	1	404,955
Transaction record (customer)	*24,297,303	24,297,303	1	404,955
Total	24,351,163	49,016,246	.....	841,764

* Assuming one unit of scheduled listed product per respondent.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 841,764 annual burden hours.

If additional information is required please 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., Suite 3E.405B, Washington, DC 20530.

Dated: July 13, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–15016 Filed 7–17–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0007]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Registrant Record of Controlled Substances Destroyed; DEA Form 41

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-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. The proposed information collection was previously published in the **Federal Register**, on May 15, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until August 17, 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 or sent to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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:* Registrant Record of Controlled Substances Destroyed.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form: 41. 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 Substance 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 form that required information is readily retrievable from the ordinary business records of the registrant. 21 U.S.C. 827(b)(2). The records must be kept and be available for at least two years for inspection and copying by officers or employees of the United States authorized by the Attorney General. 21 U.S.C. 827(b)(3). The records must be in accordance with and contain such relevant information as may be required by regulations promulgated by DEA. 21 U.S.C. 827(b)(1). These record requirements help to deter and detect diversion of controlled substances and ensure that registrants remain accountable for all controlled substances within their possession and/or control.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Activity	Number of annual respondents	Number of annual responses	Average time per response (minutes)	Total annual hours
DEA Form 41	92,924	92,924	30	46,462
Total	92,924	92,924		46,462

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 46,462 annual burden hours.

If additional information is required please 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., Suite 3E.405B, Washington, DC 20530.

Dated: July 13, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–15015 Filed 7–17–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Susan Harwood Training Grant Program, FY 2017

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of availability of funds and funding opportunity announcement (FOA) for Targeted Topic Training grants.

FUNDING OPPORTUNITY NUMBER: SHTG–FY–17–01 (Targeted Topic grants)

CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 17.502

SUMMARY: This notice announces availability of approximately $10.5 million for Susan Harwood Training Program grants. The funding opportunity announcement is available for Targeted Topic Training grants. Funding Opportunity Number SHTG–FY–17–01 will cover the two types of Targeted Topic Training grants: (1) Targeted Topic Training and (2) Training and Educational Materials Development grants.

DATES: Grant applications for Targeted Topic Training grants must be received electronically by the *Grants.gov* system no later than 11:59 p.m., ET, on August 28, 2017.

ADDRESSES: The complete Susan Harwood Training Grant Program funding opportunity announcement and all information needed to apply are available at the *Grants.gov* Web site, *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: Questions regarding the funding opportunity announcement should be emailed to *HarwoodGrants@dol.gov,* or by telephone at: 847–759–7926. This is not a toll-free number. Personnel will not be available to answer questions after 5:00 p.m., ET.

To obtain further information on the Susan Harwood Training Grant Program, visit the OSHA Web site at: *https://www.osha.gov/dte/sharwood/index.html*.

Questions regarding *Grants.gov* should be emailed to *Support@grants.gov* or directed to the Applicant Support toll free at 1–800–518–4726. The Applicant Support is available 24 hours a day, 7 days a week except on Federal holidays.

Authority and Signature

Thomas Galassi, Acting Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is Section 21 of the Occupational Safety and Health Act of 1970, (29 U.S.C. 670), Public Law 113–235, and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on July 11, 2017.

Thomas Galassi,

Acting Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–15034 Filed 7–17–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Proposed Information Collection Request; Federal Contractor Veterans' Employment Report VETS–4212

AGENCY: Veterans' Employment and Training Service (VETS), Labor.

ACTION: Notice.

SUMMARY: The Veterans' Employment and Training Service (VETS) is announcing an opportunity for public comment on a proposed collection of information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. In this notice, VETS is soliciting comments concerning the proposed information collection request for the VETS Federal Contractor Veterans' Employment Report VETS–4212.

DATES: Comments must be submitted by September 18, 2017.

ADDRESSES: Follow the instructions for submitting comments.

- *Email: 4212-FRN-2017-VETS@dol.gov*. Include ''VETS–4212 Form'' in the subject line of the message.
- *Fax:* (202) 693–4755. Please send comments by fax only if they are 10 pages or less.
- *Mail:* Kenan Torrans, Deputy Director, Compliance and Investigations, VETS, U.S. Department of Labor, Room S–1212, 200 Constitution Avenue NW., Washington, DC 20210.
- Receipt of submissions, whether by U.S. Mail, email, or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received by telephoning VETS at (202) 693–4731 (VOICE) (this is not a toll-free number) or (202) 693–4760 (TTY/TDD).

All comments received, including any personal information provided, will be available for public inspection during normal business hours at the above address. People needing assistance to review comments will be provided with appropriate aids such as readers or print magnifiers.

FOR FURTHER INFORMATION CONTACT: Kenan Torrans, Deputy Director, Compliance and Investigations, VETS, U.S. Department of Labor, Room S–1212, 200 Constitution Avenue NW., Washington, DC 20210, or by email at: *4212-FRN-2017-VETS@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. *Background:* The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (''VEVRAA''), 38 U.S.C. 4212(d), requires Federal contractors and subcontractors subject to the Act's affirmative action provisions in 38 U.S.C. 4212(a) to track and report annually to the Secretary of Labor the number of employees in their workforces, by job category and hiring location, who belong to the specified categories of protected veterans. VETS maintains regulations to implement the reporting requirements under VEVRAA and uses the VETS–4212 form for providing the required information on the employment of covered veterans.

The regulations in 41 CFR part 61–300 require contractors and subcontractors with a covered Federal contract entered into or modified in the amount of $150,000 or more to use the Federal Contractor Veterans' Employment Report VETS–4212 form for reporting information on their employment of covered veterans under VEVRAA.

The VETS–4212 Report is currently approved under OMB No. 1293–0005.

II. *Desired Focus of Comments:* VETS is soliciting comments concerning a request to extend the currently approved information collection request. The Department of Labor is particularly interested in comments which:

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

III. *Current Actions:* This notice requests an extension of the current Office of Management and Budget approval of the paperwork requirements for the VETS–4212 Form.

Type of Review: Extension with change due to a reduction in burden hours.

Agency: Veterans' Employment and Training Service.

Title: Federal Contractor Veterans' Employment Report VETS–4212.

OMB Number: 1293–0005.

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

Total Respondents: 21,000.

Average responses per respondent: 18.

Total Annual Responses: 378,000.

Average Time per Response:

- Electronic Submission—20 minutes.
- Paper Submission—40 minutes.

Total Burden Hours: 129,200.

Frequency: Annually.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed in Washington, DC, this 6th day of July 2017.

J.S. Shellenberger,

Deputy Assistant Secretary of Labor for Veterans' Employment and Training Service.

[FR Doc. 2017–15036 Filed 7–17–17; 8:45 am]

BILLING CODE 4510–79–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0158]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from June 20,

2017 to July 3, 2017. The last biweekly notice was published on July 5, 2017.

DATES: Comments must be filed by August 17, 2017. A request for a hearing must be filed by September 18, 2017.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0158. 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.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: TWFN–8–D36M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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: Lynn Ronewicz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1927, email: *lynn.ronewicz@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0158, facility name, unit number(s), plant docket number, application date, and subject, 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–2017–0158.
- *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.

B. Submitting Comments

Please include Docket ID NRC–2017–0158, facility name, unit number(s), plant docket number, application date, and subject, 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 posts all comment submissions at *http://www.regulations.gov* as well as entering 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 submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the

proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html*. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html*. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html*. A filing is considered complete at the time

the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (PVNGS), Maricopa County, Arizona

Date of amendment request: June 14, 2017. A publicly-available version is in ADAMS under Accession No. ML17165A555.

Description of amendment request: The amendments would modify the completion date for implementation of Milestone 8 of the Cyber Security Plan (CSP). The proposed amendments would extend the CSP Milestone 8 completion date from September 30, 2017, to December 31, 2017.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the PVNGS Cyber Security Plan implementation schedule is administrative in nature. This proposed change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components (SSCs) relied upon to mitigate the consequences of postulated accidents, and has no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the PVNGS Cyber Security Plan implementation schedule is administrative in nature. This proposed change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the SSCs relied upon to mitigate the consequences of postulated accidents, and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Plant safety margins are established through limiting conditions for operation, limiting safety systems settings, and safety limits specified in the [T]echnical [S]pecifications [TSs]. The proposed change to the PVNGS Cyber Security Plan implementation schedule is administrative in nature. Since the proposed change is administrative in nature, there are no changes to these established safety margins.

Therefore, the proposed change does not involve a significant reduction in a margin of safety as defined in the basis for any TS.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff

proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Michael G. Green, Senior Regulatory Counsel, Pinnacle West Capital Corporation, P.O. Box 52034, Mail Station 8695, Phoenix, AZ 85072–2034.

NRC Branch Chief: Robert J. Pascarelli.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: March 30, 2017, as supplemented by letter dated May 11, 2017. Publicly-available versions are in ADAMS under Accession Nos. ML17095A530 and ML17139D352, respectively.

Description of amendment request: The amendments would revise the Technical Specifications (TSs) in accordance with the NRC-approved Technical Specifications Task Force (TSTF) Standard Technical Specification Change Traveler TSTF–448, Revision 3, ''Control Room Habitability,'' with variations from the TSTF to account for plant-specific configuration and licensing basis differences. The amendments would modify the TSs for the control room ventilation system (CRVS) booster fans and would establish a control room envelop (CRE) habitability program in TS 5.5, ''Programs and Manuals.'' The NRC staff issued ''Notice of Availability of Technical Specification Improvement to Modify Requirements Regarding Control Room Envelope Habitability Using the Consolidated Line Item Improvement Process,'' associated with TSTF–448, Revision 3, in the **Federal Register** on January 17, 2007 (72 FR 2022). The notice included a model safety evaluation, a model no significant hazards consideration determination, and a model license amendment request. In its application dated March 30, 2017, as supplemented by letter dated May 11, 2017, the licensee affirmed the applicability of the model no significant hazards consideration determination, which is presented in the following section.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee affirmed the applicability of the model no significant hazards consideration, which is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility. The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) to perform their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change revises the TS for the [CRVS], which is a mitigation system designed to minimize unfiltered air leakage into the CRE and to filter the CRE atmosphere to protect the CRE occupants in the event of accidents previously analyzed. An important part of the [CRVS] is the CRE boundary. The [CRVS] is not an initiator or precursor to any accident previously evaluated. Therefore, the probability of any accident previously evaluated is not increased. Performing tests to verify the operability of the CRE boundary and implementing a program to assess and maintain CRE habitability ensure that the [CRVS] is capable of adequately mitigating radiological consequences to CRE occupants during accident conditions, and that the [CRVS] will perform as assumed in the consequence analyses of design basis accidents. Thus, the consequences of any accident previously evaluated are not increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed change does not impact the accident analysis. The proposed change does not alter the required mitigation capability of the [CRVS], or its functioning during accident conditions as assumed in the licensing basis analyses of design basis accident radiological consequences to CRE occupants. No new or different accidents result from performing the new surveillance or following the new program. The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a significant change in the methods governing normal plant operation. The proposed change does not alter any safety analysis assumptions and is consistent with current plant operating practice.

Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The proposed change does not affect safety analysis acceptance criteria. The proposed change will not result in plant operation in a configuration outside the design basis for an unacceptable period of time without compensatory measures. The proposed change does not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Vice President Nuclear & EHS Legal Support, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202–1802.

NRC Branch Chief: Michael T. Markley.

Entergy Nuclear Operations, Inc. (ENO), Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: May 15, 2017. A publicly-available version is in ADAMS under Package Accession No. ML17139D261.

Description of amendment request: The proposed amendment would replace the Permanently Defueled Emergency Plan and its associated Permanently Defueled Emergency Action Level (EAL) Technical Bases Document with the Independent Spent Fuel Storage Installation (ISFSI) Emergency Plan and its associated ISFSI EAL Technical Bases Document, for the Vermont Yankee Nuclear Power Station (VY). The proposed changes would reflect the complete removal of all fuel from the spent fuel pool (SFP) and permit specific reductions in the size and makeup of the Emergency Response Organization due to the elimination of the design-basis accident related to the spent fuel (fuel handling accident). As described in the Post Shutdown Decommissioning Activities Report, spent fuel will remain in the SFP until it meets the criteria for transfer, the existing ISFSI is expanded, and the spent fuel can be safely transferred in an efficient manner to the expanded ISFSI, an activity that is currently scheduled for completion in late 2018.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would modify the VY facility operating license by revising the emergency plan and EAL scheme. VY has permanently ceased power operations and is permanently defueled. The proposed amendment is conditioned on all spent nuclear fuel being removed from wet storage in the SFP and placed in dry storage within the ISFSI. Occurrence of postulated accidents associated with spent fuel stored in a SFP is no longer credible in a SFP devoid of fuel. The proposed amendment has no effect on plant structures, systems, or components (SSC) and therefore can neither affect the capability of any plant SSC to perform its design function nor increase the likelihood of the malfunction of any plant SSC. The proposed amendment would have no effect on any of the previously evaluated accidents in the VY Defueled Safety Analysis Report or the Holtec HI–STORM 100 Final Safety Analysis Report.

Because VY has permanently ceased power operations, the generation of fission products has largely ceased and the remaining source term continues to decay. This source term decay continues to significantly reduce the consequences of previously evaluated postulated accidents. Furthermore, previously generated source term materials such as reactor water cleanup resins have been removed from the site in accordance with applicable regulations and permitting requirements.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment constitutes a revision of the emergency planning function commensurate with the ongoing and anticipated reduction in radiological source term at VY.

The proposed amendment does not involve a physical alteration of the plant. No new or different types of equipment will be installed and there are no physical modifications to existing equipment as a result of the proposed amendment. Similarly, the proposed amendment would not physically change any SSC involved in the mitigation of any postulated accidents. Thus, no new initiators or precursors of a new or different kind of accident are created. Furthermore, the proposed amendment does not create the possibility of a new failure mode associated with any equipment or personnel failures. The credible events for the ISFSI remain unchanged.

Therefore, the proposed amendments do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Because the 10 CFR part 50 license for VY no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, as specified in 10 CFR 50.82(a)(2), the postulated accidents associated with reactor operation are no longer credible. In addition, with all spent nuclear fuel transferred out of wet storage from the SFP and placed in dry storage within the ISFSI, a fuel handling accident is no longer credible during dry storage of spent nuclear fuel. Therefore, there are no credible events that would result in radiological releases beyond the site boundary exceeding the exposure levels in U.S. EPA's ''Protective Action Guide and Planning Guidance for Radiological Incidents,'' dated January 2017.

The proposed amendment does not involve a change in the plant's design, configuration, or operation. The proposed amendment does not affect either the way in which the plant SSCs perform their safety function or their design margins. Because there is no change to the physical design of the facility, there is no change to these margins.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Susan Raimo, Senior Counsel, Entergy Services, Inc., 101 Constitution Ave. NW., Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Bruce Watson.

Entergy Nuclear Operations, Inc., Docket Nos. 50–003, 50–247, and 50–286, Indian Point Nuclear Generating Unit Nos. 1, 2, and 3, Westchester County, New York

Date of amendment request: April 28, 2017. A publicly-available version is in ADAMS under Accession No. ML17129A612.

Description of amendment request: The amendments would modify the completion date for implementation of Milestone 8 of the Cyber Security Plan (CSP). The proposed amendments would extend the CSP Milestone 8 full implementation date from December 31, 2017, to December 31, 2022.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the CSP Implementation Schedule does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents and has no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the CSP Implementation Schedule does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. The proposed change to the CSP Implementation Schedule does not involve these items. In addition, the milestone date delay for full implementation of the CSP has no substantive impact because other measures have been taken which provide adequate protection during this period of time. Because there is no change to established safety margins as a result of this change, the proposed change does not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeanne Cho, Assistant General Counsel, Entergy

Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: James G. Danna.

Entergy Nuclear Operations, Inc., Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: April 7, 2017. A publicly-available version is in ADAMS under Package Accession No. ML17104A039.

Description of amendment request: The amendment would revise Technical Specification 3.5.4, ''Refueling Water Storage Tank (RWST),'' such that the non-seismically qualified piping of the Boric Acid Recovery System be connected to the RWST seismic piping. This change will only be applicable until the end of the Indian Point Nuclear Generating Unit No. 2 Refueling Outage 2R23.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The use of the non-seismic Boric Acid Recovery System (BARS) to recirculate and filter the RWST water does not involve any changes or create any new interfaces with the reactor coolant system or main steam system piping. Therefore, the connection of the BARS Purification Loop to the RWST would not affect the probability of these accidents occurring. The BARS is not credited for safe shutdown of the plant or accident mitigation. Administrative controls ensure that the BARS can be isolated as necessary and in sufficient time to assure that the RWST volume will be adequate to perform the safety function as designed. Since the RWST will continue to perform its safety function and overall system performance is not affected, the consequences of the accident are not increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The design of the RWST and the SFP [Spent Fuel Pool] Purification Loop has been revised to allow recirculation and purification using the BARS for a short period of time (not to exceed 30 days per fuel cycle) for the next fuel cycle. The BARS takes RWST water in and processes it out without additional connections that could affect other systems and without an impact from its installation. Procedures for the operation of the plant, including the BARS, will not create the possibility of a new or different type of accident. Contingent upon manual operator action, a BARS line break will not result in a loss of the RWST safety function. Similarly, an active or passive failure in the BARS will not affect safety related structures, systems or components.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The SFP Purification Loop and recirculation and purification of the RWST water using the BARS is not credited for safe shutdown of the plant or accident mitigation. RWST volume will be maximized prior to purification and timely operator action can be taken to isolate the non-seismic system from the RWST to assure it can perform its function. This will result in no significant reduction in the margin of safety.

Therefore the proposed change does not significantly reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: James G. Danna.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station (BVPS), Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of amendment request: April 9, 2017. A publicly-available version is in ADAMS under Accession No. ML17100A269.

Description of amendment request: The amendments would revise Technical Specification (TS) Section 4.2.1, ''Fuel Assemblies,'' and Section 5.6.3, ''Core Operating Limits Report (COLR),'' to allow the use of Optimized ZIRLO™ as an approved fuel rod cladding material. In the letter dated April 9, 2017, the licensee also requested an exemption from certain requirements of 10 CFR 50.46 and 10 CFR part 50, appendix K, in accordance with 10 CFR 50.12, to support the license amendments.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would allow the use of Optimized ZIRLO™ clad nuclear fuel at BVPS. 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), which addresses Optimized ZIRLO™ fuel rod cladding and demonstrates that Optimized ZIRLO™ fuel rod cladding has essentially the same properties as currently licensed ZIRLO® fuel rod cladding. The use of Optimized ZIRLO™ fuel rod cladding material will not result in adverse changes to the operation or configuration of the facility. The fuel cladding itself is not an accident initiator and does not affect accident probability. The correction of a typographical error, the addition of a word for clarification of the TS, and the addition of a registered trademark designator are administration changes and do not affect the fuel cladding design. Use of Optimized ZIRLO™ meets the fuel design acceptance criteria and hence does not significantly affect the consequences of an accident.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The use of Optimized ZIRLO™ fuel rod cladding material will not result in adverse changes to the operation or configuration of the facility. The correction of a typographical error, the addition of a word for clarification of the TS, and the addition of a registered trademark designator are administration changes and do not affect the fuel cladding design. Topical Report WCAP–12610–P–A & CENPD–404–P–A, Addendum 1–A demonstrated that the material properties of Optimized ZIRLO™ fuel rod cladding are similar to those of ZIRLO® fuel rod cladding. Therefore, Optimized ZIRLO™ fuel rod cladding will perform similarly to ZIRLO® fuel rod cladding, thus precluding the possibility of the fuel rod cladding becoming an accident initiator and causing a new or different kind of accident.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment will not involve a significant reduction in the margin of safety. NRC-approved Topical Report WCAP–12610–P–A & CENPD–404–P–A, Addendum 1–A, demonstrated that the material properties of the Optimized ZIRLO™ fuel rod cladding are similar to those of ZIRLO® fuel rod cladding. Optimized ZIRLO™ fuel rod cladding is expected to perform similarly to ZIRLO® fuel rod cladding for normal

operating and accident scenarios, including both loss-of-coolant accident (LOCA) and non-LOCA scenarios. The use of Optimized ZIRLO™ fuel rod cladding will not result in adverse changes to the operation or configuration of the facility. The correction of a typographical error, the addition of a word for clarification of the TS, and the addition of a registered trademark designator are administration changes that do not affect the fuel cladding design.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: James G. Danna.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: June 12, 2017. A publicly-available version is in ADAMS under Accession No. ML17164A191.

Description of amendment request: The requested amendments propose changes to the Updated Final Safety Analysis Report in the form of departures from the plant-specific Design Control Document (DCD) Tier 2 information, and involve changes to related plant-specific DCD Tier 1 information, with corresponding changes to the associated combined license (COL) Appendix C information. In addition, revisions are proposed to COL Appendix A, Technical Specifications. The proposed changes revise the COLs concerning standardizing the Protection and Safety Monitoring System (PMS) setpoint nomenclature. No changes are proposed to setpoint values or PMS alarms and actuations. Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, appendix D, Design Certification Rule, is also requested for the plant-specific Tier 1 departures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

No setpoint values or PMS actuations are proposed to be changed by this activity. Nor are any values assumed in the safety analysis changed. This is an administrative change to standardize the PMS setpoint designators. The proposed amendment does not affect the prevention and mitigation of abnormal events, *e.g.,* accidents, anticipated operation occurrences, earthquakes, floods, turbine missiles, and fires or their safety or design analyses. This change does not involve containment of radioactive isotopes or any adverse effect on a fission product barrier. There is no impact on previously evaluated accidents.

These proposed changes have no adverse impact on the support, design, or operation of mechanical and fluid systems. The response of systems to postulated accident conditions is not adversely affected and remains within response time assumed in the accident analysis. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. Consequently, the plant response to previously evaluated accidents or external events is not adversely affected, nor does the proposed change create any new accident precursors.

Therefore, the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a new failure mechanism or malfunction, which affects [a structure, system, component (SSC)] accident initiator, or interface with any SSC accident initiator or initiating sequence of events considered in the design and licensing bases. There is no adverse effect on radioisotope barriers or the release of radioactive materials. The proposed amendment does not adversely affect any accident, including the possibility of creating a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

No setpoint values or PMS actuations are proposed to be changed by this activity. This is an administrative change to standardize the PMS setpoint designators. The proposed changes would not affect any safety-related design code, function, design analysis, safety analysis input or result, or existing design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested changes.

Therefore the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Jennifer Dixon-Herrity.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, Georgia

Date of amendment request: June 9, 2017. A publicly-available version is in ADAMS under Accession No. ML17163A174.

Description of amendment request: The requested amendments propose changes to combined license (COL) Appendix C (and plant-specific Tier 1) Table 2.7.2–2 to revise the minimum chilled water flow rates to the supply air handling units serving the Main Control Room and the Class 1E electrical rooms, and the unit coolers serving the normal residual heat removal system and chemical and volume control system pump rooms. The proposed COL Appendix C (and plant-specific Design Control Document (DCD) Tier 1) changes require additional changes to corresponding Tier 2 component data information in Updated Final Safety Analysis Report Chapters 6 and 9. Because this proposed change requires a departure from Tier 1 information in the Westinghouse Electric Company's AP1000 DCD, the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to COL Appendix C (and plant-specific Tier 1) Table 2.7.2–2, Updated Final Safety Analysis Report (UFSAR) Table 9.2.7–1, and associated UFSAR design information to identify the revised equipment parameters for the nuclear island nonradioactive ventilation system (VBS) air handling units (AHUs) and radiologically controlled area (RCA) ventilation system (VAS) unit coolers and reduced chilled water system (VWS) cooling coil flow rates does not adversely impact the

plant response to any accidents which are previously evaluated. The function of the cooling coils to provide chilled water to the VBS AHUs and VAS unit coolers is not credited in the safety analysis.

No safety-related structure, system, component (SSC) or function is adversely affected by this change. The change does not involve an interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the plant-specific UFSAR are not affected. The proposed changes do not involve a change to the predicted radiological releases due to postulated accident conditions, thus, the consequences of the accidents evaluated in the UFSAR are not affected. The proposed changes do not increase the probability or consequences of an accident previously evaluated as the VWS, VBS and VAS do not provide safety-related functions and the functions of each system to support required room environments are not changed.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to COL Appendix C (and plant-specific Tier 1) Table 2.7.2–2, UFSAR Table 9.2.7–1, and associated UFSAR design information to identify the revised equipment parameters for VBS AHUs and VAS unit coolers and reduced VWS cooling coil flow rates do not affect any safety-related equipment, and do not add any new interfaces to safety-related SSCs. The VWS function to provide chilled water is not adversely impacted. The function of the VAS to provide ventilation and cooling to maintain the environment of the serviced areas within the design temperature range is not adversely impacted by this change. No system or design function or equipment qualification is affected by these changes as the change does not modify the operation of any SSCs. The changes do not introduce a new failure mode, malfunction or sequence of events that could affect safety or safety-related equipment. Revised equipment parameters, including the reduced cooling coil flow rates, do not adversely impact the function of associated components.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The changes to COL Appendix C (and plant-specific Tier 1) Table 2.7.2–2, UFSAR Table 9.2.7–1, and associated UFSAR design information do not affect any other safety-related equipment or fission product barriers. The requested changes will not adversely affect compliance with any design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested changes as previously evaluated accidents are not impacted.

Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius, LLC, 1111 Pennsylvania NW., Washington, DC 20004–2514.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: May 24, 2017. A publicly-available version is in ADAMS under Accession No. ML17144A408.

Description of amendment request: The amendments would revise Surveillance Requirement 3.3.1.3 to change the thermal power at which the surveillance may be performed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment to the TS [Technical Specification] does not affect the initiators of any analyzed accident. In addition, operation in accordance with the proposed amendment to the TS ensures that the previously evaluated accidents will continue to be mitigated as analyzed. The proposed amendment does not adversely affect the design function or operation of any structures, systems, and components important to safety.

The probability or consequences of accidents previously evaluated in the UFSAR [Updated Final Safety Analysis Report] are unaffected by this proposed amendment because there is no change to any equipment response or accident mitigation scenario. There are no new or additional challenges to fission product barrier integrity.

Therefore, it is concluded that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment does not involve a physical alteration of the plant (no new or different type of equipment will be installed). The proposed amendment does not create any new failure modes for existing equipment or any new limiting single failures. The proposed amendment does not involve a change in the methods governing normal plant operation and all safety functions will continue to perform as previously assumed in accident analyses. Thus, the proposed amendment does not adversely affect the design function or operation of any structures, systems, and components important to safety.

No new accident scenarios, failure mechanisms, or limiting single failures are introduced due to the proposed amendment. The proposed amendment does not challenge the performance or integrity of any safety-related system.

Therefore, it is concluded that the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed changes involve a significant reduction in a margin of safety?

The margin of safety associated with the acceptance criteria of any accident is unchanged. The proposed amendment will have no affect on the availability, operability, or performance of the safety-related systems and components. No change is being made to the requirement to perform the surveillance. The NOTE in the surveillance is being changed to clarify when the initial surveillance after refueling is to be performed. The Technical Specification Limiting Condition for Operation (LCO) limits are not being changed.

The proposed amendment will not adversely affect the operation of plant equipment or the function of equipment assumed in the accident analysis.

Therefore, it is concluded that the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Iverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: May 5, 2017. A publicly-available version is in ADAMS under Accession No. ML17128A120.

Description of amendment request: The requested amendments propose changes to more clearly define the boundaries and seismic requirements for the portion of the fire protection system (FPS) piping that is required to remain functional following a safe shutdown earthquake (SSE) (*i.e.,* the ''seismic standpipe system''). The proposed changes also include the removal of SSE requirements from pipe lines that do not need to remain functional following an SSE (specifically, the FPS piping that is part of the non-seismic FPS containment spray system and the FPS open tray system).

Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, appendix D, design certification rule is also requested for the plant-specific Design Control Document Tier 1 material departures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed modification changes would clarify the boundaries for the portion of the nonsafety-related FPS required to remain functional following a SSE for manual firefighting in areas with SSE equipment, and the addition of two new open-nozzle suppression systems with associated system isolation valves to provide adequate spray coverage to accommodate the final cable tray location, configuration and quantity. These changes do not affect any accident initiating event or component failure, thus the probabilities of the accidents previously evaluated are not adversely affected. No function used to mitigate a radioactive material release and no radioactive material release source term is involved, thus the radiological releases in the accident analyses are not adversely affected. Therefore, the proposed amendment does not involve an increase in the probability or consequences of an accident previously evaluated.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed clarification of the boundaries for the portion of the nonsafety-related FPS required to remain functional following a SSE for manual firefighting in areas with equipment required for safe shutdown following an SSE does not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The proposed changes affect the physical design and operation of the FPS, including as-installed inspections, testing, and maintenance requirements, as described in the Updated Final Safety Analysis Report (UFSAR) due to the addition of two open-nozzle suppression systems with associated system isolation valves. However, the additional open-nozzle suppression systems with associated system isolation valves are similar in design and function as the existing cable tray suppression systems and raceway covers. Therefore, the operation of the FPS is not affected. These proposed changes do not adversely affect any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or nonsafety-related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that results in significant fuel cladding failures.

Therefore, the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed clarification of the boundaries for the portion of the FPS required to remain functional following a SSE, and the addition of two new open-nozzle suppression systems with associated system isolation valves do not affect any safety or accident analysis as the FPS is a nonsafety-related system. The only function of the FPS following a design basis earthquake is to provide water for hose valves for manual firefighting in safe shutdown equipment areas. The proposed changes continue to meet the existing design basis, design function, regulatory criterion, or analyses. Therefore, the proposed changes satisfy the same design functions in accordance with the codes and standards currently stated in the UFSAR. These changes do not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, and no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue, North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: May 9, 2017. A publicly-available version is in ADAMS under Accession No. ML17129A608.

Description of amendment request: The requested amendments propose to depart from approved AP1000 Design Control Document (DCD) Tier 2 information (text, tables, and figures) as incorporated into the Updated Final Safety Analysis Report (UFSAR) as plant-specific DCD information, and also propose to depart from involved plant-specific Tier 1 information (and associated combined license (COL) Appendix C information) and from involved plant-specific Technical Specifications as incorporated in Appendix A of the COL. Specifically, the proposed amendments would revise the licensing basis information to reflect design changes to the main control room emergency habitability system (VES) to address the main control room envelope temperature response.

Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, appendix D, design certification rule is also requested for the plant-specific DCD Tier 1 material departures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSCs) accident initiator or initiating sequence of events. The VES design changes involve: (1) Addition of an automatic and manual, Class 1E, electrical load shed of nonessential nonsafety-related equipment within the main control room envelope (MCRE); and (2) adding a description of the requirements for maintaining habitability of the MCRE beyond 72 hours following a Design Basis Accident to the design and licensing basis. Neither planned or inadvertent operation nor failure of the VES is an accident initiator or part of an initiating sequence of events for an accident previously evaluated. For example, if VES actuation occurs from a loss of power

to the plant in a station blackout condition, the additional added features including Wall Panel Information System displays would not be available regardless of the load shed feature. This condition was originally evaluated as part of the AP1000 design certification and no changes are proposed to the plant station blackout response. No additional re-evaluation of other probability or consequences from failures are required to support this change. Therefore, the probabilities of the accidents evaluated in the UFSAR are not affected.

The proposed changes do not have an adverse impact on the ability of the VES to perform its design functions. The design of the VES continues to meet the same regulatory acceptance criteria, codes, and standards as required by the UFSAR. In addition, the changes maintain the capability of the VES to mitigate the consequences of an accident in conformance with the applicable regulatory acceptance criteria, and there is no adverse effect on any safety-related SSC or function used to mitigate an accident. The changes do not affect the prevention and mitigation of other abnormal events, *e.g.,* anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. Therefore, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The VES design changes involve: (1) Addition of an automatic and manual, Class 1E, electrical load shed of nonessential nonsafety-related equipment within the MCRE; and (2) adding a description of the requirements for maintaining habitability of the MCRE beyond 72 hours following a DBA to the design and licensing basis. Although a new failure mode of the VES is created by the addition of the MCR Load Shed Panels, neither planned nor inadvertent operation nor failure of the VES is an accident initiator or part of an initiating sequence of events for a new or different kind of accident. In addition, these proposed changes do not adversely affect any other VES or SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or nonsafety-related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that result in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The changes to the VES description and associated COL Appendix A Technical Specification changes provide continued verification that; the VES design functions to maintain heat loads inside the MCRE within design-basis assumptions to limit the heat up of the room, a 72-hour supply of breathable-quality air for the occupants of the MCRE is readily available, and the MCRE pressure boundary is maintained at a positive pressure with respect to the surrounding areas. The changes support the system's intended design functions and continue to meet the regulatory requirements for protecting public health and safety.

The proposed changes also maintain existing safety margins. The proposed changes do not adversely affect VES design requirements and design functions. The proposed changes maintain existing safety margin through continued application of the existing requirements of the UFSAR, while adding additional design features and controls that maintain VES design functions required to meet the existing safety margins. Therefore, the proposed changes satisfy the same design functions in accordance with the same codes and standards as stated in the UFSAR. These changes do not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue, North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: April 6, 2017. A publicly-available version is in ADAMS under Accession No. ML17097A425.

Description of amendment request: The amendment would revise the Final Safety Analysis Report (FSAR) to allow bypassing of thermal overload protection during motor-operated valve surveillance testing.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Keeping the thermal overload protection (TOP) devices bypassed during surveillance testing does not introduce the possibility of a change in the frequency of an accident because failure of a single safety-related motor-operated valve (MOV) is not, by itself, an initiator of any previously evaluated design basis accident. Valves are active components that either position to ''open'' or ''close'' as required to fulfill safety functions. As such, safety-related MOVs are subject to single active failures, but such failures are not accident initiators. (For safety-related systems, redundancy in the design ensures that failure of a valve to open or to close on demand, as applicable, will not prevent fulfillment of the safety function(s). However, the associated safety functions are for accident mitigation/response, and while an MOV failure can affect such functions (without loss of the overall function), a single MOV failure cannot by itself initiate any accident previously evaluated in the FSAR.)

Furthermore, the change does not result in an increase in the consequences of an accident previously evaluated in the FSAR. The proposed change would permit MOV TOP devices to remain bypassed during surveillance stroke testing but not during valve maintenance. In regard to the bypassing of TOP devices during testing, the potential for valve damage is of greater concern during valve maintenance activities (when work has been done on the affected valve(s)) than it is for surveillance stroke tests. It may be assumed that the low probability of valve damage resulting from—or occurring during—surveillance valve stroke tests (with the TOP devices bypassed) does not change the single-failure assumptions already considered in the plant's design and accident analyses. As previously noted, redundancy in the design of safety-related systems ensures that failure of a valve to open or close on demand, as applicable, will not prevent fulfillment of the safety function(s). Accordingly, it may be concluded that the provisions for bypassing TOP devices during MOV surveillance testing does not require any changes to assumptions regarding MOV availability, single-failure protection, or the associated systems' capabilities for performing accident mitigation functions. With no changes to such assumptions, the proposed change does not result in more than a minimal increase in the consequences of an accident previously evaluated in the FSAR.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

NRC [RG] 1.106, Revision 1 [''Thermal Overload Protection for Electric Motors on Motor-Operated Valves''], requires the removal of MOV thermal overload relay bypass jumpers during both maintenance and

periodic tests. The regulatory guide's position is that having the thermal overload protection enabled during periodic tests of an MOV is desired to prevent valve motor damage. The concern is that the motor may be damaged if the thermal overload protection is not in force.

Keeping the [TOP] devices bypassed during surveillance testing does not introduce the possibility of an accident of a different type than any previously evaluated in the FSAR. Although there could be a slight increase in the probability of valve damage due to the proposed change, any such failure would not be of a different kind or nature than what may already be experienced by an MOV. Thus, no new failure modes or initiators of a different type of accident are introduced. The single active failure of a[n] [MOV] is already considered in the accident analysis assumptions described in the FSAR, and the failure of a single MOV is not by itself an accident initiator.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

No, this change does not affect design basis limits for a fission product barrier. No changes to the accident analyses, including any associated assumptions, are required or being made for the proposed change. Because of redundancy incorporated into the plant design (for single-failure protection), the failure of a single [MOV] will not result in the loss of any overall safety function.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street NW., Washington, DC 20037.

NRC Branch Chief: Robert J. Pascarelli.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment, as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Florida, Inc., et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: December 9, 2016.

Brief description of amendment: The amendment approved the removal of the existing cyber security license condition from the facility operating license.

Date of issuance: June 22, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 254. A publicly-available version is in ADAMS under Package Accession No. ML17096A279; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. DPR–72: The amendment revised the license.

Date of initial notice in ***Federal Register:*** January 31, 2017 (82 FR 8868).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 22, 2017.

No significant hazards consideration comments received: No.

Duke Energy Florida, Inc., et al., Docket No. 50–302, Crystal River Unit 3 (CR–3) Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: August 31, 2016.

Brief description of amendment: The amendment approved an amendment to the CR–3 Facility Operating License and the Permanently Defueled Technical Specifications to reflect removal of all CR–3 spent nuclear fuel from the spent fuel pools and its transfer to dry cask storage within the independent spent fuel storage installation (ISFSI).

Date of issuance: June 27, 2017.

Effective date: The date Duke Energy Florida, LLC submits written notification that all spent fuel has been transferred from the spent fuel pool to the ISFSI and shall be implemented within 60 days.

Amendment No.: 255.

Facility Operating License No. DPR–72: The amendment revised the license.

Date of initial notice in ***Federal Register:*** October 25, 2016 (81 FR 73432).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 27, 2017.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of amendment request: July 12, 2016, as supplemented by letter dated November 17, 2016.

Brief description of amendment: The amendment reduced the minimum reactor dome pressure associated with the critical power correlation from 785 pounds per square inch gauge (psig) to 686 psig in Technical Specification 2.1.1, ''Reactor Core SLs [Safety Limits],'' and associated bases.

Date of issuance: June 27, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 242. A publicly-available version is in ADAMS under Accession No. ML17131A071; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–21: The amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** The license amendment request was originally noticed in the **Federal Register** on October 25, 2016 (81 FR 73433). Subsequently, by letter dated November 17, 2016, the licensee

provided additional information that expanded the scope of the amendment request as originally noticed in the **Federal Register**. Accordingly, the NRC published a second proposed no significant hazards consideration determination in the **Federal Register** on April 25, 2017 (82 FR 19102), which superseded the original notice in its entirety.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 27, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: May 19, 2017. A publicly-available version is in ADAMS under Accession No. ML17139C739.

Brief description of amendment: The amendment revised the Emergency Action Level HU1.5 for James A. FitzPatrick Nuclear Power Plant by replacing the phrase ''Lake water level >249.2 ft'' with the phrase ''A hazardous event that results in on-site conditions sufficient to prohibit the plant staff from accessing the site via personal vehicles.''

Date of issuance: June 30, 2017.

Effective date: As of the date of issuance, and shall be implemented within 30 days of issuance.

Amendment No.: 315. A publicly-available version is in ADAMS under Accession No. ML17153A018; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–59: The amendment revised the Renewed Facility Operating License.

Date of initial notice in ***Federal Register:*** May 30, 2017 (82 FR 24742).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 30, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Units 1 and 2, Oswego County, New York

Date of amendment request: May 19, 2017. A publicly-available version is in ADAMS under Accession No. ML17139C739.

Brief description of amendments: The amendments revised the Emergency Action Level HU1.5 for Nine Mile Point Nuclear Station, Units 1 and 2, by replacing the phrase ''Lake water level >249.3 ft'' with the phrase ''A hazardous event that results in on-site conditions sufficient to prohibit the plant staff from accessing the site via personal vehicles.''

Date of issuance: June 30, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 228 (Unit 1) and 162 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17152A320; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–63 and NPF–69: Amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in ***Federal Register:*** May 30, 2017 (82 FR 24746).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 30, 2017.

No significant hazards consideration comments received: Yes. The comment is addressed in the Safety Evaluation referenced above.

Exelon Generation Company, LLC, Docket No. 50–219, Oyster Creek Nuclear Generating Station (Oyster Creek), Ocean County, New Jersey

Date amendment request: February 20, 2017.

Brief description of amendment: The amendment deleted from the Oyster Creek facility operating license certain license conditions that impose specific requirements on the decommissioning trust fund agreement. The provisions of 10 CFR 50.75(h) that specify the regulatory requirements for decommissioning trust funds will apply to Oyster Creek.

Date of issuance: June 23, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 291. A publicly-available version is in ADAMS under Accession No. ML17067A042; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–16: Amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register:*** March 28, 2017 (82 FR 15381).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 23, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: August 22, 2016.

Brief description of amendment: The amendment revised Technical Specification 4.2.1, ''Reactor Core, Fuel Assemblies,'' and Technical Specification 5.6.5, ''Reporting Requirements, Core Operating Limits Report (COLR),'' paragraph b, to allow the use of Optimized ZIRLO™ fuel cladding material. The amendment is also supported by an exemption from certain requirements of 10 CFR 50.46 and 10 CFR part 50, appendix K,

Date of issuance: June 21, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 125. A publicly-available version is in ADAMS under Accession No. ML17131A066; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–18: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** November 8, 2016 (81 FR 78648).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 21, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–289 and 50–320, Three Mile Island Nuclear Station, Units 1 and 2, Dauphin County, Pennsylvania

Date of amendment request: July 15, 2016, as supplemented by letter dated February 13, 2017.

Brief description of amendment: The amendment approved changes to the emergency plan that involve on-shift emergency response staffing modifications.

Date of issuance: June 23, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 291. A publicly-available version is in ADAMS under Accession No. ML17137A393; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–50: Amendment revised the emergency plan.

Date of initial notice in ***Federal Register:*** The license amendment request was originally noticed in the

Federal Register on October 25, 2016 (81 FR 73435). The supplement dated February 13, 2017, expanded the scope of the application as originally noticed; therefore, the NRC staff renoticed the application in the **Federal Register** on April 11, 2017 (82 FR 17458).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 23, 2017

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of amendment request: October 27, 2016.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.8.3, ''Diesel Fuel Oil, Lube Oil, and Starting Air,'' by removing the current stored diesel fuel oil and lube oil numerical volume requirements from the TS and replacing them with diesel operating time requirements consistent with NRC-approved Revision 1 to Technical Specifications Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–501, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control.''

Date of issuance: June 29, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 177. A publicly-available version is in ADAMS under Accession No. ML17163A354; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–58: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** December 20, 2016 (81 FR 92869).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 29, 2017

No significant hazards consideration comments received: No.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station (CNS), Nemaha County, Nebraska

Date of amendment request: August 26, 2016.

Brief description of amendment: The amendment revised the CNS Technical Specifications (TSs) to eliminate TS 5.5.6, ''Inservice Testing Program,'' to remove requirements duplicated in the American Society of Mechanical Engineers Code for Operations and Maintenance of Nuclear Power Plants Case OMN–20, ''Inservice Test Frequency.'' A new defined term, ''Inservice Testing Program,'' was added to TS Section 1.1, ''Definitions.'' The licensee stated that the change to the TSs is consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR [Surveillance Requirement] Usage Rule Application to Section 5.5 Testing,'' which was made available to the TSTF via NRC letter dated December 11, 2015 (ADAMS Accession No. ML15317A071), with no proposed technical variations or deviations. However, in some cases, the CNS TSs use different section titles or numbering for SRs than the Standard Technical Specifications on which TSTF–545 was based. The licensee changed the TSTF–545 numbering to be consistent with the CNS TS numbering.

Date of issuance: June 20, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 259. A publicly-available version is in ADAMS under Accession No. ML17144A082; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–46: Amendment revised the Renewed Facility Operating License and TSs.

Date of initial notice in ***Federal Register:*** November 8, 2016 (81 FR 78649).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 20, 2017.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: August 31, 2016, as supplemented by letter dated February 16, 2017.

Brief description of amendments: The amendments revised Technical Specification (TS) 3.8.7 by removing the site-specific Required Actions and associated Completion Times, thus reverting to the standard TS language contained in NUREG–1431, ''Standard Technical Specifications: Westinghouse Plants.''

Date of issuance: June 20, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 219 (Unit 1) and 206 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17130A716; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–42 and DPR–60: The amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** October 25, 2016 (81 FR 73436). The supplemental letter dated February 16, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 20, 2017.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC and Exelon Generation Company, LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem Units 1 and 2), Salem County, New Jersey

Date of amendment request: August 30, 2016.

Brief description of amendments: The amendments approved adoption of NRC-approved Technical Specifications Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR [Surveillance Requirement] Usage Rule Application to Section 5.5 Testing,'' dated October 21, 2015. Specifically, the amendments deleted the Salem Units 1 and 2 Technical Specification (TS) Section 6.8.4.j, ''Inservice Testing Program,'' and added a new defined term, ''INSERVICE TESTING PROGRAM,'' to the TSs. All existing references to the ''Inservice Testing Program'' in the Salem Units 1 and 2 TS SRs are replaced with ''INSERVICE TESTING PROGRAM'' so that the SRs refer to the new definition in lieu of the deleted program.

Date of issuance: June 28, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 319 (Unit No. 1) and 300 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML17165A214; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** November 8, 2016 (81 FR 78651).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 28, 2017.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station (Hope Creek), Salem County, New Jersey

Date of amendment request: July 20, 2016.

Brief description of amendment: The amendment approved adoption of NRC-approved Technical Specifications Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR [Surveillance Requirement] Usage Rule Application to Section 5.5 Testing,'' dated October 21, 2015. Specifically, the amendment deleted the Hope Creek Technical Specification (TS) Section 6.8.4.i, ''Inservice Testing Program,'' and added a new defined term, ''INSERVICE TESTING PROGRAM,'' to the TSs. All existing references to the ''Inservice Testing Program'' in the Hope Creek TS SRs are replaced with ''INSERVICE TESTING PROGRAM'' so that the SRs refer to the new definition in lieu of the deleted program.

Date of issuance: June 28, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 205. A publicly-available version is in ADAMS under Accession No. ML17164A355; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–57: Amendment revised the Renewed Facility Operating License and TSs.

Date of initial notice in ***Federal Register:*** October 25, 2016 (81 FR 73437).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 28, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant (Farley), Units 1 and 2, Houston County, Alabama

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant (Vogtle), Units 1 and 2, Burke County, Georgia

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant (Hatch), Unit Nos. 1 and 2, Appling County, Georgia

Date of amendment request: December 1, 2016.

Brief description of amendments: The amendments modified the Technical Specification (TS) requirements in Section 1.3 and Section 3.0 regarding Limiting Conditions for Operation (LCO) and Surveillance Requirement (SR) usage. The changes are consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–529, Revision 4, ''Clarify Use and Application Rules.''

Date of issuance: June 27, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: Farley—211 (Unit 1) and 208 (Unit 2); Vogtle—187 (Unit 1) and 168 (Unit 2); and Hatch—285 (Unit No. 1) and 230 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML17137A041; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–2, NPF–8, NPF–68, NPF–81, DPR–57, and NPF–5: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** February 28, 2017 (82 FR 12135).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 27, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant (Farley), Units 1 and 2, Houston County, Alabama

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant (Vogtle), Units 1 and 2, Burke County, Georgia

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant (Hatch), Unit Nos. 1 and 2, Appling County, Georgia

Date of amendment request: July 28, 2016.

Brief description of amendments: The amendments modified the technical specifications (TSs) to eliminate Section 5.5.8, ''Inservice Testing Program,'' for Farley and Vogtle, and eliminate Section 5.5.6, ''Inservice Testing Program,'' for Hatch. A new defined term, ''Inservice Testing Program,'' is added to the TS Definitions section. This request is consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR [Surveillance Requirement] Usage Rule Application to Section 5.5 Testing''.

Date of issuance: June 30, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: Farley—212 (Unit 1) and 209 (Unit 2); Vogtle—187 (Unit 1) and 170 (Unit 2); and Hatch—286 (Unit No. 1) and 231 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML17152A218; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–2, NPF–8, NPF–68, NPF–81, DPR–57, and NPF–5: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** September 27, 2016 (81 FR 66309).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 30, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 50–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: August 29, 2016, as supplemented by letter dated February 13, 2017.

Brief description of amendments: The amendments changed Combined License Nos. NPF–91 and NPF–92 for the Vogtle Electric Generating Plant, Units 3 and 4. The amendments changed the Updated Final Safety Analysis Report (UFSAR) in the form of departures from the incorporated plant-specific Design Control Document (DCD) Tier 2* information. Specifically, the amendment proposed changes to demonstrate the quality and strength of a specific population of welds between stainless steel mechanical couplers (couplers) and embedment plates that did not receive the nondestructive examinations required by the American Institute of Steel Construction N690–1994, ''Specification for the Design, Fabrication, and Erection of Steel Safety-Related Structures for Nuclear Facilities.'' Since some of these coupler welds are already installed and embedded in concrete, the licensee proposed to demonstrate the adequacy of these inaccessible coupler welds through previously-performed visual testing examinations of the couplers and static tension testing of a representative sample of accessible, uninstalled couplers produced concurrently with those already installed.

Date of issuance: June 27, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 80 (Unit 3) and 79 (Unit 4). A publicly-available version is in ADAMS under Package Accession No. ML17107A275; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License No. NPF–91 and NPF–92: Amendments revised the UFSAR in the form of departures from the incorporated plant-specific DCD Tier 2* information.

Date of initial notice in ***Federal Register:*** November 8, 2017 (81 FR 78666). The supplement, dated February 13, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 27, 2017.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–390 and 50–391, Watts Bar Nuclear Plant, Units 1 and 2, Rhea County, Tennessee

Date of amendment request: October 17, 2016, as supplemented by letter dated March 6, 2017.

Brief description of amendments: The amendments revised selected Technical Specification (TS) Surveillance Requirements (SRs) for alternating current electrical sources because of delays in the startup of Watts Bar Nuclear Plant, Unit 2. Specifically, the amendments revised the TSs to permit a one-time extension of the specified 18-month interval for performing the required SRs.

Date of issuance: June 28, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 114 (Unit 1) and 12 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17138A100; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–90 and NPF–96: Amendments revised the Facility Operating Licenses and TSs.

Date of initial notice in the ***Federal Register:*** February 28, 2017 (82 FR 12138). The supplemental letter dated March 6, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 28, 2017.

No significant hazards consideration comments received: No.

TEX Operations Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant (CPNPP), Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: December 14, 2016.

Brief description of amendments: The amendments revised the licensee name from ''TEX Operations Company LLC'' to ''Vistra Operations Company LLC'' in the CPNPP, Unit No. 1, Facility Operating License (FOL) NPF–87; CPNPP, Unit No. 2, FOL (NPF–89); and the title page of the Environmental Protection Plan.

Date of issuance: June 29, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 169 (Unit 1) and 169 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17129A024; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Facility Operating Licenses.

Date of initial notice in ***Federal Register:*** February 28, 2017 (82 FR 12139).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 29, 2017.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 6th day of July 2017.

For the Nuclear Regulatory Commission.

Eric J. Benner,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–14743 Filed 7–17–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285; NRC–2017–0160]

Omaha Public Power District; Fort Calhoun Station, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a October 7, 2016, request from Omaha Public Power District (OPPD or the licensee), from certain regulatory requirements. The exemption would permit a certified fuel handler (CFH), in addition to a licensed senior operator, to approve the emergency suspension of security measures for Fort Calhoun Station, Unit No. 1 (FCS) during certain emergency conditions or during severe weather.

DATES: The exemption was issued on July 7, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0160 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–2017–0160. 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- 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: James Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–4125; email: *James.Kim@nrc.gov.*

I. Background

Omaha Public Power District (OPPD) is the holder of Renewed Facility Operating License No. DPR–40 for Fort Calhoun Station (FCS). 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 consists of a pressurized-water reactor located in Washington County, Nebraska.

By letter dated August 25, 2016 (ADAMS Accession No. ML16242A127), OPPD submitted a certification to the NRC indicating it would permanently cease power operations at FCS on October 24, 2016. On October 24, 2016, OPPD permanently ceased power operation at FCS. On November 13, 2016 (ADAMS Accession No. ML16319A254), OPPD certified that it had permanently defueled the FCS reactor vessel.

In accordance with § 50.82(a)(1)(i) and (ii), and § 50.82(a)(2) of title 10 of the *Code of Federal Regulations* (10 CFR), the specific license for the facility no longer authorizes reactor operation, or emplacement or retention of fuel in the respective reactor vessel, after certifications of permanent cessation of operations and of permanent removal of fuel from the reactor vessel are docketed for FCS.

By letter dated June 21, 2017 (ADAMS Accession No. ML17144A246), the NRC approved the Certified Fuel Handler Training and Retraining Program for FCS that supports the exemption request discussed herein. The CFH Training and Retraining Program is to be used to satisfy training requirements for the plant personnel responsible for supervising and directing the monitoring, storage, handling, and cooling of irradiated nuclear fuel in a manner consistent with ensuring the health and safety of the public. As stated in section 10 CFR 50.2, ''Definitions,'' CFHs are qualified in accordance with an NRC-approved training program.

II. Request/Action

On October 7, 2016 (ADAMS Accession No. ML16281A469), the licensee requested an exemption from § 73.55(p)(1)(i) and (ii), pursuant to § 73.5, ''Specific exemptions.'' The current § 73.55(p)(1)(i) and (ii) regulations state that a licensed senior operator, as a minimum, must approve the suspension of security measures during certain situations. The proposed exemption would authorize an CFH, in addition to the licensed senior operator, to approve the suspension of security measures under 10 CFR 73.55(p)(1)(i) and (ii) at FCS.

III. Discussion

The NRC's regulations related to security address the potential need to suspend security or safeguards measures under certain conditions. Accordingly, 10 CFR 50.54(x) and (y), first published in 1983, allow a licensee to take reasonable steps in an emergency that deviate from license conditions when those steps are ''needed to protect the public health and safety'' and there are no conforming comparable measures (48 FR 13966; April 1, 1983). As originally issued, the deviation from license conditions had to be approved by, as a minimum, a licensed senior operator. In 1986, in its final rule, ''Miscellaneous Amendments Concerning the Physical Protection of Nuclear Power Plants'' (51 FR 27817; August 4, 1986), the Commission issued § 73.55(a), which provided that the licensee may suspend any safeguards measures pursuant to § 73.55 in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent. The regulation further required that this suspension be approved as a minimum by a senior licensed operator prior to taking action.

In 1996, the NRC made a number of regulatory changes to address decommissioning. One of the changes was to amend § 50.54(x) and (y) to authorize a non-licensed operator called a ''Certified Fuel Handler,'' in addition to a licensed senior operator, to approve such protective steps. In addressing the role of the CFH during emergencies in § 50.54(y), the Commission stated in the proposed rule, ''Decommissioning of Nuclear Power Reactors'' (60 FR 37374; July 20, 1995):

- A nuclear power reactor that has permanently ceased operations and no longer has fuel in the reactor vessel does not require a licensed individual to monitor core conditions.
- A certified fuel handler at a permanently shutdown and defueled nuclear power reactor undergoing decommissioning is an individual who has the requisite knowledge and experience to evaluate plant conditions and make these judgments.

In the 1996 final rulemaking, ''Decommissioning of Nuclear Power Reactors'' (61 FR 39278; July 29, 1996), the NRC added the following definition to § 50.2: ''*Certified fuel handler* means, for a nuclear power reactor facility, a non-licensed operator who has qualified in accordance with a fuel handler training program approved by the Commission.'' However, this rule did not propose or make parallel changes to the provisions governing suspension of security requirements set forth in § 73.55(a), and did not discuss the role of a non-licensed CFH.

In the 2009 final rule, ''Power Reactor Security Requirements'' (74 FR 13926; March 27, 2009), the NRC moved the security suspension requirements from § 73.55(a) to § 73.55(p)(1)(i) and (ii). The role of a CFH was not discussed in this rulemaking, so the suspension of security measures in accordance with § 73.55(p) continued to require approval as a minimum by a licensed senior operator, even for a site that otherwise is no longer operational.

However, pursuant to § 73.5, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 73, as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

A. The Exemption Is Authorized by Law

The requested exemption from § 73.55(p)(1)(i) and (ii) would allow a CFH, in addition to a licensed senior operator, to approve the suspension of security measures, under certain emergency conditions or severe weather. The NRC's current regulations in 50.54(y) allow a CFH to suspend security measures under certain conditions. Granting the exemption would align the licensee's practice under 73.55(p) with what is done under 50.54(y).

Consistent with 10 CFR 73.5, the Commission is allowed to grant exemptions from the regulations in 10 CFR part 73, as authorized by law. The NRC staff has determined that granting the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Therefore, the exemption is authorized by law.

B. Will Not Endanger Life or Property or the Common Defense and Security

Modifying the requirement to allow a CFH, in addition to a licensed senior operator, to approve suspension of security measures during emergencies or severe weather will not endanger life or property or the common defense and security for the reasons described in this section.

First, the requested exemption would not exempt the licensee from meeting the requirements set forth in 10 CFR 73.55(p)(2) that the ''[s]uspended security measures must be reinstated as soon as conditions permit.'' Therefore, the exemption would not prevent the licensee from meeting the underlying purpose of § 73.55(p)(1)(i) to protect public health and safety even after the exemption is granted.

Second, the suspension for non-weather emergency conditions under § 73.55(p)(1)(i) will continue to be invoked only ''when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent.'' Therefore, the exemption would not prevent the licensee from meeting the underlying purpose of § 73.55(p)(1)(i) to protect public health and safety even after the exemption is granted.

Third, the suspension for severe weather under § 73.55(p)(1)(ii) will continue to be used only when ''the suspension of affected security measures is immediately needed to protect the personal health and safety of security force personnel and no other immediately apparent action consistent with the license conditions and technical specifications can provide adequate or equivalent protection.'' The requirement to receive input from the security supervisor or manager will remain. Therefore, the exemption would not prevent the licensee from meeting the underlying purpose of § 73.55(p)(1)(ii) to protect the health and safety of the security force.

Fourth, by letter dated June 21, 2017, the NRC approved OPPD's CFH training and retraining program for the FCS facility. The NRC staff found that, among other things, the program addresses the safe conduct of decommissioning activities, safe handling and storage of spent fuel, and the appropriate response to plant emergencies. Because the CFH will be sufficiently trained and qualified under an NRC-approved program, the NRC staff considers a CFH to have sufficient knowledge of operational and safety concerns, such that allowing a CFH to suspend security measures during emergencies or severe weather will not result in undue risk to public health and safety.

In addition, the exemption does not reduce the overall effectiveness of the licensee's physical security plan or affect the licensee's ability to protect special nuclear material at FCS. Thus, the exemption would not have an adverse effect on the common defense and security. For the reasons set forth above, the NRC staff has concluded that the exemption would not reduce security measures currently in place to protect against radiological sabotage. Therefore, modifying the requirement to allow a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather, does not adversely affect public health and safety issues or the assurance of the common defense and security.

C. Is Otherwise in the Public Interest

NRC regulations currently require that a licensed senior operator at a minimum must approve the suspension of security measures in 10 CFR 73.55(p)(1)(i) and (ii). However, since FCS is shutdown, the licensee is not required to have a licensed senior operator onsite. Therefore, it is unclear how the licensee would implement emergency or severe weather suspensions of security measures in the absence of a licensed senior operator. Omaha Public Power District's proposed exemption would allow a certified fuel handler, in addition to a licensed senior operator, to approve suspension of security measures in an emergency when ''immediately needed to protect the public health and safety'' or during severe weather when ''immediately needed to protect the personal health and safety of security force personnel.'' Granting this exemption request to authorize a CFH to approve temporary suspension of security regulations during an emergency or severe weather would align with the comparable authority given to the CFH in 10 CFR 50.54(y).

This exemption is in the interest of the public for two reasons. First, the exemption provides the licensee with an efficient and rational method for invoking the temporary suspension of security matters that may be needed for protecting public health and safety or the safety of the security forces during emergencies and severe weather. Additionally, the consistent and efficient regulation of nuclear power plants serves the public interest by assuring consistency between the security regulations in 10 CFR part 73 and the operating reactor regulations in 10 CFR part 50, as well as the requirements concerning licensed operators in 10 CFR part 55. The NRC staff has determined that granting the licensee's proposed exemption would allow the licensee to designate a CFH with the appropriate qualifications for a permanently shutdown and defueled reactor to approve the suspension of security measures during an emergency to protect the public health and safety, and during severe weather to protect the safety of the security force. These provisions are consistent with the authority provided by § 50.54(y). Therefore, the exemption is in the public interest.

D. Environmental Considerations

The NRC's approval of the exemption from certain security requirements belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Specifically, the exemption is categorically excluded from further analysis under § 51.22(c)(25).

Under § 51.22(c)(25), the granting of an exemption from the requirements of any regulation of chapter I to 10 CFR is a categorical exclusion provided that (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational

radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought are in one of several categories, including requirements involving safeguard plans, and materials control and accounting inventory scheduling requirements; and requirements of an administrative, managerial, or organizational nature.

The Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, has determined that approval of the exemption request in accordance with § 51.22(c)(25), involves no significant hazards consideration because permitting a CFH, in addition to a licensed senior operator, to approve the suspension of security requirements at a defueled shutdown power plant does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Also there will be no significant change in the types or a significant increase in the amounts of any effluents that may be released offsite as well as no significant increase in individual or cumulative public or occupational radiation exposure. The exempted regulation is not associated with construction, so there is no significant construction impact. The exempted regulation neither concerns the source term (*i.e.,* potential amount of radiation in an accident), nor accident mitigation measures. Thus, there is no significant increase in the potential for, or consequences of, a radiological accident. The requirement to have a licensed senior operator approve departures from security requirements involves safeguards plans, materials control, and managerial and organizational matters.

Therefore, pursuant to § 51.22(b) and (c)(25), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, the exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the licensee's request for an exemption from the requirements of 10 CFR 73.55(p)(1)(i) and (ii), to authorize that the suspension of security measures at FCS must be approved as a minimum by either a licensed senior operator or a certified fuel handler.

The exemption is effective upon receipt.

Dated at Rockville, Maryland, this 7th day of July 2017.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–15069 Filed 7–17–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81128; File No. SR–ISE–2017–66]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Eliminate Fees and Rebates for Trades Executed on June 30, 2017 in INET Launch Symbols

July 12, 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 30, 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 the Schedule of Fees to eliminate fees and rebates for trades executed on June 30, 2017 in INET Launch Symbols.

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 the Schedule of Fees to eliminate fees and rebates for trades executed on June 30, 2017 in the following symbols: ACN, ACOR, AEO, AFSI, AMJ, AOBC, BKD, BTE, BV, CBI, CCL, CLR, CME, CNQ, ADM, ADSK, AGNC, ASHR, BBT, BK, BSX, CIEN, and IBM (''INET Launch Symbols'').[3] This change is being made in connection with the migration of the Exchange's trading system to the Nasdaq INET technology, which began on June 12, 2017.[4] On June 9, 2017, the Exchange filed a proposed rule change that eliminated fees and rebates for trades in FX Options that began trading on INET with the launch of the re-platformed trading system.[5] In addition, on June 27, 2017 the Exchange filed another proposed rule change that eliminated fees and rebates for trades in symbol KANG that began trading on INET on that date.[6] The Exchange now proposes to similarly eliminate fees and rebates for trades in INET Launch Symbols executed on the INET trading system on June 30, 2017. With this change, no fees or rebates will be charged for executions on INET during the month of June. Because the Exchange is eliminating fees and rebates for trades in these products, trades in INET Launch Symbols executed on June 30, 2017 will not be counted towards a member's tier for June activity. In addition, activity in the following INET Launch Symbols that are Select Symbols[7] will not be counted for purposes of determining Market Maker Plus[8] tiers: ADM, ADSK,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The INET Launch Symbols will begin trading on INET on June 30, 2017.

[4] *See* Securities Exchange Act Release No. 80432 (April 11, 2017), 82 FR 18191 (April 17, 2017) (SR–ISE–2017–03).

[5] *See* Securities Exchange Act Release No. 80999 (June 22, 2017) 82 FR 29354 (June 28, 2017) (SR–ISE–2017–59).

[6] *See* SR–ISE–2017–63 (publication pending).

[7] ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Pilot Program.

[8] A Market Maker Plus is a Market Maker who is on the National Best Bid or National Best Offer a

Continued

AGNC, ASHR, BBT, BK, BSX, CIEN, and IBM. The proposed change would allow the Exchange to bill June fees solely based on activity traded on the current T7 trading system, 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,[9] in general, and Section 6(b)(4) of the Act,[10] 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 INET Launch Symbols during the initial launch of the Exchange's re-platformed trading system. Eliminating fees and rebates in the INET Launch System during the launch 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 INET Launch Symbols on June 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,[11] and also to other symbols traded on ISE INET during the launch.[12] For the same reason, activity in the following INET Launch Symbols that are Select Symbols will not be counted for purposes of determining Market Maker Plus tiers. The Exchange believes that these 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 trades in INET Launch Symbols that are executed by all members. As noted above, the INET Launch Symbols were selected for this treatment as those products, together with the Exchange's proprietary FX Options and KANG, 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,[13] 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,[14] and Rule 19b–4(f)(2) [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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2017–66 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2017–66. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2017–66 and should be submitted on or before August 8, 2017.

specified percentage of the time for series trading between $0.03 and $3.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to $100) and between $0.10 and $3.00 (for options whose underlying stock's previous trading day's last sale price was greater than $100) in premium in each of the front two expiration months. The specified percentage is at least 80% but lower than 85% of the time for Tier 1, at least 85% but lower than 95% of the time for Tier 2, and at least 95% of the time for Tier 3. A Market Maker's single best and single worst quoting days each month based on the front two expiration months, on a per symbol basis, will be excluded in calculating whether a Market Maker qualifies for this rebate, if doing so will qualify a Market Maker for the rebate.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] *See* Securities Exchange Act Release No. 80184 (March 9, 2017), 82 FR 13893 (March 15, 2017) (SR–ISEGemini–2017–09)

[12] *See* supra notes 5 and 6.

[13] 15 U.S.C. 78f(b)(8).

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

[15] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14981 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81132; File No. SR–ICC–2017–011]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to ICC's Liquidity Risk Management Framework and ICC's Stress Testing Framework

July 12, 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 28, 2017, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICC. 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 principal purpose of the proposed rule change is to revise the ICC Liquidity Risk Management Framework and the ICC Stress Testing Framework. These revisions do not require any changes to the ICC Clearing Rules (''Rules'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICC proposes revisions to its Liquidity Risk Management Framework and to its Stress Testing Framework. ICC believes such revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. The proposed revisions are described in detail as follows.

Liquidity Risk Management Framework

ICC proposes to revise its Liquidity Risk Management Framework in order to make revisions to its liquidity monitoring program in order to enhance compliance with U.S. Commodity Futures Trading Commission (''CFTC'') regulations including 17 CFR 39.11, 17 CFR 39.33 and 17 CFR 39.36.

ICC proposes to reorganize the format of the Liquidity Risk Management Framework to consist of three elements: Liquidity Risk Management Model; Measurement and Monitoring; and Governance. The ''Regulatory Requirements'' section, previously included as an element of the framework, will be deleted; however, the regulatory requirements applicable to liquidity risk management are still referenced in the framework. The changes to each element of the Liquidity Risk Management Framework are described below.

I. Liquidity Risk Management Model

ICC proposes to enhance the description of the components which comprise its liquidity risk management model. As revised, the liquidity risk management model now includes, but is not limited to, the following components: Currency-specific risk requirements; acceptable collateral; liquidity requirements; collateral valuation methodology; investment strategy; Clearing Participant (''CP'') deposits as a liquidity pool; liquidity facilities (including committed repo facilities and committed foreign exchange (''FX'') facilities); and liquidity waterfall. Each of these components are described thoroughly within the Liquidity Risk Management Framework, and changes to each component are described below.

Currency-Specific Risk Requirements

ICC proposes to add language to the 'currency-specific risk requirements' section to cross reference ICC's current policy of maintaining cash and collateral assets posted by CPs (on behalf of themselves and/or their clients) to meet currency-specific Initial Margin (''IM'') and GF requirements, to ensure ICC has sufficient total resources in the required currencies of denomination.

Acceptable Collateral

The 'acceptable collateral' section remains the same, and notes that CPs may post IM and GF deposits that meet ICC's acceptable collateral criteria as described in ICC's Treasury Operations Policies and Procedures and Schedule 401 of the ICC Rules.

Liquidity Requirements

The 'liquidity requirements' section sets forth ICC's liquidity requirements for house/proprietary accounts and client-related accounts. Such requirements are also set forth in ICC's Treasury Operations Policies and Procedures and Schedule 401 of the ICC Rules. The 'liquidity requirements' section will reflect the changes to ICC's liquidity thresholds for Euro (''EUR'') denominated products set forth in filing SR–ICC–2017–002.[3] ICC revised the 'liquidity requirements' section to cross reference ICC's minimum U.S. Dollar (''USD'') contribution to the Guaranty Fund (''GF'') of $20 million required from every CP. This is not a change, but rather a statement of current policy.[4] ICC proposes revisions to the 'liquidity requirements' section to extend ICC's margin risk horizon up to 6-days, to account for the risk associated with clearing Asia Pacific products. This change will apply throughout the framework; the risk horizon is reflected as ''N-day'' where N≥5 is the margin risk horizon or Margin Period of Risk (MPOR). The margin risk horizon is based on the greatest MPOR (rounded up to the nearest integer) for the CDS instruments currently eligible for clearing in order to capture the risk associated with clearing products across multiple time zones (*i.e.,* if an instrument is subject to 5.5 day MPOR estimations, then the scenarios will reflect N=6).

Collateral Valuation Methodology

The 'collateral valuation methodology' section remains substantially the same, and sets forth the method by which ICC prices the

[16] 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. 34–79988 (February 8, 2017), 82 FR 10611 (February 14, 2017). This rule change has been approved by the Commission. See Securities Exchange Act Release No. 34–80324 (March 28, 2017), 82 FR 16244 (April 3, 2017). The text of the proposed rule change for rule filing SR–ICC–2017–002 can also be found on ICC's Web site at *https://www.theice.com/clear-credit/regulation.*

[4] Set forth in Schedule 401 of the ICC Rulebook.

assets posted as collateral, including haircut calculations.

Investment Strategy

The 'investment strategy section' remains substantially the same, and sets forth a summary of ICC's investment strategy. ICC proposes revisions to the 'investment strategy' section to note that when beneficial, ICC diversifies its cash investments across multiple depository institutions to reduce its liquidity exposure to any single depository.

CP Deposits as a Liquidity Pool

The 'CP deposits as a liquidity pool' section remains substantially the same, and refers to the ability of ICC, pursuant to ICC Rules 402 and 804, to borrow GF and house origin IM cash deposits of non-defaulting CPs and pledge non-cash and cash assets of an equivalent value deposited by the defaulting and/or non-defaulting CP(s) as collateral for this loan.

Liquidity Facilities

ICC proposes revisions to the 'liquidity facilities' section to add reference to its committed repurchase facilities (as opposed to committed repurchase agreements). ICC added reference to its recently available committed FX facilities for converting USD cash to EUR cash. ICC also proposes removing reference to FX Swaps, Immediate FX Spot Transactions, because these arrangements do not count as ''qualifying liquidity resources'' under CFTC Regulation 39.33,[5] as they are not committed. ICC also proposes removing reference to the Intercontinental Exchange, Inc. committed line of credit, as ICC no longer participates in the arrangement. ICC's liquidity is not negatively impacted by the proposed changes, as the committed repo facilities and committed FX facilities (coupled with ICC cash and collateral deposits) ensure ICC remains fully able to timely and effectively contain liquidity pressures consistent with Rule 17Ad–22(d)(11).[6] ICC proposes analogous changes to the 'liquidity waterfall' section to reflect the deletion and addition of these references.

Liquidity Waterfall

Under the 'liquidity waterfall' section, ICC proposes revisions to its definition of Available Liquidity Resources (''ALR'') to note that ALR consist of the available deposits currently in cash of the required denomination, and the cash equivalent of the available deposits in collateral types that ICC can convert to cash, in the required currency of denomination, using all sources of liquidity available to it. For reference, the liquidity waterfall classifies ALR on any given day into four Levels. Level One includes the House IM and GF cash deposits of the defaulting CP. Level Two includes GF cash deposits of: (i) ICC; and (ii) non-defaulting CPs, which until ICC has consumed the cash equivalent value of all defaulting CPs' IM and GF deposits, are available to ICC after pledging an equivalent value of non-cash assets (or cash assets in a different currency) from the defaulting CP's IM deposits or GF deposits. Level Three includes House IM cash deposits of the non-defaulting CPs, which are available to ICC after pledging an equivalent value of non-cash assets (or cash assets in a different currency) from the defaulting CP's IM deposits or GF deposits. Level Three cash used by ICC is always a loan, against which it must provide the equivalent Pledgeable Collateral from the GF deposits of the non-defaulting CPs and ICC, and/or from the IM and/or GF deposits of the defaulting CPs.

Level Four includes ICC's committed repo facilities to convert U.S. Treasuries to USD cash and ICC's committed FX facilities to convert USD cash to EUR cash. Note that when determining ALR for stress testing analyses purposes, to account for the risk associated with Foreign Exchange (''FX'') rate fluctuations, *i.e.,* USD/EUR and EUR/USD, when profits and funds denominated in one currency are used to offset losses denominated in other currencies, appropriate FX ''haircuts'' are applied.

ICC noted that ICC's liquidity stress testing and historical liquidity analysis scenarios do not consider any tolerance for delayed payouts. ICC also noted that, during a default management period, ICC may initiate the liquidation of non-cash collateral and/or conversion of cash collateral into the required currencies of denomination, so that ICC has additional ALR to use according to the liquidity waterfall on subsequent days of default management and/or is able to pay back some or all of the cash previously borrowed in Levels Two to Four of the liquidity waterfall.

II. Measurement and Monitoring

Methodology

ICC proposes changes to the 'methodology' section to change the calculation for available liquidity resources. In the historical and stress testing analysis, ICC proposes replacing the estimation of minimum available liquid resources based on risk requirements with the observation of cash and collateral on deposit (excluding cash that will be unavailable by the applicable ICC Payout Deadline because it has been invested by ICC). As such, ICC proposes removing the section from the Liquidity Risk Management Framework which described the process for computing the estimation of minimum available liquid resources. In addition, ICC proposes removing other references throughout the framework related to the estimation of minimum available liquid resources. ICC is changing its approach based on feedback from the CFTC, to ensure consistency with CFTC regulations, including CFTC Regulation 39.33.[7] Under the previous approach, ICC executed its stress test analysis by using the minimum requirement amounts based on ICC's liquidity thresholds set forth in Schedule 401 of the ICC Rules. Under the revised approach, ICC proposes executing stress test analysis by using the amount of assets currently on deposit.

ICC also proposes additional changes to the 'methodology' section. Among other things, the proposed revisions will clarify that ICC's measurement and monitoring methodology assesses the adequacy of ICC's established liquidity resources in response to historically observed and hypothetically created (forward looking) scenarios with risk horizons up to and including 6-days. The analyzed scenarios feature assumptions that directly impact the ability of ICC to meet its payment obligations. From available IM and GF collateral on deposit on the day of the considered default(s), the analysis determines currency-specific ALR by liquidity waterfall level, and compares these ALRs to the currency-specific Liquidity Obligations resulting from the analyzed scenarios on each day of the considered time horizon. To be conservative, the analysis assumes no client-related ALR and that only the day-1 ALR are available throughout the considered time horizon (*i.e.,* the analysis does not consider ICC's ability during the considered time horizon to liquefy non-cash collateral on deposit or transform the currency of cash on deposit).

Historical Analysis

ICC proposes changes to the 'historical analysis' section of the framework. ICC proposes adding language to note that, as part of its historical liquidity analysis, ICC analyzes historical data sets to assess

[5] 17 CFR 39.33

[6] 17 CFR 240.17Ad–22(d)(11).

[7] 17 CFR 39.33.

the level of liquidity coverage achieved for each currency. Under the revised framework, ICC will continue to conduct a historical liquidity analysis on both an individual AG basis and a cover-2 basis.

ICC proposes the use of the Basel Traffic Light System [8] to determine if the minimum cash component of its risk requirements truly covers historically observed 1-day liquidity obligations with a 99% level of confidence. The proposed revisions are part of the 'historical analysis' section. ICC's risk requirements are designed to meet at least a 99% N-day VaR equivalent level of coverage. CPs must meet their IM and GF requirements with a minimum cash component equivalent to the 1-day portion of the N-day requirement, computed using the square-root-of-time approach.[9]

ICC proposes additional enhancements to the 'historical analysis' section to consider the simultaneous default of the two worst-case Affiliate Groups (''AGs'') [10] of CPs, rather than the two worst-case CPs, in line with regulations, including 17 CFR 39.33(c)(1)(ii). Under the revised framework, when computing a CP's combined house and client origin liquidity obligation for the purposes of selecting which AGs are considered to be in a state of default, ICC proposes to eliminate the application of house origin gains against client origin losses, or house origin losses against client origin gains. This analysis is designed to demonstrate to what extent the liquidity resources available to ICC were sufficient to meet historical single and multi-day cover-2 Liquidity Obligations, consistent with 17 CFR 39.33(c)(1)(ii).

ICC proposes enhancements to the 'historical analysis' section to note that, for each day of its historical analysis, and on a currency specific basis, the Risk Department explores predefined cover-2 scenarios considering the default of the CPs within two AGs creating the largest remaining Liquidity Obligation after applying the IM and GF cash deposits of each constituent CP to that CP's Liquidity Obligation. ICC's cover-2 analysis considers the liquidity resources provided by the defaulting CPs, the GF and IM liquidity resources provided by the non-defaulting CPs and ICC, and any externally available liquidity resources.

ICC proposes clarifying changes to the 'historical analysis section' to note that the prices considered for historical analysis purposes are ''dirty'' prices as they include riskless (deterministic) payments (*i.e.,* upfront fees, coupon payments, credit event payments and interest on mark-to-market margin). ICC proposes adding explanatory language regarding its calculation of the N-day worst-case cumulative (combined house and client origin) liquidity obligations. ICC proposes removal of a measurement and monitoring framework diagram, deemed no longer relevant or necessary in light of the larger changes to the framework. Finally, ICC proposes revisions to note that ICC reports cover-2 results from the observed immediate liquidity obligation scenarios and the worst-case five-day liquidity obligation scenarios. This audience of this reporting will depend on the results. ICC notes that the results should exhibit no deficiencies of the combined resources in Levels One through Four of the liquidity waterfall.

Stress Testing Analysis

ICC proposes changes to the 'stress testing' section of the framework. Under the previously approved framework, ICC used predefined scenarios believed to be potential market outcomes historically observed, but with a very low probability of occurrence, as well as scenarios that replicated observed instrument price changes during the Lehman Brothers default. ICC also used predefined scenarios designed to test the performance of the risk methodology under extreme conditions, which ICC did not expect the market to realize.

ICC proposes re-categorizing and adding to the stress testing scenarios set forth in the 'stress testing' section of the framework. Under the revised framework, ICC has enhanced its description of its historically observed extreme but plausible market scenarios, to note that the scenarios define spread or price shocks based on observations during specific historical events. The historical data set from which ICC derives the proposed scenarios will continue to begin on April 1, 2007 and include periods of extreme market events such as the Bear Stearns collapse, the Lehman Brothers default, the 2009 Credit Crisis, the US ''Flash Crash'' event, and the European Sovereign Crisis. The scenarios are similar to the stress testing currently performed under the financial resources Stress Testing Framework.

ICC proposes eliminating all scenarios not expected to be realized as market outcomes (*i.e.* those considered extreme and not plausible). Under the revised framework, ICC will continue to have the ability to execute liquidity analyses based on extreme but not plausible scenarios, on an ad-hoc basis. Further, ICC proposes revising the 'stress testing' section to add 1-day, 2-day, and N-day analogues in place of existing 5-day scenarios. Under the revised framework, each historically observed scenario will have three analogues, one representing a 1-day horizon, one representing a 2-day horizon and one representing a N-day horizon. Previously, only analogues representing a N-day horizon were considered. The addition of the 1-day analogue will demonstrate ICC's ability to meeting its immediate payment obligations over a one-day period (*e.g.,* intraday and same-day obligations), while the 2-day and N-day analogues will demonstrate ICC's ability to meet its payment obligations over a multiday period.

ICC also proposes revising the 'stress testing' section of the framework to add a number of hypothetically constructed (forward looking) extreme but plausible market scenarios comprised of a given historically observed extreme but plausible market scenario and additional stress enhancements representing forward looking hypothetical adverse market events. Specifically, two sets of hypothetically constructed (forward looking) extreme but plausible market scenarios are proposed: Loss-given default scenarios, and one-service-provider-down scenarios. The loss-given default scenarios consider the addition of up to three adverse credit events including the holder of the considered portfolio, one additional CP name and one additional non-CP name. The one-service-provider-down scenarios consider a reduction in ALR designed to represent ICC's worst-case exposure to a single service provider at which it maintains cash deposits or investments, due to ICC's potential inability to access those deposits and/or investments when required. ICC proposes that the reduction in ALR used in the one-service-provider-down scenarios is based on ICC's analysis of the diversification of its deposits and investments across its multiple service providers.

ICC proposes revisions to the 'stress testing' section to further describe its analysis under the above referenced scenarios. ICC proposes revisions to consider the simultaneous default of the

[8] ''Supervisory Framework for the use of ''Backtesting'' in Conjunction with the Internal Models Approach to Market Risk Capital Requirements'', Section III: Supervisory framework for the interpretation of backtesting results, Basel Committee on Banking Supervision, January 1996.

[9] ''Amendment to the Capital Accord to Incorporate Market Risk'', Basel Committee on Banking Supervision, January 1996.

[10] An affiliated CPs is defined as any other CP that owns, is owned by or is under common ownership with such a CP. The set of all affiliated CPs is considered as a CP affiliate group. This term is consistent with ''participant family'' as defined in 17 CFR 240.17Ad–22(12).

two worst-case Affiliate Groups (''AGs'') [11] of CPs, rather than the two worst-case CPs, in line with regulations, including 17 CFR 39.33(c)(1)(ii). ICC will perform cover-2 analysis in which, for each scenario, it determines the two AGs creating the largest remaining Liquidity Obligation after applying the IM and GF cash deposits of each constituent CP to its own Liquidity Obligation. ICC compares the remaining Liquidity Obligation of the AG to the remaining liquidity resources to determine if there are sufficient resources to meet the obligation.

ICC proposes enhancements to the 'stress testing' section to describe its cover-N analysis in which, for each scenario, it first considers the default of one AG, then the defaults of two AGs, then three AGs, and so forth. The sequence of selecting AGs is based on the remaining Liquidity Obligation associated with the constituent CP's portfolios after applying the IM and GF cash deposits of each constituent CP to its own Liquidity Obligation. AGs are sequenced from largest to smallest remaining Liquidity Obligation. For each set of AGs considered to be in a state of default (1 AG, 2 AGs, 3 AGs, etc.), ICC compares the total remaining Liquidity Obligation to the remaining liquidity resources to determine if there are sufficient resources to meet the obligation. In this way, ICC determines how many AGs it would require to be in a state of default to consume all available liquidity resources.

To determine the Liquidity Obligations in the above analysis, ICC applies the stress scenarios to actual cleared portfolios to determine a currency-specific profit/loss for each CP, representing the largest cumulative loss over the specified risk horizon. The considered profit/loss in the analysis is the sum of the upfront fee changes corresponding to the clean prices associated with the hypothetical scenarios, and excluding the riskless (deterministic) payments.

To determine ICC's liquidity needs for each scenario, the Risk Department computes Liquidity Obligations for FCM/BD CPs by combining the net payments for house and client origin accounts. For the purposes of selecting defaulting AGs, the Risk Department does not offset client origin losses with house origin gains, or offset house origin losses with client origin gains.

[11] An affiliated CPs is defined as any other CP that owns, is owned by or is under common ownership with such a CP. The set of all affiliated CPs is considered as a CP affiliate group. This term is consistent with ''participant family'' as defined in 17 CFR 240.17Ad–22(12).

III. Governance

Required Analysis

The 'required analysis' section remains substantially the same. The ICC Risk Department executes stress testing daily, with weekly reporting to different audiences depending on the results. The Risk Department also executes monthly historical liquidity adequacy analyses and reviews the results monthly, with monthly reporting to different audiences depending on the results.

Interpretation of Results and Potential Actions

The 'interpretation of results and potential actions' section remains substantially the same. Depending on the scenarios and the frequency and severity of any resulting deficiencies, the Risk Department may choose to make appropriate enhancements to its model. Before enhancing its liquidity risk management model, ICC first discusses such enhancements with its senior management team, and subsequently consults with its Risk Working Group and Risk Committee before submitting to the Board of Managers for approval.

Materiality and Reporting Framework

ICC proposes changing the 'materiality and reporting framework' section to note that, at each Risk Committee meeting, the Risk Department provides a summary of historical liquidity analysis and liquidity stress testing analysis, which demonstrates the adequacy of ICC's liquidity resources to cover Liquidity Obligations over N-days. Such analyses will also include any instance where Level Three resources were required to meet Liquidity Obligations in response to any of the considered historical liquidity or liquidity stress testing scenarios.

ICC proposes revisions to the 'materiality and reporting framework' to note that, when exceedances of funded and/or unfunded resources are identified, the Risk Department is required to report them to the senior management team and the ICC Risk Committee, and i) demonstrate breaches do not highlight a significant liquidity risk management weaknesses, or ii) recommend specific liquidity risk management model enhancements that produce an adequate increase in funded and/or unfunded liquidity resources under the identified scenario(s). In addition to the reporting described above, the Risk Department will also report to the Risk Committee any instances where the Basel Traffic Light System categorizes the number of observed exceedances in its individual AG historical analysis as being in the predefined ''red zone''. In these instances, the Risk Department will discuss with the Risk Committee the appropriateness of its liquidity thresholds, and if appropriate, make revisions.

Model Validation

ICC proposes revisions to the 'model validation' section to note that its Liquidity Risk Management Framework is under the purview of the Model Validation Framework, and subject to initial validations.

Stress Testing Framework

ICC proposes revisions to its Stress Testing Framework to unify the stress testing scenarios with the liquidity stress testing scenarios set forth in the Liquidity Risk Management Framework. ICC operates its stress testing and liquidity stress testing on a unified set of stress testing scenarios and system. As such, revisions to the stress testing scenarios are necessary to ensure scenario unification, following changes to the Liquidity Risk Management Framework. Such changes are consistent with recently issued guidance for certain principles and key considerations in the Committee on Payments and Market Infrastructures-Board of the International Organization of Securities Commissions Principles for Financial Market Infrastructures [12]. The proposed revisions are described in detail as follows.

ICC proposes to introduce Risk Factor specific scenarios for all stress test scenarios. Previously, corporate single names were considered at the sector level (as opposed to the Risk Factor level). This change is reflected throughout the framework.

ICC also proposes to add clarifying language to note that the predefined stress testing scenarios set forth in its Stress Testing Framework are applied to all cleared instruments, and that name-specific scenarios are applied to all sovereign and corporate reference entities.

ICC also proposes revisions to extend ICC's margin risk horizon up to 6-days, to account for the risk associated with clearing Asia Pacific products. This change will apply throughout the framework; the risk horizon is reflected as ''N-day'' where N≥5 is the margin risk horizon or Margin Period of Risk (MPOR). The margin risk horizon is based on the greatest MPOR (rounded

[12] See CPMI–IOSCO Consultative Report, Resilience and recovery of CCPs: Further guidance on the PFMI, dated August 2016 (*http://www.bis.org/cpmi/publ/d149.pdf*).

up to the nearest integer) for the CDS instruments currently eligible for clearing in order to capture the risk associated with clearing products across multiple time zones (*i.e.* if an instrument is subject to 5.5 day MPOR estimations, then the scenarios will reflect N=6).

ICC also proposes to revise its description of the ''Historically Observed Extreme but Plausible Market Scenarios'' to note that the stress spread changes considered as part of each scenario are extracted from the market history of the most actively traded instrument for the considered Risk Factors.

ICC proposes to revise the ''Hypothetically Constructed (Forward Looking) Extreme but Plausible Market Scenarios'' to ensure consistency with the loss-given default stress scenario set forth in the Liquidity Risk Management Framework, which combines a given historically observed extreme but plausible market scenario with explicit Jump-to-Default events. The proposed revisions specify that there will be up to two reference entities selected for a hypothetical adverse credit event.

ICC proposes to revise the description of the discordant scenarios (*i.e.* scenarios under which selected risk factors move in opposite directions; commonly the behavior deviates from historically observed behavior) in the Stress Testing Framework, in order to reflect the introduction of Risk Factor specific scenarios. The discordant scenarios are designed to reproduce significant discordant market outcomes observed during the considered historical period. ICC creates discordant scenarios for North American corporate single names and indices; European corporate single names and indices; and sovereign reference entities.

(b) Statutory Basis

Section 17A(b)(3)(F) of the Act [13] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(F),[14] because ICC believes that the proposed rule changes will promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions. ICC's Liquidity Risk Management Framework describes ICC's liquidity resources as well as the methodology for testing the sufficiency of these resources. The various elements set forth in the Liquidity Risk Management Framework, and described above, ensure that ICC has sufficient liquidity resources to effectively measure, monitor and manage its liquidity risk. Further, the Liquidity Risk Management Framework supports ICC's ability to maintain sufficient liquid resources in all relevant currencies to effect same-day and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of potential stress scenarios. As such, the proposed rule changes are designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of Section 17A(b)(3)(F) [15] of the Act.

Further, the changes to the Stress Testing Framework to unify the stress testing scenarios with the stress testing scenarios set forth in the Liquidity Risk Management Framework are necessary following recent changes to the Liquidity Risk Management Framework, as ICC operates its stress testing and liquidity stress testing on a unified set of stress testing scenarios and system. ICC's stress testing practices will continue to ensure the adequacy of systemic risk protections. As such, the proposed rule changes are designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of Section 17A(b)(3)(F) [16] of the Act. The proposed changes will also satisfy the requirements of Rule 17Ad–22.[17] The revised stress test scenarios set forth in the Stress Testing Framework will continue to ensure that ICC maintains sufficient financial resources to withstand a default by the Clearing Participant (''CP'') family to which it has the largest exposure in extreme but plausible market conditions, consistent with the requirements of Rule 17Ad–22(b)(3).[18]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule changes would have any impact, or impose any burden, on competition. The Liquidity Risk Management Framework and the Stress Testing Framework apply uniformly across all CPs. Therefore, ICC does not believe the proposed rule changes impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(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. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICC–2017–011 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–ICC–2017–011. 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

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] Id.

[15] Id.

[16] Id.

[17] 17 CFR 240.17Ad–22.

[18] 17 CFR 240.17Ad–22(b)(3).

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, security-based swap submission, or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission, or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2017–011 and should be submitted on or before August 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14985 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 203–3, Form ADV–H; SEC File No. 270–481, OMB Control No. 3235–0538

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

The title for the collection of information is ''Form ADV–H under the Investment Advisers Act of 1940.'' Rule 203–3 (17 CFR 275.203–3) under the Investment Advisers Act of 1940 (15 U.S.C. 80b) requires that registered advisers requesting either a temporary or continuing hardship exemption submit the request on Form ADV–H. Rule 204–4 (17 CFR 275.204–4) under the Investment Advisers Act of 1940 requires that exempt reporting advisers requesting a temporary hardship exemption submit the request on Form ADV–H. The purpose of this collection of information is to permit advisers to obtain a hardship exemption to not complete an electronic filing. The temporary hardship exemption that is available to registered advisers under rule 203–3 and exempt reporting advisers under rule 204–4 permits these advisers to make late filings due to unforeseen computer or software problems. The continuing hardship exemption available to registered advisers under rule 203–3 permits advisers to submit all required electronic filings on hard copy for data entry by the operator of the IARD.

The Commission has estimated that compliance with the requirement to complete Form ADV–H imposes a total burden of approximately one hour for an adviser. Based on our experience, we estimate that we will receive two Form ADV–H filings annually from registered investment advisers and one Form ADV–H filing annually from exempt reporting advisers. Based on the 60 minute per respondent estimate, the Commission estimates a total annual burden of 3 hours for this collection of information.

Rule 203–3, rule 204–4, and Form ADV–H do not require recordkeeping or records retention. The collection of information requirements under the rule and form are mandatory. The information collected pursuant to the rule and Form ADV–H consists of filings with the Commission. These filings are not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 11, 2017.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14967 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81131; File No. SR–MIAX–2017–19]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Order Granting Approval of a Proposed Rule Change To Amend MIAX Options Rules 515, Execution of Orders and Quotes; 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism; and 518, Complex Orders

July 12, 2017.

I. Introduction

On May 12, 2017, Miami International Securities Exchange, LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish three new types of complex orders—Complex Customer Cross (''cC2C'') Orders, Complex Qualified Contingent Cross (''cQCC'') Orders, and Complex PRIME (''cPRIME'') Orders—and to adopt new provisions that relate to the processing of those new complex order types. The proposed rule change was published for comment in the **Federal Register** on June 1, 2017.[3] The Commission received no comments regarding the proposal.

[19] 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. 80768 (May 25, 2017), 82 FR 25347 (''Notice'').

This order approves the proposed rule change.

II. Description of the Proposal

The Exchange proposes to establish three new types of complex orders,[4] and to adopt new provisions that relate to the processing of those new complex order types. In particular, the Exchange is proposing to modify its rules, including its rule related to the MIAX Price Improvement Mechanism (''PRIME''), to permit the entry and execution of cC2C Orders, cQCC Orders, and cPRIME Orders, each as discussed more fully below.

A. cC2C Orders

The Exchange proposes to define a cC2C Order as a type of complex order that is comprised of one Priority Customer[5] complex order to buy and one Priority Customer complex order to sell the same strategy at the same price (which must be better than the icMBBO[6] or the best net price of the complex order on the Strategy Book[7] for the strategy, whichever is more aggressive) and for the same quantity.[8] The Exchange proposes that cC2C Orders be automatically executed upon entry provided that the execution is at least $0.01 better than the icMBBO price or the best net price of a complex order on the Strategy Book, whichever is more aggressive.[9] The Exchange will reject a cC2C Order if, at the time of its receipt, (i) the strategy is subject to a cPRIME Auction pursuant to proposed Interpretations and Policies .12 to Rule 515A or to a Complex Auction pursuant to Rule 518(d); or (ii) any component of the strategy is subject to a SMAT Event as described in Rule 518(a)(16).[10] Unlike simple Customer Cross Orders, the Exchange proposes to not reject a cC2C Order when a component of the strategy is subject to the managed interest process[11] pursuant to Rule 515(c).[12] cC2C Orders will be automatically cancelled if they cannot be executed,[13] and may only be entered in the minimum trading increments applicable to complex orders under Rule 518(c)(1)(i).[14] The Exchange further proposes to state that Interpretations and Policies .01 to Rule 520 applies to the entry and execution of cC2C Orders.[15]

The Exchange will determine, on a class-by-class basis, the option classes in which cC2C Orders are available for trading on the Exchange, and will announce such classes to Members via Regulatory Circular.[16]

B. cQCC Orders

The Exchange proposes to define a cQCC Order as a type of complex order that is identified as being part of a qualified contingent trade[17] which is comprised of a complex order to buy or sell where each component is at least 1,000 contracts, coupled with a contra-side complex order or orders (for the same strategy) totaling an equal number of contracts.[18] cQCC Orders are automatically executed upon entry provided that, with respect to each option leg of the cQCC Order, the execution (i) is not at the same price as a Priority Customer Order on the Simple Order Book; and (ii) is at or between the NBBO.[19] The Exchange states that, as is currently the case with QCC orders, it will require that the Member entering a cQCC Order provide certain information to the Exchange regarding the execution of the stock component, such as the underlying price, quantity, price delta, execution time, and executing venue.[20]

The Exchange will reject a cQCC Order if, at the time of receipt of the cQCC Order, (i) the strategy is subject to a cPRIME Auction pursuant to proposed Interpretations and Policies .12 to Rule 515A, or to a Complex Auction pursuant to Rule 518(d); or (ii) any component of the strategy is subject to a SMAT Event as described in Rule 518(a)(16).[21] The Exchange will not reject a cQCC Order when a component of the strategy is subject to the managed interest process pursuant to Rule 515(c). cQCC Orders will be automatically cancelled if they

[4] For a description of the trading of complex orders on the Exchange, *see* Rule 518. *See also* Securities Exchange Act Release No. 79072 (October 7, 2016), 81 FR 71131 (October 14, 2016) (SR–MIAX–2016–26).

[5] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rule 100.

[6] The Implied Complex MIAX Best Bid or Offer (''icMBBO'') is a calculation that uses the best price from the Simple Order Book for each component of a complex strategy including displayed and non-displayed trading interest. For stock-option orders, the icMBBO for a complex strategy will be calculated using the best price (whether displayed or non-displayed) on the Simple Order Book in the individual option component(s), and the National Best Bid and Offer (''NBBO'') in the stock component. *See* Rule 518(a)(11). The ''Simple Order Book'' is the Exchange's regular electronic book of orders and quotes. *See* Rule 518(a)(15).

[7] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Rule 518(a)(17).

[8] *See* proposed Rules 515(h)(3) and 518(b)(5).

[9] *See* proposed Rule 515(h)(3).

[10] A Simple Market Auction or Timer, or ''SMAT'' Event, is defined as any of the following: (i) a PRIME Auction (pursuant to Rule 515A); (ii) a Route Timer (pursuant to Rule 529); or (iii) a liquidity refresh pause (pursuant to Rule 515(c)(2)). *See* Rule 518(a)(16).

[11] Under the managed interest process, if the limit price of a non-routable order locks or crosses the current opposite side NBBO, the System will display the order one Minimum Price Variation away from the current opposite side NBBO, and book the order at a price that will lock the current opposite side NBBO. *See* Rule 515(c)(ii).

[12] The Exchange states that it is not necessary to reject a cC2C Order in this scenario because, in accordance with the execution price requirements for cC2C Orders, the order would already have a guaranteed execution price at the better of $0.01 inside the icMBBO price or at the best net price of a complex order on the Strategy Book. *See* Notice, *supra* note 3, at 25349. *See also* proposed Rule 515(h)(3). According to the Exchange, because the execution price requirements ensure that each participant in the complex order receives a better price than it would have received if its order were submitted as a single complex order, it is not necessary or desirable to preclude the execution of a cC2C Order where one component is subject to the managed interest process in the simple market. *See* Notice, *supra* note 3, at 25349.

[13] *See* proposed Rule 515(h)(3)(A).

[14] *See* proposed Rule 515(h)(3)(B). Bids and offers on complex orders and quotes may be expressed in $0.01 increments, and the component(s) of a complex order may be executed in $0.01 increments, regardless of the minimum increments otherwise applicable to individual components of the complex order. *See* Rule 518(c)(1)(i).

[15] *See* proposed Rule 515(h)(3)(C). Rule 520(b) prevents an Electronic Exchange Member from executing agency orders to increase its economic gain from trading against the order without first giving other trading interest on the Exchange an opportunity to either trade with the agency order or to trade at the execution price when the Electronic Exchange Member was already bidding or offering on the Simple Order Book. It would be a violation of Rule 520(b) for an Electronic Exchange Member to be a party to any arrangement designed to circumvent Rule 520(b) by providing an opportunity for a customer or other person (including an affiliate) to regularly execute against agency orders handled by the Electronic Exchange Member immediately upon their entry into the System. *See* Interpretations and Policies .01 to Rule 520. The term ''Electronic Exchange Member'' means the holder of a Trading Permit who is not a Market Maker. *See* Rule 100.

[16] *See* proposed Rule 515(h)(3)(D). The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. *See* Rule 100.

[17] A ''qualified contingent trade'' is a transaction consisting of two or more component orders, executed as agent or principal, where: (a) At least one component is an NMS Stock, as defined in Rule 600 of Regulation NMS under the Act; (b) all components are effected with a product or price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (c) the execution of one component is contingent upon the execution of all other components at or near the same time; (d) the specific relationship between the component orders (*e.g.,* the spread between the prices of the component orders) is determined by the time the contingent order is placed; (e) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (f) the transaction is fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. *See* Interpretations and Policies .01 to Rule 516.

[18] *See* proposed Rule 518(b)(6).

[19] *See* proposed Rule 515(h)(4).

[20] *See* Notice, *supra* note 3, at 25350.

[21] *See* proposed Rule 515(h)(4).

cannot be executed,[22] and may only be entered in the minimum trading increments applicable to complex orders under Rule 518(c)(1)(i).[23]

The Exchange will determine, on a class-by-class basis, the option classes in which cQCC Orders are available for trading on the Exchange, and will announce such classes to Members via Regulatory Circular.[24]

C. cPRIME Orders

PRIME is a price-improvement mechanism pursuant to which a Member (''Initiating Member'') electronically submits an order that it represents as agent (an ''Agency Order'') into a PRIME Auction (''Auction''). The Initiating Member, in submitting an Agency Order, must be willing to either (i) cross the Agency Order at a single price (a ''single-price submission'') against principal or solicited interest, or (ii) automatically match (''auto-match''), against principal or solicited interest, the price and size of responses to a Request for Response (''RFR'') that is broadcast to MIAX Options participants up to an optional designated limit price.[25]

As described below, the Exchange proposes to add a cPRIME order type [26] which will be processed and executed in the same manner in which simple PRIME Orders are currently processed and executed, except as otherwise provided in proposed Interpretations and Policies .12 to Rule 515A or unless the context otherwise requires.[27] The Exchange will determine, on a class-by-class basis, the option classes in which complex orders are available for trading on PRIME on the Exchange, and will announce such classes to Members via Regulatory Circular.[28]

1. Auction Eligibility and Auction Process

The initiating price for a cPRIME Agency Order must be better than the icMBBO for the strategy and any other complex orders on the Strategy Book.[29] The Exchange will reject cPRIME Agency Orders submitted with an initiating price that is equal to or worse than the icMBBO or any other complex orders on the Strategy Book. The Exchange also will reject a cPRIME Agency Order if, at the time of receipt of the cPRIME Agency Order: (i) the strategy is subject to a cPRIME Auction or to a Complex Auction pursuant to Rule 518(d); (ii) any component of the strategy is subject to a SMAT Event as described in Rule 518(a)(16); or (iii) any component of the strategy is subject to the managed interest process described in Rule 515(c)(1)(ii).

The RFR period for cPRIME Auctions will be independent from the RFR for PRIME Auctions and will last for a period of time as set forth in Rule 515A(a)(2)(i)(C).[30] Members may enter RFR responses on the opposite side of the market from the cPRIME Agency Order at net prices, and bids and offers for complex orders may participate in the execution of an order as provided in Rule 515A.[31] Bids and offers for the individual legs of a complex order may also participate; however, except as provided in proposed Interpretations and Policies .12(c) to Rule 515A, the order allocation rules contained in Rule 514 will apply.[32] If an improved net price for the complex order being executed can be achieved from bids and offers for the individual legs of the complex order in the simple market, and the complex order is otherwise eligible for Legging pursuant to Rule 518(c)(2)(iii), the Strategy being matched will receive an execution at the better net price.[33]

2. cPRIME Order Execution and Allocation

The Exchange proposes to not apply the size and bid/ask differential and conclusion of auction provisions contained in Rule 515A(a)(1)(iii) and (iv) to cPRIME Orders.[34] Instead, a cPRIME Auction will conclude at the sooner of the following events, with the cPRIME Agency Order executing pursuant to the cPRIME Auction allocation provisions: (1) The end of the RFR period; (2) when an AOC eQuote [35] or cAOC Order [36] on the opposite side of the market from the cPRIME Agency Order locks or crosses the icMBBO or the best net price of a complex order in the same strategy on the Strategy Book, whichever is more aggressive; (3) when unrelated interest on the same side of the market as the cPRIME Agency Order locks or crosses the best price on the opposite side of the market; (4) when unrelated interest on the opposite side of the market from the cPRIME Agency Order locks or crosses the icMBBO or the best net price of a complex order in the same strategy on the Strategy Book, whichever is more aggressive, or improves the price of any RFR response; (5) when a simple order or quote in a component of the strategy on the same side of the market as the cPRIME Agency Order locks or crosses the NBBO for such component; or (6) when a simple order or quote in a component of the strategy on the opposite side of the market from the cPRIME Agency Order locks or crosses the NBBO for such component or causes the icMBBO

[22] *See* proposed Rule 515(h)(4)(A).

[23] *See* proposed Rule 515(h)(4)(B).

[24] *See* proposed Rule 515(h)(4)(C).

[25] *See* Rule 515A(a)(2)(i). When the Exchange receives a properly designated Agency Order for auction processing, an RFR detailing the option, side, size, and initiating price will be sent to all subscribers of the Exchange's data feeds. Members may submit responses to the RFR (specifying prices and sizes). RFR responses shall be an Auction or Cancel (''AOC'') order or an AOC eQuote. Such responses cannot cross the disseminated MIAX Best Bid or Offer (''MBBO'') on the opposite side of the market from the response.

[26] The Exchange proposes to define a cPRIME Order as a type of complex order that is submitted for participation in a cPRIME Auction. *See* proposed Rule 518(b)(7). A Member may electronically submit a ''cPRIME Order'' it represents as agent (a ''cPRIME Agency Order'') against principal or solicited interest for execution (a ''cPRIME Auction''). *See* proposed Interpretations and Policies .12(a) to Rule 515A.

[27] In addition, MIAX proposes to state that any references to the NBBO in Rule 515A are inapplicable to cPRIME Auctions. *See* proposed Interpretations and Policies .12(a)(v) to Rule 515A. The Exchange also proposes to modify its simple PRIME Rule to (1) state clearly that it will reject RFR responses submitted with a price that is not equal to or better than the initiating price to avoid handling RFR responses that could not be executed in an Auction because they are inferior to the initiating price; and (2) delete unnecessary text stating that an RFR response cannot cross the disseminated MBBO on the opposite side of the market from the response, because an Auction will already conclude under Rule 515A(a)(2)(ii)(E) if an RFR response matches the NBBO on the opposite side of the market from the RFR responses, which cannot be inferior to the MBBO. *See* proposed edits to Rule 515A(a)(2)(i)(D).

[28] *See* proposed Interpretations and Policies .12 to Rule 515A.

[29] *See* proposed Interpretations and Policies .12(a)(i) to Rule 515A.

[30] *See* proposed Interpretations and Policies .12(c)(i) to Rule 515A. The Commission notes that, on June 15, 2017, MIAX Options amended the duration of the RFR period described in Rule 515A(a)(2)(i)(c) such that the RFR period will be a period of time within a range of no less than 100 milliseconds and no more than 1 second, as determined by the Exchange. *See* Securities Exchange Act Release No. 80940 (June 15, 2017), 82 FR 28369 (June 21, 2017) (order approving SR–MIAX–2017–16).

[31] RFR responses shall be an AOC order or an AOC eQuote. *See* Rule 515A(a)(2)(i)(D). This applies by reference to cPRIME Auctions (and cAOC eQuotes and cAOC orders, as defined below). *See* proposed Interpretations and Policies .12(a) to Rule 515A.

[32] *See* proposed Interpretations and Policies .12(a)(iii) to Rule 515A.

[33] *See* proposed Interpretations and Policies .12(a)(iv) to Rule 515A.

[34] *See* proposed Interpretations and Policies .12(c)(iii) and (iv) to Rule 515A.

[35] A ''Complex Auction or Cancel eQuote'' or ''cAOC eQuote,'' is an eQuote submitted by a Market Maker that is used to provide liquidity during a specific Complex Auction with a time in force that corresponds with the duration of the Complex Auction. *See* Interpretations and Policies .02(c)(1) to Rule 518.

[36] A Complex Auction-or-Cancel or ''cAOC'' order is a complex limit order used to provide liquidity during a specific Complex Auction with a time in force that corresponds with that event. *See* Rule 518(b)(3).

to be equal to or better than the initiating price.[37]

At the conclusion of a cPRIME Auction, the Exchange will apply the order allocation provisions applicable to the simple PRIME Auction,[38] provided that: (A) All references to contracts will be considered references to complex strategies; and (B) the last priority allocation option described in Rule 515A(a)(2)(iii)(L) will not be available for Initiating Members that submit cPRIME Agency Orders.[39] The Exchange further proposes that participants that submit simple orders that are executed as individual legs of complex orders at the execution price point will be allocated contracts only after all complex interest at such price point have received allocations.[40] Specifically, cPRIME Orders will be matched first against other complex orders and have priority over all simple orders that are on the Simple Order Book and ''legged,'' at the execution price.[41] According to the Exchange, it proposes to provide priority to complex interest over simple interest because the initiating price of the cPRIME Agency Order will always be superior to the net price of simple orders resting on the Simple Order Book, which would not necessarily be intended to trade with the legs of the Agency Order.[42] However, if new interest is received in the simple market that causes the icMBBO on the opposite side of the market from the cPRIME Agency Order to be equal to or better than the initiating price, the cPRIME Auction will conclude before the expiration of the RFR period and the standard cPRIME execution and allocation process will commence early.[43] Regardless of when the cPRIME Auction ends, contracts at each price point will first be allocated by matching complex strategies.[44]

D. Implementation Date

The Exchange will announce the implementation date of the proposed rule change by Regulatory Circular to be published no later than 60 days following the operative date of the proposed rule change.[45] The implementation date will be no later than 60 days following the issuance of the Regulatory Circular.[46]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with Section 6(b) of the Act.[47] In particular, the Commission finds that the proposed rule change is consistent with Sections 6(b)(5) and 6(b)(8) of the Act,[48] which require, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and that the rules of an exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission believes that the Exchange's proposed cC2C rules are consistent with the Act. They allow for the crossing of complex orders in a manner similar to other crossing rules that the Commission has previously approved for other exchanges and do not appear to raise any novel or significant issues.[49]

The Commission believes that the Exchange's proposed cQCC rules, which would permit complex orders to participate in a clean cross of the options leg of a subset of qualified contingent trades in a similar manner as QCC Orders already permitted on the Exchange, are appropriate and consistent with the Act.[50] The Commission notes that the proposal to permit cQCC Orders in a manner similar to QCC Orders already permitted on MIAX Options, while requiring that the cQCC Order: (1) Be part of a qualified contingent trade under Regulation NMS; (2) each option leg be for at least 1,000 contracts; and (3) with respect to each option leg of the cQCC Order, that the execution is not at the same price as a Priority Customer Order on the Simple Order Book and is at or between the NBBO, establishes a limited exception to the general principle of exposure and retains the general principle of customer priority in the options markets. Furthermore, not only must a cQCC Order be part of a qualified contingent trade by satisfying each of the six underlying requirements of the NMS QCT Exemption,[51] the requirement that a cQCC Order be for a minimum size of 1,000 contracts per leg provides another limit to its use by ensuring only transactions of significant size may avail themselves of this order type.

By allowing MIAX Options Members to enter complex orders into PRIME, the Commission believes that the proposal could provide opportunities for complex orders to receive price improvement. Under the proposal, a complex order entered into a cPRIME Auction must be stopped at a price that is better than the icMBBO for the strategy and any other complex orders on the Strategy Book.[52] As noted above, a Member enters a cPRIME Agency Order against principal or solicited interest for execution.[53] At the conclusion of a cPRIME Auction, the cPRIME Agency Order is executed in full at the best prices available, taking into consideration orders and quotes in

[37] *See* proposed Interpretations and Policies .12(d) to Rule 515A.

[38] *See* Rule 515A(a)(2)(iii). For an example of cPRIME Order executions with and without the Auto-Match feature, see Examples 3 and 4, Notice, *supra* note 3, at 25352.

[39] *See* proposed Interpretations and Policies .12(c)(v) to Rule 515A.

[40] *See* proposed Interpretations and Policies .12(c)(ii) to Rule 515A.

[41] The Exchange notes that other exchanges afford priority to complex interest over simple interest when allocating interest after a price improvement auction. *See* Notice, *supra* note 3, at 25353 n.39 (citing as an example NASDAQ PHLX LLC (''Phlx'') Rule 1098(e)(vi)(A)(2) and (viii)(C)(3)).

[42] *See* Notice, *supra* note 3, at 25353.

[43] *See id. See also* Example 5, Notice, *supra* note 3, at 25352.

[44] The term ''complex strategy'' means a particular combination of components and their ratios to one another. New complex strategies can be created as the result of the receipt of a complex order or by the Exchange for a complex strategy that is not currently in the System. The Exchange may limit the number of new complex strategies that may be in the System at a particular time and will communicate this limitation to Members via Regulatory Circular. *See* Rule 518(a)(6).

[45] *See* Notice, *supra* note 3, at 25356.

[46] *See id.*

[47] 15 U.S.C. 78f(b). In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[48] 15 U.S.C. 78f(b)(5), (b)(8).

[49] *See, e.g.,* Chicago Board Options Exchange, Incorporated Rule 6.74A.08(b) and Phlx Rule 1080(n)(vi).

[50] *See also* Securities Exchange Act Release Nos. 64653 (June 13, 2011), 76 FR 35491 (June 17, 2011) (order approving SR–CBOE–2011–041); 63955 (February 24, 2011), 76 FR 11533 (March 2, 2011) (order approving SR–ISE–2010–73). The Commission has granted an exemption for qualified contingent trades that meet certain requirements from Rule 611(a) of Regulation NMS, 17 CFR 242.611(a) (the ''NMS QCT Exemption''). *See* Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008) (which supersedes a release initially granting the NMS QCT Exemption, Securities Exchange Act Release No. 54389 (August 31, 2006), 71 FR 52829 (September 7, 2006)).

[51] *See supra* note 17.

[52] *See* proposed Interpretations and Policies .12(a) to Rule 515A; see also Notice, *supra* note 3, at 25352, for an example of an eligible cPRIME Order.

[53] *See* proposed Interpretations and Policies .12(a) to Rule 515A.

the MIAX Options market, RFR responses, and the Initiating Member's submission. Thus, a complex order entered into a cPRIME Auction would receive an execution at the best price available at the conclusion of the Auction and, at a minimum, would be executed in full at the improved net price. In addition, if an improved net price for a complex order entered in a cPRIME Auction could be achieved from bids and offers for the individual legs of the complex order in the MIAX Options market, the complex order would be executed at the better net price. The Commission further notes that other exchanges have previously adopted similar rules to permit the entry of complex orders into a price improvement mechanism.[54]

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Sections 6(b)(5) and 6(b)(8) of the Act.[55]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[56] that the proposed rule change (SR–MIAX–2017–19), be and hereby is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[57]

Jill M. Peterson,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81133; File No. SR–NASDAQ–2017–065]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase the Trading Rights Fee

July 12, 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 29, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's trading rights fee at Rule 7001(a) to increase the fee from $1,000 per month to $1,250 per month, as described further below. While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on July 1, 2017.

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 increase its monthly trading rights fee under Rule 7001(a). The trading rights fee is assessed on all Nasdaq members and helps defray the cost of regulating the Nasdaq market. The Exchange last increased the fee in 2012,[3] increasing the fee from $500 per month to $1,000 per month, while the cost of regulation has increased since that time. In proposing the change, the Exchange is more closely aligning the fee assessed with the benefit provided by allowing members to trade on a well-regulated market, the cost of which is incurred by the Exchange in the systems and people that support oversight of the market. Nasdaq believes that even with the fee increase, the cost of Nasdaq membership will continue to be generally lower than the cost of membership in other SROs.[4]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] 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.

Nasdaq believes that the fee change is reasonable because the increased fee continues to be less than the analogous fees of other markets. For example, the Exchange's membership fees will continue to remain substantially lower than the analogous fees assessed by the New York Stock Exchange for membership, which assesses an annual fee of $50,000 for the first license held by a member organization. The Exchange believes that the proposed fee increase is an equitable allocation and is not unfairly discriminatory because the Exchange must adjust fees from time to time so that it can continue to cover costs and to make a profit on the products and services it offers. The proposed increased fee will apply to all members and it will allow the Exchange to cover the costs of providing its members with a well-regulated market. These costs include investing in the systems and people that support oversight of the market

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

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[54] *See, e.g.,* Phlx Rule 1080(n).

[55] 15 U.S.C. 78f(b)(5), (b)(8).

[56] 15 U.S.C. 78s(b)(2).

[57] 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. 66905 (May 2, 2012), 77 FR 27105 (May 8, 2012) (SR–NASDAQ–2012–056).

[4] For example, the Exchange believes that the New York Stock Exchange (''NYSE'') Trading License Fee is analogous to membership fees of NASDAQ as they both provide access to the trading facilities of their respective exchanges. In this regard, NYSE assesses an annual fee of $50,000 for the first license held by a member organization. *See https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf.* By contrast, NASDAQ would assess the proposed a [sic] monthly trading rights fee of $1,250 ($15,000 annually), together with an annual membership fee of $3,000, and a monthly market participant identifier fee of $550 per MPID ($6,600 annually). *See* Rule 7001.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must carefully consider any increases to its fees, balancing its desire to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges, while also considering its need to cover the costs associated with providing a well-regulated market. Because competitors are free to modify their own fees in response, and because members are not compelled to be members of the Exchange and may trade on numerous other exchanges and other alternative trading systems, Nasdaq believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed changes to the trading rights fee does [sic] not impose a burden on competition because membership in, and use of, the Exchange is wholly voluntary and the Exchange is subject to significant competition from other exchanges and other trading venues. If the proposed fee increase is unattractive to members, it is likely that the Exchange will lose membership and market share as a result. Moreover, the Exchange must increase fees to cover the costs associated with maintaining and enhancing its regulatory programs to ensure that the Exchange remains a well-regulated trading venue. Thus, to the extent that the fee does represent a burden on competition, such burden is necessary to further purposes of the Act. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

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.[7]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–065 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–2017–065. 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–2017–065 and should be submitted on or before August 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14986 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 203–2 and Form ADV–W; SEC File No. 270–40, OMB Control No. 3235–0313

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is ''Rule 203–2 (17 CFR 275.203–2) and Form ADV–W (17 CFR 279.2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b).'' Rule 203–2 under the Investment Advisers Act of 1940 establishes procedures for an investment adviser to withdraw its registration or pending registration with the Commission. Rule 203–2 requires every person withdrawing from investment adviser registration with the Commission to file Form ADV–W electronically on the Investment Adviser Registration Depository (''IARD''). The purpose of the information collection is to notify the Commission and the public when an investment adviser withdraws its pending or approved SEC registration. Typically, an investment adviser files a Form ADV–W when it ceases doing business or when it is ineligible to remain registered with the Commission.

The respondents to the collection of information are all investment advisers that are registered with the Commission or have applications pending for registration. The Commission has estimated that compliance with the

requirement to complete Form ADV–W imposes a total burden of approximately 0.75 hours (45 minutes) for an adviser filing for full withdrawal and approximately 0.25 hours (15 minutes) for an adviser filing for partial withdrawal. Based on historical filings, the Commission estimates that there are approximately 741 respondents annually filing for full withdrawal and approximately 130 respondents annually filing for partial withdrawal. Based on these estimates, the total estimated annual burden would be 588 hours ((741 respondents × .75 hours) + (130 respondents × .25 hours)).

Rule 203–2 and Form ADV–W do not require recordkeeping or records retention. The collection of information requirements under the rule and form are mandatory. The information collected pursuant to the rule and Form ADV–W are filings with the Commission. These filings are not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the documentation of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 11, 2017.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14968 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81130; File No. SR–NYSEMKT–2017–42]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Commentary .07 To Rule 904 to Extend the Pilot Program That Eliminated the Position Limits for Options on SPDR S&P 500 ETF

July 12, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 10, 2017, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .07 to Rule 904 to extend the pilot program that eliminated the position limits for options on SPDR S&P 500 ETF (''SPY'') (''SPY Pilot Program''). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .07 to Rule 904 to extend the time period of the SPY Pilot Program,[4] which is currently scheduled to expire on July 12, 2017, through July 12, 2018.

This filing does not propose any substantive changes to the SPY Pilot Program. In proposing to extend the SPY Pilot Program, the Exchange reaffirms its consideration of several factors that supported the original proposal of the SPY Pilot Program, including (1) the availability of economically equivalent products and their respective position limits, (2) the liquidity of the option and the underlying security, (3) the market capitalization of the underlying security and the related index, (4) the reporting of large positions and requirements surrounding margin, and (5) the potential for market on close volatility.

In the July 2016 Extension, the Exchange stated that if it were to propose an extension, permanent approval or termination of the program, the Exchange would submit, along with any filing proposing such amendments to the program, a report providing an analysis of the SPY Pilot Program covering the period since the previous extension (the ''Pilot Report''). Accordingly, the Exchange is submitting a Pilot Report detailing the Exchange's experience with the SPY Pilot Program for the period covering twelve (12) months from June 2016 to May 2017. The Pilot Report is attached as Exhibit 3 to this filing [sic]. The Exchange notes that it is unaware of any problems created by the SPY Pilot Program and does not foresee any as a result of the proposed extension. In extending the SPY Pilot Program, the Exchange states that if it were to propose another extension, permanent approval or termination of the program, the Exchange will submit another Pilot Report covering the period since the previous extension, which will be submitted at least 30 days before the end of the proposed extension. If the SPY Pilot Program is not extended or

[4] *See* Securities Exchange Act Release No. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012). The SPY Pilot Program was subsequently extended. *See* Securities Exchange Release Nos. 70734 (October 22, 2013), 78 FR 64255 (October 28, 2013); 73847 (December 16, 2014), 79 FR 76426 (December 22, 2014); 75416 (July 9, 2015), 80 FR 41521 (July 15, 2015); and 78241 (July 7, 2016), 81 FR 45325 (July 13, 2016) (the ''July 2016 Extension'').

adopted on a permanent basis by July 12, 2018, the position limits for SPY would revert to limits in effect at the commencement of the pilot program. The proposed extension will allow the Exchange and the Commission additional time to further evaluate the SPY Pilot Program and its effect on the market.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [5] in general, and furthers the objectives of Section 6(b)(5) of the Act [6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that extending the SPY Pilot Program promotes just and equitable principles of trade by permitting market participants, including market makers, institutional investors and retail investors, to establish greater positions when pursuing their investment goals and needs.

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. The proposed rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change is designed to allow the SPY Pilot Program to continue uninterrupted. Additionally, the Exchange expects all other SROs that currently have rules regarding the SPY Pilot Program to also extend the pilot program for an additional year.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [8] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [9] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow the SPY Pilot Program to continue without interruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEMKT–2017–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2017–42. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2017–42, and should be submitted on or before August 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14983 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 15b6–1 and Form BDW; SEC File No. 270–17, OMB Control No. 3235–0018

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15b6–1 (17 CFR 240.15b6–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Registered broker-dealers use Form BDW (17 CFR 249.501a) to withdraw from registration with the Commission, the self-regulatory organizations, and the states. On average, the Commission estimates that it would take a broker-dealer approximately one hour to complete and file a Form BDW to withdraw from Commission registration as required by Rule 15b6–1. The Commission estimates that approximately 380 broker-dealers withdraw from Commission registration annually [1] and, therefore, file a Form BDW via the internet with the Central Registration Depository, a computer system operated by the Financial Industry Regulatory Authority, Inc. that maintains information regarding registered broker-dealers and their registered personnel. The 380 broker-dealers that withdraw from registration by filing Form BDW would incur an aggregate annual reporting burden of approximately 380 hours.[2]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 11, 2017.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14969 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81129; File No. SR–NYSEArca–2017–76]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Commentary .06 to Rule 6.8 To Extend the Pilot Program That Eliminated the Position Limits for Options on SPDR S&P 500 ETF

July 12, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 10, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .06 to Rule 6.8 to extend the pilot program that eliminated the position limits for options on SPDR S&P 500 ETF (''SPY'') (''SPY Pilot Program''). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .06 to Rule 6.8 to extend the time period of the SPY Pilot Program,[4] which is currently scheduled to expire on July 12, 2017, through July 12, 2018.

This filing does not propose any substantive changes to the SPY Pilot Program. In proposing to extend the SPY Pilot Program, the Exchange reaffirms its consideration of several factors that supported the original proposal of the SPY Pilot Program, including (1) the availability of economically equivalent products and their respective position limits, (2) the liquidity of the option and the underlying security, (3) the market capitalization of the underlying security and the related index, (4) the reporting of large positions and requirements surrounding margin, and (5) the potential for market on close volatility.

In the July 2016 Extension, the Exchange stated that if it were to propose an extension, permanent approval or termination of the program, the Exchange would submit, along with any filing proposing such amendments to the program, a report providing an analysis of the SPY Pilot Program covering the period since the previous

[1] This estimate is based on Form BDW data collected over the past three years for fully registered broker-dealers. This estimate is based on the numbers of forms filed; therefore, the number may include multiple forms per broker-dealer if the broker-dealer's initial filing was incomplete. In fiscal year (from 10/1 through 9/30) 2014, 454 broker-dealers withdrew from registration. In fiscal year 2015, 327 broker-dealers withdrew from registration. In fiscal year 2016, 360 broker-dealers withdrew from registration. (454 + 327 + 360)/3 = 380.

[2] (380 × 1 hour) = 380 hours.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 68001 (October 5, 2012), 77 FR 62303 (October 12, 2012). The SPY Pilot Program was subsequently extended. *See* Securities Exchange Act Release Nos. 70968 (December 3, 2013), 78 FR 73899 (December 9, 2013); 74029 (January 9, 2015), 80 FR 2161 (January 15, 2015); 75415 (July 9, 2015), 80 FR 41541 (July 15, 2015); and 78242 (July 7, 2016), 81 FR 45330 (July 13, 2016) (the ''July 2016 Extension'').

extension (the ''Pilot Report''). Accordingly, the Exchange is submitting a Pilot Report detailing the Exchange's experience with the SPY Pilot Program for the period covering twelve (12) months from June 2016 to May 2017. The Pilot Report is attached as Exhibit 3 to this filing [sic]. The Exchange notes that it is unaware of any problems created by the SPY Pilot Program and does not foresee any as a result of the proposed extension. In extending the SPY Pilot Program, the Exchange states that if it were to propose another extension, permanent approval or termination of the program, the Exchange will submit another Pilot Report covering the period since the previous extension, which will be submitted at least 30 days before the end of the proposed extension. If the SPY Pilot Program is not extended or adopted on a permanent basis by July 12, 2018, the position limits for SPY would revert to limits in effect at the commencement of the pilot program. The proposed extension will allow the Exchange and the Commission additional time to further evaluate the SPY Pilot Program and its effect on the market.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [5] in general, and furthers the objectives of Section 6(b)(5) of the Act [6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that extending the SPY Pilot Program promotes just and equitable principles of trade by permitting market participants, including market makers, institutional investors and retail investors, to establish greater positions when pursuing their investment goals and needs.

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. The proposed rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change is designed to allow the SPY Pilot Program to continue uninterrupted. Additionally, the Exchange expects all other SROs that currently have rules regarding the SPY Pilot Program to also extend the pilot program for an additional year.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [8] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [9] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow the SPY Pilot Program to continue without interruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–76 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–76. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–76, and should be submitted on or before August 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14982 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 0–2; Form ADV–NR; SEC File No. 270–214, OMB Control No. 3235–0240

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is ''Rule 0–2 and Form ADV–NR under the Investment Advisers Act of 1940.'' Rule 0–2 and Form ADV–NR facilitate service of process to non-resident investment advisers and exempt reporting advisers and their non-resident general partners or non-resident managing agents. The Form requires these persons to designate the Commission as agent for service of process. The purpose of this collection of information to obtain appropriate consent to permit the Commission and other parties to bring actions against non-resident partners and agents for violations of the federal securities laws and to enable the commencement of legal and/or regulatory actions against investment advisers that are doing business in the United States, but are not residents.

The respondents to this information collection would be each non-resident general partner or non-resident managing agent of an SEC-registered adviser and each non-resident general partner or non-resident managing agent of an exempt reporting adviser. The Commission has estimated that compliance with the requirement to complete Form ADV–NR imposes a total burden of approximately 1.0 hours for an adviser. Based on our experience with these filings, we estimate that we will receive 36 Form ADV–NR filings annually. Based on the 1.0 hours per respondent estimate, the Commission staff estimates a total annual burden of 36 hours for this collection of information.

Rule 0–2 and Form ADV–NR do not require recordkeeping or records retention. The collection of information requirements under the rule and form is mandatory. The information collected pursuant to the rule and Form ADV–NR is a filing with the Commission. This filing is not kept confidential and must be preserved until at least three years after termination of the enterprise. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 11, 2017.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14966 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, July 20, 2017 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: July 13, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–15104 Filed 7–14–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

[11] 17 CFR 200.30–3(a)(12).

100 F Street NE., Washington, DC 20549–0213

Extension:

Rule 611; SEC File No. 270–540, OMB Control No. 3235–0600

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 611 (17 CFR 242.611).

On June 9, 2005, effective August 29, 2005 (*see* 70 FR 37496, June 29, 2005), the Commission adopted Rule 611 of Regulation NMS under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) to require any national securities exchange, national securities association, alternative trading system, exchange market maker, over-the-counter market maker, and any other broker-dealer that executes orders internally by trading as principal or crossing orders as agent, to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the execution of a transaction in its market at a price that is inferior to a bid or offer displayed in another market at the time of execution (a ''trade-though''), absent an applicable exception and, if relying on an exception, that are reasonably designed to assure compliance with the terms of the exception. Without this collection of information, respondents would not have a means to enforce compliance with the Commission's intention to prevent trade-throughs pursuant to the rule.

There are approximately 304 respondents [1] per year that will require an aggregate total of 18,240 hours to comply with this rule. It is anticipated that each respondent will continue to expend approximately 60 hours annually: Two hours per month of internal legal time and three hours per month of internal compliance time to ensure that its written policies and procedures are up-to-date and remain in compliance with Rule 611. The estimated cost for an in-house attorney is $396 per hour and the estimated cost for an assistant compliance director in the securities industry is $349 per hour. Therefore the estimated total cost of compliance for the annual hour burden is as follows: [(2 legal hours × 12 months × $396) × 304] + [(3 compliance hours × 12 months × $349) × 304] = $6,708,672.[2]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted within 30 days of this notice.

Dated: July 11, 2017.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14970 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

[1] This estimate includes twelve national securities exchanges and one national securities association that trade NMS stocks. The estimate also includes the approximately 255 firms that were registered equity market makers or specialists at year-end 2015, as well as 36 alternative trading systems that operate trading systems that trade NMS stocks.

[2] The total cost of compliance for the annual hour burden has been revised to reflect updated estimated cost figures for an in-house attorney and an assistant compliance director. These figures are from SIFMA's *Management & Professional Earnings in the Securities Industry 2017,* modified by Commission staff for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81134; File No. SR–NYSEARCA–2017–72]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services To Adopt a New Pricing Tier, Tape A and Tape C Tier

July 12, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 30, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (''Fee Schedule'') to adopt a new pricing tier, Tape A and Tape C Tier. The Exchange proposes to implement the fee changes effective July 3, 2017. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule, as described below, and implement the fee changes on July 3, 2017.

The Exchange proposes to introduce a new pricing tier—Tape A and Tape C Tier—for securities with a per share price of $1.00 or above.

As proposed, a new Tape A and Tape C Tier credit of $0.0028 per share for orders that provide liquidity in Tape A and Tape C Securities would be applicable to ETP Holders and Market Makers, that, on a daily basis, measured monthly, (1) directly execute providing volume in Tape A Securities during the billing month (''Tape A Adding ADV'') that is at least 2 million shares ADV over the ETP Holder's or Market Maker's first quarter 2017 Tape A Adding ADV,

(2) directly execute providing volume in Tape C Securities during the billing month (''Tape C Adding ADV'') that is at least 2 million shares ADV over the ETP Holder's or Market Maker's first quarter 2017 Tape C Adding ADV, and (3) meet the requirements of Tape B Tier 2.[4] For example, if an ETP Holder's Tape A Baseline during the first quarter of 2017 was 5 million shares ADV and the ETP Holder's Tape C Baseline during the first quarter of 2017 was 3 million shares, the ETP Holder would need a Tape A Adding ADV of at least 7 million shares and a Tape C Adding ADV of at least 5 million shares and meet the requirements of Tape B Tier 2 to qualify for the proposed credit of $0.0028 per share in Tape A and Tape C Securities in the billing month.[5]

For ETP Holders that qualify for the proposed new Tape A and Tape C Tier, Tiered or Basic Rates would apply to all other fees and credits, based on the firm's qualifying levels, and if an ETP Holder qualifies for more than one tier in the Fee Schedule, the Exchange would apply the most favorable rate available under such tiers.

Additionally, the Exchange recently adopted the Tape C Tier 3 pricing tier that references the applicability of a $0.0002 per share credit to ETP Holders and Market Makers that qualify for that pricing tier.[6] The Exchange proposes to make a non-substantive change to the Tape C Tier 3 pricing tier by adding the word ''directly'' in front of ''execute'' in the second prong of the pricing tier. The proposed change is intended to provide consistency within the pricing tier and the Fee Schedule generally. The Exchange is not proposing any other change to Tape C Tier 3.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

[4] Tape B Tier 2 requires that ETP Holders and Market Makers on a daily basis, measured monthly, directly execute providing volume that is either (1) equal to at least 1.0% of the US Tape B CADV or (2) equal to at least 0.20% of the US Tape B ADV [sic] for the billing month over the ETP Holder's or Market Maker's Q2 2015 Tape B Adding ADV taken as a percentage of Tape B CADV. *See* Tape B Tier 2, Schedule of Fees.

[5] The Exchange recognizes that a firm that becomes an ETP Holder or Market Maker after the Baseline Month [sic] would have a Tape A and Tape C Baseline ADV of zero. In this regard, a new ETP Holder or Market Maker would need to have a Tape A Adding ADV and Tape C Adding ADV during the billing month of 2 million shares, in addition to meeting the Tape B Tier 2 requirements, for the $0.0028 per share credit to apply.

[6] *See* Securities Exchange Act Release No. 80285 [sic] (May 11, 2017), 82 FR 22687 (May 17, 2017) (SR–NYSEArca–2017–51).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed Tape A and Tape C Tier is reasonable and equitably allocated because it would apply to ETP Holders and Market Makers that provide liquidity in Tape A, Tape B and Tape C Securities to the Exchange and is designed to incentivize these market participants to increase the orders sent directly to the Exchange and therefore provide liquidity that supports the quality of price discovery and promotes market transparency. The Exchange believes the new Tape A and Tape C Tier is equitable because the proposed new tier would be available to all similarly situated ETP Holders and Market Makers on an equal basis and the proposed new tier provides a credit that is reasonably related to the value of an exchange's market quality associated with higher volumes. The Exchange currently provides a comparable credit for orders that provide liquidity in Tape B Securities to ETP Holders and Market Makers that meet the requirements of Tape B Tier 2 and with this proposed rule change, the Exchange would extend the availability of a similar credit to ETP Holders and Market Makers in Tape A and Tape C Securities.

The Exchange further believes that the proposed Tape A and Tape C Tier is reasonable, equitable and not unfairly discriminatory because the Exchange has previously implemented pricing tiers that target a particular segment of securities. For example, to qualify for the Step Up Tier, ETP Holders and Market Makers are required to set a new NYSE Arca Best Bid or Offer with at least 25% in each of the ETP Holder's or Market Maker's Tape A, Tape B and Tape C providing ADV.

The Exchange also believes that the requirement to execute providing volume in Tape A and Tape C Securities during the billing month that is at least 2 million shares ADV over the ETP Holder's and Market Maker's first quarter 2017 adding ADV in each of Tape A and Tape C Securities is reasonable as it would provide incentives for adding liquidity in Tape A and Tape C Securities and strengthen market quality in those securities. The Exchange further believes that the requirement to execute providing volume in Tape A and Tape C Securities for the proposed Tape A and Tape C Tier is equitable and not unfairly discriminatory because it would apply uniformly to all similarly situated ETP Holders and Market Makers.

The Exchange believes that the proposed rule change regarding Tape A and Tape C credits would create an added incentive for ETP Holders and Market Makers to execute additional orders on the Exchange. The Exchange believes that the proposed change is equitable and not unfairly discriminatory because providing incentives for orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency and improving investor protection.

The Exchange believes that the non-substantive change to add the word ''directly'' in front of ''execute'' in current Tape C Tier 3 pricing tier removes impediments to and perfects the mechanism of a free and open market by providing clarity and adding transparency to the Exchange's rules. The Exchange believes the proposed amendment to the Fee Schedule is both reasonable and equitable because ETP Holders and Market Makers would benefit from clear guidance in the rule text describing the manner in which the Exchange's fees and credits would be assessed.

Volume-based rebates and fees such as the ones currently in place on the Exchange, and as proposed herein, have been widely adopted in the cash equities markets and are equitable because they are open to all ETP Holders and Market Makers on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes that the proposed introduction of Tape A and Tape C Tier will provide such enhancements in market quality on the Exchange's equity

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

market by incentivizing increased participation.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[9] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the addition of the proposed new credit would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders and Market Makers. The Exchange believes that this could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

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 and rebates 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 and credits in response, and because market participants may readily adjust their 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. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of ETP Holders or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[9] 15 U.S.C. 78f(b)(8).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[10] of the Act and subparagraph (f)(2) of Rule 19b–4[11] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2017–72 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2017–72. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2017–72 and should be submitted on or before August 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14987 Filed 7–17–17; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: DeRenne Avenue in Chatham County, Georgia

AGENCY: Federal Highway Administration (FHWA), United States Department of Transportation (USDOT).

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an EIS will be prepared for proposed improvements along I–516/SR21/CS 1503/DeRenne Avenue. The project would begin approximately 0.72 mile west of Mildred Street and end west of the Harry S. Truman Parkway ramps at DeRenne Avenue, for a project corridor of approximately 2.6 miles.

FOR FURTHER INFORMATION CONTACT:

Jennifer Giersch, Federal Highway Administration, 61 Forsyth Street SW., Suite 17T100, Atlanta, Georgia 30303, *Telephone: (404) 562–3653, Email: jennifer.giersch@dot.gov.*

David Moyer, P.E., Project Manager, Georgia Department of Transportation, 600 West Peachtree Street, 25th Floor, Atlanta, Georgia 30308, *Telephone: (404) 631–1588, Email: dmoyer@dot.ga.gov.*

Eric Duff, State Environmental Administrator, Georgia Department of Transportation, One Georgia Center, 600 West Peachtree Street NW., 25th Floor, Atlanta, Georgia 30308. *Telephone: (404) 291–5880. Email: eduff@dot.ga.gov.*

Ryan Perry, Ph.D., NEPA Analyst, Georgia Department of Transportation, One Georgia Center, 600 West Peachtree Street NW., 16th Floor, Atlanta, Georgia 30308. *Telephone: (404) 631–1271. Email: vperry@dot.ga.gov.*

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (GDOT), will prepare an Environmental Impact Statement (EIS) for proposed improvements along I–516/SR 21/CS 1503/DeRenne Avenue and Hampstead Avenue. An evaluation under Section 4(f) of the DOT Act of 1966 may also be required due to the potential for impacts to resources eligible for the National Register of Historic Places. The project is being developed to alleviate congestion and improve mobility along the I–516 and SR 21/CS 1503/DeRenne Avenue corridor. Proposed project elements may include modifications at the interchange of I–516 and SR 21, improvements along roads adjacent to DeRenne Avenue, intersection upgrades, and improvements along DeRenne Avenue.

A study corridor large enough to incorporate detailed studies for the full range of alternatives to be considered for the project will be evaluated. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA: 42 U.S.C. 4321 *et seq.*) of 1969, and the regulations implementing NEPA set forth in 40 CFR parts 1500–1508 and 23 CFR part 771, as well as the provisions of the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) and Moving Ahead for Progress in the 21st Century (MAP–21). The document will also satisfy the requirements of other applicable statutes, rules and regulations including the Georgia Environmental Policy Act (GEPA).

Public involvement is a critical component of NEPA project development. To date, outreach efforts have included development of a local Steering Committee, a Public Information Open House, targeted outreach within several communities along the project corridor, and a field site visit with public walk-through. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, public outreach and involvement will continue, and comments and suggestions are invited from all interested parties. Specific efforts to encourage involvement by, and solicit comments from, minority and low-income populations in the project study area will continue through the EIS process. A public hearing will be held after the completion of the Draft EIS, and the EIS will be made available for review by federal and state resource agencies and the public. Project information, comments, video, and concepts will be maintained throughout the EIS process on an existing link through the City of Savannah Web site (*www.savannahga.gov/derenne*).

Additional agency coordination will begin with publication of the NOI, followed by initial contact and scoping occurring within 45 to 60 days after publication of the NOI and continuing coordination throughout the EIS process.

Regulations implementing NEPA, as well as the provisions of SAFETEA–LU and MAP–21, call for enhanced agency and public involvement in the EIS process. An invitation to all Federal and non-Federal agencies and Native American tribes that may have an interest in the proposed project will be extended. In the event that an agency or tribe is not invited and would like to participate, please contact Ryan Perry at the contact information listed above.

(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.)

Issued on: July 11, 2017.

Rodney N. Barry,

Division Administrator, Federal Highway Administration, Atlanta, GA.

[FR Doc. 2017–15035 Filed 7–17–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26601; FMCSA–2009–0115; FMCSA–2011–0080; FMCSA–2011–0093; FMCSA–2011–0103; FMCSA–2013–0015; FMCSA–2013–0016; FMCSA–2013–0017; FMCSA–2015–0058; FMCSA–2015–0059]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions of 145 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On May 15, 2017, FMCSA published a notice announcing its decision to renew exemptions for 145 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (82 FR 22382). The public comment period ended on June 14, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 145 renewal exemption applications and that no comments were received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3).

As of June 2, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 20073; 76 FR 32015):

Donovan A. Bloomfield (MA), Kyle T. Brewer (NE), Rastus A. Bryant, Jr. (SC), Daniel J. Cahalan (WV), C. Shawn Fox (OH), Brad S. Gray (MD), Troy M. Keller (PA), Edmund D. Kilmartin III (MI), Michael G. Moseley (NC), Francisco M. Torres (NM), Mark H. Wilcox (MN).

The drivers were included in Docket No. FMCSA–2011–0080. Their exemptions are effective as of June 2, 2017, and will expire on June 2, 2019.

As of June 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 26133; 80 FR 60743):

Robert L. Adams (GA), Steven D. Beale (WA), Kevin N. Bigham (PA), Eric B. Bratanich (WI), Jeffry L. Bromby (CA), Joel R. Currie (MN), George C. Druzak (PA), William L. Duncan (FL), Leland R. Frazier, Jr. (GA), Louis E. Graves (MS), Loren G. Howard (AK), John A. Irwin (IL), Marvin T. Kruse (SD), Richard L. Langdon (NY), Amanda K. Perez-Littleton (NM), Michael J. Peterson (MN), Thomas E. Ringstaff, Jr. (OH), Milton E. Sullivan (VA), John E. Vee (IA), Russell A. Wilkins (VA), David A. Wolff (NY).

The drivers were included in Docket No. FMCSA–2015–0058. Their exemptions are effective as of June 6, 2017, and will expire on June 6, 2019.

As of June 8, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (72 FR 12656; 72 FR 31875):

David M. Beard (CO), David R. Burton (WY), Esko G. Cate (WA), Stephen R. Clemens (MI), Johnny W. Corbin (KY), Mark K. Eaton (MN), Chad L. Erickson (WA), Kendal B. Heath (NC), Jon D. Huntsinger (SD), Robbie L. Jones (IN), Lucas J. Jordon (FL), Murl R. Kimmel (IL), Michael G. McIntosh (WA), Judith A. Neel (IN), Danny E. Norment (TN), Samuel N. Prindle (IL), Mark W. Sadowski (IN), Thomas M. Sandahl (WI), Anthony Ybarra (MN).

The drivers were included in Docket No. FMCSA–2006–26601. Their exemptions are effective as of June 8, 2017, and will expire on June 8, 2019.

As of June 11, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 41 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 20381; 78 FR 35088; 80 FR 26979; 80 FR 45575):

Donald J. Barber, II (FL), Kenneth V. Bartlett (PA), Derek A. Becker (IL), Robert J. Boardwick (NJ), Robert E. Clark, Jr. (VA), Robert G. Costa (NJ), Thomas J. Cummings (IA), Gary E. Davidge (MD), Stephen L. Drake (TX), David E. Goddard, Jr. (WV), William J. Hannan, 3rd (NJ), David H. Heins (IL), Korry W. Hullinger (UT), Daniel A. Johns (PA), James V. Kuhns, Jr. (PA), Craig C. Leckie (OR), Robert T. Lee (WI), Tyler S. Lewis (AK), Zackery L. Lowe (VA), Gary D. MacFarlane (ME), Edward W. Masser (PA), David J. Mathews (MN), Brian L. Merlo (CA), Brian K. Miesner (MO), Terrance M. Morrisette (MN), Patrick S. Murray (OK), Shane J. Nesheim (WI), Lisa R. Olson (MT), Kevin J. Riedl (WI), Richard E. Roberts (NC), Stephen D. Sandine (AR), Jeremy D. Schroeder (OH), Jerry G. Severson, Jr. (IL), Richard J. Tallen (IN), Brett E. Thein (GA), Kelly R. Troll (MN), Ryan R. Turnbull (NY), Jonathan Walston (IA), Graciano Wharton-Ramirez (NJ), Rick G. White (WA), Randall L. Williamson (IL).

The drivers were included in one of the following docket Nos: FMCSA–2013–0015; FMCSA–2015–0059. Their exemptions are effective as of June 11, 2017, and will expire on June 11, 2019.

As of June 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (74 FR 19271; 74 FR 28096):

Edward E. Back III (VA), Aaron Bailey (MA), George E. Hardman (GA), Brian K. Moore (TN), Zachary T. Patton (AZ), Terry L. Robinett (AR), Scot J. Suhr (IN), Kenneth R. Walker (TN), Blake A. Woolman (MO).

The drivers were included in Docket No. FMCSA–2009–0115. Their exemptions are effective as of June 12, 2017, and will expire on June 12, 2019.

As of June 20, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 25 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 22599; 78 FR 24795; 78 FR 37272; 78 FR 37273):

Willie J. Brock (MO), Roger S. Davis (PA), Edgar I. Duque (NY), Kevin J. Fuller (MI), Kevin D. Gentes (IL), John M. Hawk (MN), Joel M. Jock (VA), Michael J. Makwinski (NJ), James S. Marunczak (PA), Michael J. Moynihan (NH), William A. Nearhood (PA), Fernand L. Poulin (NH), James A. Pruitt (GA), Tony E. Pullen (IN), Michael M. Sanchez (NM), Joseph Sawicki, III (NY), Nathaniel Scales Jr. (DE), Michael Schrock III (TN), Jimmy W. Scroggins (AR), Michael Steinman (PA), Mark A. Stromberg (MN), Christopher T. Thieneman (KY), Daniel J. Wagner (TX), Andrew J. White (IA), Michael D. Ziegler (PA).

The drivers were included in docket Nos: FMCSA–2013–0016; FMCSA–2013–0017. Their exemptions are effective as of June 20, 2017, and will expire on June 20, 2019.

As of June 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 25769; 76 FR 37171):

John C. Beason, Jr. (TN), Adam R. Errickson (NJ), Jon M. Greiner (MN), Gregory M. Hoyt (VT), Robert E.

Jackson (NC), Kimm D. Jacobson (MN), Daryl D. Jibben (MN), Jimmy G. Lee, Jr. (NC), Daniel S. May (IA), Gerald D. McElya (TX), Donald B. Ramaley (PA), Floyd M. Tyler (PA).

The drivers were included in docket No. FMCSA–2011–0103. Their exemptions are effective as of June 24, 2017, and will expire on June 24, 2019.

As of June 28, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 21792; 76 FR 37882):

Terry J. Johnson (MN), Todd L. McAuley (NC), Stephen A. Miles (OH), Edgar M. Ridlon, Jr. (VT), Andrew M. Schutt (IL), John W. Wortman (WI), Kemlyn K. Yowell (OH).

The drivers were included in docket No. FMCSA–2011–0093. Their exemptions are effective as of June 28, 2017, and will expire on June 28, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: July 7, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15029 Filed 7–17–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2001–9258; FMCSA–2002–12844; FMCSA–2003–14504; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–26066; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2008–0106; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2009–0086; FMCSA–2011–0010; FMCSA–2011–0092; FMCSA–2012–0337; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2013–0025; FMCSA–2013–0026; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0303; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0048]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 120 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to http//*www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On May 15, 2017, FMCSA published a notice announcing its decision to renew exemptions for 120 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (82 FR 22379). The public comment period ended on June 14, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

VI. Conclusion

As of June 4, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 38 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 67 FR 68719; 68 FR 2629; 68 FR 13360; 68 FR 19598; 68 FR 33570; 69 FR 33997; 69 FR 61292; 69 FR 64806; 69 FR 71100; 70 FR 2705; 70 FR 12265; 70 FR 16887; 70 FR 25878; 71 FR 63379; 72 FR 184; 72 FR 1050; 72 FR 1051; 72 FR 1053; 72 FR 5489; 72 FR

11425; 72 FR 11426; 72 FR 28093; 73 FR 78423; 74 FR 6207; 74 FR 7097; 74 FR 8302; 74 FR 8842; 74 FR 11988; 74 FR 15584; 74 FR 15586; 74 FR 20253; 74 FR 21427; 75 FR 79083; 76 FR 8809; 76 FR 9856; 76 FR 11215; 76 FR 11216; 76 FR 15361; 76 FR 20076; 76 FR 21796; 76 FR 29026; 77 FR 70534; 77 FR 74734; 78 FR 9772; 78 FR 12815; 78 FR 12822; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 16912; 78 FR 22596; 78 FR 22602; 78 FR 29431; 78 FR 30954; 79 FR 73397; 80 FR 2473; 80 FR 3305; 80 FR 3308; 80 FR 9304; 80 FR 12248; 80 FR 12254; 80 FR 12547; 80 FR 14223; 80 FR 14240; 80 FR 15859; 80 FR 15863; 80 FR 16502; 80 FR 18693; 80 FR 20559; 80 FR 22773; 80 FR 25766; 80 FR 29152; 80 FR 33011; 80 FR 33324; 80 FR 45573):

Charles D. Ashworth (KY)
Jimmie L. Blue (MT)
Ronald G. Bradley (IN)
Terry L. Daneau (NH)
Tracy A. Doty (TN)
Glenn E. Dowell (IN)
Jerald O. Edwards (ID)
Kenneth E. Flack, Jr. (AL)
Maylin E. Frickey (OR)
Ramon L. Green (LA)
Richard G. Gruber (SC)
Matthew J. Hahn (PA)
Gerald L. Harper (MO)
Dennis K. Harris (GA)
Leon E. Jackson (GA)
Francisco J. Jimenez (TX)
William D. Johnson (OK)
Jimmy C. Killian (NC)
Peter M. Kirby (NJ)
Robert T. Lantry (MA)
Phillip L. Mangen (OH)
Clarence M. Miles (OK)
Steven M. Montalbo (CA)
Richard N. Moyer, Jr. (PA)
Craig C. Perrotta (MA)
Virgil A. Potts (CO)
Donald G. Reed (FL)
Vincent Rubino (NJ)
Randy G. Spilman (OH)
Joseph Stenberg (MT)
Terrance W. Temple (OH)
Thomas S. Thompson (NE)
Jeffrey W. Tucker (IN)
Russell E. Ward (NH)
Robert A. Wegner (MN)
Wayne A. Whitehead (NY)
Thomas W. Workman (IL)
Kevin D. Zaloudek (VT)

The drivers were included in one of the following docket Nos.: FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12844; FMCSA–2003–14504; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2006–26066; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2011–0010; FMCSA–2012–0337; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0303; FMCSA–2014–0304; FMCSA–2014–0305. Their exemptions are effective as of June 4, 2017, and will expire on June 4, 2019.

As of June 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 27 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 20376; 78 FR 34141; 80 FR 26139; 80 FR 29149; 80 FR 48409):

Glenn Blanton (OH)
Matthew J. Buersken (MN)
Stephen M. Cook (PA)
Roderick Croft (FL)
Lawrence M. Davis (VT)
Bobby C. Floyd (TN)
Jayme L. Gilbert (NY)
Jesse M. Greene (TN)
Wesley D. Hogue (AR)
Robert W. Kleve (IA)
Anthony Lang (NH)
Jason C. Laub (OH)
Edward J. Lavin (CT)
Wayne D. Litwiller, Sr. (IL)
Collin C. Longacre (PA)
Luther A. McKinney (VA)
Steven J. McLain (TN)
Raymond W. Meier (WA)
Enes Milanovic (MI)
Michael L. Penrod (IA)
David P. Ramos (CA)
Donie L. Rhoads (MT)
Steven Schaumberg (NJ)
Dale G. Stringer (TX)
James B. Taflinger, Sr. (VA)
Michael J. Tauriac, Jr. (LA)
Ronald W. Thompson (WI)

The drivers were included in one of the following docket Nos: FMCSA–2013–0025; FMCSA–2015–0048. Their exemptions are effective as of June 6, 2017, and will expire on June 6, 2019.

As of June 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (74 FR 19267; 74 FR 28094; 76 FR 32016; 76 FR 32703; 80 FR 25768):

Michael D. Abel (NE)
Paul M. Christina (PA)
Edward J. Grant (IL)
Johnny K. Hiatt (NC)
Jeffrey M. Mueller (MO)
George M. Nelson (OH)
Christopher A. Weidner (CT)
Paul A. Wolfe (OH)

The drivers were included in one of the following docket Nos: FMCSA–2008–0106; FMCSA–2009–0086. Their exemptions are effective as of June 12, 2017, and will expire on June 12, 2019.

As of June 13, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (70 FR 17504; 70 FR 30997; 72 FR 21313; 72 FR 27624; 72 FR 32703; 74 FR 23472; 76 FR 32017; 78 FR 32708; 80 FR 29154):

Roosevelt Bell, Jr. (NC)
David K. Boswell (TN)
Bernabe V. Cerda (TX)
Michael S. Crawford (IL)
Rex A. Dyer (VT)
Patrick J. Goebel (IA)
Thomas A. Gotto (IA)
Kenneth C. Reeves (OR)
Thomas E. Summers, Sr. (OH)
Daniel E. Watkins (FL)
Tommy N. Whitworth (TX)

The drivers were included in one of the following docket Nos: FMCSA–2005–20560; FMCSA–2007–27515. Their exemptions are effective as of June 13, 2017, and will expire on June 13, 2019.

As of June 20, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (72 FR 21313; 72 FR 32703; 74 FR 11988; 74 FR 19267; 74 FR 21427; 74 FR 23472; 74 FR 28094; 76 FR 21796; 76 FR 32016; 76 FR 32017; 78 FR 12815; 78 FR 16912; 78 FR 22596; 78 FR 22598; 78 FR 22602; 78 FR 29431; 78 FR 32703; 78 FR 32708; 78 FR 37274; 80 FR 31635):

Fred Boggs (WV)
Russell A. Bolduc (CT)
James M. Del Sasso (IL)
Darryl W. Hardy (AL)
Larry M. Hawkins (AZ)
Terry L. Lipscomb (AL)
Joseph E. Pfaff (IL)
Dustin N. Sullivan (MD)

The drivers were included in one of the following docket Nos: FMCSA–2007–27515; FMCSA–2009–0054; FMCSA–2009–0086; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2013–0026. Their exemptions are effective as of June 20, 2017, and will expire on June 20, 2019.

As of June 26, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 14 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (63 FR 66226; 64 FR 16517; 65 FR 20245; 65 FR 45817; 65 FR 57230; 65 FR 77066; 66 FR 17743; 66 FR 17994; 66 FR 33990; 67 FR 57266; 68 FR 35772; 70 FR 2701; 70 FR 16887; 70 FR 17504; 70 FR 30997; 70 FR 33937; 72 FR 12666; 72 FR 25831; 72 FR 32705; 74 FR 15586; 74 FR 26464; 76 FR 21796; 76 FR 34135; 78 FR 34140; 80 FR 33009):

Johnny A. Beutler (SD)

Brett L. Condon (MD)
Christopher A. Deadman (MI)
Daryl A. Jester (DE)
James P. Jones (ME)
Clyde H. Kitzan (ND)
Larry J. Lang (MI)
William A. Moore, Jr. (NV)
Richard S. Rehbein (MN)
David E. Sanders (NC)
David B. Speller (MN)
Lynn D. Veach (IA)
Harry S. Warren (FL)
Michael C. Wines (MD)

The drivers were included in one of the following docket Nos: FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2001–9258; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2007–27333. Their exemptions are effective as of June 26, 2017, and will expire on June 26, 2019.

As of June 28, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 25766; 76 FR 37885; 78 FR 37270; 80 FR 31640):

Jan M. Bernath (OH)
Joseph L. Butler (IN)
Shawn Carroll (OK)
Walter C. Dean, Sr. (AL)
Mark T. Gileau (CT)
Peter D. Gouge (IA)
Alan D. Harberts (IA)
Wendell S. Sehen (OH)
Gary E. Valentine (OH)
Kevin W. Van Arsdol (CO)
Charles Van Dyke (WI)

The drivers were included in docket No. FMCSA–2011–0092. Their exemptions are effective as of June 28, 2017, and will expire on June 28, 2019.

As of June 30, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 78256; 66 FR 16311; 68 FR 13360; 70 FR 2701; 70 FR 16887; 70 FR 17504; 70 FR 30997; 70 FR 37891; 72 FR 27624; 72 FR 34062; 74 FR 26471; 76 FR 34133; 78 FG 57677; 80 FR 31962):

Edmund J. Barron (PA)
Roger K. Cox (NJ)
Thomas E. Howard (IN)

The drivers were included in one of the following docket Nos: FMCSA–2000–8398; FMCSA–2005–20027; FMCSA–2005–20560. Their exemptions are effective as of June 30, 2017, and will expire on June 30, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: July 7, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15021 Filed 7–17–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0244]

Hours of Service of Drivers: Transco, Inc.; Application for Exemption

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

ACTION: Notice of final determination; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny the application of Transco, Inc. (Transco) (USDOT # 1062707) for an exemption from the 30-minute rest break provision of the Agency's hours-of-service (HOS) regulations for commercial motor vehicle (CMV) drivers. Transco asked that its drivers be permitted to comply with the 30-minute rest break requirement while performing ''on-duty, not-driving'' tasks. Due to the nature of its operations, Transco believes that compliance with the 30-minute rest break provision negatively impacts the overall safety and general health of its CMV drivers. FMCSA has analyzed the exemption application and public comments, and has determined that the applicant would not achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: FMCSA denied the application for exemption by letter dated February 27, 2017, after notice and opportunity for public comment.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

FMCSA reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency and the reasons for denying an application must be published in the **Federal Register** (49 CFR 381.315(b)).

On December 27, 2011 (76 FR 81133), FMCSA published a final rule amending its hours-of-service (HOS) regulations for drivers of property-carrying CMVs. The rule included a provision requiring many CMV drivers to take a rest break during the work day. Drivers may drive a CMV only if 8 hours or less have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes. FMCSA did not specify when drivers must take the 30-minute break, but the rule requires that they wait no longer than 8 hours after the last off-duty or sleeper-berth period of that length or longer to take the break if they want to continue driving (49 CFR 395.3(a)(3)(ii)).

III. Request for Exemption

Transco seeks an exemption from the 30-minute rest break provision. Transco, operating through McLane Company, Inc., employs over 4,000 drivers who deliver freight from distribution centers to grocery stores and restaurants throughout the United States. Transco drivers make an average of nine stops per day during which they offload freight to customers. Transco contends that because its operations differ greatly from long-haul operations it should not be subject to the rest break requirement. It contends that the frequent stops serve the purpose of the 30-minute rest break because they break the monotony and stress of driving for Transco's drivers. Transco argues that physically-active offloading is in fact better for the health of its drivers than 30 minutes free of

work-related duties. It asserts that the 30-minute break unnecessarily imposes unhealthy sedentary activity on Transco drivers. Finally, Transco believes that the granting of this exemption would reduce the number of motor vehicle accidents and congestion on public roads by reducing the overall miles Transco travels to deliver to its customers. A copy of the Transco's application for exemption is available for review in the docket for this notice.

Public Comments

On September 28, 2016, FMCSA published Transco's application for exemption and requested public comment (81 FR 66734). The Agency received 54 comments to the docket, mostly from CMV drivers. More than 40 of the comments opposed the Transco application for exemption. The principal concern of the CMV drivers was that the exemption would convert obvious on-duty time to off-duty time. The Advocates for Highway and Auto Safety expressed concern that rigorous physical activity (loading and unloading) would be substituted for the respite from driver duties provided by the 30-minute rest break. The International Brotherhood of Teamsters opposed the application. It pointed out that the applicant described the typical driver workday as being 19 hours long, making the rest break even more critical to safety and driver health.

FMCSA Decision

When FMCSA proposed the provision requiring a 30-minute rest break, it relied upon research indicating that periods free from work responsibilities are followed by improved work performance. The research showed that this improvement was experienced regardless of the precise nature of the worker's duties. FMCSA believes that, whatever the relative degree of monotony associated with long-haul and local-delivery driving, the fact is that both types of drivers are susceptible to fatigue as the workday progresses. The Agency believes that rest breaks provide a benefit to both types of drivers, and that safety is improved by allowing drivers to take a break from their duties during the work day. The rest break is especially important for Transco drivers because they accumulate fatigue both from the lifting of their unloading tasks and from 19-hour days.

For these reasons, FMCSA has denied the applicant's request for exemption.

Issued on: July 11, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15022 Filed 7–17–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7006; FMCSA–2001–9258; FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2004–17984; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27897; FMCSA–2008–0266; FMCSA–2009–0086; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2011–0102; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0021; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2014–0002; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0305; FMCSA–2015–0048; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 125 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before August 17, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2000–7006; FMCSA–2001–9258; FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2004–17984; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27897; FMCSA–2008–0266; FMCSA–2009–0086; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2011–0102; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0021; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2014–0002; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0305; FMCSA–2015–0048; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement

page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy*.

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 125 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 125 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (65 FR 20245; 65 FR 57230; 66 FR 17743; 66 FR 30502; 66 FR 33990; 66 FR 41654; 67 FR 15662; 67 FR 37907; 67 FR 57266; 67 FR 76439; 68 FR 10298; 68 FR 19598; 68 FR 33570; 68 FR 35772; 68 FR 37197; 68 FR 44837; 68 FR 48989; 69 FR 26206; 69 FR 33997; 69 FR 52741; 69 FR 61292; 70 FR 7545; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 30999; 70 FR 33937; 70 FR 41811; 70 FR 42615; 70 FR 46567; 71 FR 26601; 71 FR 55820; 71 FR 62147; 72 FR 7812; 72 FR 8417; 72 FR 27624; 72 FR 28093; 72 FR 32705; 72 FR 36099; 72 FR 39879; 72 FR 40359; 72 FR 40360; 72 FR 40362; 72 FR 52419; 73 FR 36955; 73 FR 51689; 73 FR 63047; 74 FR 6211; 74 FR 19267; 74 FR 19270; 74 FR 20253; 74 FR 26461; 74 FR 26464; 74 FR 26466; 74 FR 28094; 74 FR 34074; 74 FR 34395; 74 FR 34630; 74 FR 34632; 75 FR 36779; 75 FR 66423; 75 FR 72863; 75 FR 77492; 76 FR 2190; 76 FR 5425; 76 FR 7894; 76 FR 9856; 76 FR 9865; 76 FR 17481; 76 FR 18824; 76 FR 20076; 76 FR 20078; 76 FR 21796; 76 FR 25762; 76 FR 25766; 76 FR 28125; 76 FR 29022; 76 FR 29024; 76 FR 29026; 76 FR 37168; 76 FR 37169; 76 FR 37173; 76 FR 37885; 76 FR 40445; 76 FR 44082; 76 FR 44652; 76 FR 44653; 76 FR 49531; 76 FR 50318; 76 FR 53710; 77 FR 38384; 77 FR 74273; 78 FR 800; 78 FR 10251; 78 FR 14410; 78 FR 16762; 78 FR 20376; 78 FR 20379; 78 FR 24300; 78 FR 24798; 78 FR 27281; 78 FR 30954; 78 FR 34141; 78 FR 34143; 78 FR 37270; 78 FR 41188; 78 FR 46407; 78 FR 51268; 78 FR 51269; 78 FR 52602; 78 FR 56993; 78 FR 57679; 79 FR 4531; 79 FR 10608; 79 FR 22003; 79 FR 24298; 79 FR 35218; 79 FR 51643; 79 FR 64001; 79 FR 73687; 80 FR 603; 80 FR 12248; 80 FR 15863; 80 FR 16500; 80 FR 18696; 80 FR 22773; 80 FR 25766; 80 FR 26139; 80 FR 26320; 80 FR 29149; 80 FR 29152; 80 FR 31636; 80 FR 31957; 80 FR 33007; 80 FR 35699; 80 FR 36395; 80 FR 36398; 80 FR 37718; 80 FR 40122; 80 FR 41547; 80 FR 41548; 80 FR 44185; 80 FR 44188; 80 FR 45573; 80 FR 48404; 80 FR 48409; 80 FR 48413; 80 FR 62161; 80 FR 62163). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below.

As of August 8, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 49 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 20245; 65 FR 57230; 66 FR 30502; 66 FR 33990; 66 FR 41654; 67 FR 15662; 67 FR 37907; 67 FR 57266; 67 FR 76439; 68 FR 10298; 68 FR 19598; 68 FR 33570; 68 FR 44837; 69 FR 26206; 69 FR 33997; 69 FR 52741; 69 FR 61292; 70 FR 7545; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 71 FR 26601; 71 FR 55820; 71 FR 62147; 72 FR 7812; 72 FR 8417; 72 FR 27624; 72 FR 28093; 72 FR 36099; 72 FR 39879; 72 FR 40362; 72 FR 52419; 73 FR 36955; 73 FR 51689; 73 FR 63047; 74 FR 6211; 74 FR 19267; 74 FR 19270; 74 FR 20253; 74 FR 26461; 74 FR 26466; 74 FR 28094; 74 FR 34395; 74 FR 34630; 75 FR 36779; 75 FR 66423; 75 FR 72863; 75 FR 77492; 76 FR 2190; 76 FR 5425; 76 FR 7894; 76 FR 9856; 76 FR 9865; 76 FR 17481; 76 FR 18824; 76 FR 20076; 76 FR 20078; 76 FR 21796; 76 FR 25762; 76 FR 25766; 76 FR 28125; 76 FR 29024; 76 FR 29026; 76 FR 37168; 76 FR 37173; 76 FR 37885; 76 FR 44652; 77 FR 38384; 77 FR 74273; 78 FR 800; 78 FR 10251; 78 FR 14410; 78 FR 16762; 78 FR 20376; 78 FR 20379; 78 FR 24300; 78 FR 24798; 78 FR 27281; 78 FR 30954; 78 FR 34141; 78 FR 37270; 78 FR 41188; 78 FR 46407; 78 FR 51269; 78 FR 56993; 78 FR 57679; 79 FR 10608; 79 FR 22003; 79 FR 24298; 79 FR 35218; 79 FR 51643; 79 FR 64001; 79 FR 73687; 80 FR 603; 80 FR 12248; 80 FR 15863; 80 FR 16500; 80 FR 18696; 80 FR 22773; 80 FR 25766; 80 FR 26139; 80 FR 26320; 80 FR 29149; 80 FR 29152; 80 FR 31636; 80 FR 31957; 80 FR 33007; 80 FR 35699; 80 FR 36395; 80 FR 36398; 80 FR 37718; 80 FR 45573; 80 FR 48404; 80 FR 48409; 80 FR 48413):

Joel C. Bailey (FL), James C. Barr (OH), Johnny A. Bingham (NC), Ryan L. Brown (IL), Todd A. Chapman (NC), Don A. Clymer (PA), Timothy J. Curran (CA), Erik R. Davis (GA), Paul W. Dawson (OH), Rodney R. Dawson (KY), Everett A. Doty (AZ), Timothy H. DuBois (MN), Raymond C. Favreau (VT), Thanh V. Ha (CA), Anthony Hall (LA), Johnnie L. Hall (MD), Waylon E.

Hall (LA), Gary D. Hallman (AL), Dean R. Hawley (NC), Tommy T. Hudson (VA), James T. Johnson (KY), Harry L. Jones (OH), Cody A. Keys (OK), David J. Kibble (PA), Thomas Korycki (NJ), David C. Leoffler (CO), Jorge S. Lopez (CA), Boynton L. Manuel (SC), James McClure (NC), Steve J. Morrison (ID), Daniel R. Murphy (WI), Tracy J. Omeara (OR), Armando F. Pederoso Jimenez (MN), Robert D. Porter (CA), Raymond Potter (RI), Scott K. Richardson (OH), Elvis E. Rogers, Jr. (TX), Leo D. Roy (NH), Manuel H. Sanchez (TX), Jose C. Sanchez-Sanchez (WY), Tim M. Seavy (IN), Rick J. Smart (NH), Sukru Tamirci (NY), David R. Thomas (AL), James H. Wallace, Sr. (FL), Roy J. Ware (GA), Marcus R. Watkins (TX), Paul C. Weiss (PA), James Whiteway (TX).

The drivers were included in one of the following docket Nos: FMCSA–2000–7006; FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2004–17984; FMCSA–2005–20560; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27897; FMCSA–2008–0266; FMCSA–2009–0086; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2013–0021; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2014–0002; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0305; FMCSA–2015–0048; FMCSA–2015–0049; FMCSA–2015–0052. Their exemptions are effective as of August 8, 2017, and will expire on August 8, 2019.

As of August 10, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (80 FR 31636; 80 FR 48413):

Donald M. Jenson (SD), Dennis D. Lesperance (OR), Dean A. Maystead (MI), Carl V. Murphy, Jr. (TX).

The drivers were included in one of the following docket Nos: FMCSA–2001–9258; FMCSA–2005–21254. Their exemptions are effective as of August 10, 2017, and will expire on August 10, 2019.

As of August 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 37169; 76 FR 50318; 79 FR 4531; 80 FR 41548):

Danny F. Burnley (KY), Sean R. Conorman (MI), Robert E. Graves (NE), Terrence F. Ryan (FL), Stephen W. Verrette (MI), Leslie H. Wylie (ID).

The drivers were included in docket No. FMCSA–2011–0140. Their exemptions are effective as of August 12, 2017, and will expire on August 12, 2019.

As of August 13, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (80 FR 40122; 80 FR 62163):

William D. Cherry (MA), Pedro Del Bosque (TX), Anthony C. DeNaples (PA), Edward Dugue III (NC), Larry R. Hayes (KS), Wayne E. Jakob (IL), Earney J. Knox (MO), James Smentkowski (NJ), Neil G. Sturges (NY), Norman G. Wooten (TX), Kurt A. Yoder (OH).

The drivers were included in docket No. FMCSA–2015–0053. Their exemptions are effective as of August 13, 2017, and will expire on August 13, 2019.

As of August 15, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (66 FR 30502; 66 FR 41654; 68 FR 37197; 68 FR 44837; 68 FR 48989; 70 FR 41811; 70 FR 42615; 72 FR 40360; 74 FR 34632; 76 FR 49531; 79 FR 4531; 80 FR 44185):

Domenic J. Carassai (NJ), Bruce E. Hemmer (WI), Steven P. Holden (MD), Christopher G. Jarvela (MI), Brad L. Mathna (PA), Vincent P. Miller (CA), Warren J. Nyland (MI), Dennis M. Prevas (WI) Wesley E. Turner (TX), Mona J. Van Krieken (OR), Paul S. Yocum (IN).

The drivers were included in one of the following docket Nos: FMCSA–2001–9561; FMCSA–2003–15268. Their exemptions are effective as of August 15, 2017, and will expire on August 15, 2019.

As of August 23, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 29022; 76 FR 44082; 78 FR 20376; 78 FR 34141; 78 FR 34143; 78 FR 51268; 78 FR 52602):

Twila G. Cole (OR), Bert A. Damm (MT), Jeffrey Dauterman (OH), Brian D. Dowd (MA), Sonya Duff (IN), Randy L. Fales (MN), Marc C. Grooms (MO), Walter A. Hanselman (IN), Craig C. Lowry (MT), Craig M. Mahaffey (OH), Ricky Nickell (OH), Freddy H. Pete (NV), Rickey H. Reeder (TN), Michael L. Sherum (AL), Gregory C. Simmons (VA), Wayne M. Stein (FL), Eddie B. Strange, Jr. (GA), Larry A. Tidwell (MO), Dale A. Torkelson (WI), John Vanek (MO), Desmond Waldor (PA).

The drivers were included in one of the following docket Nos: FMCSA–2011–0102; FMCSA–2013–0025; FMCSA–2013–0029. Their exemptions are effective as of August 23, 2017, and will expire on August 23, 2019.

As of August 25, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 20 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (80 FR 44188; 80 FR 62161):

Harold D. Albrecht (IL), Joseph W. Bahr (NJ), Stephen C. Brueggeman (KY), Larry O. Cheek (CA), Louise D. Curtis (FL), Marvin P. Cusey (MN), Chris M. DeJong (NM), Jonathan G. Estabrook (MA), Robert J. Falanga (FL), Refugio Haro (IL), Kevin L. Harrison (TN), Bruce A. Lloyd (MA), Duane S. Lozinski (IA), Keith W. McNabb (ID), Ronald W. Neujahr (KS), Lonnie D. Prejean (TX), Thomas E. Riley (NJ), John B. Stiltner (KY), Rick R. Warner (MI), Theodore A. White (PA).

The drivers were included in docket No. FMCSA–2015–0055. Their exemptions are effective as of August 25, 2017, and will expire on August 25, 2019.

As of August 29, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 40445; 76 FR 53710; 79 FR 4531):

James Howard (CA), Ramon Melendez (NJ), Jesse A. Nosbush (MN).

The drivers were included in docket No. FMCSA–2011–0141. Their exemptions are effective as of August 29, 2017, and will expire on August 29, 2019.

Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each

driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

IV. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 125 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: July 7, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15026 Filed 7–17–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0383; FMCSA–2014–0102]

Qualification of Drivers; Exemption Applications; Hearing

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for two individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The renewed exemptions were effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before August 17, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0383; FMCSA–2013–0102 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person:

> First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The two individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the twelve applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement (80 FR 57032; 80 FR 60747). In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce.

The two drivers in this notice remain in good standing with the Agency and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. FMCSA has concluded that renewing the exemptions for each of these applicants is likely to achieve a level of safety equal to that existing without the exemption. Therefore, FMCSA has decided to renew each exemption for a two-year period. In accordance with 49 U.S.C. 31136(e) and 31315, each driver has received a renewed exemption.

As of May 8, 2017, Mark Dickson (TX), has satisfied the renewal conditions for obtaining an exemption from the requirement in 49 CFR 391.41(b)(11), from driving CMVs in interstate commerce (80 FR 18697).

The driver was included in FMCSA–2014–0383. The exemption was effective on May 8, 2017, and will expire on May 8, 2019.

As of May 21, 2017, Timothy Gallagher (PA), has satisfied the renewal conditions for obtaining an exemption from the requirement in 49 CFR 391.41(b)(11), from driving CMVs in interstate commerce (78 FR 22768).

The driver was included in FMCSA–2014–0102. The exemption was effective on May 21, 2017, and will expire on May 21, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA. In addition, the driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Conclusion

Based upon its evaluation of the nine exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: July 7, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15024 Filed 7–17–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0002–N–13]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and comment request.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), this notice announces that FRA is forwarding the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden.

DATES: Comments must be submitted on or before August 17, 2017.

ADDRESSES: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Kim Toone, Information Collection Clearance Officer, Office of Administration, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493–6132). (This telephone number is not toll free.)

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8, and 1320.10. On April 18, 2017, FRA published a 60-day notice in the **Federal Register** requesting comments on the ICR for which it is now seeking OMB approval. *See* 82 FR 18341. FRA received no comments in response to that notice.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.10. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.10; *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983. Therefore, respondents should submit their comments to OMB within 30 days of publication to best ensure having their full effect.

The summary below describes the ICR and its expected burden. FRA is submitting the new request for clearance by OMB as the PRA requires.

Title: Information and Communications Technology Needs Assessment.

OMB Control Number: 2130–XXXX.

Abstract: The purpose of this information collection is to conduct a needs assessment that will provide information about how the railroading worker population uses information and communications technology (ICT). FRA periodically conducts such assessments of the social, legal, and policy barriers related to its mission. For purposes of this study, ICT is defined as technology and tools that people use to share,

distribute, and gather information, and to communicate with one another, one on one, or in groups. FRA uses ICT to disseminate research findings and to increase awareness of safety education programs and other FRA sponsored innovation projects. The data gathered in this study will help FRA and DOT attain the strategic goal of improving safety in transportation by providing information that will improve and inform their strategic communication dissemination efforts to reach the railroading population more efficiently and successfully.

The proposed study is a needs assessment designed to understand the current state of railroading industry use and application of ICT. As such, this study asks broad questions about ICT. The main objectives of this study are to: (1) Determine how Transportation, Yard and Engineer railroaders use ICT; (2) identify ways to reach this population with future ICT-based education and communication efforts; and (3) develop baseline awareness data for FRA's research, development and technology programs.

Affected Public: Railroad Union Members.

Form(s): FRA Form 6180.169.

Total Estimated Annual Responses: 1,553.

Total Estimated Annual Burden: 511 hours.

Comments are invited on the following: Whether the proposed collection of information is necessary for FRA to properly perform its functions, including whether the information will have practical utility; the accuracy of FRA's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register.**

Authority: 44 U.S.C. 3501–3520.

Sarah L. Inderbitzin,

Acting Chief Counsel.

[FR Doc. 2017–15053 Filed 7–17–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY17 Competitive Funding Opportunity; Grants for Buses and Bus Facilities Infrastructure Investment Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for approximately $226.5 million in Fiscal Year (FY) 2017 funds under Grants for Buses and Bus Facilities Infrastructure Investment Program (CFDA#20.526). As required by federal transit law and subject to funding availability, funds will be awarded competitively to assist in the financing of capital projects to replace, rehabilitate, purchase or lease buses and related equipment, and to rehabilitate, purchase, construct or lease bus-related facilities. Projects may include costs incidental to the acquisition of buses or to the construction of facilities, such as the costs of related workforce development and training activities, and project administration expenses. FTA may award additional funds if they are made available to the program prior to the announcement of project selections.

DATES: Complete proposals must be submitted electronically through the GRANTS.GOV ''APPLY'' function by 11:59 p.m. on August 25, 2017. Prospective applicants should initiate the process by registering on the GRANTS.GOV Web site promptly to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's Web site at *http://transit.dot.gov/howtoapply* and in the ''FIND'' module of GRANTS.GOV. The GRANTS.GOV funding opportunity ID is FTA–2017–004–TPM-Bus. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Mark Bathrick, FTA Office of Program Management, 202–366–9955, or *mark.bathrick@dot.gov.*

SUPPLEMENTARY INFORMATION:

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A. Program Description

Section 5339(b) of Title 49, United States Code, as amended by the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94, Dec. 4, 2015), authorizes FTA to award funds under the Buses and Bus Facilities Infrastructure Investment Program (Bus and Bus Infrastructure Program) through a competitive process, as described in this notice, for capital projects to replace, rehabilitate, purchase or lease buses and related equipment and to rehabilitate, purchase, construct or lease bus-related facilities.

The purpose of the Bus and Bus Infrastructure Program is to assist in the financing of buses and bus facilities capital projects, including replacing, rehabilitating, purchasing or leasing buses or related equipment, and rehabilitating, purchasing, constructing or leasing bus-related facilities.

The Bus and Bus Infrastructure Program provides funds to designated recipients that allocate funds to fixed route bus operators, and to States, and local governmental authorities that operate fixed route bus service. FTA also may award grants to eligible recipients for projects to be undertaken by subrecipients that are public agencies or private non-profit organizations engaged in public transportation. In accordance with 49 U.S.C. 5339(b)(2), FTA will ''consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities'' in selecting projects for funding. FTA may prioritize projects that demonstrate how they will address significant repair and maintenance needs, improve the safety of transit systems, and deploy connective projects that include advanced technologies to connect bus systems with other networks.

B. Federal Award Information

Federal transit law at 49 U.S.C. 5338(a)(2)(M) authorizes $283,600,000 in FY 2017 funds for the Section 5339(b) Bus and Bus Infrastructure Program and the 5339(c) Low or No Emission Grants (Low-No) Program. Of this amount, 0.75 percent, or $2,127,000, has been reserved for program oversight in accordance with 49 U.S.C. 5338(f)(1)(H). Of the amount available for grants, FTA separately announced the availability of $55 million for Low-No Grants and is making the remaining $226,473,000 available through this notice for competitive grants under the Bus and Bus Infrastructure Program.

As required under 49 U.S.C. 5339(b)(5), a minimum of 10 percent of the amount awarded under the Bus and

Bus Infrastructure Program will be awarded to projects located in rural areas. And, as required by 49 U.S.C. 5339(b)(8), no single grantee will be awarded more than 10 percent of the amounts made available.

FTA will grant pre-award authority to incur costs for selected projects beginning on the date that project selections are announced. Funds are only available for projects that have not incurred costs prior to the selection of projects and will remain available for obligation until September 30, 2020.

C. Eligibility Information

1. Eligible Applicants

Under 49 U.S.C. 5339(b)(1), eligible applicants include designated recipients that allocate funds to fixed route bus operators, states or local governmental entities that operate fixed route bus service, and Indian tribes. Except for projects proposed by Indian tribes, proposals for projects in rural (non-urbanized) areas must be submitted as part of a consolidated State proposal. Under 49 U.S.C. 5339(b)(3), states and other eligible applicants may also submit consolidated proposals for projects in urbanized areas. The submission of the statewide application shall not preclude the submission and consideration of any application from other eligible recipients in an urbanized area in a State. Proposals may contain projects to be implemented by the recipient or its subrecipients.

To be considered eligible, applicants must be able to demonstrate the requisite legal, financial and technical capabilities to receive and administer Federal funds under this program. Eligible subrecipients under this program include all otherwise eligible applicants and private nonprofit organizations engaged in public transportation.

2. Cost Sharing or Matching

The maximum federal share for projects selected under the Bus and Bus Infrastructure Program is 80 percent of the net project cost, unless noted below by one of the exceptions. FTA may prioritize projects proposed with a higher local share.

i. The maximum federal share is 85 percent of the net project cost of acquiring vehicles (including clean-fuel or alternative fuel vehicles) that are compliant with the Clean Air Act (CAA) and/or the Americans with Disabilities Act (ADA) of 1990.

ii. The maximum federal share is 90 percent of the net project cost of acquiring, installing or constructing vehicle-related equipment or facilities (including clean fuel or alternative-fuel vehicle-related equipment or facilities) that are required by the ADA of 1990, or that are necessary to comply with or maintain compliance with the Clean Air Act. The award recipient must itemize the cost of specific, discrete, vehicle-related equipment associated with compliance with ADA or CAA to be eligible for the maximum 90 percent Federal share for these costs.

Eligible sources of local match include the following: Cash from non-Government sources other than revenues from providing public transportation services; revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; or funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; or new capital. In addition, transportation development credits or documentation of in-kind match may substitute for local match if identified in the application.

3. Eligible Projects

Under 49 U.S.C. 5339(b)(1), eligible projects are capital projects to replace, rehabilitate purchase, or lease buses, vans, and related equipment, and capital projects to rehabilitate, purchase, construct, or lease bus-related facilities.

Recipients are permitted to use up to 0.5 percent of their requested grant award for workforce development activities eligible under 49 U.S.C. 5314(b) and an additional 0.5 percent for costs associated with training at the National Transit Institute. Applicants must identify the proposed use of funds for these activities in the project proposal and identify them separately in the project budget.

D. Application and Submission Information

1. Address

Applications must be submitted electronically through GRANTS.GOV. General information for submitting applications through GRANTS.GOV can be found at *https://www.transit.dot.gov/funding/grants/applying/applying-fta-funding* along with specific instructions for the forms and attachments required for submission. Mail and fax submissions will not be accepted. A complete proposal submission consists of at least two forms: The SF424 Mandatory Form (downloaded from GRANTS.GOV) and the supplemental form for the FY 2017 Bus and Bus Infrastructure Program (downloaded from GRANTS.GOV or the FTA Web site at *www.transit.dot.gov/busprogram*). Failure to submit the information as requested can delay review of the application.

2. Content and Form of Application Submission

A complete proposal submission consists of *at least* two forms: The SF424 Mandatory Form and the FY 2017 Bus Infrastructure Program supplemental form. The application must include responses to all sections of the SF424 Mandatory Form and the supplemental form, unless indicated as optional. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice.

An applicant may submit multiple project proposals in a single submission, and if doing so must include all project proposals on a single supplemental form. To add additional projects, select the ''add project'' button and complete a separate ''project detail'' section for each project. FTA will only accept one supplemental form per submission.

The supplemental form must be submitted as an attachment to the SF424 Mandatory Form. All project proposals will be evaluated separately, regardless of whether they are submitted as a single submission.

An applicant may submit additional supporting documentation for each project proposal as attachments. Any supporting documentation must be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as proposer name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF424 form and Supplemental Form. Proposers must fill in all fields unless stated otherwise on the forms. Applicants should not place N/A or ''refer to attachment'' in lieu of typing in responses in the field sections. If information is copied into the supplemental form from another source, applicants should verify that pasted text is fully captured on the supplemental form and has not been truncated by the character limits built into the form. Proposers should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms, and ensure that the federal and local amounts specified are consistent.

The SF424 Mandatory Form and the Supplemental Form will prompt applicants for the required information, including:

a. Applicant Name

b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number

c. Key contact information (including contact name, address, email address, and phone)

d. Congressional district(s) where project will take place

e. Project Information (including title, an executive summary, and type)

f. A detailed description of the need for the project

g. A detailed description on how the project will support the Bus Infrastructure Program's objectives

h. Evidence that the project is consistent with local and regional planning objectives

i. Evidence that the applicant can provide the local cost share

j. A description of the technical, legal, and financial capacity of the applicant

k. A detailed project budget

l. An explanation of the scalability of the project

m. Details on the local matching funds

n. A detailed project timeline

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. These requirements do not apply if the applicant: (1) Is an individual; (2) is excepted from the requirements under 2 CFR 25.110(b) or (c); or (3) has an exception approved by FTA under 2 CFR 25.110(d). FTA may not make an Award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an Award, FTA may determine that the applicant is not qualified to receive an Award and use that determination as a basis for making a Federal award to another applicant. All applicants must provide a unique entity identifier provided by SAM. Registration in SAM may take as little as 3–5 business days, but since there could be unexpected steps or delays (for example, if you need to obtain an Employer Identification Number), FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *www.sam.gov.*

4. Submission Dates and Times

Project proposals must be submitted electronically through GRANTS.GOV by 11:59 p.m. Eastern on August 25, 2017. Mail and fax submissions will not be accepted.

FTA urges proposers to submit applications at least 72 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. FTA will not accept submissions after the stated deadline, as determined through the timestamp assigned to the application upon receipt in GRANTS.GOV. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV Web site. Deadlines will not be extended due to scheduled Web site maintenance.

Within 48 hours after submitting an electronic application, the applicant should receive three email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV, (2) confirmation of successful validation by GRANTS.GOV, and (3) confirmation of successful validation by FTA. If confirmations of successful validation are not received or a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Proposers are encouraged to begin the process of registration on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the System for Award Management (SAM) is renewed annually; and, (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions.

5. Funding Restrictions

Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement until FTA has issued pre-award authority for selected projects or unless FTA has issued a ''Letter of No Prejudice'' for the project before the expenses are incurred.

6. Other Submission Requirements

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount whether or not a scalable option is provided.

E. Application Review

FTA will evaluate project proposals for the Bus and Bus Infrastructure Program based on the criteria described in this notice. Projects will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found.

a. Demonstration of Need

Applicants must demonstrate how the proposed project will address an unmet need for capital investment in bus vehicles and/or supporting facilities, enhance the safety of the transit system for transit vehicle operators, riders, and the general public, or improve the connectivity of bus systems with other networks through the use of deployment-ready information technologies. For example, an applicant may demonstrate a substantial backlog of deferred capital investment, insufficient size or capacity of maintenance facilities, excessive reliance on vehicles that are beyond their intended service life, a vehicle fleet that is insufficient to meet current ridership demands, or passenger facilities that are insufficient for their current use. For safety, an applicant may demonstrate safety concerns with vehicles, equipment, or facilities that are beyond their intended useful life, or that are no longer appropriate for use due to safety concerns. To improve connectivity, bus systems may deploy Intelligent Transportation Systems (ITS)

technologies or software that link buses with other transportation modes. Applicants should also describe how the proposed project will improve the operation of the transit system and whether the project represents a one-time or periodic need that cannot reasonably be funded from FTA formula program allocations and State or local resources. As a part of the response for demonstration of need, applicants should provide the following information:

i. For bus projects (replacement, rehabilitation or expansion): Applicants must provide information on the age, condition and performance of the asset(s) to be replaced or rehabilitated by the proposed project. For service expansion requests, applicants must provide information on the proposed service expansion and the benefits for transit riders and the community from the new service. For all vehicle projects, the proposal must address how the project conforms to FTA's spare ratio guidelines.

ii. For bus facility and equipment projects (replacement, rehabilitation, and/or expansion): Applicants must provide information on the age and condition of the asset to be rehabilitated or replaced relative to its minimum useful life.

b. Demonstration of Benefits

Applications will be evaluated based on how well they describe how the proposed project will improve the condition of the transit system, improve the reliability of transit service for its riders, and/or enhance access and mobility within the service area.

System Condition: FTA will evaluate the potential for the project to improve the condition of the transit system by repairing and/or replacing assets that are in poor condition or have surpassed their minimum or intended useful life benchmarks, lowering the average age of vehicles in the fleet, and/or reducing the cost of maintaining outdated vehicles, facilities and equipment. Applicants should document how the project's asset(s) will be operated, inspected, maintained, rehabilitated, and replaced to manage the asset's performance, risks, and costs over its life cycle to provide safe, cost-effective, and reliable public transportation.

Service Reliability: FTA will evaluate the potential for the project to reduce the frequency of breakdowns or other service interruptions as caused by the age and condition of the agency's bus fleet. Applicants should document their current service reliability metrics and benchmark goals, including their strategy for improving reliability with or without the award of Bus Infrastructure Program funds.

Enhanced Access and Mobility: FTA will evaluate the potential for the project to improve access to employment opportunities, education, and other services. FTA will also evaluate the potential for the project to improve mobility for the transit riding public, such as through improved headways, creation of new transportation choices, or eliminating gaps in the current route network. Proposed benefits should be based on documented ridership demand and be well-described or documented through a study or route planning proposal.

c. Planning and Local/Regional Prioritization

Applicants must demonstrate how the proposed project will be consistent with local and regional long-range planning documents and local government priorities. This will involve assessing whether the project is consistent with the transit priorities identified in the long-range plan; and/or contingency/illustrative projects included in that plan; or the locally developed human services public transportation coordinated plan. Applicants are not required to submit copies of such plans, but should describe how the project will support regional goals. Additional consideration will be given to applications including support letters from local and regional planning organizations, local government officials, public agencies, and/or non-profit or private sector partners attesting to the consistency of the proposed project with these plans. Applicants may also address how the proposed project will impact overall system performance, asset management performance, or specific performance measures tracked and monitored by the applying entity to demonstrate how the proposed project will address local and regional planning priorities.

Evidence of additional local or regional prioritization (*i.e.* STIP and LRTP) should include letters of support for the project from local government officials, public agencies (*i.e.* MPOs), and non-profit or private sector partners.

d. Local Financial Commitment

Applicants must identify the source of the local cost share and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. FTA will consider the availability of the local cost share as evidence of local financial commitment to the project. Additional consideration will be given to those projects for which local funds have already been made available or reserved. Applicants should submit evidence of the availability of funds for the project, for example by including a board resolution, letter of support from the State, or other documentation of the source of local funds such as a budget document highlighting the line item or section committing funds to the proposed project.

e. Project Implementation Strategy

Projects will be evaluated based on the extent to which the project is ready to implement within a reasonable period of time and whether the applicant's proposed implementation plans are reasonable and complete.

In assessing whether the project is ready to implement within a reasonable period of time, FTA will consider whether the project qualifies for a Categorical Exclusion (CE), or whether the required environmental work has been initiated or completed for projects that require an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA), as amended. The proposal must also state whether grant funds can be obligated within 12 months from time of award, if selected, and indicate the timeframe under which the Metropolitan Transportation Improvement Program (TIP) and/or Statewide Transportation Improvement Program (STIP) can be amended to include the proposed project. Additional consideration will be given to projects for which grant funds can be obligated within 12 months from time of award.

In assessing whether the proposed implementation plans are reasonable and complete, FTA will review the proposed project implementation plan, including all necessary project milestones and the overall project timeline. For projects that will require formal coordination, approvals or permits from other agencies or project partners, the applicant must demonstrate coordination with these organizations and their support for the project, such as through letters of support.

f. Technical, Legal, and Financial Capacity

Applicants must demonstrate that they have the technical, legal and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical, or financial

issues with the applicant that would affect the outcome of the proposed project. Applicants with outstanding legal, technical, or financial compliance issues from a Federal Transit Administration compliance review or Federal Transit grant-related Single Audit finding must explain how corrective actions taken will mitigate negative impacts on the project.

F. Review and Selection Process

In addition to other FTA staff that may review the proposals, a technical evaluation committee will evaluate proposals based on the published evaluation criteria. Based on the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program funding. FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, and/or the applicant's receipt of other discretionary awards in determining the allocation of program funds. FTA may prioritize projects that have a higher local financial commitment. FTA may prioritize projects that demonstrate how they will address significant repair and maintenance needs, improve the safety of transit systems, and deploy connective projects that include advanced technologies to connect bus systems with other networks. FTA may prioritize projects in rural areas. Not less than 10 percent of the Bus and Bus Infrastructure Program funds will be distributed to projects in rural areas. In addition, FTA will not award more than 10 percent of the funds to a single grantee.

G. Federal Award Administration

i. Federal Award Notice

Subsequent to an announcement by the FTA Administrator of the final project selections, which will be posted on the FTA Web site, FTA will publish a list of the selected projects, a summary of final scores for selected projects, Federal award amounts and recipients in the **Federal Register**. Project recipients should contact their FTA Regional Offices for additional information regarding allocations for projects under the Bus and Bus Infrastructure Program.

At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement.

ii. Award Administration

Funds under the Bus and Bus Infrastructure Program are available to designated recipients that allocate funds to fixed route bus operators, or state or local governmental entities, including Indian tribes, that operate fixed route bus service. There is no minimum or maximum grant award amount; however, FTA intends to fund as many meritorious projects as possible. Only proposals from eligible recipients for eligible activities will be considered for funding. Due to funding limitations, proposers that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable stand-alone projects that can be completed with the amount awarded.

iii. Administrative and National Policy Requirements

a. Pre-Award Authority

The FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. The FTA does not provide pre-award authority for discretionary funds until projects are selected and even then, there are Federal requirements that must be met before costs are incurred. Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement until FTA has issued pre-award authority for selected projects through a notification in the **Federal Register**, or unless FTA has issued a ''Letter of No Prejudice'' for the project before the expenses are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2017 Apportionment Notice published on January 19, 2017.

b. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). Recipients of Bus and Bus Infrastructure Program funding in urban areas are subject to the grant requirements of section 5307 Urbanized Area Formula Grant program, including those of FTA Circular 9030.1E. Recipients of Bus and Bus Infrastructure Program funding in rural areas are subject to the grant requirements of section 5311 Formula Grants for Rural Areas Program, including those of FTA Circular 9040.1G. All recipients must follow the Grants Management Requirements of FTA Circular 5010.1E, and the labor protections of 49 U.S.C. 5333(b). All discretionary grants, regardless of award amount, will be subject to the congressional notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

c. Buy America

The FTA requires that all capital procurements meet FTA's Buy America requirements, which require that all iron, steel, or manufactured products be produced in the U.S. These requirements help create and protect manufacturing jobs in the U.S. The Bus Infrastructure Program will have a significant economic impact toward meeting the objectives of the Buy America law. The FAST Act amended the Buy America requirements to provide for a phased increase in the domestic content for rolling stock. For FY 2016 and FY 2017, the cost of components and subcomponents produced in the United States must be more than 60 percent of the cost of all components. For FY 2018 and FY 2019, the cost of components and subcomponents produced in the United States must be more than 65 percent of the cost of all components. For FY 2020 and beyond, the cost of components and subcomponents produced in the United States must be more than 70 percent of the cost of all components. There is no change to the requirement that final assembly of rolling stock must occur in the United States. FTA issued final guidance on the implementation of the phased increase in domestic content on September 1, 2016. Any proposal that will require a waiver must identify the items for which a waiver will be sought in the application.

d. Disadvantaged Business Enterprise

FTA requires that its recipients receiving planning, capital and/or operating assistance that will award prime contracts exceeding $250,000 in FTA funds in a Federal fiscal year comply with the Disadvantaged Business Enterprise (DBE) program regulations at 49 CFR part 26. Applicants should expect to include any funds awarded, excluding those to be used for vehicle procurements, in setting their overall DBE goal. Note, however, that projects including vehicle procurements remain subject to the DBE program regulations. The rule requires that, prior to bidding on any FTA-assisted vehicle procurement, entities that manufacture vehicles, perform post-production alterations or retrofitting must submit a DBE Program plan and goal methodology to FTA. Further, to the extent that a vehicle remanufacturer is responding to a solicitation for new or remanufactured vehicles with a vehicle to which the remanufacturer has provided post-production alterations or retro-fitting (*e.g.,* replacing major

components such as engine to provide a ''like new'' vehicle), the vehicle remanufacturer is considered a transit vehicle manufacturer and must also comply with the DBE regulations.

FTA will then issue a transit vehicle manufacturer (TVM) concurrence/certification letter. Grant recipients must verify each entity's compliance with these requirements before accepting its bid. A list of compliant, certified TVMs is posted on FTA's Web page at *https://www.fta.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-tvms-list.* Please note, that this list is nonexclusive and recipients must contact FTA before accepting bids from entities not listed on this web-posting. Recipients may also establish project specific DBE goals for vehicle procurements. The FTA will provide additional guidance as grants are awarded. For more information on DBE requirements, please contact Janelle Hinton, Office of Civil Rights, 202–366–9259, email: *janelle.hinton@dot.gov.*

e. Planning

FTA encourages proposers to notify the appropriate State Departments of Transportation and MPOs in areas likely to be served by the project funds made available under this program. Selected projects must be incorporated into the long-range plans and transportation improvement programs of states and metropolitan areas before they are eligible for FTA funding.

f. Standard Assurances

The applicant assures that it will comply with all applicable federal statutes, regulations, executive orders, directives, FTA circulars, and other federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

g. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Reports in FTA's electronic grants management system.

H. Technical Assistance and Other Program Information

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C. Complete applications must be submitted through GRANTS.GOV by 11:59 p.m. EDT on August 25, 2017. For issues with GRANTS.GOV please contact GRANTS.GOV by phone at 1–800–518–4726 or by email at *support@grants.gov.* Contact information for FTA's regional offices can be found on FTA's Web site at *https://www.transit.dot.gov/about/regional-offices/regional-offices.*

I. Federal Awarding Agency Contacts

For further information concerning this notice please contact the Bus Infrastructure Program manager, Mark Bathrick, via email at *mark.bathrick@dot.gov,* or by phone at 202–366–9955. A TDD is available for individuals who are deaf or hard of hearing at 1–800–877–8339. In addition, FTA will post answers to questions and requests for clarifications on FTA's Web site at *http://transit.dot.gov/busprogram.* To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties, with questions. FTA staff may also conduct briefings on the discretionary grants selection and award process upon request.

Matthew J. Welbes,

Executive Director.

[FR Doc. 2017–15043 Filed 7–17–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the National Research Advisory Council

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is seeking nominations of qualified candidates to be considered for membership on the National Research Advisory Council (Council). The Council provides advice to the Secretary of Veterans Affairs (Secretary) and the Under Secretary for Health (USH), and makes recommendations on the nature and scope of research and development sponsored and/or conducted by the Veterans Health Administration (VHA) to include: (1) The policies and projects of the Office of Research and Development (ORD); (2) the focus of research on the high priority health care needs of Veterans; (3) the balance of basic, applied, and outcomes research; (4) the scientific merit review process; (5) the appropriate mechanisms by which ORD can leverage its resources to enhance the research financial base; (6) the rapid response to changing health care needs, while maintaining the stability of the research infrastructure; and (7) the protection of human subjects of research.

DATES: Nominations for membership on the Council must be received no later than 5:00 p.m. EST on August 15, 2017. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be mailed to Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., (10P9), Washington, DC 20420, emailed (recommended) to *Melissa.Cooper@va.gov,* or faxed to (202) 495–6196.

FOR FURTHER INFORMATION CONTACT: Melissa Cooper, Designated Federal Officer, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., (10P), Washington, DC 20420, Telephone (202) 461–6044. (This is not a toll free number.) A copy of the Council's charter and list of the current membership can be obtained by contacting Mrs. Cooper or by accessing the Web site: *https://www.va.gov/ADVISORY/NRAC.asp*

SUPPLEMENTARY INFORMATION: The Council advises the Secretary and the USH on all matters related to the research and development program, and conducts analyses and develops reports or other materials as necessary. In order to avoid duplication of effort, the Council is encouraged to review deliberations of other committees or entities, and may incorporate or otherwise use the results of deliberations of such entities. As a part of its function, the Council may accept for consideration suggestions for research and development from Congress, VA and non-VA scientists, Veterans and their representatives, and the general public.

The Council meets at least four times annually, which may include a site visit to a VA field location. In accordance with Federal Travel Regulation, members will receive travel expense reimbursement and per diem for any

travel made in connection with their duties as members of the Council.

Authority: The Committee was established by the directive of the Secretary, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2.

Membership Criteria and Qualifications: VHA is requesting nominations for upcoming vacancies on the Committee. In accordance with the Council's current charter, the Council will be comprised of not more than 12 members. Members will be selected from knowledgeable VA and non-VA experts, and Veterans' community representatives with special qualifications and competence to deal effectively with research and development issues in the VA.

Appropriate categories of primary expertise that may be represented include:

a. Basic biomedical research;

b. rehabilitation research and development;

c. health services research and development;

d. clinical research;

e. geriatric care;

f. primary care;

g. special Veterans population health issues;

h. occupational and environmental health research;

i. mental health and behavioral research; and

j. surgery.

In addition, the Council will have at least one Veteran as a member to ensure an important perspective on the health problems of Veterans.

The Secretary will appoint members for overlapping 2-year terms of service and may reappoint members for one additional term. The Secretary will appoint the Chair for a term of not more than 3 years and may reappoint the Chair for one additional term. Several members may be regular government employees, but the majority of the Council's membership will be special government employees.

Requirements for Nomination Submission:

Nominations should be typed in 12 point font (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.,* specific attributes which qualify the nominee for service in this capacity);

(2) A statement from the nominee indicating that he/she is a U.S. citizen and is willing to serve as a member of the Committee;

(3) A statement from the nominee that that he/she appears to have no conflict of interest that would preclude membership;

(4) The nominee's contact information, including name, mailing address, telephone numbers, and email address;

(5) A current resume or curriculum vitae (CV); and

(6) A cover letter.

The cover letter must summarize the nominee's interest in serving on the Council and contributions she/he can make to the work of the Council, his/her current engagement in relevant Veterans service activities, and his/her the military branch affiliation and timeframe of military service (if applicable). Finally, please include in the cover letter the nominee's complete contact information (name, address, email address, and phone number); and a statement confirming that she/he is not a Federally-registered lobbyist. The resume/CV should show professional work experience, publications, academic affiliations, and Veterans service involvement, and highlight any service related to issues considered by the National Research Advisory Council. Note that VA will conduct an ethics review for each selected nominee.

Self-nominations will be accepted. Any letters of nomination from organizations or other individuals should accompany the package when it is submitted. Non-Veterans are also eligible for nomination.

Additional information regarding this issue can be found at *www.federalregister.gov/articles/2014/08/13/2014–19140/revised-guidance-onappointment-of-lobbyists-to-federal-advisory-Councils-boards-and-commissions.*

The Department makes every effort to ensure that the membership of VA Federal advisory Committees is fairly balanced in terms of points of view represented and the committee's capabilities. Every effort is made to ensure that a broad representation of geographic areas, gender, racial and ethnic minority groups, and the disabled are given consideration for membership. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Other considerations to promote a balanced membership may include: Longevity of military service, significant deployment and research experience, ability to handle complex issues, experience running complex organizations, special qualifications, and competence to effectively advise on VA research and development issues.

Dated: July 13, 2017.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–15062 Filed 7–17–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Disciplinary Appeals Board Panel

AGENCY: Department of Veterans Affairs.

ACTION: Notice with request for comments.

SUMMARY: This notice announces that the roster of employees on the Disciplinary Appeals Board Panel is available for review and comment. Employees, employee organizations, and other interested parties shall be provided, without charge, a list of the names of employees on the Panel upon request and may submit comments concerning the suitability for service on the Panel of any employee whose name is on the list.

DATES: Names that appear on the Panel may be selected to serve on a Board or as a grievance examiner after August 17, 2017.

ADDRESSES: Requests for the list of names of employees on the Panel and written comments may be directed to: Secretary of Veterans Affairs, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. Requests and comments may also be faxed to (202) 495–5200.

FOR FURTHER INFORMATION CONTACT: Larry Ables, Employee Relations & Performance Management Service, Office of Human Resources Management, Department of Veterans Affairs, 810 Vermont Avenue NW., Mailstop 051, Washington, DC 20420. Mr. Ables may be reached at (202) 461–6172.

SUPPLEMENTARY INFORMATION: Section 203 of the Department of Veterans Affairs Health Care Personnel Act of 1991 (Pub. L. 102–40), dated May 7, 1991, revised the disciplinary grievance and appeal procedures for employees appointed under 38 U.S.C. 7401(1). It also required the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals Boards. These employees constitute the Disciplinary Appeals Board Panel from which Board members in a case are appointed. Public Law

102–40 requires that the availability of the roster be posted in the **Federal Register** periodically and not less than annually.

Signing Authority: The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on July 10, 2017, for publication.

Dated: July 12, 2017.

Michael Shores,

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

DEPARTMENT OF VETERANS AFFAIRS

[2017 Disciplinary Appeals Board (DAB) Trainees—June 6–9, 2017]

Physician name	Category	Title	Specialty	City	State	VISN
Acevedo, William	Physician	Deputy Chief of Staff		San Juan	PR	8
Anderson, Michael T	Chiropractor	Chiropractor	Chiropractor	Butler	PA	4
Bates, Barbara E	Physician	Chief of Staff/PM&R	Physical Medicine & Rehab	Saginaw	MI	10
Boswell, Rita S	Physician Assistant	PA/Surgical Care	Surgery—Vascular/Thoracic	Kansas City	MO	15
Brooks, Johnnie R	Physician Assistant	PA/Orthapedic Surgery	Surgery—Orthopedic	Memphis	TN	9
Cannon, Debra C	Physician Assistant	PA/Primary Care	Surgery—ENT/Thoracic	Dayton	OH	10
Dhanani, Shawkat	Physician	Chief of Staff		White City	OR	20
Ellington, Tracy L	Podiatrist	Podiatrist	Podiatry	Madison	WI	12
Garcia-Bunuel, Martin L	Physician	Deputy Chief of Staff/Primary Care.	Primary Care	Baltimore	MD	5
Horn, Mary Jo	Optometrist	Chief, Optometry	Optometry	Fayetteville	AR	16
Huss, Jason T	Podiatrist	Podiatrist	Podiatry	Seattle	WA	20
Lynne, David N	Optometrist	Supervisor, Optometrist	Optometry	Orlando	FL	8
Turner, Cassidy L	Dentist	Chief, Dental	Dental	Richmond	VA	6
Vien, Lee Q	Optometrist	Optometrist	Optometry	Palo Alto	CA	21
Worley, Mark A	Physician	Chief of Staff/Psychiatry	Psychiatry	Fayetteville	AR	16
Zimmerman, Paul S	Dentist	Chief, Dental	Dental	Sheridan	WY	1

Nurse name	Category	Title	Specialty	City	State	VISN
Cleveland, Cynthia D	RN	ADPCS		Birmingham	AL	7
Gunn, Susan L	CRNA	CRNA		Louisville	KY	9
Heck, Michael L	CRNA	CRNA		Lebanon	PA	4
Jones, Kendra L	RN	RN	Surgical ICU	Baltimore	MD	5
Neff, Tammy A	RN	Acting ADPCS		Iowa City	IA	23
Ortiz, Celina R	CRNA	CRNA		Dallas	TX	17
Otterness, Sara A	RN	APRN	Nephrology/Dialysis	Minneapolis	MN	23

[FR Doc. 2017–14980 Filed 7–17–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Tuesday,
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Part II

Nuclear Regulatory Commission

10 CFR Part 50
Incorporation by Reference of American Society of Mechanical Engineers Codes and Code Cases; Final Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2011–0088]

RIN 3150–AI97

Incorporation by Reference of American Society of Mechanical Engineers Codes and Code Cases

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate by reference recent editions and addenda to the American Society of Mechanical Engineers (ASME) Codes for nuclear power plants and a standard for quality assurance. The NRC is also incorporating by reference six ASME Code Cases. This action is in accordance with the NRC's policy to periodically update the regulations to incorporate by reference new editions and addenda of the ASME Codes and is intended to maintain the safety of nuclear power plants and to make NRC activities more effective and efficient.

DATES: This final rule is effective on August 17, 2017. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of August 17, 2017.

ADDRESSES: Please refer to Docket ID NRC–2011–0088 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–2011–0088. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals 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.* 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.

FOR FURTHER INFORMATION CONTACT: Daniel I. Doyle, Office of Nuclear Reactor Regulation, telephone: 301–415–3748, email: *Daniel.Doyle@nrc.gov;* or Keith Hoffman, Office of Nuclear Reactor Regulation, telephone: 301–415–1294, email: *Keith.Hoffman@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Executive Summary

A. Need for the Regulatory Action

The NRC is amending its regulations to incorporate by reference recent editions and addenda to the ASME Codes for nuclear power plants and an ASME standard for quality assurance. The NRC is also incorporating by reference six ASME Code Cases.

This final rule is the latest in a series of rulemakings to amend the NRC's regulations to incorporate by reference revised and updated ASME Codes for nuclear power plants. The ASME is a voluntary consensus standards body, and the ASME Codes are voluntary consensus standards. The ASME periodically revises and updates its codes for nuclear power plants by issuing new editions and addenda. The NRC's use of the ASME Codes is consistent with applicable requirements of the National Technology Transfer and Advancement Act (NTTAA). This rulemaking is in accordance with the NRC's policy to update the regulations to incorporate by reference those new editions and addenda. The incorporation by reference of the new editions and addenda will maintain the safety of nuclear power plants, make NRC activities more effective and efficient, and allow nuclear power plant licensees and applicants to take advantage of the latest ASME Codes. Additional discussion of voluntary consensus standards and the NRC's compliance with the NTTAA is set forth in Section XIV of this document, ''Voluntary Consensus Standards.''

B. Major Provisions

Major provisions of this final rule include:

• Incorporation by reference of ASME Codes into the NRC's regulations and delineation of the NRC's requirements for the use of these codes, including conditions.

• Incorporation by reference of various versions of quality assurance standard NQA–1 into NRC regulations and approval for their use.

• Incorporation by reference of six ASME Code Cases.

C. Costs and Benefits

The NRC prepared a regulatory analysis (ADAMS Accession No. ML16130A522) to identify the costs and benefits associated with this final rule. The regulatory analysis prepared for this rulemaking was used to determine if the rule is cost-effective, overall, and to help the NRC evaluate potentially costly conditions placed on specific provisions of the ASME Codes and Code Cases which are the subject of this rulemaking. Therefore, the regulatory analysis focuses on the marginal difference in benefits and costs for each provision of this final rule relative to the ''no action'' baseline alternative. The regulatory analysis identified costs and benefits in a quantitative fashion as well as in a qualitative fashion. An uncertainty analysis was performed to evaluate the effects of uncertainties in the quantitative estimation of both costs and benefits, and this analysis showed the rule alternative is cost effective with over 99 percent certainty. The standard deviation of the cost estimate net benefit is $4.1 million.

TABLE 1—COST-BENEFIT SUMMARY

Objective	Alternative 2—the rule alternative net benefits (costs) (million) (Net present value, 7% discount rate)
Industry	$11.5
NRC	3.28
Net benefit	14.7

Table 1 summarizes the costs and benefits for the alternative of proceeding with the final rule (Alternative 2) and shows that the final rule is quantitatively cost-beneficial with a net benefit of $14.7 million to both the industry and the NRC when compared to the regulatory baseline (Alternative 1). The regulatory analysis shows that implementing the final rule is quantitatively cost-effective and an efficient use of NRC and Industry resources. Uncertainty analysis shows a standard deviation of $4.08 million, resulting in a net benefit range of $8.19 million to $21.6 million. Because the

rulemaking alternative is cost-effective, the rulemaking approach is recommended.

There are several benefits associated with this final rule. The new motor-operated valve (MOV) provisions in this final rule result in over $25 million in averted costs (7-percent net present value) due to the removal of quarterly testing requirements and replacing those requirements with less frequent diagnostic and biannual testing requirements. Additionally, the provisions in this final rule will result in averted costs to the NRC and the industry from relief requests for the code cases in this final rule, in particular the ASME OMN–20 Code Case Time Period Extension provision, in excess of $5.1 million (7-percent net present value).

Qualitative factors which were considered include regulatory stability and predictability, regulatory efficiency, and consistency with the NTTAA. Table 50 in the regulatory analysis includes a discussion of the costs and benefits that were considered qualitatively. Considering non-quantified costs and benefits, the regulatory analysis shows that the rulemaking is justified because the number and significance of the non-quantified benefits outweigh the non-quantified costs. Certainly, if the qualitative benefits (including the safety benefit, regulatory efficiency, and other nonquantified benefits) are considered together with the quantified benefits, then the benefits would outweigh the identified quantitative and qualitative impacts. Therefore, integrating both quantified and non-quantified costs and benefits, the benefits of the final rule outweigh the identified quantitative and qualitative impacts attributable to the final rule.

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I. Background

The ASME develops and publishes the ASME *Boiler and Pressure Vessel Code* (BPV Code), which contains requirements for the design, construction, and inservice inspection (ISI) of nuclear power plant components; and the OM Code,[1] which contains requirements for inservice testing (IST) of nuclear power plant components. Until 2012, the ASME issued new editions of the ASME BPV Code every 3 years and addenda to the editions annually, except in years when a new edition was issued. Similarly, the ASME periodically published new editions and addenda of the OM Code. Starting in 2012, the ASME decided to issue editions of its BPV and OM Codes (no addenda) every 2 years. The new editions and addenda typically revise provisions of the ASME BPV and OM Codes (ASME Codes) to broaden their applicability, add specific elements to current provisions, delete specific provisions, and/or clarify them to narrow the applicability of the provision. The revisions to the editions and addenda of the ASME Codes do not significantly change philosophy or approach.

It has been the NRC's practice to establish requirements for the design, construction, operation, ISI examination, and IST of nuclear power plants by approving the use of editions and addenda of the ASME Codes in § 50.55a of title 10 of the *Code of Federal Regulations* (10 CFR), ''Codes and standards.'' The NRC approves and/or mandates the use of certain parts of editions and addenda of these ASME Codes in § 50.55a through the rulemaking process of ''incorporation by reference.'' Upon incorporation by reference of the ASME Codes into § 50.55a, the provisions of the ASME Codes are legally-binding NRC requirements as delineated in § 50.55a and subject to the conditions on certain specific ASME Code provisions that are set forth in § 50.55a. The editions and addenda of the ASME BPV and OM Codes were last incorporated by reference into the regulations in a final rule dated June 21, 2011 (76 FR 36232), subject to the NRC's conditions.

The ASME Codes are consensus standards developed by participants with broad and varied interests, including the NRC and licensees of nuclear power plants. The ASME's adoption of new editions of, and addenda to, the ASME Codes does not mean that there is unanimity on every provision in the ASME Codes. There may be disagreement among the technical experts, including NRC representatives, on the ASME Code committees and subcommittees, regarding the acceptability or desirability of a particular Code provision included in an ASME-approved Code edition or addenda. If the NRC believes that there is a significant technical or regulatory concern with a provision in an ASME-approved Code edition or addenda being considered for incorporation by reference, then the NRC will condition the use of that provision when it incorporates by reference that ASME Code edition or addenda. In some cases, the condition increases the level of safety afforded by the ASME Code provision or addresses a regulatory issue not considered by the ASME. In other instances, where research data or experience has shown that certain Code provisions are unnecessarily conservative, the condition may provide that the Code provision need not be complied with in some or all respects. The NRC's conditions are included in § 50.55a, typically in paragraph (b) of that regulation. In a Staff Requirements Memorandum (SRM) dated September 10, 1999, the Commission indicated that NRC rulemakings adopting (incorporating by reference) a voluntary consensus standard must identify and justify each part of the standard that is not adopted. For this rulemaking, the provisions of the 2009 Addenda, 2010 Edition, 2011 Addenda, and 2013 Edition of Section III, Division 1; and the 2009 Addenda, 2010 Edition, 2011 Addenda, and 2013 Edition of Section XI, Division 1, of the ASME BPV Code; and the 2009 Edition, 2011 Addenda, and 2012 Edition of the OM Code that the NRC is not adopting, or partially adopting, are identified in the Discussion, Regulatory Analysis, and Backfitting and Issue Finality sections of this document. The provisions of those specific editions and addenda and Code Cases that are the subject of this rulemaking that the NRC finds to be conditionally acceptable, together with the applicable conditions, are also identified in the Discussion, Regulatory Analysis, and Backfitting and Issue Finality sections of this document.

The ASME Codes are voluntary consensus standards, and the NRC's incorporation by reference of these Codes is consistent with applicable requirements of the NTTAA. Additional discussion on NRC's compliance with the NTTAA is set forth in Section XIV

[1] The editions and addenda of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* have had different titles from 2005 to 2012 and are referred to collectively in this rule as the ''OM Code.''

of this document, ''Voluntary Consensus Standards.''

This final rule reflects the NRC's redesignation of paragraphs within § 50.55a set forth in a final rule dated November 5, 2014 (79 FR 65776), as corrected on December 11, 2014 (79 FR 73461). The re-designation of paragraphs was needed to address the Office of the Federal Register's requirements in 1 CFR part 51 for incorporation by reference. For additional information on the November 2014 final rule, please consult the statement of considerations (preamble) for that final rule.

II. Discussion

The NRC regulations incorporate by reference ASME Codes for nuclear power plants. The ASME periodically revises and updates its codes for nuclear power plants. This final rule is the latest in a series of rulemakings to amend the NRC's regulations to incorporate by reference revised and updated ASME Codes for nuclear power plants. The proposed rule which led to this final rule was published on September 18, 2015 (80 FR 56820). This rulemaking is intended to maintain the safety of nuclear power plants and make NRC activities more effective and efficient.

The NRC follows a three-step process to determine acceptability of new provisions in new editions and addenda to the Codes and the need for conditions on the uses of these Codes. This process was employed in the review of the Codes that are the subject of this rule. First, the NRC staff actively participates with other ASME committee members with full involvement in discussions and technical debates in the development of new and revised Codes. This includes a technical justification of each new or revised Code. Second, the NRC committee representatives discuss the Codes and technical justifications with other cognizant NRC staff to ensure an adequate technical review. Third, the NRC position on each Code is reviewed and approved by NRC management as part of the rule amending § 50.55a to incorporate by reference new editions and addenda of the ASME Codes and conditions on their use. This regulatory process, when considered together with the ASME's own process for developing and approving the ASME Codes, provides reasonable assurance that the NRC approves for use only those new and revised Code edition and addenda, with conditions as necessary, that provide reasonable assurance of adequate protection to public health and safety, and that do not have significant adverse impacts on the environment.

The NRC is amending its regulations to incorporate by reference:

- The 2009 Addenda, 2010 Edition, 2011 Addenda, and 2013 Edition of the ASME BPV Code, Section III, Division 1 and Section XI, Division 1, with conditions on their use.
- The 2009 Edition, the 2011 Addenda, and the 2012 Edition of Division 1 of the OM Code, with conditions on their use.
- ASME Standard NQA–1, ''Quality Assurance Requirements for Nuclear Facility Applications,'' including several editions and addenda to NQA–1 from previous years with slightly varying titles as identified in § 50.55a(a)(1)(v). More specifically, the NRC is incorporating by reference the 1983 Edition through the 1994 Edition, the 2008 Edition, and the 2009–1a Addenda to the 2008 Edition of ASME NQA–1, with conditions on their use.
- ASME BPV Code Case N–513–3, ''Evaluation Criteria for Temporary Acceptance of Flaws in Moderate Energy Class 2 or 3 Piping Section XI, Division 1,'' Mandatory Appendix I, ''Relations for F_m, F_b, and F for Through-Wall Flaws,'' Approval Date: January 26, 2009. This Code Case has already been approved for use by the NRC in Regulatory Guide (RG) 1.147 (75 FR 61321; October 5, 2010), but is now being incorporated by reference in order to adopt a condition on Nonmandatory Appendix U, which requires the use of this Code Case appendix.
- ASME BPV Code Case N–729–4, ''Alternative Examination Requirements for PWR Reactor Vessel Upper Heads With Nozzles Having Pressure-Retaining Partial-Penetration Welds Section XI, Division 1,'' ASME approval date: June 22, 2012, with conditions on its use.
- ASME BPV Code Case N–770–2, ''Alternative Examination Requirements and Acceptance Standards for Class 1 PWR Piping and Vessel Nozzle Butt Welds Fabricated with UNS N06082 or UNS W86182 Weld Filler Material With or Without Application of Listed Mitigation Activities, Section XI, Division 1,'' ASME approval date: June 9, 2011, with conditions on its use.
- ASME BPV Code Case N–824, ''Ultrasonic Examination of Cast Austenitic Piping Welds From the Outside Surface Section XI, Division 1,'' ASME approval date: October 16, 2012.
- ASME BPV Code Case N–852, ''Application of the ASME NPT Stamp, Section III, Division 1; Section III, Division 2; Section III, Division 3; Section III, Division 5,'' Approval Date: February 9, 2015.
- OM Code Case OMN–20, ''Inservice Test Frequency.''

The current regulations in § 50.55a(a)(1)(ii) incorporate by reference ASME BPV Code, Section XI, 1970 Edition through the 1976 Winter Addenda; and the 1977 Edition (Division 1) through the 2008 Addenda (Division 1), subject to the existing conditions in § 50.55a(b)(2)(i) through (xxix). This amendment revises § 50.55a(a)(1)(ii) to incorporate by reference the 2009 Addenda (Division 1) through the 2013 Edition (Division 1) of the ASME BPV Code, Section XI. It also clarifies the wording and adds, removes, or revises some of the conditions as explained in this document.

The NRC is revising § 50.55a(a)(1)(iv) to incorporate by reference the 2009 Edition, 2011 Addenda, and 2012 Edition of Division 1 of the OM Code. Based on this revision, the NRC regulations will incorporate by reference in § 50.55a the 1995 Edition through the 2012 Edition of the OM Code.

The NRC reviewed changes to the Codes in the editions and addenda of the Codes identified in this rulemaking, and published a proposed rule in the **Federal Register** setting forth the NRC's proposal to incorporate by reference the ASME Codes, together with proposed conditions on their use (80 FR 56820; September 18, 2015). After consideration of the public comments received on the proposed rule (public comments are discussed in Section IV of this document, ''NRC Responses to Public Comments''), the NRC concludes, in accordance with the process for review of changes to the Codes, that each of the editions and addenda of the Codes, and the 2008 Edition and the 2009–1a Addenda of NQA–1, are technically adequate, consistent with current NRC regulations, and approved for use with specified conditions set forth in this final rule. Each of the NRC conditions and the reasons for each condition are discussed in the following sections. The discussions are organized under the applicable ASME Code and Section.

There is not a separate heading for ASME quality assurance standard NQA–1 because there are three separate discussions of NQA–1—one under the heading for ASME BPV Code, Section III, one under the heading for ASME BPV Code, Section XI, and one under the heading for OM Code—because there are three conditions related to NQA–1, one in each of those areas (§ 50.55a(b)(1)(iv) for Section III, § 50.55a(b)(2)(x) for Section XI, and § 50.55a(b)(3)(i) for the OM Code). In addition, administrative and editorial changes to various paragraphs of § 50.55a are being adopted for accuracy, clarity, consistency, and general

administrative convenience. These editorial changes are not further discussed in this heading, but are described in Section V of this document, ''Section-by-Section Analysis.''

Four of the six ASME Code Cases being incorporated by reference in this rulemaking (N–729–4, N–770–2, N–824, and OMN–20) are discussed in Section II.D of this document, ''ASME Code Cases.'' A fifth ASME Code Case, N–852, is discussed in Section II.A, ''ASME BPV Code, Section III,'' because the NRC's approval of that Code Case relates to a provision of Section III, which is addressed in § 50.55a(b)(1)(ix). The sixth ASME Code Case, N–513–3, is discussed in Section II.B, ''ASME BPV Code, Section XI,'' because the NRC's approval of that Code Case relates to a provision of Section XI, which is addressed in § 50.55a(b)(2)(xxxiv).

A. ASME BPV Code, Section III

10 CFR 50.55a(a)(1)(i) ASME Boiler and Pressure Vessel Code, Section III

The NRC is clarifying that Section III Nonmandatory Appendices are not incorporated by reference. This language was originally added in a final rule published on June 21, 2011 (76 FR 36232); however, it was omitted from the final rule published on November 5, 2014 (79 FR 65776). The NRC is correcting the omission by inserting the parenthetical clause ''(excluding Nonmandatory Appendices)'' in § 50.55a(a)(1)(i).

10 CFR 50.55a(b)(1)(ii) Section III Condition: Weld Leg Dimensions

The NRC is identifying prohibited subparagraphs and notes for each ASME BPV Code edition and addenda in tabular form as opposed to the narrative form of the existing regulation. No substantive change to the requirements is intended by this revision. The NRC believes that presenting the information in tabular form will increase the clarity and understandability of the regulation.

The existing condition in § 50.55a(b)(1)(ii) prohibits, for welds with leg sizes less than 1.09 t_n, the use of certain Code provisions in ASME BPV Code, Section III, Division 1. The Code provisions provide stress indices for welded joints used in the design of Class 2 and Class 3 piping. The use of these indices is prohibited for welds with leg sizes less than 1.09 t_n, where t_n is the nominal pipe thickness because this would result in a weld that would be weaker than the pipe to which it is adjoined under these dimensions. The location of the prohibited provisions vary in the Code editions and addenda from the 1989 Addenda through the 2013 Edition, so in this final rule the NRC clearly identifies the prohibited code provisions in the editions and addenda in a tabular format.

As an editorial matter, this final rule identifies the prohibited ASME BPV Code provisions as ''notes,'' which is the term used by the ASME, rather than ''footnotes.'' The NRC is using the terminology used by the ASME for clarity.

10 CFR 50.55a(b)(1)(iv) Section III Condition: Quality Assurance

The NRC is approving for use the version of NQA–1 referenced in the 2010 Edition, 2011 Addenda, and 2013 Edition of the ASME BPV Code, Section III, Subsection NCA, Article 7000, which this rule is also incorporating by reference. This allows applicants and licensees to use the 2008 Edition and the 2009–1a Addenda of NQA–1 when using the 2010 and later editions and addenda of Section III.

In the 2010 Edition of ASME BPV Code, Section III, Subsection NCA, Article NCA–4000, ''Quality Assurance,'' was updated to require N-Type Certificate Holders to comply with the requirements of Part 1 of the 2008 Edition and the 2009–1a Addenda of ASME Standard NQA–1, ''Quality Assurance Requirements for Nuclear Facility Applications,'' as modified and supplemented in NCA–4120(b) and NCA–4134. In addition, NCA–4110(b) was revised to remove the reference to a specific edition and addenda of ASME NQA–1, and Table NCA–7100–2, ''Standards and Specifications Referenced in Division 1,'' was updated to require the 2008 Edition and 2009–1a Addenda of NQA–1 when using the 2010 Edition of Section III. In light of these changes, the NRC reviewed the 2008 Edition and the 2009–1a Addenda of NQA–1 and compared it to previously approved versions of NQA–1 and found that there were no significant differences. In addition, the NRC reviewed the changes to Subsection NCA that reference the 2008 Edition and 2009–1a Addenda of NQA–1, compared them to previously approved versions of Subsection NCA, and found that there were no significant differences. Therefore, the NRC has concluded that these editions and addenda of NQA–1 are acceptable for use.

The NRC is revising § 50.55a(b)(1)(iv) to clarify that an applicant's or licensee's commitments addressing those areas where NQA–1 either does not address a requirement in appendix B to 10 CFR part 50, ''Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,'' or is less stringent than the comparable appendix B requirement govern the applicant's or licensee's Section III activities. The clarification is consistent with § 50.55a(b)(2)(x) and (b)(3)(i). The NQA–1 provides the ASME's method for establishing and implementing a quality assurance (QA) program for the design and construction of nuclear power plants and fuel reprocessing plants. However, NQA–1, as modified and supplemented in NCA–4120(b) and NCA–4134, does not address some of the requirements of appendix B to 10 CFR part 50. In some cases, the provisions of NQA–1 are less stringent than the comparable appendix B requirements. Therefore, in order to meet the requirements of appendix B, an applicant's or licensee's QA program description must contain commitments addressing those provisions of appendix B which are not covered by NQA–1, as well as provisions that supplement or replace the NQA–1 provisions where the appendix B requirement is more stringent.

Finally, the NRC is removing the reference in § 50.55a(b)(1)(iv) to versions of NQA–1 older than the 1994 Edition because the NRC did not receive any adverse comments from any applicant or licensee about removing versions of NQA–1 older than the 1994 Edition from the regulation. The NRC received only one comment regarding NQA–1. The comment expressed support for incorporation by reference of NQA–1 and did not respond to the NRC's request for comment regarding the removal of references to older versions of NQA–1.

10 CFR 50.55a(b)(1)(vii) Section III Condition: Capacity Certification and Demonstration of Function of Incompressible-Fluid Pressure-Relief Valves

The NRC is revising § 50.55a(b)(1)(vii) so that the existing condition prohibiting the use of paragraph NB–7742(a)(2) of the 2006 Addenda through the 2007 Edition, up to and including the 2008 Addenda, is extended to include the editions and addenda up to the 2013 Edition, which are the subject of this rulemaking.

10 CFR 50.55a(b)(1)(viii) Section III Condition: Use of ASME Certification Marks

The NRC is adding § 50.55a(b)(1)(viii) to allow licensees to use either the ASME BPV Code Symbol Stamps of editions and addenda earlier than the 2011 Addenda to the 2010 Edition of the ASME BPV Code or the ASME Certification Marks with the appropriate

certification designators and class designators as specified in the 2013 Edition through the latest edition and addenda incorporated by reference in § 50.55a.

The ASME BPV Code requires, in certain instances, that components be stamped. The stamp signifies that the component has been designed, fabricated, examined and tested, as specified in the ASME BPV Code. The stamp also signifies that the required ASME BPV Code data report forms have been completed, and the authorized inspector has inspected the item and authorized the application of the ASME BPV Code Symbol Stamp.

The ASME has instituted changes in the BPV Code to consolidate the different ASME BPV Code Symbol Stamps into a common ASME Certification Mark. This action was implemented in the 2011 Addenda to the 2010 Edition of the ASME BPV Code. As of the end of 2012, ASME no longer utilizes the ASME BPV Code Symbol Stamp. Licensees, however, may not have updated to the edition or addenda that identifies the use of the ASME Certification Mark. Nevertheless, licensees are legally required to implement the ASME BPV Code Edition and Addenda identified as their current code of record. As ASME components are procured, these components may be received with the ASME Certification Mark, while the licensee's current code of record may require the component to have the ASME BPV Code Symbol Stamp. Installation of a component under such circumstances would not be in compliance with the regulations that the licensees are required to meet.

Both the ASME Certification Mark and the ASME BPV Code Symbol Stamp are official ASME methods of certifying compliance with the Code. Although these ASME Certification Marks differ slightly in appearance, they serve the same purpose of certifying code compliance by the ASME Certificate Holder and continue to provide for the same level of quality assurance for the application of the ASME Certification Mark as was required for the application of the ASME BPV Code Symbol Stamp. The new ASME Certification Mark represents a small, non-safety significant modification of ASME's trademark. As such, it does not change the technical requirements of the Code. The ASME has confirmed that the Certification Mark with designator is equivalent to the corresponding BPV Code Symbol Stamp. Based on statements made by ASME in a letter dated August 17, 2012, the NRC has concluded that the ASME BPV Code Symbol Stamps and ASME Certification Mark with code-specific designators are equivalent with respect to their certification of compliance with the BPV Code. The NRC discussed this issue in Regulatory Issue Summary 2013–07, ''NRC Staff Position on the Use of American Society of Mechanical Engineers Certification Mark,'' dated May 28, 2013.

10 CFR 50.55a(b)(1)(ix) Section III Condition: NPT Code Symbol Stamps

The NRC is adding § 50.55a(b)(1)(ix) to allow licensees to use the NPT Code Symbol Stamp with the letters arranged horizontally as specified in ASME BPV Code Case N–852 for the service life of a component that had the NPT Code Symbol Stamp applied during the time period from January 1, 2005, through December 31, 2015.

Public comments on the use of the NPT Code Symbol requested that the NRC accept the NPT Code Symbol Stamp having the NPT letters arranged horizontally as an acceptable NPT Stamp to certify Code compliance for fabricated items that have already been stamped prior to receiving a replacement NPT Code Symbol Stamp from the ASME. The comments requested that the NRC include acceptance of Code Case N–852 in this final rule for this purpose. Within the context of its Code rules, ASME asserts that the NPT Code Symbol Stamp having the NPT letters arranged horizontally, although differing slightly in appearance from the NPT Code Symbol Stamp as illustrated in Section III, Table NCA–8100–1 of the ASME BPV Code, 2010 Edition and earlier editions and addenda, serves the same purpose of certifying Code compliance by the ASME NPT Certificate Holder with confirmation by the Authorized Nuclear Inspector and provides the same level of quality assurance. In addition, ASME indicated that on or after January 1, 2016, the ASME will no longer authorize use of the NPT Code Symbol Stamp having the NPT letters arranged horizontally. Accordingly, on or after January 1, 2016, fabricated items will only be stamped with the NPT Code Symbol Stamp as illustrated in Section III, Table NCA–8100–1 of the ASME BPV Code, 2010 Edition and earlier editions and addenda.

The NRC agrees in general with this comment, in which the ASME asserts that the ASME NPT Code Symbol Stamp with the letters arranged horizontally to be equivalent to the ''N over PT'' ASME NPT Code Symbol Stamp. Therefore, using either Code Symbol Stamp serves the same purpose of certifying code compliance by the ASME Certificate Holder with confirmation by the Authorized Nuclear Inspector and provides the same level of quality assurance. The NRC also notes that the same administrative and technical requirements in the ASME Code still apply whether an ASME NPT Code Symbol Stamp with the letters arranged horizontally or an ''N over PT'' ASME NPT Code Symbol Stamp is applied. However, since this NPT Code Symbol Stamp having the NPT letters arranged horizontally will only be applied onto fabricated components from the time period of January 1, 2005, through December 31, 2015, the time period for when this NPT Code Symbol Stamp was applied to the component should be limited to these dates to prevent inadvertent fraudulent material. Therefore, the NRC agrees that the ASME BPV Code Case N–852 is acceptable for the service life of the component that had the NPT Code Symbol stamp applied from the time period of January 1, 2005, through December 31, 2015. In response to this comment, the NRC added § 50.55a(b)(1)(ix) to include a statement that licensees may use the NPT Code Symbol Stamp with the letters arranged horizontally as specified in ASME BPV Code Case N–852 for the service life of a component that had the NPT Code Symbol Stamp applied during the time period from January 1, 2005, through December 31, 2015. The NRC is incorporating by reference ASME BPV Code Case N–852 in § 50.55a(a)(1)(iii)(F) because it is referenced in § 50.55a(b)(1)(ix).

Although the proposed rule did not include this Code Case, the NRC has determined that the incorporation by reference of this Code Case at the final rule stage is a logical outgrowth of the proposed rule. The NRC's intent to ensure that § 50.55a identify all ASME-approved methods for labelling Code components is apparent from the statement of considerations for the proposed rule. See 80 FR 56820 (September 18, 2015) at 56823–56824. The NRC did not entirely achieve that purpose, and this resulted in public comments seeking approval of this Code Case, which supports the proposition that the public had a reasonable opportunity to either propose the correction, with conditions as the commenter believes are necessary or desirable, or to indicate why the (anticipated) correction should not be made. Therefore, the NRC concludes that it may incorporate by reference ASME BPV Code Case N–852.

B. ASME BPV Code, Section XI

10 CFR 50.55a(a)(1)(ii) ASME Boiler and Pressure Vessel Code, Section XI

In the proposed rule, the NRC proposed a revision to § 50.55a(a)(1)(ii) that would have clarified that Section XI Nonmandatory Appendix U of the 2013 Edition of ASME BPV Code, Section XI was not incorporated by reference and therefore not approved for use. After considering public comments, the NRC has determined that it will not exclude Appendix U from the incorporation by reference because it is the integration of ASME BPV Code Cases N–513–3, ''Evaluation Criteria for Temporary Acceptance of Flaws in Moderate Energy Class 2 or 3 Piping Section XI, Division 1,'' and N–705, ''Evaluation Criteria for Temporary Acceptance of Degradation in Moderate Energy Class 2 or 3 Vessels and Tanks Section XI, Division 1,'' into Section XI. The NRC has approved Code Cases N–513–3 and N–705 in RG 1.147. However, as described in the discussion for § 50.55a(b)(2)(xxxiv) in Section II.B, ''ASME BPV Code Section XI,'' the NRC has found it necessary to adopt two new conditions to the use of Nonmandatory Appendix U.

The NRC is adopting two conditions in the language of § 50.55a(a)(1)(ii)(C)(*52*) and (*53*) to address two inconsistencies that were identified between the NRC's position in a proposed rule regarding the acceptability of ASME Code Cases (81 FR 10780; March 2, 2016) (2016 Code Case proposed rule) and the proposed rule for this rulemaking (80 FR 56820; September 18, 2015). The first inconsistency is that the NRC's proposed conditions on ASME BPV Code Case N–799, ''Dissimilar Metal Welds Joining Vessel Nozzles to Components,'' in the 2016 Code Case proposed rule were not reflected in the 2015 proposed rule for this rulemaking, even though the technical content of ASME BPV Code Case N–799 has been incorporated into the 2011 Addenda and 2013 Edition of ASME BPV Code, Section XI. The second inconsistency is that the NRC's proposed disapproval of ASME BPV Code Case N–813, ''Alternative Requirements for Preservice Volumetric and Surface Examination,'' in the 2016 Code Case proposed rule was not reflected in the 2015 proposed rule for this rulemaking, even though the technical content of ASME BPV Code Case N–813 has been incorporated into the 2013 Edition of the ASME BPV Code, Section XI as IWB–3112(a)(3) and IWC–3112(a)(3). To address these two inconsistencies, the NRC is excluding these ASME BPV Code, Section XI items from incorporation by reference, as reflected in § 50.55a(a)(1)(ii)(C)(*52*) and (*53*) of the final rule. The NRC plans to complete the development of the regulatory approaches for examination of component-to-component welds for new construction plants and the acceptance of preservice flaws by analytical evaluation for operating plants and include them in a future rulemaking.

10 CFR 50.55a(b)(2)(vi) Section XI Condition: Effective Edition and Addenda of Subsection IWE and Subsection IWL

The NRC is revising § 50.55a(b)(2)(vi) to expressly state that licensees that implemented the expedited examination of containment during the 5-year period from September 9, 1996, to September 9, 2001, may use either the 1992 Edition with the 1992 Addenda or the 1995 Edition with the 1996 Addenda of Subsection IWE and Subsection IWL, as conditioned by the requirements in paragraphs (b)(2)(viii) and (ix), when implementing the initial 120-month inspection interval for the containment ISI requirements of this section.

The expedited examination involved the completion of the first set of examinations of the first or initial 120-month containment inspection interval. It is noted that all of the operating reactors in the previously stated class would have gone past their initial 120-month inspection interval by 2011. The change removes the possibility of misinterpretation of the provision as requiring plants that do not fall in the previously stated class, such as reactors licensed after September 9, 2001, to use the 1992 Edition with 1992 Addenda or the 1995 Edition with 1996 Addenda of Subsection IWE and Subsection IWL, Section XI for implementing the initial 120-month inspection interval of the containment ISI program. Applicants and licensees that do not fall in the previously stated class must use Code editions and addenda in accordance with § 50.55a(g)(4)(i) and (ii), respectively, for the initial and successive 120-month containment ISI intervals.

10 CFR 50.55a(b)(2)(viii) Section XI Condition: Concrete Containment Examinations

The NRC is revising § 50.55a(b)(2)(viii) by removing the condition for using the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWL requiring compliance with § 50.55a(b)(2)(viii)(E). To support the removal of the condition, the NRC is adding new requirements governing the performance and documentation of concrete containment examinations in § 50.55a(b)(2)(viii)(H) and (I), which are discussed separately in the next two headings.

Section 50.55a(b)(2)(viii)(E) is one of several conditions that apply to the inservice examination of concrete containments using Subsection IWL of various editions and addenda of the ASME BPV Code, Section XI, incorporated by reference in § 50.55a(a)(1)(ii). The NRC is removing the condition in § 50.55a(b)(2)(viii)(E) when applying the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWL because its intent has been incorporated into the Code in the new provision IWL–2512, ''Inaccessible Areas.''

10 CFR 50.55a(b)(2)(viii)(H) Concrete Containment Examinations: Eighth Provision

The NRC is adding § 50.55a(b)(2)(viii)(H) to specify the information that must be provided in the ISI Summary Report required by IWA–6000, when inaccessible concrete surfaces are evaluated under the new Code provision IWL–2512. This new condition replaces the existing condition in § 50.55a(b)(2)(viii)(E), when using the 2007 Edition with the 2009 Addenda through the 2013 Edition of Subsection IWL.

The existing condition in § 50.55a(b)(2)(viii)(E) of the current rule requires that, for Class CC applications, the licensee shall evaluate the acceptability of inaccessible areas when conditions exist in accessible areas that could indicate the presence of or result in degradation to such inaccessible areas, and provide the evaluation information required by § 50.55a(b)(2)(viii)(E)(*1*), (*2*), and (*3*) in the IWA–6000 ISI Summary Report.

In the 2009 Addenda Subsection IWL, the ASME revised existing provisions IWL–1220 and IWL–2510 and added the new provision IWL–2512 intended to incorporate the condition in § 50.55a(b)(2)(viii)(E) into Subsection IWL. The IWL–2510, ''Surface Examination,'' was restructured into new paragraphs in IWL–2511, ''Accessible Areas,'' with almost the same provisions as the previous IWL–2510 and IWL–2512, ''Inaccessible Areas,'' to be specific to examinations required for accessible areas, and differentiate between those and the new requirements for inaccessible areas. The inaccessible areas addressed by the new IWL–2512 are: (1) Concrete surfaces obstructed by adjacent structures, parts or appurtenances (*e.g.,* generally above-grade inaccessible areas); and (2)

concrete surfaces made inaccessible by foundation material or backfill (*e.g.,* below-grade inaccessible areas).

The revised IWL–2511(a) has a new requirement that states that, ''If the Responsible Engineer determines that observed suspect conditions indicate the presence of, or could result in, degradation of inaccessible areas, the requirements of IWL–2512(a) shall be met.'' The new IWL–2512(a) requires the ''Responsible Engineer'' to evaluate suspect conditions and specify the type and extent of examinations, if any, required to be performed on inaccessible surface areas described in the previous paragraph. The acceptability of the evaluated inaccessible area would be determined either based on the evaluation or based on the additional examinations, if determined to be required. The new IWL–2512(b) further requires a periodic technical evaluation of below-grade inaccessible areas of concrete to be performed to determine and manage its susceptibility to degradation regardless of whether suspect conditions exist in accessible areas that would warrant an evaluation of inaccessible areas based on the condition in § 50.55a(b)(2)(viii)(E). Therefore, the revised IWL–2511(a) and new IWL–2512 code provisions address the evaluation and acceptability of inaccessible areas consistent with the existing condition in § 50.55a(b)(2)(viii)(E), with one exception. The exception is that the new IWL–2512 provision does not explicitly require the information specified in § 50.55a(b)(2)(viii)(E)(*1*), (*2*), and (*3*) of the existing condition to be provided in the IWA–6000 ISI Summary Report.

For these reasons, the NRC is identifying the information that must be provided in the ISI Summary Report required by IWA–6000 when inaccessible concrete surfaces are evaluated under the new code provision IWL–2512. This new condition replaces the existing condition in § 50.55a(b)(2)(viii)(E) when using the 2007 Edition with the 2009 Addenda through the 2013 Edition of Subsection IWL. The information required by the new condition must be provided when inaccessible concrete areas are evaluated per IWL–2512(a) for degradation based on suspect conditions found in accessible areas, as well as when periodic technical evaluations of inaccessible below-grade concrete areas required by IWL–2512(b) are performed.

10 CFR 50.55a(b)(2)(viii)(I) Concrete Containment Examinations: Ninth Provision

The NRC is adding § 50.55a(b)(2)(viii)(I) to place a condition on the periodic technical evaluation requirements in the new IWL–2512(b), for consistency with NUREG–1801, Revision 2, ''Generic Aging Lessons Learned (GALL) Report,'' with regard to aging management of below-grade containment concrete surfaces. The new IWL–2512(b) provision is applicable to inaccessible below-grade concrete surfaces exposed to foundation soil, backfill, or groundwater. This condition would apply only during the period of extended operation of a renewed license under 10 CFR part 54, when using IWL–2512(b) of the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWL.

In the 2009 Addenda of Subsection IWL, the ASME added new Code provisions, IWL–2512(b) and (c) as well as a new line item L1.13 in Table IWL–2500–1, intended to specifically address aging management concerns with potentially unidentified degradation of inaccessible below-grade containment concrete areas and to be responsive to actions outlined in the GALL Report related to aging management of inaccessible below-grade concrete surfaces. It is noted that these new Code provisions are an enhancement to the requirement of the existing condition in § 50.55a(b)(2)(viii)(E) to specifically address aging management of inaccessible below-grade containment concrete areas and is generally acceptable to the NRC.

The new IWL–2512(b) provides requirements for systematically performing a periodic technical evaluation of concrete surfaces exposed to foundation soil, backfill, or groundwater to determine susceptibility of the concrete to deterioration that could affect its ability to perform its intended design function under conditions anticipated through the service life of the structure. It requires the technical evaluation to be performed and documented at periodic intervals not to exceed 10 years regardless of whether conditions exist in accessible areas that would warrant an evaluation of inaccessible areas by the existing condition in § 50.55a(b)(2)(viii)(E), which the NRC finds reasonable for the initial 40-year operating license period. The new IWL–2512(b) further provides the specific elements, including aging mechanisms considered, that the technical evaluation should include, as well as the definition of an aggressive below-grade environment. The new IWL–2512(c) requires that the evaluation results of IWL–2512(b) be used to define and document the condition monitoring program, if determined to be required, including required examinations and frequencies, to be implemented for the management of degradation and aging effects of the below-grade concrete surface areas. If it is determined that additional examinations are required, these examinations of inaccessible below-grade areas will be implemented in accordance with new line item L1.13 in Table IWL–2500–1 under Examination Category L–A, Concrete, with acceptance criteria based on IWL–3210. It should be noted that a technical evaluation approach, such as in IWL–2512(b), could be used, and is generally used, to determine acceptability of a below-grade inaccessible area to satisfy the condition in § 50.55a(b)(2)(viii)(E).

The technical evaluation requirements in IWL–2512(b) assist in determining the susceptibility to degradation and manage aging effects of inaccessible below-grade concrete surfaces, before the loss of intended function. The requirements are based on, and are generally consistent with, the guidance in the GALL Report, with the following two exceptions. The first exception is that IWL–2512(b) requires the technical evaluation to determine the susceptibility of the concrete to degradation and the ability to perform the intended design function through its service life at periodic intervals not to exceed 10 years. The aging management programs (AMPs) for safety-related structures (*e.g.,* Structures Monitoring) in the GALL Report require such evaluation to be performed at intervals not to exceed 5 years, which is also consistent with applicant commitments during review of license renewal applications. The second exception is that IWL–2512(b) requires that examination of representative samples of below-grade concrete be performed if excavated for any reason when an aggressive below-grade environment is present. However, the NRC notes that the AMPs (X1.S6 Structures Monitoring and X1.S7 Water Control Structures) in the GALL Report require the same examination even for a non-aggressive below-grade environment.

Based on these reasons, the NRC is adding § 50.55a(b)(2)(viii)(I) to place a condition on the periodic technical evaluation requirements in IWL–2512(b) for consistency with the GALL Report, when addressing the two exceptions previously described with respect to aging management of inaccessible below-grade concrete components of the

containment. The new condition requires that, during the period of extended operation of a renewed license, the technical evaluation under IWL–2512(b) of inaccessible below-grade concrete surfaces exposed to foundation soil, backfill, or groundwater be performed at periodic intervals not to exceed 5 years, as opposed to the 10-year interval in IWL–2512. In addition, the condition requires the examination of representative samples of the exposed portions of the below-grade concrete be performed when excavated for any reason as opposed to IWL–2512, which limits the examination to excavations in aggressive, below-grade environments. Since the GALL Report is the technical basis document for license renewal, this new condition applies only during the period of extended operation of a renewed license under 10 CFR part 54, when using IWL–2512(b) of the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWL, Section XI.

10 CFR 50.55a(b)(2)(ix) Section XI Condition: Metal Containment Examinations

The NRC is extending the applicability of the existing conditions in § 50.55a(b)(2)(ix)(A)(*2*) and (b)(2)(ix)(B) and (J), governing examinations of metal containments and the liners of concrete containments under Subsection IWE, to the ASME BPV Code editions and addenda which are the subject of this rulemaking (*i.e.,* the 2007 Edition with 2009 Addenda through the 2013 Edition). The last sentence of § 50.55a(b)(2)(ix) prior to this final rule stated that the referenced conditions were applicable only to addenda, but not to editions, approved by the NRC after the 2007 Edition of the ASME BPV Code. To rectify this, the NRC is revising the last sentence of § 50.55a(b)(2)(ix) to refer to the latest ''edition and'' addenda after the 2007 Edition which are incorporated by reference into § 50.55a.

The NRC reviewed the Code changes in Subsection IWE of the 2009 Addenda through the 2013 Edition of ASME BPV Code, Section XI, and noted that all of the changes were editorial or administrative with the intent to improve the clarity of the existing requirements or correct errors by errata. There were no changes to Subsection IWE in the Code editions and addenda that are the subject of this rulemaking that the NRC believes would require new regulatory conditions to ensure safety, nor do the changes to Subsection IWE address the NRC's reasons for adopting the conditions on the use of Subsection IWE. Accordingly, the NRC is extending the applicability of the existing conditions (by adding the words ''edition and'' to § 50.55a(b)(2)(ix) as discussed) without any change to the provisions of the conditions.

10 CFR 50.55a(b)(2)(x) Section XI Condition: Quality Assurance

The NRC is approving for use the version of NQA–1 referenced in the 2009 Addenda, 2010 Edition, 2011 Addenda, and the 2013 Edition of the ASME BPV Code, Section XI, Table IWA 1600–1, ''Referenced Standards and Specifications,'' which this rule is also incorporating by reference. This allows, but does not require, licensees to use the 1994 Edition or the 2008 Edition and the 2009–1a Addenda of NQA–1 when using the 2009 Addenda and later editions and addenda of Section XI.

In the 2013 Edition of ASME BPV Code, Section XI, Table IWA 1600–1 was updated to allow licensees to use the 1994 Edition or the 2008 Edition with the 2009–1a Addenda of NQA–1 when using the 2013 Edition of Section XI. In the 2010 Edition of ASME BPV Code, Section XI, IWA–1400, ''Owner's Responsibilities,'' Subparagraph (n)(2) was updated to reference the NQA–1 Part I, Basic Requirements and Supplementary Requirements for Nuclear Facilities. In the 2009 Addenda of the 2007 Edition of ASME BPV Code, Section XI, Table IWA–1600–1, ''Referenced Standards and Specifications,'' was updated to allow licensees to use the 1994 Edition of NQA–1. The NRC reviewed the 2008 Edition and the 2009–1a Addenda of NQA–1 and compared it to previously approved versions of NQA–1 and found that there were no significant differences. Therefore, the NRC has concluded that these editions and addenda of NQA–1 are acceptable for use.

The NRC is amending § 50.55a(b)(2)(x) to clarify that a licensee's commitments addressing those areas where NQA–1 either does not address a requirements in appendix B to 10 CFR part 50 or is less stringent than the comparable appendix B requirement govern the licensee's Section XI activities. The clarification is consistent with § 50.55a(b)(1)(iv) and (b)(3)(i). The ASME's method for establishing and implementing a QA program for the design and construction of nuclear power plants and fuel reprocessing plants is described in NQA–1. However, NQA–1 does not address some of the requirements of appendix B to 10 CFR part 50. In some cases, the provisions of NQA–1 are less stringent than the comparable appendix B requirements. Therefore, in order to meet the requirements of appendix B, a licensee's QA program description must contain commitments addressing those provisions of appendix B which are not covered by NQA–1, as well as provisions that supplement or replace the NQA–1 provisions where the appendix B requirement is more stringent.

Finally, the NRC is removing the reference in § 50.55a(b)(2)(x) to versions of NQA–1 older than the 1994 Edition because the NRC did not receive any adverse comments from any applicant or licensee regarding concerns about removing versions of NQA–1 older than the 1994 Edition from the regulation. The NRC received only one comment regarding NQA–1. The comment expressed support for incorporation by reference of NQA–1 and did not respond to the NRC's request for comment regarding the removal of references to older versions of NQA–1.

10 CFR 50.55a(b)(2)(xii) Section XI Condition: Underwater Welding

The NRC is revising § 50.55a(b)(2)(xii) to allow underwater welding on irradiated materials in accordance with IWA–4660, ''Underwater Welding,'' of Section XI, 1997 Addenda through the latest edition and addenda incorporated by reference in § 50.55a(a)(1)(ii). The conditions for which underwater welding would be permitted without prior NRC approval are based on technical factors, such as neutron fluence and, for certain material classes, helium concentration.

The existing condition in § 50.55a(b)(2)(xii) does not allow underwater welding on irradiated materials by prohibiting the use of IWA–4660, ''Underwater Welding,'' of Section XI, 1997 Addenda through the latest edition and addenda incorporated by reference in § 50.55a(a)(1)(ii) on materials that are irradiated; however, there are two problems with the restriction in § 50.55a(b)(2)(xii). First, the neutron fluence threshold above which a material is considered to be irradiated is not defined in § 50.55a(b)(2)(xii). Second, studies such as those documented in Boiling Water Reactor Vessel and Internals Project (BWRVIP) Report 1003020 (BWRVIP–97) have shown that reactor internals can tolerate some neutron irradiation without suffering damage to weldability, as long as the helium concentration in the material does not exceed a certain threshold. The NRC completed its Safety Evaluation of BWRVIP–97 in May 2008 and concluded that implementation of the guidelines in the BWRVIP–97 report, with some modifications as documented in the

NRC Safety Evaluation dated June 30, 2008, will provide an acceptable technical basis for the design of weld repairs based on the helium content of irradiated reactor vessel internals. The current version of § 50.55a(b)(2)(xii) does not define a threshold of helium concentration below which the material is considered to be weldable.

The most recent editions of the ASME BPV Code state in Article IWA–4660 that underwater welding may not be performed on irradiated materials other than P-No. 8 materials containing less than 0.1 atomic parts per million (appm) measured or calculated helium content generated through irradiation. Some editions and addenda of the ASME BPV Code prior to 2010 state in Article IWA–4660 that underwater welding may only be performed in applications not predicted to exceed a thermal neutron fluence of 1×10^{17} n/cm^2. Other editions and addenda of the ASME BPV Code prior to 2010 do not restrict the underwater welding of irradiated materials. Therefore, there is inconsistent treatment among the various editions and addenda of the ASME BPV Code on the underwater welding of irradiated materials.

Current ASME BPV Code and Code Case requirements for welding on irradiated materials, other than the underwater welding requirements specified in IWA–4660, are inconsistent. Thresholds for weldability may be stated in terms of fast neutron fluence, thermal neutron fluence, or helium concentration. In some cases, thresholds are not defined and the Code or Code Case simply states that consideration must be given to irradiation effects when welding. The NRC believes that thresholds for welding on irradiated materials should be based on the current understanding of irradiation damage, as supported by technical studies (such as BWRVIP–97) which have been evaluated by the NRC. In addition, the NRC believes that these thresholds should be consistently applied for all Code and Code Case applications.

During the public comment period for this rulemaking, a representative of ASME recommended that § 50.55a(b)(2)(xii) be revised such that it applies only to those editions and addenda earlier than the 2010 Edition. The effect of such a revision would be to allow welding on P-No. 8 materials containing less than 0.1 appm measured or calculated helium content generated through irradiation. However, this proposed revision would not be consistent with other ASME BPV Code or Code Case requirements for welding on irradiated materials, and this proposed revision does not address standards for welding on material classes other than P-No. 8. Instead the NRC is adopting conditions that would apply to all materials and which can be consistently applied for all Code and Code Case applications. The first condition, § 50.55a(b)(2)(xii)(A), is based on fast neutron fluence and applies to ferritic materials. The second condition, § 50.55a(b)(2)(xii)(B), is based on helium content and/or thermal fluence and applies to austenitic materials. For P-No. 8 austenitic materials, the evaluation of BWRVIP–97 supports a weldability threshold based on helium content and thermal fluence. For austenitic materials other than P-No. 8, there are insufficient data to support a weldability threshold based on helium content, and, therefore, the NRC is adopting a weldability threshold based on thermal fluence only.

The conditions for which underwater welding are permitted, as stated in the revision of § 50.55a(b)(2)(xii), were determined, in part, based on technical discussions in a Category 2 public meeting with industry representatives held on January 19, 2016. The NRC later presented the new conditions at a public meeting held on March 2, 2016. There were no comments on this change from the attendees at the March 2, 2016, public meeting. Summaries of the January 19 and March 2, 2016, public meetings are available in ADAMS under Accession Nos. ML16050A383 and ML16069A408, respectively.

10 CFR 50.55a(b)(2)(xviii)(D) NDE Personnel Certification: Fourth Provision

The NRC is adding § 50.55a(b)(2)(xviii)(D) to prohibit applicants and licensees from using the ultrasonic examination nondestructive examination (NDE) personnel certification requirements in Section XI, Appendix VII and Subarticle VIII–2200 of the 2011 Addenda and 2013 Edition of the ASME BPV Code. Paragraph (b)(2)(xviii) currently includes conditions on the certification of NDE personnel. In addition, the new paragraph will require applicants and licensees to use the 2010 Edition, Table VII–4110–1 training hour requirements for Levels I, II, and III ultrasonic examination personnel, and the 2010 Edition, Subarticle VIII–2200 of Appendix VIII prerequisites for personnel requirements. In the 2011 Addenda and 2013 Edition, the ASME BPV Code added an accelerated Appendix VII training process for certification of ultrasonic examination personnel based on training and prior experience, and separated the Appendix VII training requirements from the Appendix VIII qualification requirements. These new ASME BPV Code provisions will provide personnel in training with less experience and exposure to representative flaws in representative materials and configurations common to operating nuclear power plants, and they would permit personnel with prior non-nuclear ultrasonic examination experience to qualify for examinations in nuclear power plants without exposure to the variety of defects, examination conditions, components, and regulations common to operating nuclear power plants.

The impact of reduced training and nuclear power plant familiarization is unknown. The ASME BPV Code supplants training hours and field experience without a technical basis, minimum defined training criteria, process details, or standardization. For these reasons, the NRC is prohibiting the use of Appendix VII and Subarticle VIII–2200 of the 2011 Addenda and 2013 Edition. The NRC is requiring applicants and licensees using the 2011 Addenda and 2013 Edition to use the prerequisites for ultrasonic examination personnel certifications in Table VII–4110–1 and Subarticle VIII–2200, Appendix VIII in the 2010 Edition.

10 CFR 50.55a(b)(2)(xxi)(A) Table IWB–2500–1 Examination Requirements: First Provision

The NRC is revising § 50.55a(b)(2)(xxi)(A) to modify the standard for visual magnification resolution sensitivity and contrast for visual examinations performed on Examination Category B–D components instead of ultrasonic examinations, making the rule conform with ASME BPV Code, Section XI requirements for VT–1 examinations. The character recognition rules are used in ASME BPV Code, Section XI, Table IWA–2211–1 for VT–1 tests, and are the standard tests used for resolution and contrast checks of the VT–1 equipment. This revision essentially removed a requirement that was an addition to ASME BPV Code that required 1-mil wires to be used in licensees' Sensitivity, Resolution, and Contrast Standard targets. In 2004, the NRC published NUREG/CR–6860, ''An Assessment of Visual Testing,'' showing that a linear target, such as a wire, is not an effective method for testing the resolution of a video camera system. In addition, Boiling Water Reactor Vessel and Internals Project Report 105696 (BWRVIP–03) was changed to eliminate a ½ mil wire from the Sensitivity, Resolution, and Contrast Standards due to similar concerns.

Simple line detection can be a poor performance standard, allowing detection of a highly blurred image. This does not emulate sharpness quality recognition for evaluation of weld discontinuities. The 750 µm (30 mil) and the even smaller 25 µm (1 mil) widths should not be used as performance standards because they do not determine image sharpness. This technique only measures the ''visible minimum'' for long linear indications, and does not measure a system's resolution or recognition limits. If the wire, or printed line, has a strong enough contrast against the background, then a linear feature well below the resolution of a system can be detected.

10 CFR 50.55a(b)(2)(xxiii) Section XI Condition: Evaluation of Thermally Cut Surfaces

The NRC is revising § 50.55a(b)(2)(xxiii) to clarify that this condition, prohibiting the ASME BPV Code provisions allowing elimination of mechanical processing of thermally cut surfaces under certain circumstances, only applies to the 2001 Edition through the 2009 Addenda.

10 CFR 50.55a(b)(2)(xxx) Section XI Condition: Steam Generator Preservice Examinations

In the proposed rule, the NRC proposed adding § 50.55a(b)(2)(xxx), with a condition regarding steam generator preservice examinations. The NRC received requests for clarification of the proposed condition, including elaboration on the kind of preservice examination that should be performed. The NRC agrees with the need for this clarification; however, during the development of the final rule, the NRC determined that additional time was needed to evaluate this proposed condition. Therefore, to ensure that this rulemaking is concluded as timely as possible, the NRC is not including this condition in this final rule and will address the need for a condition in a future rulemaking. The NRC has concluded that omitting this condition does not present a health or safety concern because licensees are currently performing appropriate steam generator preservice inspections under existing programs.

10 CFR 50.55a(b)(2)(xxxi) Section XI Condition: Mechanical Clamping Devices

The NRC is adding § 50.55a(b)(2)(xxxi) to require the use of Nonmandatory Appendix W when using a mechanical clamping device on an ASME BPV Code Class piping system. This condition, in part, clearly prohibits the use of mechanical clamping devices on small item Class 1 piping and portions of piping systems that form the containment boundary. This condition also maintains the previously required design and testing requirements for the implementation of mechanical clamping devices on ASME BPV Code Class piping systems.

In the 2010 Edition of the ASME BPV Code, a change was made to include mechanical clamping devices under the small items exclusion rules of IWA–4131. Currently in the 2007 Edition/2008 Addenda of Section XI under IWA–4133, ''Mechanical Clamping Devices Used as Piping Pressure Boundary,'' mechanical clamping devices may be used only if they meet the requirements of Mandatory Appendix IX of Section XI of the ASME BPV Code. Article IX–1000 (c) of Appendix IX prohibits the use of mechanical clamping devices on (1) Class 1 piping and (2) portions of a piping system that form the containment boundary.

In the 2010 Edition, IWA–4133 was modified to allow use of IWA–4131.1(c) for the installation of mechanical clamping devices. This change allowed the use of small items exclusion rules in the installation of mechanical clamping devices. Subparagraph IWA–4131.1(c) was added such that mechanical clamping devices installed on items classified as ''small items'' under IWA–4131, including Class 1 piping and portions of a piping system that form the containment boundary, would be allowed without a repair/replacement plan, pressure testing, services of an Authorized Inspection Agency, and completion of the NIS–2 form. The NRC, in accordance with the previously approved IWA–4133 of the 2007 Edition/2008 Addenda of the ASME BPV Code, does not believe that the ASME has provided a sufficient technical basis to support the use of mechanical clamping devices on Class 1 piping or portions of a piping system that form the containment boundary as a permanent repair. Furthermore, the NRC finds that the ASME has not provided any basis for the small item exemption allowing the installation of mechanical clamps on these components. In the 2011 Addenda of the ASME BPV Code, IWA–4131.1(c) was relocated to IWA–4131.1(d). To add clarity to the condition, the NRC has included statements such that the implementation of these paragraphs is now prohibited.

In the 2013 Edition, Mandatory Appendix IX of Section XI of the ASME BPV Code was changed to Nonmandatory Appendix W of Section XI of the ASME BPV Code. The NRC found insufficient basis to make this change, removing the mandatory requirements for the use of mechanical clamping devices on ASME BPV Code Class piping systems. By taking this action, the ASME BPV Code now allows mechanical clamping devices to be installed in various methods through interpretations of the ASME BPV Code that do not maintain the requirements for design and testing of the formerly mandatory Appendix IX. Therefore, to clarify the requirement for the implementation of mechanical clamps in ASME BPV Code Class systems, the NRC requires the use of Appendix W of Section XI when using mechanical clamping devices, and prohibits the use of mechanical clamping devices on small item Class 1 piping and portions of a piping system that form the containment boundary, as would otherwise be permitted under IWA–4131.1(c) in the 2010 Edition and IWA–4131.1(d) in the 2011 Addenda through 2013 Edition.

10 CFR 50.55a(b)(2)(xxxii) Section XI Condition: Summary Report Submittal

The NRC is adding § 50.55a(b)(2)(xxxii) to require licensees using the 2010 Edition and later editions and addenda of Section XI to continue to submit Summary Reports as required in IWA–6240 of the 2009 Addenda.

Prior to the 2010 Edition, Section XI required the preservice summary report to be submitted prior to the date of placement of the unit into commercial service, and the inservice summary report to be submitted within 90 calendar days of the completion of each refueling outage. In the 2010 Edition, IWA–6240 was revised to state, ''Summary reports shall be submitted to the enforcement and regulatory authorities having jurisdiction at the plant site, if required by these authorities.'' This change in the 2010 Edition could lead to confusion as to whether or not the summary reports need to be submitted to the NRC, as well as the time for submitting the reports, if they were required. The NRC concludes that summary reports must continue to be submitted to the NRC in a timely manner because they provide valuable information regarding examinations performed, conditions noted, corrective actions taken, and the implementation status of preservice inspection and ISI programs. Therefore, the NRC is adding § 50.55a(b)(2)(xxxii) to ensure that preservice and inservice summary reports will continue to be submitted within the timeframes currently

established in Section XI editions and addenda prior to the 2010 Edition.

10 CFR 50.55a(b)(2)(xxxiii) Section XI Condition: Risk-Informed Allowable Pressure

The NRC is adding § 50.55a(b)(2)(xxxiii) to prohibit the use of Appendix G, Paragraph G–2216, in the 2011 Addenda and later editions and addenda of the ASME BPV Code, Section XI. The 2011 Addenda of the ASME BPV Code included, for the first time, a risk-informed methodology to compute allowable pressure as a function of inlet temperature for reactor heat-up and cool-down at rates not to exceed 100 degrees F/hr (56 degrees C/hr). This methodology was developed based upon probabilistic fracture mechanics (PFM) evaluations that investigated the likelihood of reactor pressure vessel (RPV) failure based on specific heat-up and cool-down scenarios.

During the ASME's consideration of this change, the NRC staff noted that additional requirements would need to be placed on the use of this alternative. For example, the NRC staff indicated that it would be important for a licensee who wishes to utilize such a risk-informed methodology for determining plant-specific pressure-temperature limits to ensure that the material condition of its facility is consistent with assumptions made in the PFM evaluations that supported the development of the methodology. One aspect of this would be evaluating plant-specific ISI data to determine whether the facility's RPV flaw distribution was consistent with the flaw distribution assumed in the supporting PFM evaluations. This consideration is consistent with a similar requirement established by the NRC in § 50.61a, ''Alternative Fracture Toughness Requirements for Protection against Pressurized Thermal Shock Events.'' The PFM methodology that supports § 50.61a is very similar to that which was used to support ASME BPV Code, Section XI, Appendix G, Paragraph G–2216. These concerns with the Paragraph G–2216 methodology for computing allowable pressure as a function of inlet temperature for reactor heat-up and cooldown were not addressed by the ASME. Accordingly, the NRC is prohibiting the use of Paragraph G–2216 in Appendix G of the 2010 Edition. The continued use of the deterministic methodology of Section XI, Appendix G to generate Pressure-Temperature (P–T) limits remains acceptable.

10 CFR 50.55a(b)(2)(xxxiv) Section XI Condition: Nonmandatory Appendix U

The NRC is adding § 50.55a(b)(2)(xxxiv) to require that two conditions, (A) and (B), be satisfied when using Nonmandatory Appendix U of the 2013 Edition of the ASME BPV Code, Section XI. In the proposed rule, the NRC had proposed to exclude Nonmandatory Appendix U from the incorporation by reference and therefore not approve it for use. After considering public comments, the NRC has incorporated by reference Appendix U in this final rule because it integrates ASME BPV Code Cases N–513–3, ''Evaluation Criteria for Temporary Acceptance of Flaws in Moderate Energy Class 2 or 3 Piping Section XI, Division 1,'' and N–705, ''Evaluation Criteria for Temporary Acceptance of Degradation in Moderate Energy Class 2 or 3 Vessels and Tanks Section XI, Division 1,'' into Section XI. The NRC has approved the use of ASME BPV Code Cases N–513–3 and N–705 in RG 1.147, which allows licensees to use these code cases without prior permission from the NRC.

The first condition on the use of Appendix U is set forth in § 50.55a(b)(2)(xxxiv)(A) of this final rule and requires that an ASME BPV Code repair or replacement activity temporarily deferred under the provisions of Nonmandatory Appendix U to the 2013 Edition of the ASME BPV Code, Section XI, must be performed during the next scheduled outage. This condition is consistent with the NRC's condition on the use of ASME BPV Code Case N–513–3 in RG 1.147, Revision 17. Appendix U defines that the evaluation period is the operational time for which the temporary acceptance criteria are satisfied but not exceeding 26 months from the initial discovery of the condition. Original versions of ASME BPV Code Case N–513 stated, in part, that certain flaws may be acceptable without performing a repair/replacement activity for a limited time, not to exceed the time to the next scheduled outage. The NRC staff found that the acceptance of ASME BPV Code Case N–513 was based on allowing continued plant operation with a monitored and evaluated low safety significant degraded condition for a limited time until plant shutdown. By allowing use of this Appendix, this option is allowed rather than requiring an unnecessary plant shutdown to repair the degradation. However, the NRC believes once the plant is shut down, the degraded piping must be repaired.

The second condition on the use of Appendix U is set forth in § 50.55a(b)(2)(xxxiv)(B) of this final rule. This paragraph requires the use of the mandatory appendix in ASME BPV Code Case N–513–3 in lieu of the appendix referenced in paragraph U–S1–4.2.1(c) of Appendix U (which was inadvertently omitted from Appendix U). The NRC is incorporating by reference the mandatory appendix in ASME BPV Code Case N–513–3 in § 50.55a(a)(1)(iii)(A) because it is referenced in § 50.55a(b)(2)(xxxiv)(B).

A proposed condition on Disposition of Flaws in Class 3 Components, which was located in § 50.55a(b)(2)(xxxiv) of the proposed rule, is not included in this final rule based on public comments that the error has been corrected by ASME in published erratum.

10 CFR 50.55a(b)(2)(xxxv) Section XI Condition: Use of RT_{T0} in the K_{Ia} and K_{Ic} Equations

The NRC is adding § 50.55a(b)(2)(xxxv) to specify that when licensees use the 2013 Edition of the ASME BPV Code, Section XI, Appendix A, Paragraph A–4200, if T_0 is available, then RT_{T0} may be used in place of RT_{NDT} for applications using the K_{Ic} equation and the associated K_{Ic} curve, but not for applications using the K_{Ia} equation and the associated K_{Ia} curve.

Nonmandatory Appendix A provides a procedure based on linear elastic fracture mechanics (LEFM) for determining the acceptability of flaws that have been detected during inservice inspections that exceed the allowable flaw indication standards of IWB–3500. Sub-article A–4200 provides a procedure for determining fracture toughness of the material used in the LEFM analysis. The NRC staff's concern is related to the proposed insertion regarding an alternative based on the use of the Master Curve methodology to determine the nil-ductility transition reference temperature RT_{NDT}, which is an important parameter in determining the fracture toughness of the material. Specifically, the insertion proposed to use the Master Curve reference temperature RT_{T0}, which is defined as $RT_{T0} = T_0 + 35$ °F, where T_0 is a material-specific temperature value determined in accordance with ASTM E1921, ''Standard Test Method for Determination of Reference Temperature, T_0, for Ferritic Steels in the Transition Range,'' to index (shift) the fracture toughness K_{Ic} curve, based on the lower bound of static initiation critical stress intensity factor, as well as the K_{Ia} curve, based on the lower bound

of crack arrest critical stress intensity factor.

While use of RT_{T0} to index the K_{Ic} curve is acceptable, using RT_{T0} to index the K_{Ia} curve is questionable. This concern is based on the data analysis in ''A Physics-Based Model for the Crack Arrest Toughness of Ferritic Steels,'' written by NRC staff member Mark Kirk and published in ''Fatigue and Fracture Mechanics, 33rd Volume, ASTM STP 1417'' which indicated that the crack arrest data does not support using RT_{T0} as RT_{NDT} to index the K_{Ia} curve. This is also confirmed by industry data disclosed in a presentation, ''Final Results from the CARINA Project on Crack Initiation and Arrest of Irradiated German RPV Steels for Neutron Fluences in the Upper Bound,'' by AREVA at the 26th Symposium on Effects of Radiation on Nuclear Materials (June 12–13, 2013, Indianapolis, Indiana, USA). The NRC staff recognized that the proposed insertion is consistent with ASME BPV Code Case N–629, ''Use of Fracture Toughness Test Data to Establish Reference Temperature for Pressure Retaining Materials,'' which was accepted by the NRC without conditions. In addition to the current NRC effort, the appropriate ASME BPV Code committee is in the process of correcting this issue in a future revision of Appendix A of Section XI.

With this condition, users of Appendix A can avoid using an erroneous fracture toughness K_{Ia} value in their LEFM analysis for determining the acceptability of a detected flaw in applicable components. Therefore, the NRC is adding a condition which permits the use of RT_{T0} in place of RT_{NDT} in applications using the K_{Ic} equation and the associated K_{Ic} curve, but does not permit the use of RT_{T0} in place of RT_{NDT} in applications using the K_{Ia} equation and the associated K_{Ia} curve.

10 CFR 50.55a(b)(2)(xxxvi) Section XI Condition: Fracture Toughness of Irradiated Materials

The NRC is adding § 50.55a(b)(2)(xxxvi) to require licensees using ASME BPV Code, Section XI, 2013 Edition, Appendix A, Paragraph A–4400, to obtain NRC approval under § 50.55a(z) before using irradiated T_0 and the associated RT_{T0} in establishing fracture toughness of irradiated materials.

Sub-article A–4400 provides guidance for considering irradiation effects on materials. The NRC staff's concern is related to use of RT_{T0} based on measured T_0 of the irradiated materials. Specifically, the NRC staff has concerns over this sentence in the proposed insertion: ''Measurement of RT_{T0} of unirradiated or irradiated materials as defined in A–4200(b) is permitted, including use of the procedures given in ASTM E1921 to obtain direct measurement of irradiated T_0.''

Permission of measurement of RT_{T0} of irradiated materials, without providing guidelines regarding how to use the measured parameter in determining the fracture toughness of the irradiated materials, may mislead the users of Appendix A into adopting methodology that has not been accepted by the NRC. With this condition, users of Appendix A can avoid inappropriately using a fracture toughness K_{Ic} value based on the irradiated T_0 and the associated RT_{T0} in their LEFM analysis for determining the acceptability of a detected flaw in applicable components.

10 CFR 50.55a(g) Inservice and Preservice Inspection Requirements

The NRC is adding new paragraphs (g)(2)(i), (ii), and (iii) and revising current paragraphs (g) introductory text, (g)(2), (g)(3) introductory text, and (g)(3)(i), (ii), and (v) to distinguish the requirements for accessibility and preservice examination from those for inservice inspection in § 50.55a(g). In addition, consistent with other paragraphs of this section, headings are added to the subordinate paragraphs of (g) in order to enhance readability of the regulation. No substantive change to the requirements are intended by these revisions.

C. OM Code

10 CFR 50.55a(b)(3) Conditions on ASME OM Code

The NRC is revising § 50.55a(b)(3) to clarify that Subsections ISTA, ISTB, ISTC, ISTD, ISTE, and ISTF; Mandatory Appendices I, II, III, and V; and Nonmandatory Appendices A through H and J through M of the OM Code are each incorporated by reference into § 50.55a. The NRC is also clarifying that the OM Code Nonmandatory Appendices incorporated by reference into § 50.55a are approved for use, but are not mandated. The Nonmandatory Appendices may be used by applicants and licensees of nuclear power plants, subject to the conditions in § 50.55a(b)(3).

10 CFR 50.55a(b)(3)(i) OM Condition: Quality Assurance

The NRC is revising § 50.55a(b)(3)(i) to allow use of the 1994 Edition, 2008 Edition, and the 2009–1a Addenda of NQA–1, ''Quality Assurance Requirements for Nuclear Facility Applications.'' The NRC reviewed these editions and addenda, compared them to the previously approved versions of NQA–1, and found that there were no significant differences.

The NRC is removing the reference in § 50.55a(b)(3)(i) to versions of NQA–1 older than the 1994 Edition, inasmuch as these versions do not appear to be in use at any nuclear power plant. The NRC did not receive any adverse comments from any applicant or licensee regarding concerns about removing versions of NQA–1 older than the 1994 Edition from the regulation. The NRC received one comment regarding NQA–1, supporting incorporation by reference of NQA–1 but not responding to the NRC's request for comment regarding the removal of references to older versions of NQA–1. Accordingly, the NRC concludes that removal of NQA–1 versions older than the 1994 Edition will not have any adverse effect on licensees, and the final rule removes these older versions from § 50.55a(b)(3)(i).

10 CFR 50.55a(b)(3)(ii) OM Condition: Motor-Operated Valve (MOV) Testing

The NRC is revising § 50.55a(b)(3)(ii) to reflect the new Appendix III, ''Preservice and Inservice Testing of Active Electric Motor Operated Valve Assemblies in Light-Water Reactor Power Plants,'' of the OM Code, 2009 Edition, 2011 Addenda, and 2012 Edition. Appendix III of the OM Code establishes provisions for periodic verification of the design-basis capability of MOVs within the scope of the IST program. Appendix III of the OM Code reflects the incorporation of OM Code Cases OMN–1, ''Alternative Rules for Preservice and Inservice Testing of Active Electric Motor-Operated Valve Assemblies in Light-Water Reactor Power Plants,'' and OMN–11, ''Risk-Informed Testing for Motor-Operated Valves.'' The NRC is adding four new conditions on the use of Mandatory Appendix III in new § 50.55a(b)(3)(ii)(A), (B), (C), and (D) to address periodic verification of MOV design-basis capability. These new conditions are discussed in the next four sections.

10 CFR 50.55a(b)(3)(ii)(A) MOV Diagnostic Test Interval (First Condition on Use of Mandatory Appendix III)

In the proposed rule, the NRC specified in § 50.55a(b)(3)(ii)(A) that licensees evaluate the adequacy of the diagnostic test interval for each MOV and adjust the interval as necessary, but not later than 5 years or three refueling outages (whichever is longer) from initial implementation of OM Code,

Appendix III. Paragraph III–3310(b) in Appendix III includes a provision stating that if insufficient data exist to determine the IST interval, then MOV inservice testing shall be conducted every two refueling outages or 3 years (whichever is longer) until sufficient data exist, from an applicable MOV or MOV group, to justify a longer IST interval. As discussed in a final rule published September 22, 1999 (64 FR 51386), with respect to the use of OM Code Case OMN–1, the NRC considers it appropriate to include a modification requiring licensees to evaluate the information obtained for each MOV, during the first 5 years or three refueling outages (whichever is longer) of the use of Appendix III to validate assumptions made in justifying a longer test interval.

In response to public comments, the NRC revised § 50.55a(b)(3)(ii)(A) to clarify its intent for licensees to evaluate the test interval within 5 years or three refueling outages (whichever is longer) following implementation of Appendix III to the OM Code, rather than implying that every MOV must be tested within 5 years or three refueling outages of the initial implementation of Appendix III. For example, the condition allows grouping of MOVs to share test information in the evaluation of the MOV periodic verification intervals within 5 years or three refueling outages (whichever is longer) of the implementation of OM Code, Appendix III. Therefore, § 50.55a(b)(3)(ii)(A) of this final rule states that licensees shall evaluate the adequacy of the diagnostic test intervals established for MOVs within the scope of OM Code, Mandatory Appendix III, not later than 5 years or three refueling outages (whichever is longer) from initial implementation of OM Code, Appendix III.

10 CFR 50.55a(b)(3)(ii)(B) MOV Testing Impact on Risk (Second Condition on Use of Mandatory Appendix III)

The NRC is adding § 50.55a(b)(3)(ii)(B) to require that when using Mandatory Appendix III, licensees ensure that the potential increase in core damage frequency (CDF) and large early release frequency (LERF) associated with the extension is acceptably small when extending exercise test intervals for high risk MOVs beyond a quarterly frequency. As discussed in a final rule published September 22, 1999 (64 FR 51386), with respect to the use of OM Code Case OMN–1, the NRC considers it important for licensees to have sufficient information from the specific MOV, or similar MOVs, to demonstrate that exercising on a refueling outage frequency does not significantly affect component performance. The information may be obtained by grouping similar MOVs and establishing periodic exercising intervals of MOVs in the group over the refueling interval.

Section 50.55a(b)(3)(ii)(B) requires that the increase in the overall plant CDF and LERF resulting from the extension be acceptably small. As presented in RG 1.174, ''An Approach for Using Probabilistic Risk Assessment [PRA] in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' the NRC considers acceptably small changes to be relative and to depend on the current plant CDF and LERF. For plants with total baseline CDF of 10^{-4} per year or less, acceptably small means CDF increases of up to 10^{-5} per year; and for plants with total baseline CDF greater than 10^{-4} per year, acceptably small means CDF increases of up to 10^{-6} per year. For plants with total baseline LERF of 10^{-5} per year or less, acceptably small LERF increases are considered to be up to 10^{-6} per year; and for plants with total baseline LERF greater than 10^{-5} per year, acceptably small LERF increases are considered to be up to 10^{-7} per year.

10 CFR 50.55a(b)(3)(ii)(C) MOV Risk Categorization (Third Condition on Use of Mandatory Appendix III)

The NRC is adding § 50.55a(b)(3)(ii)(C) to require, when applying Mandatory Appendix III, that licensees categorize MOVs according to their safety significance using the methodology described in OM Code Case OMN–3, ''Requirements for Safety Significance Categorization of Components Using Risk Insights for Inservice Testing of LWR Power Plants,'' subject to the conditions discussed in RG 1.192, or using an MOV risk ranking methodology accepted by the NRC on a plant-specific or industry-wide basis in accordance with the conditions in the applicable safety evaluation. Paragraph III–3720 in Appendix III to the OM Code states that when applying risk insights, each MOV shall be evaluated and categorized using a documented risk ranking methodology. Further, Appendix III only addresses risk ranking methodologies that include two risk categories. In light of the potential extension of quarterly test intervals for high risk MOVs and the relaxation of IST activities for low risk MOVs based on risk insights, the NRC has determined that the rule should specify that plant-specific or industry-wide risk ranking methodologies must have been accepted by the NRC through RG 1.192 (which accepts OM Code Case OMN–3 with the specified conditions) or the issuance of safety evaluations. As noted in the response to public comments, the intent of this condition is to indicate that when applying Appendix III to the OM Code, licensees may use either a two-risk category approach (high or low) or a three-risk category approach (high, medium, and low), provided the risk ranking method has been accepted by the NRC.

10 CFR 50.55a(b)(3)(ii)(D) MOV Stroke Time (Fourth Condition on Use of Mandatory Appendix III)

The NRC is adding § 50.55a(b)(3)(ii)(D) to require that when a licensee applies Paragraph III–3600, ''MOV Exercising Requirements,'' of Appendix III to the OM Code, the licensee verify that the stroke time of the MOV satisfies the assumptions in the plant's safety analyses. Previous editions and addenda of the OM Code specified that the licensee must perform quarterly MOV stroke time measurements that could be used to verify that the MOV stroke time satisfies the assumptions in the safety analyses consistent with plant TS. The need for verification of the MOV stroke time during periodic exercising is consistent with the NRC's lessons learned from the implementation of OM Code Case OMN–1. However, Paragraph III–3600 of Appendix III of the versions of the OM Code that will be incorporated by reference in this rulemaking no longer require the verification of MOV stroke time during periodic exercising. For this reason, the NRC is adopting this new condition, which will effectively retain the need to verify that the MOV stroke time during periodic exercising satisfies the assumptions in the plant's safety analyses.

Based on the discussion during the public webinar on March 2, 2016, the NRC revised the condition to clarify that it applies to MOVs referenced in the plant TS. In particular, the NRC revised the condition to indicate that when a licensee applies Paragraph III–3600 of Appendix III to the OM Code, the licensee shall verify that the stroke time of MOVs specified in plant technical specifications satisfies the assumptions in the plant's safety analyses.

10 CFR 50.55a(b)(3)(iii) OM Condition: New Reactors

The NRC is adding § 50.55a(b)(3)(iii) to apply specific conditions for IST programs applicable to licensees of new nuclear power plants in addition to the provisions of the OM Code as incorporated by reference with conditions in § 50.55a. Licensees of ''new reactors'' are, as identified in the paragraph: (1) Holders of operating

licenses for nuclear power reactors that received construction permits under this part on or after the date 12 months after August 17, 2017, and (2) holders of combined licenses (COLs) issued under 10 CFR part 52, whose initial fuel loading occurs on or after the date 12 months after August 17, 2017. This implementation schedule for new reactors is consistent with the NRC regulations governing inservice testing in § 50.55a(f)(4)(i).

Commission Papers SECY–90–016, ''Evolutionary Light Water Reactor (LWR) Certification Issues and Their Relationship to Current Regulatory Requirements;'' SECY–93–087, ''Policy, Technical, and Licensing Issues Pertaining to Evolutionary and Advanced Light-Water Reactor (ALWR) Designs;'' SECY–94–084, ''Policy and Technical Issues Associated with the Regulatory Treatment of Non-Safety Systems (RTNSS) in Passive Plant Designs;'' and SECY–95–132, ''Policy and Technical Issues Associated with the Regulatory Treatment of Non-Safety Systems (RTNSS) in Passive Plant Designs (SECY–94–084),'' discuss IST programs for new reactors licensed under 10 CFR part 52.

In recognition of new reactor designs and lessons learned from nuclear power plant operating experience, the ASME is updating the OM Code to incorporate improved IST provisions for components used in nuclear power plants that were issued (or will be issued) construction permits, or COLs, on or following January 1, 2000 (defined in the OM Code as post-2000 plants). The first phase of the ASME effort incorporated IST provisions that specify full flow pump testing and other clarifications for post-2000 plants in the OM Code beginning with the 2011 Addenda. The second phase of the ASME effort incorporated preservice and inservice inspection and surveillance provisions for pyrotechnic-actuated (squib) valves in the 2012 Edition of the OM Code. The ASME is considering further modifications to the OM Code to address additional lessons learned from valve operating experience and new reactor issues. As described in the following paragraphs, § 50.55a(b)(3)(iii) will include four specific conditions which are discussed in the following paragraphs.

10 CFR 50.55a(b)(3)(iii)(A) Power-Operated Valves

The NRC is adding § 50.55a(b)(3)(iii)(A) to require that licensees within the scope of § 50.55a(b)(3)(iii) periodically verify the capability of power-operated valves (POVs) to perform their design-basis safety functions. While Appendix III to the OM Code addresses this requirement for MOVs with the conditions specified in § 50.55a, applicable applicants and licensees will need to develop programs to periodically verify the design-basis capability of other POVs. The NRC's Regulatory Issue Summary 2000–03, ''Resolution of Generic Issue 158: Performance of Safety-Related Power-Operated Valves Under Design Basis Conditions,'' provides attributes for a successful long-term periodic verification program for POVs by incorporating lessons learned from MOV performance at operating nuclear power plants and research programs. Implementation of Appendix III to the OM Code as accepted in § 50.55a(b)(3)(ii) satisfies § 50.55a(b)(3)(iii)(A) for MOVs.

Section 50.55a(b)(3)(iii)(A) is consistent with the Commission policy for new reactors summarized in an NRC Staff Memorandum, ''Consolidation of SECY–94–084 and SECY–95–132,'' dated July 24, 1995, that (a) the design capability of safety-related POVs should be demonstrated by a qualification test prior to installation; (b) prior to initial startup, POV capability under design-basis differential pressure and flow should be verified by a pre-operational test; and (c) during the operational phase, POV capability under design-basis differential pressure and flow should be verified periodically through a program similar to that developed for MOVs in Generic Letter 89–10, ''Safety-Related Motor-Operated Valve Testing and Surveillance,'' dated June 28, 1989.[2]

The condition in § 50.55a(b)(3)(iii)(A) specifies with the same level of detail as the condition in § 50.55a(b)(3)(ii) that nuclear power plant licensees must establish a program to ensure the continued capability of MOVs in performing their design-basis safety functions. When establishing the MOV periodic verification condition, the NRC provided guidance in the final rule published September 22, 1999 (64 FR 51370), for licensees to develop acceptable programs that would satisfy the MOV periodic verification condition. Similarly, the NRC staff is providing guidance herein for new reactor applicants and licensees to develop acceptable programs to periodically verify the capability of POVs to perform their design-basis safety functions.

In NUREG–2124, ''Final Safety Evaluation Report [FSER] Related to the Combined Licenses for Vogtle Electric Generating Plant, Units 3 and 4,'' the NRC staff found the provisions established by the COL applicant for Vogtle Units 3 and 4 in its Final Safety Analysis Report (FSAR), Revision 5, Section 3.9.6.2.2, ''Valve Testing,'' to periodically verify the capability of POVs (such as air-operated valves (AOVs), solenoid-operated valves (SOVs), and hydraulic-operated valves (HOVs)) to perform their design-basis safety functions to be acceptable. In particular, the Vogtle Units 3 and 4 FSAR specifies that:

> Power-operated valves other than active MOVs are exercised quarterly in accordance with OM ISTC, unless justification is provided in the inservice testing program for testing these valves at other than Code mandated frequencies. Although the design basis capability of power-operated valves is verified as part of the design and qualification process, power-operated valves that perform an active safety function are tested again after installation in the plant, as required, to ensure valve setup is acceptable to perform their required functions, consistent with valve qualification. These tests, which are typically performed under static (no flow or pressure) conditions, also document the ''baseline'' performance of the valves to support maintenance and trending programs. During the testing, critical parameters needed to ensure proper valve setup are measured. Depending on the valve and actuator type, these parameters may include seat load, running torque or thrust, valve travel, actuator spring rate, bench set and regulator supply pressure. Uncertainties associated with performance of these tests and use of the test results (including those associated with measurement equipment and potential degradation mechanisms) are addressed appropriately. Uncertainties may be considered in the specification of acceptable valve setup parameters or in the interpretation of the test results (or a combination of both). Uncertainties affecting both valve function and structural limits are addressed. Additional testing is performed as part of the air-operated valve (AOV) program, which includes the key elements for an AOV Program as identified in the JOG AOV program document, Joint Owners Group Air Operated Valve Program Document, Revision 1, December 13, 2000 (References 203 and 204) [JOG AOV Program Document, Revision 1, December 13, 2000 (ADAMS Accession No. ML010950310), and NRC comment letter dated October 8, 1999, to Nuclear Energy Institute (ADAMS Accession No. ML020360077)]. The AOV program incorporates the attributes for a successful power-operated valve long-term periodic verification program, as discussed in Regulatory Issue Summary 2000–03, Resolution of Generic Safety Issue 158: Performance of Safety-Related Power-Operated Valves Under Design Basis

[2] The NRC issued seven supplements to provide guidance for the implementation of the MOV testing program requested in Generic Letter 89–10. The supplements to Generic Letter 89–10 did not modify the substance of the MOV testing program requested in Generic Letter 89–10 to provide reasonable assurance in the capability of safety-related MOVs to perform their design-basis functions.

Conditions, by incorporating lessons learned from previous nuclear power plant operations and research programs as they apply to the periodic testing of air- and other power-operated valves included in the IST program.

For example, key lessons learned addressed in the AOV program include:

- Valves are categorized according to their safety significance and risk ranking.
- Setpoints for AOVs are defined based on current vendor information or valve qualification diagnostic testing, such that the valve is capable of performing its design-basis function(s).
- Periodic static testing is performed, at a minimum on high risk (high safety significance) valves, to identify potential degradation, unless those valves are periodically cycled during normal plant operation, under conditions that meet or exceed the worst case operating conditions within the licensing basis of the plant for the valve, which would provide adequate periodic demonstration of AOV capability. If required based on valve qualification or operating experience, periodic dynamic testing is performed to re-verify the capability of the valve to perform its required functions.
- Sufficient diagnostics are used to collect relevant data (*e.g.,* valve stem thrust and torque, fluid pressure and temperature, stroke time, operating and/or control air pressure, etc.) to verify the valve meets the functional requirements of the qualification specification.
- Test frequency is specified, and is evaluated each refueling outage based on data trends as a result of testing. Frequency for periodic testing is in accordance with References 203 and 204, with a minimum of 5 years (or 3 refueling cycles) of data collected and evaluated before extending test intervals.
- Post-maintenance procedures include appropriate instructions and criteria to ensure baseline testing is re-performed as necessary when maintenance on the valve, repair or replacement, have the potential to affect valve functional performance.
- Guidance is included to address lessons learned from other valve programs specific to the AOV program.
- Documentation from AOV testing, including maintenance records and records from the corrective action program are retained and periodically evaluated as a part of the AOV program.

* * * * *

The attributes of the AOV testing program described above, to the extent that they apply to and can be implemented on other safety-related power-operated valves, such as electro-hydraulic operated valves, are applied to those other power-operated valves.'' (Vogtle Electric Generating Plant, Units 3 and 4, Updated Final Safety Analysis Report (UFSAR), Section 3.9.6, ''Inservice Testing of Pumps and Valves'')

Applicable applicants and licensees may follow the method described in the Vogtle Units 3 and 4 FSAR in satisfying § 50.55a(b)(3)(iii)(A), or may establish a different method, subject to evaluation by the NRC during the licensing process or inspections.

10 CFR 50.55a(b)(3)(iii)(B) Check Valves

The NRC is adding § 50.55a(b)(3)(iii)(B) to require that licensees within the scope of § 50.55a(b)(3)(iii) perform bi-directional testing of check valves within the IST program where practicable. Nuclear power plant operating experience has revealed that testing check valves in only the flow direction can result in significant degradation, such as a missing valve disc, not being identified by the test. Nonmandatory Appendix M, ''Design Guidance for Nuclear Power Plant Systems and Component Testing,'' to OM Code, 2011 Addenda and 2012 Edition, includes guidance for the design of new reactors to enable bi-directional testing of check valves. New reactor designs will provide the capability for licensees of new nuclear power plants to perform bi-directional testing of check valves within the IST program. Bi-directional testing of check valves in new reactors, as required by § 50.55a(b)(3)(iii)(B), could be accomplished by valve-specific testing or condition monitoring activities in accordance with Appendix II to the OM Code as accepted in § 50.55a. The NRC is specifying this provision for bi-directional testing of check valves for new reactors in § 50.55a(b)(3)(iii)(B) to emphasize that new reactors should include the capability for bi-directional testing of check valves as part of their initial design.

10 CFR 50.55a(b)(3)(iii)(C) Flow-Induced Vibration

In the proposed rule, the NRC proposed adding § 50.55a(b)(3)(iii)(C) to require that licensees subject to § 50.55a(b)(3)(iii) monitor flow-induced vibration (FIV) from hydrodynamic loads and acoustic resonance during preservice testing and inservice testing to identify potential adverse flow effects that might impact components within the scope of the IST program.

Nuclear power plant operating experience has revealed the potential for adverse flow effects from vibration caused by hydrodynamic loads and acoustic resonance on components in the reactor coolant, steam, and feedwater systems. Therefore, the licensee will be required to address potential adverse flow effects on safety-related pumps, valves, and dynamic restraints within the IST program in the reactor coolant, steam, and feedwater systems from hydraulic loading and acoustic resonance during plant operation. In response to public comments, the NRC revised § 50.55a(b)(3)(iii)(C) to clarify its intent that FIV monitoring of components may be conducted during preservice testing or inservice testing. This requirement will confirm that piping, components, restraints, and supports have been designed and installed to withstand the dynamic effects of steady-state FIV and anticipated operational transient conditions. As part of preservice testing activities, the initial test program may be used to verify that safety-related piping and components are properly installed and supported such that vibrations caused by steady-state or dynamic effects do not result in excessive stress or fatigue in safety-related plant systems.

In the Vogtle Units 3 and 4 FSER, the NRC staff found the provisions established by the COL applicant for Vogtle Units 3 and 4 in its FSAR, Revision 5, Section 3.9, ''Mechanical Systems and Components,'' Section 14.2.9, ''Preoperational Test Descriptions,'' and Section 14.2.10, ''Startup Test Procedures,'' with incorporation by reference of corresponding sections of the AP1000 Design Control Document (DCD), to monitor FIV from hydrodynamic loads and acoustic resonance during preservice testing or inservice testing to be acceptable. In particular, the NRC staff stated in the Vogtle Units 3 and 4 FSER:

AP1000 DCD Tier 2, Section 3.9.2, ''Dynamic Testing and Analysis,'' describes tests to confirm that piping, components, restraints, and supports have been designed to withstand the dynamic effects of steady-state FIV and anticipated operational transient conditions. Section 14.2.9.1.7, ''Expansion, Vibration and Dynamic Effects Testing,'' in AP1000 DCD Tier 2, Chapter 14, ''Initial Test Program,'' states that the purpose of the expansion, vibration and dynamic effects testing is to verify that safety-related, high energy piping and components are properly installed and supported such that, in addition to other factors, vibrations caused by steady-state or dynamic effects do not result in excessive stress or fatigue to safety-related plant systems. Nuclear power plant operating experience has revealed the potential for adverse flow effects from vibration caused by hydrodynamic loads and acoustic resonance on reactor coolant, steam, and feedwater systems. . . . In its response, SNC [Vogtle Units 3 and 4 COL applicant] stated that it intended to use the overall Initial Test Program to demonstrate that the plant has been constructed as designed and the systems perform consistent with design requirements. SNC referenced the provisions in the AP1000 DCD for vibration monitoring and testing to be implemented at VEGP. For example, the applicant notes that AP1000 DCD Tier 2, Section 3.9.2.1, ''Piping Vibration, Thermal Expansion and Dynamic Effects,'' specifies that the preoperational test

program for ASME BPV Code, Section III, Class 1, 2, and 3 piping systems simulates actual operating modes to demonstrate that components comprising these systems meet functional design requirements and that piping vibrations are within acceptable levels. SNC indicates that the planned vibration testing program described in AP1000 DCD Tier 2, Sections 14.2.9 and 14.2.10, with the preservice and IST programs described in AP1000 DCD Tier 2, Sections 3.9.3.4.4 and 3.9.6, will confirm component installation in accordance with design requirements, and address the effects of steady-state (flow-induced) and transient vibration to ensure the operability of valves and dynamic restraints in the IST Program. The NRC staff considers the response by SNC clarifies its application of the provisions in the AP1000 DCD to ensure that potential adverse flow effects will be addressed at VEGP. Therefore, the NRC staff considers Standard Content Open Item 3.9–5 to be resolved for the VEGP COL application.'' (NUREG–2124, ''Final Safety Evaluation Report Related to the Combined Licenses for Vogtle Electric Generating Plant, Units 3 and 4,'' Section 3.9.6, ''Inservice Testing of Pumps and Valves (Related to RG 1.206, Section C.III.1, Chapter 3, C.I.3.9.6, 'Functional Design, Qualification, and Inservice Testing Programs for Pumps, Valves, and Dynamic Restraints')'').

As clarified in the final rule in response to public comments, a licensee may monitor components for adverse FIV effects during preservice testing or IST activities.

Applicable applicants and licensees may either apply the methods described in the Vogtle Units 3 and 4 FSAR in satisfying § 50.55a(b)(3)(iii)(C) or develop their own plant-specific methods to satisfy § 50.55a(b)(3)(iii)(C) for NRC review during the licensing process.

10 CFR 50.55a(b)(3)(iii)(D) High-Risk Non-Safety Systems

The NRC is adding § 50.55a(b)(3)(iii)(D) to require that licensees within the scope of § 50.55a(b)(3)(iii) establish a program to assess the operational readiness of pumps, valves, and dynamic restraints within the scope of the Regulatory Treatment of Non-Safety Systems (RTNSS) for applicable reactor designs. As of the time of this final rule, these are designs which have been certified in a design certification rule under 10 CFR part 52. In SECY–94–084 and SECY–95–132, the Commission discusses RTNSS policy and technical issues associated with passive plant designs. Some new nuclear power plants have advanced light-water reactor (ALWR) designs that use passive safety systems that rely on natural forces, such as density differences, gravity, and stored energy to supply safety injection water and to provide reactor core and containment cooling. Active systems in passive ALWR designs are categorized as non-safety systems with limited exceptions. Active systems in passive ALWR designs provide the first line of defense to reduce challenges to the passive systems in the event of a transient at the nuclear power plant. Active systems that provide a defense-in-depth function in passive ALWR designs need not meet all of the acceptance criteria for safety-related systems. However, there should be a high level of confidence that these active systems will be available and reliable when needed. The combined activities to provide confidence in the capability of these active systems in passive ALWR designs to perform their functions important to safety are referred to as the RTNSS program. In the NRC Staff Memorandum, ''Consolidation of SECY–94–084 and SECY–95–132,'' dated July 24, 1995, the NRC staff provided a consolidated list of the approved policy and technical positions associated with RTNSS equipment in passive plant designs discussed in SECY–94–084 and SECY–95–132. This new paragraph specifies the need for licensees to assess the operational readiness of RTNSS pumps, valves, and dynamic restraints.

The July 24, 1995, staff memorandum summarizes the Commission policy positions related to inservice testing of RTNSS pumps and valves as follows:

> The staff also concluded that additional inservice testing requirements may be necessary for certain pumps and valves in passive plant designs. The unique passive plant design relies significantly on passive safety systems, but also depends on non-safety systems (which are traditionally safety-related systems in current light-water reactors) to prevent challenges to passive systems. Therefore, the reliable performance of individual components is a very significant factor in enhancing the safety of passive plant design. The staff recommends that the following provisions be applied to passive ALWR plants to ensure reliable component performance.
>
> 1. Important non-safety-related components are not required to meet criteria similar to safety-grade criteria. However, the non-safety-related piping systems with functions that have been identified as being important by the RTNSS process should be designed to accommodate testing of pumps and valves to assure that the components meet their intended functions. Specific positions on the inservice testing requirements for those components will be determined as a part of the staff's review of plant-specific implementation of the regulatory treatment of non-safety systems for passive reactor designs.
>
> 2. . . . The vendors for advanced passive reactors, for which the final designs are not complete, have sufficient time to include provisions in their piping system designs to allow testing at power. Quarterly testing is the base testing frequency in the Code and the original intent of the Code. Furthermore, the COL holder may need to test more frequently than during cold shutdowns or at every refueling outage to ensure that the reliable performance of components is commensurate with the importance of the safety functions to be performed and with system reliability goals. Therefore, to the extent practicable, the passive ALWR piping systems should be designed to accommodate the applicable Code requirements for the quarterly testing of valves. However, design configuration changes to accommodate Code-required quarterly testing should be done only if the benefits of the test outweigh the potential risk.
>
> 3. The passive system designs should incorporate provisions (1) to permit all critical check valves to be tested for performance, to the extent practicable, in both forward- and reverse-flow directions, although the demonstration of a non-safety direction test need not be as rigorous as the corresponding safety direction test, and (2) to verify the movement of each check valve's obturator during inservice testing by observing a direct instrumentation indication of the valve position such as a position indicator or by using nonintrusive test methods.
>
> 4. . . . Similarly, to the extent practicable, the design of non-safety-related piping systems with functions under design-basis condition that have been identified as being important by the RTNSS process should incorporate provisions to periodically test power-operated valves in the system during operations to assure that the valves meet their intended functions under design-basis conditions.
>
> 5. . . . Mispositioning may occur through actions taken locally (manual or electrical), at a motor control center, or in the control room, and includes deliberate changes of valve position to perform surveillance testing. The staff will determine if and the extent to which this concept should be applied to MOVs in important non-safety-related systems when the staff reviews the implementation of the regulatory treatment of non-safety systems.'' (NRC Staff Memorandum, ''Consolidation of SECY–94–084 and SECY–95–132,'' July 24, 1995, pages 26–28).

Consistent with the Commission policy for RTNSS equipment, § 50.55a(b)(3)(iii)(D) specifies that new reactor licensees shall assess the operational readiness of pumps, valves, and dynamic restraints within the RTNSS scope. This regulatory requirement will allow licensees flexibility in developing programs to assess operational readiness of RTNSS components that satisfy the Commission policy. Guidance on the implementation of the Commission policy for RTNSS equipment is set forth in NRC Inspection Procedure 73758, ''Part 52, Functional Design and Qualification, and Preservice and Inservice Testing Programs for Pumps, Valves and

Dynamic Restraints,'' dated April 19, 2013.

10 CFR 50.55a(b)(3)(iv) OM Condition: Check Valves (Appendix II)

The NRC is revising § 50.55a(b)(3)(iv) to address Appendix II, ''Check Valve Condition Monitoring Program,'' provided in the 2003 Addenda through the 2012 Edition of the OM Code. In the proposed rule, the NRC proposed a condition in § 50.55a(b)(3)(iv) to provide assurance that the valve or group of valves is capable of performing its intended function(s) over the entire interval. Public comments indicated that the proposed condition could be misinterpreted. Therefore, the NRC revised the proposed condition to clarify that the implementation of Appendix II must include periodic sampling of the check valves over the maximum interval allowed by Appendix II for the check valve condition monitoring program. A new table was added to the paragraph to specify the maximum intervals between check valve condition monitoring activities when applying interval extensions.

The conditions currently specified for the use of Appendix II, 1995 Edition with the 1996 and 1997 Addenda, and 1998 Edition through the 2002 Addenda, of the OM Code remain unchanged by this final rule.

10 CFR 50.55a(b)(3)(vii) OM Condition: Subsection ISTB

The NRC is adding a new condition, § 50.55a(b)(3)(vii), to prohibit the use of Subsection ISTB, ''Inservice Testing of Pumps in Light-Water Reactor Nuclear Power Plants,'' in the 2011 Addenda of the OM Code. In the 2011 Addenda to the OM Code, the upper end of the ''Acceptable Range'' and the ''Required Action Range'' for flow and differential or discharge pressure for comprehensive pump testing in Subsection ISTB was raised to higher values. The NRC staff on the OM Code committee accepted the proposed increase of the upper end of the ''Acceptable Range'' and ''Required Action Range'' with the planned addition of a requirement for a pump periodic verification test program in the OM Code. However, the 2011 Addenda to the OM Code did not include the requirement for a pump periodic verification test program. Since then, the 2012 Edition of the OM Code has incorporated Mandatory Appendix V, ''Pump Periodic Verification Test Program,'' which supports the changes to the acceptable and required action ranges for comprehensive pump testing in Subsection ISTB. Therefore, the new § 50.55a(b)(3)(vii) prohibits the use of Subsection ISTB in the 2011 Addenda of the OM Code. Licensees will be allowed to apply Subsection ISTB with the revised acceptable and required action ranges in the 2012 Edition of the OM Code as incorporated by reference in § 50.55a.

10 CFR 50.55a(b)(3)(viii) OM Condition: Subsection ISTE

The NRC is adding § 50.55a(b)(3)(viii) to specify that licensees who wish to implement Subsection ISTE, ''Risk-Informed Inservice Testing of Components in Light-Water Reactor Nuclear Power Plants,'' of the OM Code, 2009 Edition, 2011 Addenda, and 2012 Edition, must request and obtain NRC approval in accordance with § 50.55a(z) to apply Subsection ISTE on a plant-specific basis as a risk-informed alternative to the applicable IST requirements in the OM Code.

In the 2009 Edition of the OM Code, the ASME included new Subsection ISTE that describes a voluntary risk-informed approach in developing an IST program for pumps and valves at nuclear power plants. If a licensee chooses to implement this risk-informed IST approach, Subsection ISTE indicates that all requirements in Subsection ISTA, ''General Requirements,'' Subsection ISTB, and Subsection ISTC, ''Inservice Testing of Valves in Light-Water Reactor Nuclear Power Plants,'' of the OM Code continue to apply, except those identified in Subsection ISTE. The ASME selected risk-informed guidance from OM Code Cases OMN–1, OMN–3, OMN–4, ''Requirements for Risk Insights for Inservice Testing of Check Valves at LWR Power Plants,'' OMN–7, ''Alternative Requirements for Pump Testing,'' OMN–11, and OMN–12, ''Alternative Requirements for Inservice Testing Using Risk Insights for Pneumatically and Hydraulically Operated Valve Assemblies in Light-Water Reactor Power Plants,'' in preparing Subsection ISTE of the OM Code.

During development of Subsection ISTE, the NRC staff participating on the OM Code committees indicated that the conditions specified in RG 1.192 for the use of the applicable OM Code Cases need to be considered when evaluating the acceptability of the implementation of Subsection ISTE. In addition, the NRC staff noted that several aspects of Subsection ISTE will need to be addressed on a case-by-case basis when determining the acceptability of its implementation. Therefore, the new condition in § 50.55a(b)(3)(viii) requires that licensees who wish to implement Subsection ISTE of the OM Code must request approval from the NRC to apply Subsection ISTE on a plant-specific basis as a risk-informed alternative to the applicable IST requirements in the OM Code.

Nuclear power plant applicants for construction permits under 10 CFR part 50, or combined licenses for construction and operation under 10 CFR part 52, may describe their proposed implementation of the risk-informed IST approach specified in Subsection ISTE of the OM Code for NRC review in their applications.

10 CFR 50.55a(b)(3)(ix) OM Condition: Subsection ISTF

The NRC is adding a condition on the use of Subsection ISTF in § 50.55a(b)(3)(ix). First, the condition states that Subsection ISTF, 2011 Addenda, is prohibited for use. Second, the condition specifies that licensees applying Subsection ISTF, ''Inservice Testing of Pumps in Light-Water Reactor Nuclear Power Plants—Post-2000 Plants,'' in the 2012 Edition of the OM Code shall satisfy the requirements of Mandatory Appendix V, ''Pump Periodic Verification Test Program,'' of the OM Code, 2012 Edition.

As previously discussed regarding the new condition in § 50.55a(b)(3)(vii), the upper end of the ''Acceptable Range'' and the ''Required Action Range'' for flow and differential or discharge pressure for comprehensive pump testing in Subsection ISTB in the OM Code was raised to higher values in combination with the incorporation of Mandatory Appendix V, ''Pump Periodic Verification Test Program.'' However, the 2011 Addenda of the OM Code does not include Appendix V. In addition, Subsection ISTF in the 2011 Addenda and 2012 Edition of the OM Code does not include a requirement for a pump periodic verification test program. Therefore, the new condition in § 50.55a(b)(3)(ix) requires that the provisions of Appendix V be applied when implementing Subsection ISTF of the 2012 Edition of the OM Code to support the application of the upper end of the Acceptable Range and the Required Action Range for flow and differential or discharge pressure for inservice pump testing in Subsection ISTF.

10 CFR 50.55a(b)(3)(xi) OM Condition: Valve Position Indication

The NRC is adding § 50.55a(b)(3)(xi) to emphasize the provisions in OM Code, 2012 Edition, Subsection ISTC–3700, ''Position Verification Testing,'' to verify that valve obturator position is accurately indicated. Subsection ISTC–3700 of the OM Code requires that

valves with remote position indicators shall be observed locally at least once every 2 years to verify that valve operation is accurately indicated. Subsection ISTC–3700 states that where practicable, this local observation should be supplemented by other indications, such as the use of flow meters or other suitable instrumentation to verify obturator position. Subsection ISTC–3700 also states that where local observation is not possible, other indications shall be used for verification of valve operation. Nuclear power plant operating experience has revealed that reliance on indicating lights and stem travel are not sufficient to satisfy the requirement in ISTC–3700 to verify that valve operation is accurately indicated. Appendix A, ''General Design Criteria for Nuclear Power Plants,'' to 10 CFR part 50 requires that where generally recognized codes and standards are used, they shall be identified and evaluated to determine their applicability, adequacy, and sufficiency, and shall be supplemented or modified as necessary to assure a quality product in keeping with the required safety function. This new condition specifies that when implementing OM Code, Subsection ISTC–3700, licensees shall verify that valve operation is accurately indicated by supplementing valve position indicating lights with other indications, such as flow meters or other suitable instrumentation, to provide assurance of proper obturator position. The OM Code specifies obturator movement verification in order to detect certain internal valve failure modes consistent with the definition of 'exercising' found in ISTA–2000, ''Definitions,'' (*i.e.,* demonstration that the moving parts of a component function). Verification of the ability of an obturator to change or maintain position is an essential element of valve operational readiness determination, which is a fundamental aspect of the OM Code.

The NRC initially emphasized the ASME OM Code requirement for valve position indication in 1995 in the original issuance of NUREG–1482, ''Guidelines for Inservice Testing at Nuclear Power Plants,'' paragraph 4.2.5. The NRC's position is further elaborated in NUREG–1482 (Revision 2), ''Guidelines for Inservice Testing at Nuclear Power Plants: Inservice Testing of Pumps and Valves and Inservice Examination and Testing of Dynamic Restraints (Snubbers) at Nuclear Power Plants,'' paragraph 4.2.7. As discussed in NUREG–1482 (Revision 2), ISTC–3700 allows flexibility to licensees in verifying that operation of valves with remote position indicators is accurately indicated. For example, NUREG–1482 refers to various methods to verify valve operation, such as nonintrusive techniques, flow initiation or absence of flow, leak testing, and pressure testing. The extent of verification necessary for valve operation to satisfy ISTC–3700 will depend on the type of valve, the sophistication of the diagnostic equipment used in testing the valve, possible failure modes of the valve, and the operating history of the valve and similar valve types. To satisfy ISTC–3700, the licensee is responsible for developing and implementing a method to provide reasonable assurance that valve operation is accurately indicated.

The NRC is requiring this condition for the implementation of the 2012 Edition of the OM Code for the 120-month IST interval in order to allow additional time for licensees to comply with this condition.

10 CFR 50.55a(f): Preservice and Inservice Testing Requirements

The NRC is revising the introductory text of § 50.55a(f) to indicate that systems and components must meet the requirements for ''preservice and inservice testing'' in the applicable ASME Codes and that both activities are referred to as ''inservice testing'' in the remainder of paragraph (f). The change clarifies that the OM Code includes provisions for preservice testing of components as part of its overall provisions for IST programs. No expansion of IST program scope was intended by this clarification.

In the proposed rule, the NRC included references to the OM Code in § 50.55a(f)(3)(iii)(A), Class 1 Pumps and Valves: First Provision; § 50.55a(f)(3)(iii)(B), Class 1 Pumps and Valves: Second Provision; § 50.55a(f)(3)(iv)(A), Class 2 and 3 Pumps and Valves: First Provision; and § 50.55a(f)(3)(iv)(B): Second Provision; to align the regulatory language with the current ASME OM Code used for IST programs. Because § 50.55a(f)(3)(iii) and (iv) specifically reference Class 1, 2, or 3 pumps and valves, the proposed changes to these paragraphs referencing the OM Code are unnecessary and have not been adopted in this final rule.

10 CFR 50.55a(f)(4) Inservice Testing Standards Requirement for Operating Plants

The NRC is revising § 50.55a(f)(4) to clarify that this paragraph is applicable to pumps and valves that are within the scope of the OM Code. This revision aligns the scope of pumps and valves for inservice testing with the scope defined in the OM Code.

Public comments on the alignment of the IST program scope in § 50.55a(f)(4) indicated that the nuclear industry is addressing the requirements in 10 CFR part 50, appendices A and B, to establish an IST program for safety-related pumps and valves that are not classified as ASME BPV Code Class 1, 2, or 3 components through either the OM Code provisions or augmented IST programs. For example, one public commenter indicated that generally, augmented IST programs are designed to meet the OM Code where practicable, but relief requests are not required when alternate testing is necessary. The NRC regulations in § 50.55a address the concept of augmented IST programs for pumps and valves at nuclear power plants. For example, § 50.55a(f)(6)(ii), ''Augmented IST requirements,'' indicates that the licensee may follow an augmented IST program for pumps and valves for which the NRC deems that added assurance of operational readiness is necessary. The NRC finds that an augmented IST program as addressed in § 50.55a(f)(6)(ii) is acceptable for safety-related pumps and valves that are not classified as ASME BPV Code Class 1, 2, or 3 components.

Public commenters were concerned that the alignment of the scope of the OM Code and § 50.55a would cause a potential paperwork burden for the submittal of relief or alternative requests for safety-related pumps and valves that are not classified as ASME BPV Code Class 1, 2, or 3 components. In response to these comments, the NRC included a provision in § 50.55a(f)(4) that the IST requirements for pumps and valves that are within the scope of the OM Code but are not classified as ASME BPV Code Class 1, Class 2, or Class 3 may be satisfied as an augmented IST program in accordance with § 50.55a(f)(6)(ii) without requesting relief under § 50.55a(f)(5) or alternatives under § 50.55a(z). This use of an augmented IST program may be acceptable provided the basis for deviations from the OM Code, as incorporated by reference in this section, demonstrates an acceptable level of quality and safety, or that implementing the Code provisions would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, where documented and available for NRC review. This additional provision avoids the potential paperwork burden for the submittal of relief or alternative requests by allowing the licensee to maintain the documentation demonstrating an acceptable level of quality and safety on site for NRC review, as appropriate. The

documentation and availability of the basis for deviations from the OM Code for NRC review are acceptable for pumps and valves within the scope of the OM Code but not classified as ASME BPV Code Class 1, 2, or 3, based on their lower safety significance in comparison to ASME BPV Code Class 1, 2, and 3 pumps and valves.

10 CFR 50.55a(g)(4) Inservice Inspection Standards Requirement for Operating Plants

The NRC recognizes that updating an Appendix VIII program is a complex and time-consuming process. The NRC also recognizes that licensees would face the possibility of needing to maintain multiple Appendix VIII programs if units were to update their ISI programs on different dates. Maintaining certifications to multiple Appendix VIII programs would be very complicated, while not improving the effectiveness of the programs. Based on public comments, and to assist licensees in updating and coordinating their ISI programs, the NRC is adding two options to the regulations. First, the NRC is revising § 50.55a(g)(4)(i) and (ii) to clarify that a licensee whose ISI interval commences during the 12- to 18-month period after the approval date of this final rule, may delay the update of their Appendix VIII program by up to 18 months after the approval date of this final rule. This will provide licensees with enough time to incorporate the changes for the new Appendix VIII program. Second, the NRC is adding the option for licensees to update their ISI program to use the latest edition and addenda of Appendix VIII incorporated by reference in § 50.55a(a)(1) at any time in the licensee's ten-year interval. Licensees can normally update their ISI programs using all or portions of newer versions of ASME BPV Code Section XI under § 50.55a(g)(4)(iv), subject to NRC review and approval. While some requests to use portions of ASME BPV Code Section XI require a detailed review by the NRC, a licensee asking to use the entire latest incorporated-by-reference version of Appendix VIII would certainly be approved by the NRC staff in this process. This provision will, therefore, allow licensees to use the latest incorporated version of Appendix VIII, as long as it is coupled with the same edition and addenda of Appendix I, without the NRC review and approval process. This will allow licensees to coordinate their ISI programs and use the latest approved version of Appendix VIII without the delay imposed by submitting a relief request under § 50.55a (g)(4)(iv).

D. ASME Code Cases

Administrative Changes to References in § 50.55a to NRC Regulatory Guides Identifying ASME Code Cases Approved for Use by the NRC

The NRC is removing the revision number of the three RGs currently approved by the Office of the Federal Register for incorporation by reference throughout the substantive provisions of § 50.55a addressing the ASME Code Cases, *i.e.,* paragraphs (b) through (g). The revision numbers for the RGs approved for incorporation by reference (currently, RG 1.84, RG 1.147, and RG 1.192) will be retained in § 50.55a(a)(3)(i) through (iii), where the RGs are listed by full title, including revision number. These changes simplify the regulatory language containing cross-references to these RGs and reduce the possibility of NRC error in preparing future amendments to § 50.55a with respect to these RGs. These changes are administrative in nature and do not change substantive requirements with respect to the RGs and the Code Cases listed in the RGs.

Administrative Changes To Comply With Requirements for Incorporation by Reference

The NRC is revising § 50.55a(a)(1)(iii) to maintain the ASME Code Cases in alphanumeric order.

Organization of NRC's Discussion of the Six ASME Code Cases Incorporated by Reference in This Final Rule

The discussions under the following headings address four of the six ASME Code Cases being incorporated by reference in this rulemaking (N–729–4, N–770–2, N–824, and OMN–20). A fifth ASME Code Case, N–852, is discussed in Section II.A, ''ASME BPV Code, Section III,'' because the NRC's approval of that Code Case relates to a provision of Section III, which is addressed in § 50.55a(b)(1)(ix). The sixth ASME Code Case, N–513–3, is discussed in Section II.B, ''ASME BPV Code, Section XI,'' because the NRC's approval of that Code Case relates to a provision of Section XI, which is addressed in § 50.55a(b)(2)(xxxiv).

ASME BPV Code Case N–729–4

On September 10, 2008, the NRC issued a final rule to update § 50.55a to the 2004 Edition of the ASME BPV Code (73 FR 52730). As part of the final rule, § 50.55a(g)(6)(ii)(D) implemented an augmented ISI program for the examination of pressurized water reactor RPV upper head penetration nozzles and associated partial penetration welds. The program required the implementation of ASME BPV Code Case N–729–1, with certain conditions.

The application of ASME BPV Code Case N–729–1 was necessary because the inspections required by the 2004 Edition of the ASME BPV Code, Section XI were not written to address degradation of the RPV upper head penetration nozzles and associated welds by primary water stress corrosion cracking (PWSCC). The safety consequences of inadequate inspections can be significant. The NRC's determination that the ASME BPV Code required inspections are inadequate is based upon operating experience and analysis. The absence of an effective inspection regime could, over time, result in unacceptable circumferential cracking, or the degradation of the RPV upper head or other reactor coolant system components by leakage assisted corrosion. These degradation mechanisms increase the probability of a loss-of-coolant accident.

Examination frequencies and methods for RPV upper head penetration nozzles and welds are provided in ASME BPV Code Case N–729–1. The use of code cases is voluntary, so these provisions were developed, in part, with the expectation that the NRC would incorporate the code case by reference into the CFR. Therefore, the NRC adopted rule language in § 50.55a(g)(6)(ii)(D) requiring implementation of ASME BPV Code Case N–729–1, with conditions, in order to enhance the examination requirements in the ASME BPV Code, Section XI for RPV upper head penetration nozzles and welds. The examinations conducted in accordance with ASME BPV Code Case N–729–1 provide reasonable assurance that ASME BPV Code allowable limits will not be exceeded and that PWSCC will not lead to failure of the RPV upper head penetration nozzles or welds. However, the NRC concluded that certain conditions were needed in implementing the examinations in ASME BPV Code Case N–729–1. These conditions are set forth in § 50.55a(g)(6)(ii)(D).

On June 22, 2012, the ASME approved the fourth revision of ASME BPV Code Case N–729 (N–729–4). This revision changed certain requirements based on a consensus review of inspection techniques and frequencies. These changes were deemed necessary by the ASME to supersede the previous requirements under N–729–1 to establish an effective long-term inspection program for the RPV upper head penetration nozzles and associated welds in pressurized water reactors. The

major changes included incorporation of previous NRC conditions in the CFR. Minor changes were also made to address editorial issues, to correct figures or to add clarity.

The NRC is updating the requirements of § 50.55a(g)(6)(ii)(D) to require licensees to implement ASME BPV Code Case N–729–4, with conditions. One existing condition on ASME BPV Code Case N–729–1 has been modified, four existing conditions are being deleted in this final rule, one existing condition is being redesignated without substantive change, and two new conditions—in § 50.55a(g)(6)(ii)(D)(*3*) and (*4*)—are adopted in this final rule in order to address the changes in ASME BPV Code Case N–729–4. The NRC's revisions to the conditions are discussed under the next three headings. As discussed earlier, this final rule incorporates by reference ASME BPV Code Case N–729–4 into § 50.55a(a)(1)(iii)(C).

10 CFR 50.55a(g)(6)(ii)(D)(1) Implementation

The NRC is revising § 50.55a(g)(6)(ii)(D)(*1*) to change the version of ASME BPV Code Case N–729 from N–729–1 to N–729–4 for the reasons previously set forth. Due to the incorporation of N–729–4, the date to establish applicability for licensed pressurized water reactors will be changed to the effective date of this final rule.

10 CFR 50.55a(g)(6)(ii)(D)(2) Through (6) (Removed)

The NRC is removing the existing conditions in § 50.55a(g)(6)(ii)(D)(*2*) through (*5*) and redesignating the condition currently in § 50.55a(g)(6)(ii)(D)(*6*) as § 50.55a(g)(6)(ii)(D)(*2*) without any substantive change. The existing conditions in § 50.55a(g)(6)(ii)(D)(*2*) through (*5*) have all been incorporated either verbatim or more conservatively in the revisions to ASME BPV Code Case N–729, up to version N–729–4. Therefore, there is no reason to retain these conditions in § 50.55a.

10 CFR 50.55a(g)(6)(ii)(D)(3) Bare Metal Visual Frequency (New Condition)

The NRC is adopting a new condition in § 50.55a(g)(6)(ii)(D)(*3*) to modify the option in ASME BPV Code Case N–729–4 to extend bare metal visual inspections of the RPV upper head surface beyond the frequency listed in Table 1 of the Code Case. Previously, upper heads aged with less than eight effective degradation years were considered to have a low probability of initiating PWSCC, the cracking mechanism of concern. This ranking of effective degradation years was based on a simple time at temperature correlation. All of the upper heads within this category, with the exception of new heads using Alloy 600 penetration nozzles, were considered to have lower susceptibility to cracking due to the upper heads being at or near the cold leg operating temperature of the reactor coolant system. Therefore, these plants were referred to as having ''cold heads.'' All of the upper heads that had experienced cracking prior to 2006 were near the hot leg operating temperature of the reactor coolant system, which validated the time at temperature model.

In 2006, one of the 21 ''cold head'' plants identified two indications within a penetration nozzle and the associated partial penetration weld. Then, between 2006 and 2013, five of the 21 ''cold head'' plants identified multiple indications within fifteen different penetration nozzles and the associated partial penetration welds. None of these indications caused leakage, and volumetric examination of the penetration nozzles showed that no flaws in the nozzle material had grown through-wall; however, this increasing trend creates a reasonable safety concern.

Recent operational experience has shown that the volumetric inspection of penetration nozzles, at the current inspection frequency, is adequate to identify indications in the nozzle material prior to leakage; however, volumetric examinations cannot be performed on the partial penetration welds. Therefore, given the additional cracking identified at cold leg temperatures, the NRC staff has concerns about the adequacy of the partial penetration weld examinations.

Leakage from a partial penetration weld into the annulus between the nozzle and head material can cause corrosion of the low alloy steel head. While initially limited in leak rate, due to limited surface area of the weld being in contact with the annulus region, corrosion of the vessel head material can expose more of the weld surface to the annulus, allowing a greater leak rate. Since an indication in the weld cannot be identified by a volumetric inspection, a postulated crack through the weld, just about to cause leakage, could exist as a plant performed its last volumetric and/or bare metal visual examination of the upper head material. This gives the crack years to breach the surface and leak prior to the next scheduled visual examination.

Only a surface examination of the wetted surface of the partial penetration weld can reliably detect flaws in the weld. Unfortunately, this examination cannot size the flaws in the weld, and, if performed manually, requires significant radiological dose to examine all of the partial penetration welds on the upper head. As such, the available techniques are only able to detect a flaw after it has caused leakage. These techniques are a bare metal visual examination or a volumetric leak path assessment performed on the frequency of the volumetric examination.

Volumetric leak path examinations are only done during outages when a volumetric examination of the nozzle is performed. Therefore, under the current requirements allowed by Note 4 of ASME BPV Code Case N–729–4, leakage from a crack in the weld of a ''cold head'' plant could start and continue to grow for the 5 years between the required bare metal visual examinations to detect leakage through the partial penetration weld.

Given the additional cracking identified at cold leg temperatures of upper head penetration nozzles and associated welds, the NRC finds limited basis to continue to categorize these ''cold head'' plants as having a low susceptibility to crack initiation. The NRC is increasing the frequency of the bare metal visual examinations of ''cold heads'' to identify potential leakage as soon as reasonably possible due to the volumetric examination limitations. Therefore, the NRC is conditioning Note 4 of ASME BPV Code Case N–729–4 to require a bare metal visual exam during each outage in which a volumetric exam is not performed. The NRC also will allow ''cold head'' plants to extend their bare metal visual inspection frequency from once each refueling outage, as stated in Table 1 of N–729–1, to once every 5 years, but only if the licensee performed a wetted surface examination of all of the partial penetration welds during the previous volumetric examination. Applying the conditioned bare metal visual inspection frequency or a volumetric examination each outage will allow licensees to identify any potential leakage through the partial penetration welds prior to significant degradation of the low alloy steel head material, thereby providing reasonable assurance of the structural integrity of the reactor coolant pressure boundary.

These issues, including the operational experience, the fact that volumetric examination is not available to interrogate the partial penetration welds, and potential regulatory options, were discussed publicly at multiple ASME BPV Code meetings, at the annual Materials Programs Technical Information Exchange public meeting

held at the NRC Headquarters in June 2013, and at the 2013 NRC Regulatory Information Conference.

10 CFR 50.55a(g)(6)(ii)(D)(4) Surface Exam Acceptance Criteria (New Condition)

The NRC is adopting a new condition in § 50.55a(g)(6)(ii)(D)(*4*) to define surface examination acceptance criteria. Paragraph –3132(b) of ASME BPV Code Case N–729–4 sets forth the acceptance criteria for surface examinations. In general, throughout Section XI of the ASME BPV Code, the acceptance criteria for surface examinations default to Section III, Paragraph NB–5352, ''Acceptance Standards.'' Typically, for rounded indications, the indication was only unacceptable if it was greater than 3⁄16-inch in size. The NRC requested that the code case authors include a requirement that any size rounded indication causing nozzle leakage is unacceptable due to operating experience identifying PWSCC under rounded indications less than 3⁄16-inch in size.

Recently, the ASME BPV Code Committee approved an interpretation of the language in Paragraph –3132(b), which implied that any size rounded indication is acceptable unless there is relevant indication of nozzle leakage, even those greater than 3⁄16-inch. The NRC does not agree with the interpretation and maintains its original position on rounded indications that any size rounded indication is unacceptable if there is an indication of leakage. Since the adoption of ASME BPV Code Case N–729–1 into § 50.55a(g)(6)(ii)(D), all licensees have used the NRC's position in implementing Paragraph –3132(b), even after the recent ASME BPV Code Committee interpretation approval over NRC objection.

Therefore, in order to ensure compliance with the previous and ongoing requirement, the NRC is revising condition § 50.55a(g)(6)(ii)(D)(*4*) to include clarity within the acceptance criteria for surface examinations. The current edition requirements of NB–5352 of ASME BPV Code, Section III for the licensee's ongoing 10-year inservice inspection interval shall be met.

ASME BPV Code Case N–770–2

On June 21, 2011 (76 FR 36232), the NRC issued a final rule, which included § 50.55a(g)(6)(ii)(F) that requires the implementation of ASME BPV Code Case N–770–1, ''Alternative Examination Requirements and Acceptance Standards for Class 1 PWR Piping and Vessel Nozzle Butt Welds Fabricated with UNS N06082 or UNS N86182 Weld Filler Material With or Without Application of Listed Mitigation Activities,'' with certain conditions.

On June 9, 2011, the ASME approved the second revision of ASME BPV Code Case N–770 (N–770–2). The major changes from N–770–1 to N–770–2 included establishing new ASME BPV Code Case, Table 1, inspection item classifications for optimized weld overlays and allowing alternatives when complete inspection coverage cannot be met. Minor changes were also made to address editorial issues, to correct figures, or to add clarity. The NRC found that the updates and improvements in N–770–2 are sufficient to update § 50.55a(g)(6)(ii)(F).

The NRC, therefore, is updating the requirements of § 50.55a(g)(6)(ii)(F) to require licensees to implement ASME BPV Code Case N–770–2, with conditions. The NRC conditions have been modified to address the changes in ASME BPV Code Case N–770–2 and to ensure that this regulatory framework will provide adequate protection of public health and safety. The following sections discuss each of the NRC's changes to the conditions on ASME BPV Code Case N–770–2. As discussed earlier, this final rule incorporates by reference ASME BPV Code Case N–770–2 into § 50.55a(a)(1)(iii)(D).

10 CFR 50.55a(g)(6)(ii)(F)(1) Implementation

The NRC is revising § 50.55a(g)(6)(ii)(F)(*1*) to change the version of ASME BPV Code Case N–770 from N–770–1 to N–770–2 and to require its implementation, with conditions, to incorporate the updates and improvements contained in N–770–2. The NRC will allow licensees to begin using N–770–2 on the effective date of this rule.

10 CFR 50.55a(g)(6)(ii)(F)(2) Categorization

The NRC is revising § 50.55a(g)(6)(ii)(F)(*2*) to provide clarification regarding categorization of each Alloy 82/182 butt weld, mitigated or not, under N–770–2. This paragraph also clarifies the NRC's position that Paragraph –1100(e) shall not be used to exempt welds that rely on Alloy 82/182 for structural integrity from more frequent ISI schedules until the NRC has reviewed and authorized an alternative categorization for the weld. Additionally, the NRC will change the inspection item categories for full structural weld overlays from C to C–1 and F to F–1 due to reclassification under ASME BPV Code Case N–770–2.

10 CFR 50.55a(g)(6)(ii)(F)(3) Baseline Examinations

The NRC is revising § 50.55a(g)(6)(ii)(F)(*3*) to clarify the baseline examination requirements by stating that previously-conducted examinations, in order to count as baseline examinations, must meet the requirements of ASME BPV Code Case N–770–2, as conditioned in this section. The 2011 rule required the use of ASME BPV Code Section XI Appendix VIII qualifications for baseline examinations, which is stricter than N–770–2 and does not provide requirements for optimized weld overlays. The revision also updates the deadline for baseline examination requirements, since the January 20, 2012, deadline from the previous rule has passed. Finally, upon implementation of this rule, if a licensee is currently in an outage, then the baseline inspection requirement can be met by performing the inspections in accordance with the previous regulatory requirements of § 50.55a(g)(6)(ii)(F), in lieu of the examination requirements of Paragraphs –2500(a) or –2500(b) of ASME BPV Code Case N–770–2.

10 CFR 50.55a(g)(6)(ii)(F)(4) Examination Coverage

The NRC is revising § 50.55a(g)(6)(ii)(F)(*4*) to define examination coverage for circumferential flaws and to prohibit the use of Paragraph –2500(d) of ASME BPV Code Case N–770–2 which, in some circumstances, allows unacceptably low examination coverage. Paragraph –2500(d) of N–770–2 would allow the reduction of circumferential volumetric examination coverage with analytical evaluation. Paragraph –2500(c) was previously prohibited from use, and it continues to be prohibited. The NRC is establishing an essentially 100 percent volumetric examination coverage requirement, including greater than 90 percent of the required volumetric examination coverage, for circumferential flaws to provide reasonable assurance of structural integrity of all ASME BPV Code Class 1 butt welds susceptible to PWSCC. Therefore, the NRC is adopting a condition prohibiting the use of Paragraphs –2500(c) and –2500(d). A licensee may request approval for use of these paragraphs under 10 CFR 50.55a(z).

10 CFR 50.55a(g)(6)(ii)(F)(5) Inlay/Onlay Inspection Frequency

The NRC is revising § 50.55a(g)(6)(ii)(F)(*5*) to add the explanatory heading, ''Inlay/onlay

inspection frequency,'' and to make minor editorial corrections.

10 CFR 50.55a(g)(6)(ii)(F)(6) Reporting Requirements

The NRC is revising § 50.55a(g)(6)(ii)(F)(*6*) to add the explanatory heading, ''Reporting requirements.''

10 CFR 50.55a(g)(6)(ii)(F)(7) Defining ''t''

The NRC is revising § 50.55a(g)(6)(ii)(F)(*7*) to add the explanatory heading, ''Defining 't'.''

10 CFR 50.55a(g)(6)(ii)(F)(8) Optimized Weld Overlay Examination

The NRC is revising § 50.55a(g)(6)(ii)(F)(*8*) to add the explanatory heading, ''Optimized weld overlay examination,'' and to maintain the requirement for the timing of the initial inservice examination of optimized weld overlays.

Uncracked welds mitigated with optimized weld overlays were re-categorized by ASME BPV Code Case N–770–2 from Inspection Item D to Inspection Item C–2; however, the initial inspection requirement was not incorporated into the Code Case for Inspection Item C–2. The NRC has determined that uncracked welds mitigated with an optimized weld overlay must have an initial inservice examination no sooner than the third refueling outage and no later than 10 years following the application of the weld overlay to identify unacceptable crack growth. Optimized weld overlays establish compressive stress on the inner half thickness of the weld, but the outer half thickness may also be under tensile stress. The requirement for an initial inservice examination no sooner than the third refueling outage and no later than 10 years following the application of the weld overlay is based on the design of optimized weld overlays, which require the outer quarter thickness of the susceptible material to provide structural integrity for the weld. Therefore, the NRC is continuing adoption of the condition, which requires the initial inservice examination of uncracked welds mitigated by optimized weld overlay (*i.e.,* the welds which are subject to Inspection Item C–2 of ASME BPV Code Case N–770–2) within the specified timeframe.

10 CFR 50.55a(g)(6)(ii)(F)(9) Deferral

The NRC is revising § 50.55a(g)(6)(ii)(F)(*9*) to add the explanatory heading, ''Deferral,'' and to address changes in ASME BPV Code Case N–770–2 which allow the deferral of the first inservice examination of uncracked welds mitigated with optimized weld overlays, Inspection Item C–2.

Previously, under N–770–1, the initial inservice examination of these welds was not allowed to be deferred. Allowing deferral of the initial inservice examination in accordance with N–770–2 could, in certain circumstances, allow the initial inservice examination to be performed up to 20 years after installation. Therefore, the NRC is adopting a condition which would preclude the deferral of the initial inservice examination of uncracked welds mitigated by optimized weld overlays.

10 CFR 50.55a(g)(6)(ii)(F)(10) Examination Technique

The NRC is revising § 50.55a(g)(6)(ii)(F)(*10*) to add the explanatory heading, ''Examination technique,'' and to address changes in ASME BPV Code Case N–770–2. Note 14(a) of Table 1 of ASME BPV Code Case N–770–2 provides the previously required full examination requirement for optimized weld overlays. The language of ASME BPV Code Case N–770–2, however, does not require the implementation of the full examination requirements of Note 14(a) of Table 1, if possible, before implementing the reduced examination coverage requirements of Note 14(b) of Table 1 or Note (b) of Figure 5(a). The NRC agrees that reduced examination coverage is the best alternative if the full examination cannot be met; however, the full examination requirement should be implemented, if possible, before the option of reduced examination coverage is allowed. Therefore, the NRC is modifying the current condition in § 50.55a(g)(6)(ii)(F)(*10*) to allow the use of Note 14(b) of Table 1 and Note (b) of Figure 5(a) of ASME BPV Code Case N–770–2 only after the determination that the requirements of Note 14(a) of Table 1 of ASME BPV Code Case N–770–2 cannot be met.

10 CFR 50.55a(g)(6)(ii)(F)(11) Cast Stainless Steel

The NRC is adding § 50.55a(g)(6)(ii)(F)(*11*) to address examination requirements through cast stainless steel materials by requiring the use of Appendix VIII qualifications to meet the inspection requirements of Paragraph –2500(a) of ASME BPV Code Case N–770–2. The requirements for volumetric examination of butt welds through cast stainless steel materials are currently being developed as Supplement 9 to the ASME BPV Code, Section XI, Appendix VIII. In accordance with Appendix VIII for supplements that have not been developed, the requirements of Appendix III apply. Appendix III requirements are not equivalent to Appendix VIII requirements. For the volumetric examination of ASME BPV Code Class 1 welds, the NRC has established the requirement for examination qualification under the Appendix VIII. Therefore, the NRC is adopting a condition requiring the use of Appendix VIII qualifications to meet the inspection requirements of Paragraph –2500(a) of ASME BPV Code Case N–770–2 by January 1, 2022.

The development of a sufficient number of mockups would be required to establish an Appendix VIII program for examination of ASME BPV Code Class 1 piping and vessel nozzle butt welds through cast stainless steel materials. The NRC recognizes that significant time and resources are required to create mockups and to allow for qualification of equipment, procedures and personnel. Therefore, the NRC is requiring licensees to use these Appendix VIII qualifications no later than their first scheduled weld examinations involving cast stainless steel materials occurring after January 1, 2022.

10 CFR 50.55a(g)(6)(ii)(F)(12) Stress Improvement Inspection Coverage

The NRC is adding § 50.55a(g)(6)(ii)(F)(*12*) to clarify the examination coverage requirements allowed under Appendix I of ASME BPV Code Case N–770–2 for butt welds joining cast stainless steel material. Under current ASME BPV Code, Section XI, Appendix VIII requirements, the volumetric examination of butt welds through cast stainless steel materials is under Supplement 9. Supplement 9 rules are still being developed by the ASME BPV Code. Therefore, it is currently impossible to meet the requirement of Paragraph I.5.1 for butt welds joining cast stainless steel material.

The material of concern is the weld material susceptible to PWSCC adjoining the cast stainless steel material. Appendix VIII qualified procedures are available to perform the inspection of the susceptible weld material, but they are not qualified to inspect the cast stainless steel materials. Therefore, the NRC is adopting a condition changing the inspection volume for stress-improved dissimilar metal welds with cast stainless steel from the ASME BPV Code Section XI requirements to ''the maximum extent practical including 100 percent of the susceptible material volume.'' This will

remain applicable until an Appendix VIII qualified procedure for the inspection through cast stainless steel materials is available in accordance with the new condition in § 50.55a(g)(6)(ii)(F)(*11*).

10 CFR 50.55a(g)(6)(ii)(F)(13) Encoded Ultrasonic Examination

The NRC is adding § 50.55a(g)(6)(ii)(F)(13) to require the encoding of ultrasonic volumetric examinations of Inspection Items A–1, A–2, B, E, F–2, J, and K in Table 1 of N–770–2. A human performance gap has been found between some ultrasonic testing procedures, as demonstrated during ASME BPV Code, Section XI, Appendix VIII qualification versus as applied in the field.

The human factors that contributed to the licensee-performed examinations which failed to identify significant flaws at North Anna Power Station, Unit 1 in 2012 (Licensee Event Report 50–338/2012–001–00) and at Diablo Canyon Nuclear Power Plant in 2013 (Relief Request REP–1 U2, Revision 2) can be avoided by the use of encoded ultrasonic examinations. Encoded ultrasonic examinations electronically store both the positional and ultrasonic information from the inspections. Encoded examinations allow for the inspector to evaluate the data and search for indications outside of a time limited environment to assure that the inspection was conducted properly and to allow for sufficient time to analyze the data. Additionally, the encoded examination would allow for an independent review of the data by other inspectors or an independent third party. Finally, the encoded examination could be compared to previous and/or future encoded examinations to determine if flaws are present and flaw growth rates. Therefore, the NRC is adopting a condition requiring the use of encoding for ultrasonic volumetric examinations of non-mitigated or cracked mitigated dissimilar metal butt welds in the reactor coolant pressure boundary which are within the scope of ASME BPV Code Case N–770–2.

ASME BPV Code Case N–824

10 CFR 50.55a(b)(2)(xxxvii) Section XI Condition: ASME BPV Code Case N–824

The NRC is adding § 50.55a(b)(2)(xxxvii) to allow licensees to use the provisions of ASME BPV Code Case N–824, ''Ultrasonic Examination of Cast Austenitic Piping Welds From the Outside Surface Section XI, Division 1,'' subject to four conditions in § 50.55a(b)(2)(xxxvii)(A) through (D), when implementing inservice examinations in accordance with the ASME BPV Code, Section XI requirements.

During the construction of nuclear power plants, it was recognized that the grain structure of cast austenitic stainless steel (CASS) could prevent effective ultrasonic inspections of piping welds where one or both sides of the welds were constructed of CASS. The high strength and toughness of CASS (prior to thermal embrittlement) made it desirable as a building material despite this known inspection issue. This choice of construction materials has rendered many pressure boundary components without a means to reliably inspect them volumetrically. While there is no operational experience of a CASS component failing, as part of the reactor pressure boundary, inservice volumetric inspection of these components is necessary to provide reasonable assurance of their structural integrity.

The current regulatory requirements for the examination of CASS, provided in § 50.55a, do not provide sufficient guidance to assure that the CASS components are being inspected adequately. To illustrate that ASME BPV Code does not provide adequate guidance, ASME BPV Code, Section XI, Appendix III, Supplement 1 states, ''Cast materials may preclude meaningful examinations because of geometry and attenuation variables.'' For this reason, over the past several decades, licensees have been unable to perform effective inspections of welds joining CASS components. To allow for continued operation of their plants, licensees submitted hundreds of requests for relief from the ASME BPV Code requirements for inservice inspection of CASS components to the NRC, resulting in a significant regulatory burden.

The recent advances in inspection technology are driving renewed work at ASME BPV Code meetings to produce Section XI, Appendix VIII, Supplement 9 to resolve the CASS inspection issue, but it will be years before these code updates will be published, as well as additional time to qualify and approve procedures for use in the field. Until then, licensees would still use the requirements of ASME BPV Code Section XI, Appendix III, Supplement 1, which states that inspection of CASS materials meeting the ASME BPV Code requirements may not be meaningful. Consequently, less effective examinations would continue to be used in the field, and more relief requests would be generated between now and the implementation of Supplement 9.

The NRC commissioned a research program to determine the effectiveness of the new technologies for inspections of CASS components in an effort to resolve some of the known inspection issues. The result of this work is published in NUREG/CR–6933, ''Assessment of Crack Detection in Heavy-Walled Cast Stainless Steel Piping Welds Using Advanced Low-Frequency Ultrasonic Methods'', March 2007, and NUREG/CR–7122, ''An Evaluation of Ultrasonic Phased Array Testing for Cast Austenitic Stainless Steel Pressurizer Surge Line Piping Welds,'' March 2012. Based on the improvements in ultrasonic inspection technology and techniques for CASS components, the ASME approved BPV Code Case N–824 (N–824) on October 16, 2012, which describes how to develop a procedure capable of meaningfully inspecting welds in CASS components.

Effective examinations of CASS components require the use of lower frequencies and larger transducers than are typically used for ultrasonic inspections of piping welds and would require licensees to modify their inspection procedures. The NRC recognizes that requiring the use of spatial encoding will limit the full implementation of ASME BPV Code Case N–824, as spatial encoding is not practical for many weld configurations.

At this time, the use of ASME BPV Code Case N–824, as conditioned, is the most effective known method for adequately examining welds with one or more CASS components. With the use of ASME BPV Code Case N–824, as conditioned, licensees will be able to take full credit for completion of the § 50.55a required inservice volumetric inspection of welds involving CASS components. The implementation of ASME BPV Code Case N–824, as conditioned, will have the dual effect of improving the rigor of required volumetric inspections and reducing the number of uninspectable Class 1 and Class 2 pressure retaining welds.

The NRC concludes that incorporation of ASME BPV Code Case N–824, subject to the four conditions in § 50.55a(b)(2)(xxxvii)(A) through (D), will significantly improve the flaw detection capability of ultrasonic inspection of CASS components until Supplement 9 is implemented, thereby providing reasonable assurance of leak tightness and structural integrity. Additionally, it will reduce the regulatory burden on licensees and allow licensees to submit fewer relief requests for welds in CASS materials. The four conditions on the use of ASME BPV Code Case N–824,

§ 50.55a(b)(2)(xxxvii)(A) through (D), are discussed in the next four headings.

10 CFR 50.55a(b)(2)(xxxvii)(A) (First Condition on Use of ASME BPV Code Case N–824)

The NRC, based upon NUREG/CR–6933 and NUREG/CR–7122, has determined that inspections of CASS materials are very challenging, and sufficient technical basis exists to condition the code case to bring the code case into agreement with the NUREG/CR reports. The NUREG/CR reports also show that CASS materials produce high levels of coherent noise. The noise signals can be confusing and mask flaw indications. Use of encoded inspection data allows the inspector to mitigate this problem through the ability to electronically manipulate the data, which allows for discrimination between coherent noise and flaw indications. The NRC found that encoding CASS inspection data provides significant detection benefits. Therefore, the NRC is adding a condition in § 50.55a(b)(2)(xxxvii)(A) to require the use of encoded data when utilizing N–824 for the examination of CASS components.

10 CFR 50.55a(b)(2)(xxxvii)(B) (Second Condition on Use of ASME BPV Code CaseN–824)

The use of dual element phased-array search units showed the most promise in obtaining meaningful responses from flaws. For this reason, the NRC is adding a condition in § 50.55a(b)(2)(xxxvii)(B) to require the use of dual, transmit-receive, refracted longitudinal wave, multi-element phased array search units when utilizing N–824 for the examination of CASS components.

10 CFR 50.55a(b)(2)(xxxvii)(C) (Third Condition on Use of ASME BPV Code CaseN–824)

The optimum inspection frequencies for examining CASS components of various thicknesses are described in NUREG/CR–6933 and NUREG/CR–7122. For this reason, the NRC is adding a condition in § 50.55a(b)(2)(xxxvii)(C) to require that ultrasonic examinations performed to implement ASME BPV Code Case N–824 on piping greater than 1.6 inches (41 mm) thick shall use a phased array search unit with a center frequency of 500 kHz with a tolerance of + / − 20 percent.

10 CFR 50.55a(b)(2)(xxxvii)(D) (Fourth Condition on Use of ASME BPV Code CaseN–824)

NUREG/CR–6933 shows that the grain structure of CASS can reduce the effectiveness of some inspection angles. For this reason, the NRC is adding a condition in § 50.55a(b)(2)(xxxvii)(D) to require that ultrasonic examinations performed to implement ASME BPV Code Case N–824 shall use a phased array search unit which produces angles including, but not limited to, 30 to 55 degrees with a maximum increment of 5 degrees.

OM Code Case OMN–20

10 CFR 50.55a(b)(3)(x) OM Condition: ASME OM Code Case OMN–20

The NRC is adding § 50.55a(b)(3)(x) to allow licensees to implement OM Code Case OMN–20, ''Inservice Test Frequency,'' in the OM Code, 2012 Edition, for the editions and addenda of the OM Code that are listed in § 50.55a(a)(1)(iv) as being approved for incorporation by reference. As a conforming change, § 50.55a(a)(1)(iii)(G) is being added to incorporate by reference OM Code Case OMN–20 into § 50.55a.

Surveillance Requirement (SR) 3.0.3 from TS 5.5.6, ''Inservice Testing Program,'' allows licensees to apply a delay period before declaring the SR for TS equipment ''not met'' when the licensee inadvertently exceeds or misses the time limit for performing TS surveillance. Licensees have been applying SR 3.0.3 to inservice tests. The NRC has determined that licensees cannot use TS 5.5.6 to apply SR 3.0.3 to inservice tests under § 50.55a(f) that are not associated with a TS surveillance. To invoke SR 3.0.3, the licensee shall first discover that a TS surveillance was not performed at its specified frequency. Therefore, the delay period that SR 3.0.3 provides does not apply to non-TS support components tested under § 50.55a(f). The OM Code does not provide for any inservice test frequency reductions or extensions. In order to provide inservice test frequency reductions or extensions that can no longer be provided by SR 3.0.3 from TS 5.5.6, the ASME has developed OM Code Case OMN–20. The NRC has reviewed OM Code Case OMN–20 and has found it acceptable for use. The NRC determined that OM Code Case OMN–20 may be safely used for all licensees using editions and addenda of the OM Code that are listed in § 50.55a(a)(1)(iv). The NRC will include OM Code Case OMN–20 in the next revision of RG 1.192, at which time a conforming change will be made to delete both this paragraph and § 50.55a(a)(1)(iii)(G).

III. Opportunities for Public Participation

The proposed rule was published on September 18, 2015, for a 75-day comment period (80 FR 56820). The public comment period closed on December 2, 2015.

After the close of the public comment period, the NRC held a public meeting on March 2, 2016, to discuss the proposed rule, to answer questions on specific provisions of the proposed rule, and to discuss public comments received on the proposed rule in order to enhance the NRC's understanding of the comments. The public meeting summary is available in ADAMS under Accession No. ML16069A408.

IV. NRC Responses to Public Comments

The NRC received 27 letters and emails in response to the opportunity for public comment on the proposed rule. These comment submissions were submitted by the following commenters (listed in order of receipt):

1. Private citizen, Edward Cavey
2. Private citizen, Dale Matthews
3. Private citizen, Ron Clow
4. ASME
5. Iddeal Solutions, LLC
6. Electric Power Research Institute (EPRI)
7. Private citizen, William Taylor
8. ASME
9. Private citizen, Dan Nowakowski
10. Wolf Creek Nuclear Operating Corporation
11. Northern States Power Company—Minnesota
12. FirstEnergy Nuclear Operating Company
13. PSEG Nuclear
14. Dominion Resources Services, Inc.
15. Private citizen, Terence Chan
16. Nuclear Energy Institute
17. EPRI
18. Duke Energy
19. Private Citizen, William Taylor
20. Dominion Engineering, Inc.
21. Tennessee Valley Authority
22. Southern Nuclear Operating Company
23. Prairie Island Nuclear Plant
24. Inservice Test Owners Group
25. Exelon Generation Company
26. EPRI
27. EPRI

In general, the comments:

- Suggested revising or rewording conditions to make them clearer.
- Supported incorporation of Code Cases N–729–4, N–770–2, N–824, or OMN–20 into § 50.55a.
- Supported the proposed changes to add or remove conditions.
- Opposed proposed conditions.
- Supplied additional information for NRC consideration.
- Proposed rewriting or renumbering of paragraphs.

• Asked questions or requested information from the NRC.

Due to the large number of comments received and the length of the NRC's responses, this document summarizes the NRC's response to comments in areas of particular interest to stakeholders that prompted the NRC to make changes in this final rule from what was proposed. A discussion of all comments and complete NRC responses are presented in a separate document, ''2017 Final Rule (10 CFR 50.55a) American Society of Mechanical Engineers Codes and Code Cases: Analysis of Public Comments,'' (ADAMS Accession No. ML16130A531).

10 CFR 50.55a(a)(1)(ii), (b)(2); Nonmandatory Appendix U

Public commenters were concerned that the NRC was proposing to exclude incorporating by reference Nonmandatory Appendix U because Nonmandatory Appendix U is the incorporation of the provisions of ASME BPV Code Cases N–513–3 and N–705, without any technical changes, into the Section XI Code. The NRC agrees with this comment, in that ASME BPV Code Cases N–513–3 and N–705 have been approved in RG 1.147. Based on these comments, the NRC has removed the proposed exclusion of Nonmandatory Appendix U from this final rule. However, the NRC has found it necessary to apply two new conditions in § 50.55a(b)(2)(xxxiv)(A) and (B) to Nonmandatory Appendix U. The first condition provides regulatory consistency with the approval of the code cases in RG 1.147. The second condition requires the use of an Appendix from ASME BPV Code Case N–513–3 that was unintentionally omitted from Appendix U. The NRC discussed these changes at the March 2, 2016, public meeting, and the NRC considered the public feedback from that meeting when developing this final rule.

10 CFR 50.55a(b)(2)(xii), Underwater Welding

Public commenters were concerned that the proposed rule continued to prohibit the use of underwater welding in § 50.55a(b)(2)(xii), when changes were made to address this condition in the 2010 Edition of Section XI. The NRC agrees that the condition should be modified to address the changes in the Code. After consideration of the public comments, the NRC noted other inconsistencies for addressing welding on irradiated materials that appear in the Code and in some Code Cases. Section 50.55a(b)(2)(xii) of this final rule reflects a change to include two conditions that provide consistency for welding of irradiated materials. The NRC discussed these changes at the March 2, 2016, public meeting, and the NRC considered the public feedback from that meeting when developing this final rule.

10 CFR 50.55a(b)(2)(xxxi), Mechanical Clamping Devices

Public commenters were concerned that the wording of the proposed condition in § 50.55a(b)(2)(xxxi) was unclear and that citing the specific paragraphs of Section XI to which the NRC is taking exception would be clearer. The NRC agrees. To clarify the requirement for the implementation of mechanical clamps, the condition was changed to require the use of Appendix W of Section XI when using mechanical clamps. Additionally, use of IWA–4131.1(c) of the 2010 Edition of Section XI and IWA–4131.1(d) of the 2011 Addenda of the 2010 Edition and later versions of Section XI is prohibited. Identifying these specific subparagraphs was deemed necessary, as they may have caused confusion with the intended purpose of the original proposed condition in maintaining the previous regulatory requirements for mechanical clamping devices. Section 50.55a(b)(2)(xxxi) of this final rule reflects this change.

10 CFR 50.55a(b)(2)(xxxvii), ASME BPV Code Case N–824

Public commenters had concerns with conditions proposed on ASME BPV Code Case N–824, ''Ultrasonic Examination of Cast Austenitic Piping Welds From the Outside Surface Section XI, Division 1,'' in § 50.55a(b)(2)(xxxvii)(A) through (E). There were concerns that the conditions would limit the use of Code Case N–824 and that some conditions did not have a sufficient technical basis. The NRC partially agreed with the comments requesting the removal and modification of some conditions in § 50.55a(b)(2)(xxxvii) restricting the frequencies and angles usable on some cast austenitic welds. Based on the public comments, one condition was removed entirely and two others were modified. Section 50.55a(b)(2)(xxxvii)(A) through (D) of this final rule contain the modified and reduced conditions on the use of ASME BPV Code Case N–824. The NRC discussed these changes at the March 2, 2016, public meeting, and the NRC considered the public feedback from that meeting when developing this final rule.

10 CFR 50.55a(b)(3)(xi), OM Condition: Valve Position Indication

Public commenters raised concerns regarding the proposed condition in § 50.55a(b)(3)(xi) to emphasize the OM Code provisions in Subsection ISTC–3700, ''Position Verification Testing,'' to verify that valve operation is accurately indicated. Public commenters indicated that because of the significance of implementing the condition, some licensees might need time to revise or create procedures to govern the implementation of this condition. Public commenters also suggested that the condition be limited to active valves. The NRC partially agrees and partially disagrees with these comments. The NRC agrees that additional time to implement the condition regarding valve position verification is appropriate. Therefore, the NRC has revised the condition to indicate that it will be effective with implementation of the 2012 Edition of the OM Code. The NRC staff does not agree with the suggestion to limit the condition to active valves because the OM Code requires that passive valves undergo periodic verification of position indication.

V. Section-by-Section Analysis

Administrative Changes

The NRC is removing the revision number of the three RGs currently approved by the Office of the Federal Register for incorporation by reference throughout the substantive provisions of § 50.55a addressing the ASME Code Cases, *i.e.,* paragraphs (b) through (g). The revision numbers for the RGs approved for incorporation by reference (currently, RG 1.84, RG 1.147, and RG 1.192) will be retained in § 50.55a(a)(3)(i) through (iii), where the RGs are listed by full title, including revision number. That paragraph identifies the specific materials which the Office of the Federal Register has approved for incorporation by reference, as required by Office of the Federal Register requirements in 1 CFR 51.9. Readers would need to refer to § 50.55a(a) to determine the specific revision of the relevant RG that is approved for incorporation by reference by the Office of the Federal Register. These changes are administrative in nature and do not change substantive requirements with respect to the RGs and the Code Cases listed in the RGs.

10 CFR 50.55a(a) Documents Approved for Incorporation by Reference

The NRC is revising the incorporation by reference language to update the

contact information for the NRC Technical Library.

10 CFR 50.55a(a)(1)(i) ASME Boiler and Pressure Vessel Code, Section III

The NRC is revising § 50.55a(a)(1)(i) to clarify that Section III Nonmandatory Appendices of the listed editions and addenda are excluded from the incorporation by reference. The exclusion was originally added in a final rule published on June 21, 2011 (76 FR 36232); however, it was erroneously omitted from the final rule published on November 5, 2014 (79 FR 65776). The NRC is correcting the omission in this final rule by inserting ''(excluding Nonmandatory Appendices)'' in § 50.55a(a)(1)(i). The NRC is relocating the definition of the term ''BPV Code,'' which is used throughout the section, from § 50.55a(b) to § 50.55a(a)(1)(i).

10 CFR 50.55a(a)(1)(i)(E) ''Rules for Construction of Nuclear Facility Components—Division 1''

The NRC is revising § 50.55a(a)(1)(i)(E) to add ASME BPV Code, Section III 2009 Addenda, 2010 Edition, 2011 Addenda, and 2013 Edition.

10 CFR 50.55a(a)(1)(ii) ASME Boiler and Pressure Vessel Code, Section XI

The NRC is revising § 50.55a(a)(1)(ii) to include two minor editorial changes: to replace ''Boiler and Pressure Vessel Code'' with ''BPV Code'' and to replace ''limited to'' with ''limited by.''

10 CFR 50.55a(a)(1)(ii)(C)(52) and (53) ''Rules for Inservice Inspection of Nuclear Power Plant Components—Division 1''

The NRC is revising § 50.55a(a)(1)(ii)(C)(*52*) and (*53*) to add ASME BPV Code, Section XI 2009 Addenda, 2010 Edition, 2011 Addenda, and 2013 Edition. The examination requirements for Examination Category B–F, Item Numbers B5.11 and B5.71, Nozzle-to-Component Butt Welds in the 2011 Addenda and the 2013 Edition of ASME BPV Code, Section XI are expressly excluded from the incorporation by reference in § 50.55a(a)(1)(ii)(C)(*52*) and, therefore, not approved for use. Similarly, the requirements of IWB–3112(a)(3) and IWC–3112(a)(3) in the 2013 Edition of ASME BPV Code, Section XI are expressly excluded from the incorporation by reference in § 50.55a(a)(1)(ii)(C)(*53*) and are not approved for use.

10 CFR 50.55a(a)(1)(iii)(A) ASME BPV Code Case N–513–3 Mandatory Appendix I

The NRC is revising § 50.55a(a)(1)(iii)(A) to include information for a new standard that is being incorporated by reference, entitled, ''ASME BPV Code Case N–513–3 Mandatory Appendix I.''

10 CFR 50.55a(a)(1)(iii)(B) ASME BPV Code Case N–722–1

The NRC is revising § 50.55a(a)(1)(iii)(B) to maintain alphanumeric order for the ASME Code Cases listed in § 50.55a(a)(1)(iii). ASME BPV Code Case N–722–1 was previously approved for incorporation by reference.

10 CFR 50.55a(a)(1)(iii)(C) ASME BPV Code Case N–729–4

The NRC is revising § 50.55a(a)(1)(iii)(C) to add the title ''ASME BPV Code Case N–729–4,'' and include information for the standard that is being incorporated by reference.

10 CFR 50.55a(a)(1)(iii)(D) ASME BPV Code Case N–770–2

The NRC is adding § 50.55a(a)(1)(iii)(D) to add the title ''ASME BPV Code Case N–770–2,'' and include information for the standard that is being incorporated by reference.

10 CFR 50.55a(a)(1)(iii)(E) ASME BPV Code Case N–824

The NRC is adding § 50.55a(a)(1)(iii)(E) to include information for a new standard that is being incorporated by reference, entitled, ''ASME BPV Code Case N–824.''

10 CFR 50.55a(a)(1)(iii)(F) ASME BPV Code Case N–852

The NRC is adding § 50.55a(a)(1)(iii)(F) to include information for a new standard that is being incorporated by reference, entitled, ''ASME BPV Code Case N–852.''

10 CFR 50.55a(a)(1)(iii)(G) ASME OM Code Case OMN–20

The NRC is adding § 50.55a(a)(1)(iii)(G) to include information for a new standard that is being incorporated by reference, entitled, ''ASME OM Code Case OMN–20.''

10 CFR 50.55a(a)(1)(iv) ASME Operation and Maintenance Code

The NRC is revising § 50.55a(a)(1)(iv) to correct the title of the OM Code and to relocate the definition of the term ''OM Code,'' which is used throughout the section, from § 50.55a(b) to § 50.55a(a)(1)(iv).

10 CFR 50.55a(a)(1)(iv)(B) ''Operation and Maintenance of Nuclear Power Plants, Division 1: Section IST Rules for Inservice Testing of Light-Water Reactor Power Plants''

The NRC is adding new § 50.55a(a)(1)(iv)(B) to include ASME OM Code 2009 Edition and 2011 Addenda.

10 CFR 50.55a(a)(1)(iv)(C) ''Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST''

The NRC is adding new § 50.55a(a)(1)(iv)(C) to include ASME OM Code 2012 Edition.

10 CFR 50.55a(a)(1)(v) ASME Quality Assurance Requirements

The NRC is adding new § 50.55a(a)(1)(v) to include information regarding NQA–1 standards and add the title ''ASME Quality Assurance Requirements'' for ASME NQA–1 Code as part of NRC titling convention.

10 CFR 50.55a(b) Use and Conditions on the Use of Standards

The NRC is revising § 50.55a(b) to correct the title of the ASME OM Code.

10 CFR 50.55a(b)(1) Conditions on ASME BPV Code Section III

The NRC is revising § 50.55a(b)(1) to reflect the latest edition incorporated by reference, the 2013 Edition.

10 CFR 50.55a(b)(1)(ii) Section III Condition: Weld Leg Dimensions

The NRC is revising § 50.55a(b)(1)(ii) to clarify rule language and add Table I, which clarifies prohibited Section III provisions for welds with leg size less than 1.09 t_n in tabular form.

10 CFR 50.55a(b)(1)(iv) Section III Condition: Quality Assurance

The NRC is revising § 50.55a(b)(1)(iv) to clarify that it allows, but does not require, applicants and licensees to use the 2008 Edition through the 2009–1a Addenda of NQA–1 when applying the 2010 Edition and later editions of the ASME BPV Code, Section III, up to the 2013 Edition. Applicants and licensees are required to meet appendix B of 10 CFR part 50, and NQA–1 is one way of meeting portions of appendix B. An applicant or licensee may select any version of NQA–1 that has been approved for use in § 50.55a, but they must also use the administrative, quality, and technical provisions contained in the version of NCA–4000 referencing that Edition or Addenda of

NQA–1 selected by the applicant or licensee.

NQA–1 provides a method for establishing and implementing a QA program for the design and construction of nuclear power plants and fuel reprocessing plants; however, NQA–1, as modified and supplemented by NCA–4000, does not meet all of the requirements of appendix B to 10 CFR part 50.

Section 50.55a(b)(1)(iv) clarifies that applicants and licensees using NQA–1 are also required to meet appendix B to 10 CFR part 50 and the commitments contained in their QA program descriptions. To meet the requirements of appendix B, when using NQA–1 during the design and construction phase, applicants and licensees must address, in their quality program description, those areas where NQA–1 is insufficient to meet appendix B. Additional guidance and regulatory positions on how to meet appendix B when using NQA–1 are provided in RG 1.28, ''Quality Assurance Program Criteria (Design and Construction).''

10 CFR 50.55a(b)(1)(vii) Section III Condition: Capacity Certification and Demonstration of Function of Incompressible-Fluid Pressure-Relief Valves

The NRC is revising § 50.55a(b)(1)(vii) to reflect the editions and addenda of the ASME BPV Code incorporated by reference in this rulemaking.

10 CFR 50.55a(b)(1)(viii) Section III Condition: Use of ASME Certification Marks

The NRC is adding § 50.55a(b)(1)(viii) to allow licensees to use either the ASME BPV Code Symbol Stamp or ASME Certification Mark with the appropriate certification designator and class designator as specified in the 2013 Edition through the latest edition and addenda incorporated by reference in § 50.55a.

10 CFR 50.55a(b)(1)(ix) Section III Condition: NPT Code Symbol Stamps

The NRC is adding § 50.55a(b)(1)(ix) to allow licensees to use the NPT Code Symbol Stamp with the letters arranged horizontally as specified in ASME BPV Code Case N–852 for the service life of a component that had the NPT Code Symbol Stamp applied during the time period from January 1, 2005, through December 31, 2015.

10 CFR 50.55a(b)(2) Conditions on ASME BPV Code, Section XI

The NRC is revising § 50.55a(b)(2) to reflect the editions and addenda of the ASME BPV Code incorporated by reference in this rulemaking.

10 CFR 50.55a(b)(2)(vi) Section XI Condition: Effective Edition and Addenda of Subsection IWE and Subsection IWL

The NRC is revising § 50.55a(b)(2)(vi) to clarify that the provision applies only to the class of licensees of operating reactors that were required by previous versions of § 50.55a to develop and implement a containment ISI program in accordance with Subsection IWE and Subsection IWL, and complete an expedited examination of containment during the 5-year period from September 9, 1996 to September 9, 2001.

10 CFR 50.55a(b)(2)(viii) Section XI Condition: Concrete Containment Examinations

The NRC is revising § 50.55a(b)(2)(viii) by removing the condition for using the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWL requiring compliance with § 50.55a(b)(2)(viii)(E). To support the removal of the condition, the NRC is adding new requirements governing the performance and documentation of concrete containment examinations in § 50.55a(b)(2)(viii)(H) and (I), which are discussed separately in the next two headings.

10 CFR 50.55a(b)(2)(viii)(H) Concrete Containment Examinations: Eighth Provision

The NRC is adding § 50.55a(b)(2)(viii)(H) to require licensees to provide the applicable information specified in paragraphs (b)(2)(viii)(E)(*1*), (*2*), and (*3*) of this section in the ISI Summary Report required by IWA–6000 for each inaccessible concrete surface area evaluated under the new code provision IWL–2512 of the 2009 Addenda up to and including the 2013 Edition.

10 CFR 50.55a(b)(2)(viii)(I) Concrete Containment Examinations: Ninth Provision

The NRC is adding § 50.55a(b)(2)(viii)(I) to provide a new condition requiring the technical evaluation required by IWL–2512(b) of the 2009 Addenda up to and including the 2013 Edition of inaccessible below-grade concrete surfaces exposed to foundation soil, backfill, or groundwater be performed at periodic intervals not to exceed 5 years. In addition, the licensee must examine representative samples of the exposed portions of the below-grade concrete, when such below-grade concrete is excavated for any reason. The condition applies only to holders of renewed licenses under 10 CFR part 54 during the period of extended operation (*i.e.,* beyond the expiration date of the original 40-year license) of a renewed license when using IWL–2512(b) of the 2007 Edition with 2009 Addenda through the latest edition and addenda in § 50.55a(a)(1)(ii)—the 2013 Edition under this final rule.

10 CFR 50.55a(b)(2)(ix) Section XI Condition: Metal Containment Examinations

The NRC is revising § 50.55a(b)(2)(ix) to continue to apply the existing conditions in § 50.55a(b)(2)(ix)(A)(*2*) and (b)(2)(ix)(B) and (J) with respect to the metal containment examination requirements in Subsection IWE up to and including the 2013 Edition (and all future editions and addenda of the ASME BPV Code which the NRC incorporates by reference into § 50.55a). The NRC is accomplishing this by adding the words ''edition and'' to the last sentence in § 50.55a(b)(2)(ix).

10 CFR 50.55a(b)(2)(ix)(D) Metal Containment Examinations: Fourth Provision

The NRC is revising the rule text in § 50.55a(b)(2)(ix)(D) to improve clarity. Section 50.55a(b)(2)(ix)(D) introductory text and (b)(2)(ix)(D)(1) are combined. The information required to be included in the ISI Summary report is now all on the same paragraph level. No substantive change to the requirements is intended by this revision.

10 CFR 50.55a(b)(2)(x) Section XI Condition: Quality Assurance

The NRC is revising § 50.55a(b)(2)(x) to clarify that it allows, but does not require, licensees to use the 1994 Edition or the 2008 Edition through the 2009–1a Addenda of NQA–1 when applying the 2009 Addenda and later editions and addenda of the ASME BPV Code, Section XI, up to the 2013 Edition. Licensees are required to meet appendix B of 10 CFR part 50, and NQA–1 is one way of meeting portions of appendix B. A licensee may select any version of NQA–1 that has been approved for use in § 50.55a.

NQA–1 provides a method for establishing and implementing a QA program for the design and construction of nuclear power plants and fuel reprocessing plants; however, NQA–1 does not meet all of the requirements of appendix B to 10 CFR part 50. Section 50.55a(b)(2)(x) clarifies that licensees using NQA–1 are also required to meet appendix B to 10 CFR part 50 and the commitments contained in their QA program descriptions. To meet the

requirements of appendix B, when using NQA–1 during ISI phase, licensees must address, in their quality program description, those areas where NQA–1 is insufficient to meet appendix B. Additional guidance and regulatory positions on how to meet appendix B when using NQA–1 are provided in RG 1.28.

10 CFR 50.55a(b)(2)(xii) Section XI Condition: Underwater Welding

The NRC is revising § 50.55a(b)(2)(xii) to allow underwater welding on irradiated materials in accordance with IWA–4660 under certain conditions. Licensees are allowed to perform welding on irradiated materials if certain neutron fluence criteria and, for certain material classes, helium concentration criteria are not exceeded. If these criteria are exceeded, the licensee is prohibited from performing welding on irradiated materials unless the licensee obtains NRC approval in accordance with § 50.55a(z).

10 CFR 50.55a(b)(2)(xviii)(D) NDE Personnel Certification: Fourth Provision

The NRC is adding § 50.55a(b)(2)(xviii)(D) to provide a new condition prohibiting the use of Appendix VII and Subarticle VIII–2200 of the 2011 Addenda and 2013 Edition of Section XI of the ASME BPV Code. Licensees are required to implement Appendix VII and Subarticle VIII–2200 of the 2010 Edition of Section XI.

10 CFR 50.55a(b)(2)(xxi)(A) Table IWB–2500–1 Examination Requirements: First Provision

The NRC is revising § 50.55a(b)(2)(xxi)(A) to modify the standard for visual magnification resolution sensitivity and contrast for visual examinations performed on Examination Category B–D components instead of ultrasonic examinations. A visual examination with magnification that has a resolution sensitivity to resolve 0.044 inch (1.1 mm) lower case characters without an ascender or descender (*e.g.,* a, e, n, v), utilizing the allowable flaw length criteria in Table IWB–3512–1, 1997 Addenda through the latest edition and addenda incorporated by reference in § 50.55a(a)(1)(ii), with a limiting assumption on the flaw aspect ratio (*i.e.,* a/l = 0.5), may be performed instead of an ultrasonic examination. This revision removes a requirement that was in addition to the ASME BPV Code that required 1-mil wires to be used in licensees' Sensitivity, Resolution, and Contrast Standard targets.

10 CFR 50.55a(b)(2)(xxiii) Section XI Condition: Evaluation of Thermally Cut Surfaces

The NRC is revising § 50.55a(b)(2)(xxiii) to modify the applicability of the condition. The condition will only apply to the 2001 Edition through the 2009 Addenda IWA–4461.4, which was revised in the 2010 Edition to remove paragraph IWA–4461.4.2, which permitted an application specific evaluation of thermally cut surfaces in lieu of a thermal metal removal process qualification.

10 CFR 50.55a(b)(2)(xxxi) Section XI Condition: Mechanical Clamping Devices

The NRC is adding § 50.55a(b)(2)(xxxi) to provide a new condition maintaining the requirement to use Appendix IX, now renumbered as Appendix W, when installing a mechanical clamping device on an ASME BPV Code Class piping system. Additionally, the condition prohibits the use of mechanical clamping devices in accordance with the changes made to IWA–4131.1(c) in the 2010 Edition and IWA–4131.1(d) in the 2011 Addenda through 2013 Edition on small item Class 1 piping and portions of a piping system that form the containment boundary.

10 CFR 50.55a(b)(2)(xxxii) Section XI Condition: Summary Report Submittal

The NRC is adding § 50.55a(b)(2)(xxxii) to provide a new condition requiring licensees using the 2010 Edition or later editions and addenda of Section XI to follow the requirements of IWA–6240 of the 2009 Addenda of Section XI for the submittal of Preservice and Inservice Summary Reports. The condition also describes the timing of the submission of the Summary Reports by referencing the specific Section XI paragraph IWA–6240(b) in the regulation.

10 CFR 50.55a(b)(2)(xxxiii) Section XI Condition: Risk-Informed Allowable Pressure

The NRC is adding § 50.55a(b)(2)(xxxiii) to provide a new condition to prohibit the use of Appendix G, Paragraph G–2216, in the 2011 Addenda and later editions and addenda of the ASME BPV Code, Section XI.

10 CFR 50.55a(b)(2)(xxxiv) Section XI Condition: Nonmandatory Appendix U

The NRC is adding § 50.55a(b)(2)(xxxiv)(A) and (B) to require that two conditions be satisfied when using Nonmandatory Appendix U of the 2013 Edition of the ASME BPV Code, Section XI. Paragraph (b)(2)(xxxiv)(A) requires that an ASME BPV Code repair or replacement activity temporarily deferred under the provisions of Nonmandatory Appendix U to the 2013 Edition of the ASME BPV Code, Section XI, shall be performed during the next scheduled refueling outage. Paragraph (b)(2)(xxxiv)(B) requires the use of the mandatory appendix in ASME BPV Code Case N–513–3, in lieu of the appendix referenced in paragraph U–S1–4.2.1(c) of Appendix U, which was inadvertently omitted from Appendix U.

10 CFR 50.55a(b)(2)(xxxv) Section XI Condition: Use of RT_{T0} in the K_{Ia} and K_{Ic} Equations

The NRC is adding § 50.55a(b)(2)(xxxv) to provide a new condition to specify that when licensees use ASME BPV Code, Section XI, 2013 Edition, Appendix A, paragraph A–4200, if T_0 is available, then RT_{T0} may be used in place of RT_{NDT} for applications using the K_{Ic} equation and the associated K_{Ic} curve, but not for applications using the K_{Ia} equation and the associated K_{Ia} curve.

10 CFR 50.55a(b)(2)(xxxvi) Section XI Condition: Fracture Toughness of Irradiated Materials

The NRC is adding § 50.55a(b)(2)(xxxvi) to provide a new condition requiring licensees using ASME BPV Code, Section XI, 2013 Edition, Appendix A, paragraph A–4400, to obtain NRC approval under § 50.55a(z) before using irradiated T_0 and the associated RT_{T0} in establishing fracture toughness of irradiated materials.

10 CFR 50.55a(b)(2)(xxxvii) Section XI Condition: ASME BPV Code Case N–824

The NRC is adding § 50.55a(b)(2)(xxxvii) to provide a new provision that allows licensees to implement ASME BPV Code Case N–824, ''Ultrasonic Examination of Cast Austenitic Piping Welds From the Outside Surface Section XI, Division 1,'' subject to four conditions in paragraphs (b)(2)(xxxvii)(A) through (D). Each of these paragraphs are discussed in the following headings.

10 CFR 50.55a(b)(2)(xxxvii)(A) Section XI Condition: ASME BPV Code Case N–824

The NRC is adding § 50.55a(b)(2)(xxxvii)(A) to add a new condition that requires ultrasonic examinations performed to implement ASME BPV Code Case N–824 to be spatially encoded.

10 CFR 50.55a(b)(2)(xxxvii)(B) Section XI Condition: ASME BPV Code Case N–824

The NRC is adding § 50.55a(b)(2)(xxxvii)(B) to add a new condition that requires that ultrasonic examinations performed to implement ASME BPV Code Case N–824 shall use dual, transmit-receive, refracted longitudinal wave, multi-element phased array search units instead of the requirements of Paragraph 1(c)(1)(–a) of N–824.

10 CFR 50.55a(b)(2)(xxxvii)(C) Section XI Condition: ASME BPV Code Case N–824

The NRC is adding § 50.55a(b)(2)(xxxvii)(C) to add a new condition that requires that ultrasonic examinations performed to implement ASME BPV Code Case N–824 on piping greater than 1.6 inches (41 mm) thick shall use a phased array search unit with a center frequency of 500 kHz with a tolerance of + /− 20 percent instead of the requirements of Paragraph 1(c)(1)(–c)(–2).

10 CFR 50.55a(b)(2)(xxxvii)(D) Section XI Condition: ASME BPV Code Case N–824

The NRC is adding § 50.55a(b)(2)(xxxvii)(D) to add a new condition that requires that ultrasonic examinations performed to implement ASME BPV Code Case N–824 shall use a phased array search unit which produces angles including, but not limited to, 30 to 55 degrees with a maximum increment of 5 degrees instead of the requirements of Paragraph 1(c)(1)(–d).

10 CFR 50.55a(b)(3) Conditions on ASME OM Code

The NRC is revising § 50.55a(b)(3) to clarify that Subsections ISTA, ISTB, ISTC, ISTD, ISTE, and ISTF; Mandatory Appendices I, II, III, and V; and Nonmandatory Appendices A through H and J through M of the OM Code are each incorporated by reference into § 50.55a. The NRC is also clarifying that the OM Code Nonmandatory Appendices incorporated by reference into § 50.55a are approved for use, but are not mandated. The Nonmandatory Appendices may be used by applicants and licensees of nuclear power plants, subject to the conditions in § 50.55a(b)(3).

10 CFR 50.55a(b)(3)(i) OM Condition: Quality Assurance

The NRC is revising § 50.55a(b)(3)(i) to allow licensees to use the 1994 Edition, 2008 Edition, and 2009–1a Addenda of NQA–1 when using the 1995 Edition through the 2012 Edition of the OM Code. Licensees are required to meet appendix B to 10 CFR part 50, and NQA–1 is one way of meeting portions of appendix B.

NQA–1 provides a method for establishing and implementing a QA program for the design and construction of nuclear power plants and fuel reprocessing plants; however, NQA–1 does not meet all of the requirements of appendix B to 10 CFR part 50. Section 50.55a(b)(3)(i) clarifies that licensees using NQA–1 are also required to meet appendix B to 10 CFR part 50 and the commitments contained in their QA program descriptions. To meet the requirements of appendix B, licensees must address, in their quality program description, those areas where NQA–1 is insufficient to meet appendix B. Additional guidance and regulatory positions on how to meet appendix B when using NQA–1 are provided in RG 1.28.

10 CFR 50.55a(b)(3)(ii) OM Condition: Motor-Operated Valve (MOV) Testing

The NRC is revising § 50.55a(b)(3)(ii) to set forth four conditions on the use of mandatory Appendix III, ''Preservice and Inservice Testing of Active Electric Motor Operated Valve Assemblies in Light-Water Reactor Power Plants,'' in the OM Code, 2009 Edition, 2011 Addenda, and 2012 Edition. The four conditions, which are set forth in paragraphs (b)(3)(ii)(A) through (D), are discussed in the next four headings.

10 CFR 50.55a(b)(3)(ii)(A) MOV Diagnostic Test Interval

The NRC is adding § 50.55a(b)(3)(ii)(A) to require that licensees evaluate the adequacy of the diagnostic test intervals established for MOVs within the scope of OM Code, Appendix III, not later than 5 years or three refueling outages (whichever is longer) from initial implementation of OM Code, Appendix III.

10 CFR 50.55a(b)(3)(ii)(B) MOV Testing Impact on Risk

The NRC is adding § 50.55a(b)(3)(ii)(B) to require that licensees ensure that the potential increase in CDF and LERF associated with the extension is acceptably small when extending exercise test intervals for high risk MOVs beyond a quarterly frequency. As specified in RG 1.192, when extending exercise test intervals for high risk MOVs beyond a quarterly frequency, licensees must ensure that the potential increase in CDF and risk associated with the extension is small and consistent with the intent of the Commission's Safety Goal Policy Statement. As discussed earlier in Section II, the NRC provides guidance in RG 1.174 that acceptably small changes are relative and depend on the current plant CDF and LERF. For plants with total baseline CDF of 10^{-4} per year or less, acceptably small means CDF increases of up to 10^{-5} per year; and for plants with total baseline CDF greater than 10^{-4} per year, acceptably small means CDF increases of up to 10^{-6} per year. For plants with total baseline LERF of 10^{-5} per year or less, acceptably small LERF increases are considered to be up to 10^{-6} per year; and for plants with total baseline LERF greater than 10^{-5} per year, acceptably small LERF increases are considered to be up to 10^{-7} per year.

10 CFR 50.55a(b)(3)(ii)(C) MOV Risk Categorization

The NRC is adding § 50.55a(b)(3)(ii)(C) to require, when applying Appendix III to the OM Code, that licensees categorize MOVs according to their safety significance using the methodology described in OM Code Case OMN–3 subject to the conditions discussed in RG 1.192, or using an MOV risk ranking methodology accepted by the NRC on a plant-specific or industry-wide basis in accordance with the conditions in the applicable safety evaluation.

10 CFR 50.55a(b)(3)(ii)(D) MOV Stroke Time

The NRC is adding § 50.55a(b)(3)(ii)(D) to require, when applying Paragraph III–3600, ''MOV Exercising Requirements,'' of Appendix III to the OM Code, licensees shall verify that the stroke time of MOVs specified in plant technical specifications satisfies the assumptions in the plant's safety analyses.

10 CFR 50.55a(b)(3)(iii) OM Condition: New Reactors

The NRC is adding § 50.55a(b)(3)(iii) to specify that, in addition to complying with the provisions in the OM Code as required with the conditions specified in § 50.55a(b)(3), holders of operating licenses for nuclear power reactors that received construction permits under this part on or after the date 12 months after August 17, 2017, and holders of COLs issued under 10 CFR part 52, whose initial fuel loading occurs on or after the date 12 months after August 17, 2017, shall also comply with four condition on power-operated valves, check valves, flow-induced vibration, and operational readiness of high-risk non-safety systems, to the extent applicable. These four conditions, which are set forth in

§ 50.55a(b)(3)(iii)(A), (B), (C), and (D), are discussed in the next four headings.

10 CFR 50.55a(b)(3)(iii)(A) Power-Operated Valves (First Condition on New Reactors)

The NRC is adding § 50.55a(b)(3)(iii)(A) to require that licensees subject to § 50.55a(b)(3)(iii) periodically verify the capability of power-operated valves (POVs) to perform their design-basis safety functions.

10 CFR 50.55a(b)(3)(iii)(B) Check Valves (Second Condition on New Reactors)

The NRC is adding § 50.55a(b)(3)(iii)(B) to require that licensees subject to § 50.55a(b)(3)(iii) perform bi-directional testing of check valves within the IST program where practicable.

10 CFR 50.55a(b)(3)(iii)(C) Flow-Induced Vibration (Third Condition on New Reactors)

The NRC is adding § 50.55a(b)(3)(iii)(C) to require that licensees subject to § 50.55a(b)(3)(iii) monitor flow-induced vibration (FIV) from hydrodynamic loads and acoustic resonance during preservice testing or inservice testing to identify potential adverse flow effects that might impact components within the scope of the IST program.

10 CFR 50.55a(b)(3)(iii)(D) High Risk Non-Safety Systems (Fourth Condition on New Reactors)

The NRC is adding § 50.55a(b)(3)(iii)(D) to require that licensees subject to § 50.55a(b)(3)(iii) establish a program to assess the operational readiness of pumps, valves, and dynamic restraints within the scope of the Regulatory Treatment of Non-Safety Systems for applicable reactor designs. As of the time of this final rule, these are designs which have been certified in a design certification rule under 10 CFR part 52. This final rule refers to these RTNSS components using the term, ''high risk non-safety systems.''

As noted by the public commenters, ASME is preparing guidance for new reactor licensees to use in developing programs for the treatment of RTNSS equipment. The NRC staff is participating on the OM Code committees to assist in developing guidance for the treatment of RTNSS equipment that is consistent with Commission policy. Guidance on the implementation of the Commission policy for RTNSS equipment is set forth in NRC Inspection Procedure 73758, ''Part 52, Functional Design and Qualification, and Preservice and Inservice Testing Programs for Pumps, Valves and Dynamic Restraints,'' dated April 19, 2013.

10 CFR 50.55a(b)(3)(iv) OM Condition: Check Valves (Appendix II)

The NRC is revising § 50.55a(b)(3)(iv) to extend the existing conditions on the use of Appendix II to the new Editions and Addenda which are the subject of this rulemaking. These conditions are that: (i) Trending and evaluation shall support the determination that the valve or group of valves is capable of performing its intended function(s) over the entire interval; and (ii) at least one of the Appendix II condition monitoring activities for a valve group shall be performed on each valve of the group at approximate equal intervals not to exceed the maximum interval shown in the following table:

MAXIMUM INTERVALS FOR USE WHEN APPLYING INTERVAL EXTENSIONS

Group size	Maximum interval between activities of member valves in the groups (years)	Maximum interval between activities of each valve in the group (years)
≥4	4.5	16
3	4.5	12
2	6	12
1	Not applicable	10

The conditions currently specified for the use of Appendix II, 1995 Edition with the 1996 and 1997 Addenda, and 1998 Edition through the 2002 Addenda, of the OM Code remain the same in this final rule.

10 CFR 50.55a(b)(3)(vii) OM Condition: Subsection ISTB

The NRC is adding § 50.55a(b)(3)(vii) to prohibit the use of Subsection ISTB in the 2011 Addenda to the OM Code.

10 CFR 50.55a(b)(3)(viii) OM Condition: Subsection ISTE

The NRC is adding § 50.55a(b)(3)(viii) to specify that licensees who wish to implement Subsection ISTE, ''Risk-Informed Inservice Testing of Components in Light-Water Reactor Nuclear Power Plants,'' of the OM Code, 2009 Edition, 2011 Addenda, and 2012 Edition, must first request and obtain NRC approval in accordance with § 50.55a(z) to apply Subsection ISTE on a plant-specific basis as a risk-informed alternative to the applicable IST requirements in the OM Code.

The NRC will evaluate § 50.55a(z) requests for approval to implement Subsection ISTE in accordance with the following considerations. These considerations are consistent with the guidance provided in RG 1.174.

1. Scope of Risk-Informed IST Program

Subsection ISTE–1100, ''Applicability,'' establishes the component safety categorization methodology and process for dividing the population of pumps and valves, as identified in the IST Program Plan, into high safety significant component (HSSC) and low safety significant component (LSSC) categories. When establishing a risk-informed IST program, the licensee should address a wide range of components important to safety at the nuclear power plant that includes both safety-related and nonsafety-related components. These components might extend beyond the scope of the OM Code.

2. Risk-Ranking Methodology

The licensee should specify, in its request for authorization to implement a risk-informed IST program, the methodology to be applied in risk ranking its components. ISTE–4000, ''Specific Component Categorization Requirements,'' incorporates OM Code Case OMN–3 for the categorization of pumps and valves in developing a risk-informed IST program. The OMN–3 Code Case methodology for risk ranking uses two categories of safety

significance. The NRC staff has also accepted other methodologies for risk ranking that use three categories of safety significance.

3. Safety Significance Categorization

The licensee should categorize components according to their safety significance based on the methodology described in Subsection ISTE with the applicable conditions on the use of OM Code Case OMN–3 specified in RG 1.192, or use other risk ranking methodologies accepted by the NRC on a plant-specific or industry-wide basis with applicable conditions specified by the NRC for their acceptance. The licensee should address the seven conditions in RG 1.192 for the use of OM Code Case OMN–3, as appropriate, in developing the risk-informed IST program described in Subsection ISTE. With respect to the provisions in Subsection ISTE, these conditions are:

(a) The implementation of ISTE–1100 should include within the scope of a licensee's risk-informed IST program non-ASME OM Code pumps and valves categorized as HSSCs that might not currently be included in the IST program at the nuclear power plant.

(b) The decision criteria discussed in ISTE–4410, ''Decision Criteria,'' and Nonmandatory Appendix L, ''Acceptance Guidelines,'' of the OM Code for evaluating the acceptability of aggregate risk effects (*i.e.,* for CDF and LERF) should be consistent with the guidance provided in RG 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis.''

(c) The implementation of ISTE–4440, ''Defense in Depth,'' should be consistent with the guidance contained in Section 2.2.1, ''Defense-in-Depth Evaluation,'' and Section 2.2.2, ''Safety Margin Evaluation,'' of RG 1.175, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Inservice Testing.''

(d) The implementation of ISTE–4500, ''Inservice Testing Program,'' and ISTE–6100, ''Performance Monitoring,'' should be consistent with the guidance contained in Section 3.2, ''Program Implementation,'' and Section 3.3, ''Performance Monitoring,'' of RG 1.175.

(e) The implementation of ISTE–3210, ''Plant-Specific PRA,'' should be consistent with the guidance that the Owner is responsible for demonstrating and justifying the technical adequacy of the PRA analyses used as the basis to perform component risk ranking and for estimating the aggregate risk impact. For example, RG 1.200, ''An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,'' and RG 1.201, ''Guidelines for Categorizing Structures, Systems, and Components in Nuclear Power Plants According to their Safety Significance,'' provide guidance for PRA technical adequacy and component risk ranking.

(f) The implementation of ISTE–4240, ''Reconciliation,'' should specify that the expert panel may not classify components that are ranked HSSC by the results of a qualitative or quantitative PRA evaluation (excluding the sensitivity studies) or the defense-in-depth assessment to LSSC.

(g) The implementation of ISTE–3220, ''Living PRA,'' should be consistent with the following: (i) To account for potential changes in failure rates and other changes that could affect the PRA, changes to the plant must be reviewed and, as appropriate, the PRA updated; (ii) when the PRA is updated, the categorization of structures, systems, and components must be reviewed and changed, if necessary, to remain consistent with the categorization process; and (iii) the review of the plant changes must be performed in a timely manner and must be performed once every two refueling outages, or as required by § 50.71(h)(2) for COL holders.

4. Pump Testing

Subsection ISTE–5100, ''Pumps,'' incorporates OM Code Case OMN–7 for risk-informed testing of pumps categorized as LSSCs. Subsection ISTE–5100 allows the interval for Group A and Group B testing of LSSC pumps specified in Subsection ISTB of the OM Code to be extended from the current 3-month interval to intervals of 6 months or 2 years. Subsection ISTE–5100 eliminates the requirement in Subsection ISTB to perform comprehensive pump testing for LSSC pumps. Table ISTE–5121–1, ''LSSC Pump Testing,'' specifies that pump operation may be required more frequently than the specified test frequency (6 months) to meet vendor recommendations. Subsection ISTE–4500, ''Inservice Testing Program,'' specifies in ISTE–4510, ''Maximum Testing Interval,'' that the maximum testing interval shall be based on the more limiting of (a) the results of the aggregate risk, or (b) the performance history of the component. ISTE–5130, ''Maximum Test Interval—Pre-2000 Plants,'' specifies that the most limiting interval for LSSC pump testing shall be determined from ISTE–4510 and ISTE–5120, ''Low Safety Significant Pump Testing.'' The ASME developed the comprehensive pump test requirements in the OM Code to address weaknesses in the Code requirements to assess the operational readiness of pumps to perform their design-basis safety function. Therefore, the licensee should ensure that testing under Subsection ISTE will provide assurance of the operational readiness of pumps in each safety significant categorization to perform their design-basis safety function as described in RGs 1.174 and 1.175.

5. Motor-Operated Valve Testing

Subsection ISTE–5300, ''Motor Operated Valve Assemblies,'' provides a risk-informed IST approach instead of the IST requirements for MOVs in Mandatory Appendix III to the OM Code. The ASME prepared Appendix III to the OM Code to replace the requirement for quarterly stroke-time testing of MOVs with a program of periodic exercising and diagnostic testing to address lessons learned from nuclear power plant operating experience and industry and regulatory research programs for MOV performance. Subsection ISTC of the OM Code specifies the implementation of Appendix III for periodic exercising and diagnostic testing of MOVs to replace quarterly stroke-time testing previously required for MOVs. Appendix III incorporates provisions that allow a risk-informed IST approach for MOVs as described in OM Code Cases OMN–1 and OMN–11. Subsection ISTE–5300 is not consistent with the provisions for the risk-informed IST program for MOVs specified in Appendix III to the OM Code (and Code Cases OMN–1 and 11). Therefore, licensees who wish to implement Subsection ISTE should address the provisions in paragraph III–3700, ''Risk-Informed MOV Inservice Testing,'' of Appendix III to the OM Code as incorporated by reference in § 50.55a, with the applicable conditions, instead of ISTE–5300.

6. Pneumatically and Hydraulically Operated Valve Testing

Subsection ISTE–5400, ''Pneumatically and Hydraulically Operated Valves,'' specifies that licensees test their AOVs and HOVs in accordance with Appendix IV to the OM Code. Subsection ISTE–5400 indicates that Appendix IV is in the course of preparation. The NRC staff will need to review Appendix IV prior to accepting its use as part of Subsection ISTE. Therefore, licensees who wish to implement Subsection ISTE should describe the planned IST provisions for AOVs and HOVs in its request for approval to implement Subsection ISTE.

7. Pump Periodic Verification Test

Subsection ISTE does not include a requirement to implement the pump periodic verification test program specified in Mandatory Appendix V to the OM Code, 2012 Edition. Therefore, licensee should address the consideration of a pump periodic verification test program in its risk-informed IST program, proposed as part of the authorization request to implement Subsection ISTE.

10 CFR 50.55a(b)(3)(ix) OM Condition: Subsection ISTF

The NRC is adding § 50.55a(b)(3)(ix) to specify that licensees applying Subsection ISTF, ''Inservice Testing of Pumps in Light-Water Reactor Nuclear Power Plants—Post-2000 Plants,'' in the 2012 Edition of the OM Code shall satisfy the requirements of Mandatory Appendix V, ''Pump Periodic Verification Test Program,'' of the OM Code, 2012 Edition. The paragraph also states that Subsection ISTF, 2011 Addenda, is not acceptable for use.

10 CFR 50.55a(b)(3)(x) OM Condition: ASME OM Code Case OMN–20

The NRC is adding § 50.55a(b)(3)(x) to allow licensees to implement OM Code Case OMN–20, ''Inservice Test Frequency,'' in the OM Code, 2012 Edition, for the editions and addenda of the OM Code that are listed in § 50.55a(a)(1)(iv).

10 CFR 50.55a(b)(3)(xi) OM Condition: Valve Position Indication

The NRC is adding § 50.55a(b)(3)(xi) to emphasize the provisions in the OM Code, 2012 Edition, Subsection ISTC–3700, ''Position Verification Testing,'' to verify that valve obturator position is accurately indicated. The OM Code, Subsection ISTC–3700 requires valves with remote position indicators shall be observed locally at least once every 2 years to verify that valve operation is accurately indicated. Licensees will be required to implement the condition when adopting the 2012 Edition of the OM Code as their Code of Record for the applicable 120-month IST interval.

10 CFR 50.55a(f) Preservice and Inservice Testing Requirements

The NRC is revising the heading for § 50.55a(f) and clarifying that the OM Code includes provisions for preservice testing of components as part of its overall provisions for IST programs.

10 CFR 50.55a(f)(4) Inservice Testing Standards Requirement for Operating Plants

The NRC is revising § 50.55a(f)(4) to ensure that the paragraph is applicable to pumps and valves that are within the scope of the OM Code. The NRC is also including an additional provision in § 50.55a(f)(4) stating that the IST requirements for pumps and valves that are within the scope of the OM Code but are not classified as ASME BPV Code Class 1, Class 2, or Class 3 may be satisfied as an augmented IST program, in accordance with § 50.55a(f)(6)(ii), without requesting relief under § 50.55a(f)(5) or alternatives under § 50.55a(z). This use of an augmented IST program may be acceptable provided the basis for deviations from the OM Code, as incorporated by reference in this section, demonstrates an acceptable level of quality and safety, or that implementing the Code provisions would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, where documented and available for NRC review. These changes align the scope of pumps and valves for inservice testing with the scope defined in the OM Code without imposing an unnecessary paperwork burden on nuclear power plant licensees for the submittal of relief and alternative requests for pumps and valves within the scope of the OM Code but not classified as ASME BPV Code Class 1, Class 2, or Class 3 components.

10 CFR 50.55a(g) Preservice and Inservice Inspection Requirements

The NRC is revising the heading in § 50.55a(g), adding new paragraphs (g)(2)(i), (ii), and (iii), and revising current paragraphs (g) introductory text, (g)(2), (g)(3) introductory text, and (g)(3)(i), (ii), and (v) to distinguish the requirements for accessibility, preservice examination, and inservice inspection. No substantive change to the requirements is intended by these revisions.

10 CFR 50.55a(g)(4) Inservice Inspection Standards Requirement for Operating Plants

The NRC is revising § 50.55a(g)(4)(ii) to add an implementation period of 18-months for licensees whose ISI interval commences during the 12 through 18-month period after the publication of this final rule. The NRC is also revising § 50.55a(g)(4)(i) and (ii) to add a provision allowing licensees to adopt the latest version of Appendix VIII of the ASME BPV Code edition or addenda listed in § 50.55a(a)(1) at any time in the licensee's 120-month ISI interval.

10 CFR 50.55a(g)(6)(ii)(D) Augmented ISI Requirements: Reactor Vessel Head Inspections

The NRC is revising § 50.55a(g)(6)(ii)(D) to reflect the NRC's approval of ASME BPV Code Case N–729–4, which supersedes the NRC's earlier approval of ASME BPV Code Case N–729–1. The revisions include changes to the conditions governing the use of the Code Case to reflect the change from N–729–1 to N–729–4. The effect of these changes is to require licensees to implement an augmented ISI program for the examination of the pressurized water reactor RPV upper head penetrations. The following discussions provide a more detailed discussion of the revisions to § 50.55a(g)(6)(ii)(D).

10 CFR 50.55a(g)(6)(ii)(D)(1) Implementation

The NRC is revising § 50.55a(g)(6)(ii)(D)(*1*) to require licensees to implement an augmented ISI program for the examination of the pressurized water reactor RPV upper head penetrations meeting ASME BPV Code Case N–729–4 instead of the previously approved requirements to use ASME BPV Code Case N–729–1, as conditioned by the NRC.

Removal of Existing Conditions in 10 CFR 50.55a(g)(6)(ii)(D)(2) Through (5)

The NRC is removing the existing conditions in § 50.55a(g)(6)(ii)(D)(*2*) through (*5*) and redesignating the existing condition in § 50.55a(g)(6)(ii)(D)(*6*) as § 50.55a(g)(6)(ii)(D)(*2*).

10 CFR 50.55a(g)(6)(ii)(D)(2) Appendix I Use

The NRC is revising the existing condition in § 50.55a(g)(6)(ii)(D)(*6*), which is redesignated as § 50.55a(g)(6)(ii)(D)(*2*) in this final rule, to require NRC approval prior to implementing Appendix I of ASME BPV Code Case N–729–4.

10 CFR 50.55a(g)(6)(ii)(D)(3) Bare Metal Visual Frequency

The NRC is adding a new condition in § 50.55a(g)(6)(ii)(D)(*3*) which requires cold head plants with less than eight effective degradation years (EDY<8) without PWSCC flaws to perform a bare metal visual examination (VE) each outage a volumetric exam is not performed and allows these plants to extend the bare metal visual inspection frequency from once each refueling outage, as stated in Table 1 of N–729–4, to once every 5 years, only if the licensee performed a wetted surface examination of all of the partial

penetration welds during the previous volumetric examination. In addition, this new condition clarifies that a bare metal visual examination is not required during refueling outages when a volumetric or surface examination is performed of the partial penetration welds.

10 CFR 50.55a(g)(6)(ii)(D)(4) Surface Exam Acceptance Criteria

The NRC is adding a new condition in § 50.55a(g)(6)(ii)(D)(*4*) clarifying that rounded indications found by surface examinations of the partial-penetration or associated fillet welds in accordance with N–729–4 must meet the acceptance criteria for surface examinations of paragraph NB–5352 of ASME 2013 Edition of Section III for the licensee's ongoing 10-year ISI interval.

10 CFR 50.55a(g)(6)(ii)(F)(1) Implementation

The NRC is revising § 50.55a(g)(6)(ii)(F)(*1*) to require licensees to implement an augmented ISI program for the examination of ASME Class 1 piping and nozzle butt welds meeting ASME BPV Code Case N–770–2 instead of the previously approved ASME BPV Code Case N–770–1.

Furthermore, the NRC is revising § 50.55a(g)(6)(ii)(F)(*1*) to update the date of applicability for pressurized water reactors, to note the change to implement ASME BPV Code Case N–770–2 instead of N–770–1, and to reflect the number of conditions which must be applied.

10 CFR 50.55a(g)(6)(ii)(F)(2) Categorization

The NRC is revising § 50.55a(g)(6)(ii)(F)(*2*) to clarify the requirements for licensees to establish the initial categorization of each weld and modify the wording to reflect the ASME BPV Code Case N–770–2 change in the inspection item category for full structural weld overlays (C to C–1 and F to F–1). Additionally, the NRC is adding a sentence which clarifies the NRC position that Paragraph –1100(e) of ASME BPV Code Case N–770–2 shall not be used to exempt welds that rely on Alloy 82/182 for structural integrity from any requirement of § 50.55a(g)(6)(ii)(F).

10 CFR 50.55a(g)(6)(ii)(F)(3) Baseline Examinations

The NRC is revising § 50.55a(g)(6)(ii)(F)(*3*) to clarify the current requirement in this paragraph to complete baseline examinations by stating that previously-conducted examinations, in order to count as baseline examinations, must meet the requirements of ASME BPV Code Case N–770–2, as conditioned in this section. Additionally, this condition clarifies that the examination coverage requirements, for a licensee to count previous inspections as baseline examinations, must meet the examination coverage requirements described in Paragraphs –2500(a) or –2500(b) of ASME BPV Code Case N–770–2, as conditioned by the NRC in this section. Upon implementation of this rule, if a licensee is currently in an outage, then the baseline inspection requirement can be met by performing the inspections in accordance with the previous regulatory requirements of § 50.55a(g)(6)(ii)(F), in lieu of the examination requirements of Paragraphs –2500(a) or –2500(b) of ASME BPV Code Case N–770–2.

10 CFR 50.55a(g)(6)(ii)(F)(4) Examination Coverage

The NRC is revising § 50.55a(g)(6)(ii)(F)(*4*) to clarify that when licensees are implementing paragraph –2500(a) of ASME BPV Code Case N–770–2, essentially 100 percent of the required volumetric examination coverage shall be obtained, including greater than 90 percent volumetric examination coverage is obtained for circumferential flaws, to continue the restriction on the licensee's use of Paragraph –2500(c) and to continue the restriction that the use of new Paragraph –2500(d) of ASME BPV Code Case N–770–2 is not allowed without prior NRC review and approval in accordance with § 50.55a(z), as it would permit a reduction in volumetric examination coverage for circumferential flaws. However, a licensee may request approval for use of these paragraphs under § 50.55a(z), and the NRC may approve the request if technically justified.

10 CFR 50.55a(g)(6)(ii)(F)(5) Inlay/Onlay Inspection Frequency

The NRC is revising § 50.55a(g)(6)(ii)(F)(*5*) to add an explanatory heading, ''Inlay/onlay inspection frequency,'' and to make minor editorial corrections without substantive changes in the requirement.

10 CFR 50.55a(g)(6)(ii)(F)(6) Reporting Requirements

The NRC is revising § 50.55a(g)(6)(ii)(F)(*6*) to add an explanatory heading, ''Reporting requirements.''

10 CFR 50.55a(g)(6)(ii)(F)(7) Defining ''t''

The NRC is revising § 50.55a(g)(6)(ii)(F)(*7*) to add an explanatory heading, ''Defining 't'.''

10 CFR 50.55a(g)(6)(ii)(F)(8) Optimized Weld Overlay Examination

The NRC is revising § 50.55a(g)(6)(ii)(F)(*8*) to add an explanatory heading, ''Optimized weld overlay examination,'' and to continue the current condition located in § 50.55a(g)(6)(ii)(F)(*9*) which requires that the initial examination of optimized weld overlays (*i.e.,* Inspection Item C–2 of ASME BPV Code Case N–770–2) be performed between the third refueling outage and no later than 10 years after application of the overlay and delete the other current examination requirements for optimized weld overlay examination frequency, as these requirements were included in the revision from N–770–1 to N–770–2.

10 CFR 50.55a(g)(6)(ii)(F)(9) Deferral

The NRC is revising § 50.55a(g)(6)(ii)(F)(*9*) to add an explanatory heading, ''Deferral,'' and to modify the current condition to continue denial of the deferral of the initial inservice examination of uncracked welds mitigated by optimized weld overlays. These welds shall continue to have their initial inservice examinations as prescribed in N–770–1 within 10 years of the application of the optimized weld overlay and not allow deferral of this initial examination. Subsequent inservice examinations may be deferred as allowed by N–770–2. Additionally, the modified condition will delete the current condition on examination requirements for the deferral of welds mitigated by inlay, onlay, stress improvement and optimized weld overlay, as these requirements were, with one exception (*i.e.,* optimized weld overlay), included in the revision from N–770–1 to N–770–2.

10 CFR 50.55a(g)(6)(ii)(F)(10) Examination Technique

The NRC is revising § 50.55a(g)(6)(ii)(F)(*10*) to add an explanatory heading, ''Examination technique,'' and to modify the current condition to allow the previously prohibited alternate examination requirements of Note (b) of Figure 5(a) of ASME BPV Code Cases N–770–1 and N–770–2 and the same requirements in Note 14(b) of Table 1 of ASME BPV Code Case N–770–2 for optimized weld overlays only if the full examination requirements of Note 14(a) of Table 1 of

ASME BPV Code Case N–770–2 cannot be met.

10 CFR 50.55a(g)(6)(ii)(F)(11) Cast Stainless Steel

The NRC is adding § 50.55a(g)(6)(ii)(F)(*11*) to provide a new condition requiring licensees to establish a Section XI, Appendix VIII, qualification requirement for ultrasonic inspection of cast stainless steel and through cast stainless steel to meet the examination requirements of Paragraph –2500(a) of ASME BPV Code Case N–770–2 by January 1, 2022.

10 CFR 50.55a(g)(6)(ii)(F)(12) Stress Improvement Inspection Coverage

The NRC is adding § 50.55a(g)(6)(ii)(F)(*12*) to provide a new condition that would allow licensees to implement a stress improvement mitigation technique for items containing cast stainless steel that would meet the requirements of Appendix I of ASME BPV Code Case N–770–2, if the required examination volume can be examined by Appendix VIII procedures to the maximum extent practical including 100 percent of the susceptible material volume.

10 CFR 50.55a(g)(6)(ii)(F)(13) Encoded Ultrasonic Examination

The NRC is adding § 50.55a(g)(6)(ii)(F)(*13*) to provide a new condition requiring licensees to perform encoded examinations of 100 percent of the required inspection volume when required to perform volumetric examinations of all non-mitigated and cracked mitigated butt welds in the reactor coolant pressure boundary in accordance with ASME BPV Code Case N–770–2.

VI. Generic Aging Lessons Learned Report

Background

In December 2010, the NRC issued NUREG–1801, Revision 2, for applicants to use in preparing their license renewal applications. The GALL Report provides aging management programs (AMPs) that the NRC staff has concluded are sufficient for aging management in accordance with the license renewal rule, as required in § 54.21(a)(3). In addition, NUREG–1800, Revision 2, ''Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants,'' was issued in December 2010 to ensure the quality and uniformity of NRC staff reviews of license renewal applications and to present a well-defined basis on which the NRC staff evaluates the applicant's aging management programs and activities. In April 2011, the NRC issued NUREG–1950, ''Disposition of Public Comments and Technical Bases for Changes in the License Renewal Guidance Documents NUREG–1801 and NUREG–1800,'' which describes the technical bases for the changes in Revision 2 of the GALL Report and Revision 2 of the SRP for review of license renewal applications. Revision 2 of the GALL Report, in Sections XI.M1, XI.S1, XI.S2, and XI.S3, describes the evaluation and technical bases for determining the sufficiency of ASME BPV Code Subsections IWB, IWC, IWD, IWE, IWF, and IWL for managing aging during the period of extended operation. In addition, many other AMPs in the GALL Report rely, in part but to a lesser degree, on the requirements specified in the ASME BPV Code, Section XI. Revision 2 of the GALL Report also states that the 1995 Edition through the 2004 Edition of the ASME BPV Code, Section XI, Subsections IWB, IWC, IWD, IWE, IWF, and IWL, as modified and limited by § 50.55a, were found to be acceptable editions and addenda for complying with the requirements of § 54.21(a)(3), unless specifically noted in certain sections of the GALL Report. The GALL Report further states that the future **Federal Register** notices that amend § 50.55a will discuss the acceptability of editions and addenda more recent than the 2004 edition for their applicability to license renewal.

In a final rule issued on June 21, 2011 (76 FR 36232), subsequent to Revision 2 of the GALL Report, the NRC found that the 2004 Edition with the 2005 Addenda through the 2007 Edition with the 2008 Addenda of Section XI of the ASME BPV Code, Subsections IWB, IWC, IWD, IWE, IWF, and IWL, as subject to the conditions in § 50.55a, are acceptable for the AMPs in the GALL Report and the conclusions of the GALL Report remain valid with the augmentations specifically noted in the GALL Report.

Evaluation With Respect to Aging Management

As part of this rulemaking, the NRC evaluated whether those AMPs in Revision 2 of the GALL Report which rely upon Subsections IWB, IWC, IWD, IWE, IWF, and IWL of Section XI in the editions and addenda of the ASME BPV Code incorporated by reference into § 50.55a, continue to be acceptable if the AMP relies upon the versions of these Subsections in the 2007 Edition with the 2009 Addenda through the 2013 Edition. The NRC finds that the 2007 Edition with the 2009 Addenda through the 2013 Edition of Section XI of the ASME BPV Code, Subsections IWB, IWC, IWD, IWE, IWF, and IWL, as subject to the conditions of this rule, are acceptable for the AMPs in the GALL Report and the conclusions of the GALL Report remain valid with the augmentations specifically noted in the GALL Report. Accordingly, an applicant for license renewal may use, in its plant-specific license renewal application, Subsections IWB, IWC, IWD, IWE, IWF, and IWL of Section XI of the 2007 Edition with the 2009 Addenda through the 2013 Edition of the ASME BPV Code, as subject to the conditions in this rule, without additional justification.

Similarly, a licensee approved for license renewal that relied on the GALL AMPs may use Subsections IWB, IWC, IWD, IWE, IWF, and IWL of Section XI of the 2007 Edition with the 2009 Addenda through the 2013 Edition of the ASME BPV Code. However, a licensee must assess and follow applicable NRC requirements with regard to changes to its licensing basis. Some of the AMPs in the GALL Report recommend augmentation of certain Code requirements in order to ensure adequate aging management for license renewal. The technical and regulatory aspects of the AMPs for which augmentations are recommended also apply if the editions or addenda from the 2007 Edition with the 2009 Addenda through the 2013 Edition of Section XI of the ASME BPV Code are used to meet the requirements of § 54.21(a)(3). The NRC staff evaluated the changes in the 2007 Edition with the 2009 Addenda through the 2013 Edition of Section XI of the ASME BPV Code to determine if the augmentations described in the GALL Report remain necessary. The NRC staff's evaluation has concluded that the augmentations described in the GALL Report are necessary to ensure adequate aging management. For example, Table IWB–2500–1, in the 2007 Edition with the 2009 Addenda of ASME BPV Code, Section XI, Subsection IWB, requires surface examination of ASME BPV Code Class 1 branch pipe connection welds less than nominal pipe size (NPS) 4 under Examination Category B–J. However, the NRC staff finds that volumetric or opportunistic destructive examination, rather than surface examination, is necessary to adequately detect and manage the aging effect due to stress corrosion cracking or thermal, mechanical and vibratory loadings in the components for the period of extended operation. Therefore, GALL Report Section XI.M35, ''One-Time Inspection of ASME BPV Code Class 1 Small-Bore Piping,'' includes the augmentation of the requirements in ASME BPV Code, Section XI,

Subsection IWB to perform a one-time inspection of a sample of ASME BPV Code Class 1 piping less than NPS 4 and greater than or equal to NPS 1 using volumetric or opportunistic destructive examination. The GALL Report addresses this augmentation to confirm that there is no need to manage age-related degradation through periodic volumetric inspections or that an existing AMP (for example, Water Chemistry AMP) is effective to manage the aging effect due to stress corrosion cracking or thermal, mechanical and vibratory loadings for the period of extended operation. A license renewal applicant may either augment its AMPs as described in the GALL Report, or propose alternatives for the NRC to review as part of the applicant's plant-specific justification for its AMPs.

VII. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this rule does not have a significant economic impact on a substantial number of small entities. This final rule affects only the licensing and operation of nuclear power plants. The companies that own these plants 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 (§ 2.810).

VIII. Regulatory Analysis

The NRC has prepared a final regulatory analysis on this regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The regulatory analysis is available as indicated in the ''Availability of Documents'' section of this document.

IX. Backfitting and Issue Finality

Introduction

The NRC's Backfit Rule in § 50.109 states that the NRC shall require the backfitting of a facility only when it finds the action to be justified under specific standards stated in the rule. Section 50.109(a)(1) defines backfitting as the modification of or addition to systems, structures, components, or design of a facility; the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct, or operate a facility. Any of these modifications or additions may result from a new or amended provision in the NRC's rules or the imposition of a regulatory position interpreting the NRC's rules that is either new or different from a previously applicable NRC position after issuance of the construction permit or the operating license or the design approval.

Section 50.55a requires nuclear power plant licensees to:

- Construct ASME BPV Code Class 1, 2, and 3 components in accordance with the rules provided in Section III, Division 1, of the ASME BPV Code (''Section III'').
- Inspect Class 1, 2, 3, Class MC, and Class CC components in accordance with the rules provided in Section XI, Division 1, of the ASME BPV Code (''Section XI'').
- Test Class 1, 2, and 3 pumps, valves, and dynamic restraints (snubbers) in accordance with the rules provided in the OM Code.

This final rule is incorporating by reference the 2009 Addenda, 2010 Edition, 2011 Addenda, and the 2013 Edition of the ASME BPV Code, Section III, Division 1 and ASME BPV Code, Section XI, Division 1, including NQA–1 (with conditions on its use), as well as the 2009 Edition and 2011 Addenda and 2012 Edition of the OM Code and Code Cases N–770–2 and N–729–4.

The ASME BPV and OM Codes are national consensus standards developed by participants with broad and varied interests, in which all interested parties (including the NRC and utilities) participate. A consensus process involving a wide range of stakeholders is consistent with the NTTAA, inasmuch as the NRC has determined that there are sound regulatory reasons for establishing regulatory requirements for design, maintenance, ISI, and IST by rulemaking. The process also facilitates early stakeholder consideration of backfitting issues. Therefore, the NRC believes that the NRC need not address backfitting with respect to the NRC's general practice of incorporating by reference updated ASME Codes.

Overall Backfitting Considerations: Section III of the ASME BPV Code

Incorporation by reference of more recent editions and addenda of Section III of the ASME BPV Code does not affect a plant that has received a construction permit or an operating license or a design that has been approved. This is because the edition and addenda to be used in constructing a plant are, under § 50.55a, determined based on the date of the construction permit, and are not changed thereafter, except voluntarily by the licensee. The incorporation by reference of more recent editions and addenda of Section III ordinarily applies only to applicants after the effective date of a final rule incorporating these new editions and addenda. Therefore, incorporation by reference of a more recent edition and addenda of Section III does not constitute ''backfitting'' as defined in § 50.109(a)(1).

Overall Backfitting Considerations: Section XI of the ASME BPV Code and the OM Code

Incorporation by reference of more recent editions and addenda of Section XI of the ASME BPV Code and the OM Code affects the ISI and IST programs of operating reactors. However, the Backfit Rule generally does not apply to incorporation by reference of later editions and addenda of the ASME BPV Code (Section XI) and OM Code. As previously mentioned, the NRC's longstanding regulatory practice has been to incorporate later versions of the ASME Codes into § 50.55a. Under § 50.55a, licensees shall revise their ISI and IST programs every 120 months to the latest edition and addenda of Section XI of the ASME BPV Code and the OM Code incorporated by reference into § 50.55a 12 months before the start of a new 120-month ISI and IST interval. Therefore, when the NRC approves and requires the use of a later version of the Code for ISI and IST, it is implementing this longstanding regulatory practice and requirement.

Other circumstances where the NRC does not apply the Backfit Rule to the approval and requirement to use later Code editions and addenda are as follows:

1. When the NRC takes exception to a later ASME BPV Code or OM Code provision but merely retains the current existing requirement, prohibits the use of the later Code provision, limits the use of the later Code provision, or supplements the provisions in a later Code. The Backfit Rule does not apply because the NRC is not imposing new requirements. However, the NRC explains any such exceptions to the Code in the statement of considerations and regulatory analysis for the rule.

2. When an NRC exception relaxes an existing ASME BPV Code or OM Code provision but does not prohibit a licensee from using the existing Code provision. The Backfit Rule does not apply because the NRC is not imposing new requirements.

3. The NRC's consideration of backfitting for modifications and limitations imposed during previous routine updates of § 50.55a have established a precedent for determining the kinds of modifications or limitations which should be considered backfitting, or require a backfit analysis (*e.g.,* final rule dated September 10, 2008 (73 FR 52730), and a correction dated October 2, 2008 (73 FR 57235)). The consideration of backfitting and issue

finality with respect to the modifications and limitations in this rulemaking are consistent with the consideration and application of backfitting and issue finality requirements to analogous modifications and limitations in previous § 50.55a rulemakings.

The incorporation by reference and adoption of a requirement mandating the use of a later ASME BPV Code or OM Code may constitute backfitting in some circumstances. In these cases, the NRC would perform a backfit analysis or documented evaluation in accordance with § 50.109. These include the following:

1. When the NRC endorses a later provision of the ASME BPV Code or OM Code that takes a substantially different direction from the existing requirements, the action is treated as a backfit (*e.g.,* 61 FR 41303 (August 8, 1996)).

2. When the NRC requires implementation of a later ASME BPV Code or OM Code provision on an expedited basis, the action is treated as a backfit. This applies when implementation is required sooner than it would be required if the NRC simply endorsed the Code without any expedited language (*e.g.,* 64 FR 51370 (September 22, 1999)).

3. When the NRC takes an exception to an ASME BPV Code or OM Code provision and imposes a requirement that is substantially different from the existing requirement as well as substantially different from the later Code (*e.g.,* 67 FR 60529 (September 26, 2002)).

Detailed Backfitting Discussion: Changes Beyond Those Necessary To Incorporate by Reference the New ASME BPV and OM Code Provisions

This section discusses the backfitting considerations for all the changes to § 50.55a that go beyond the minimum changes necessary and required to adopt the new ASME Code Addenda into § 50.55a.

ASME BPV Code, Section III

1. Revise § 50.55a(b)(1)(ii), ''Weld leg dimensions,'' to clarify rule language and add Table I, which clarifies prohibited Section III provisions for welds with leg sizes less than 1.09 t_n in tabular form. This change does not alter the original intent of this requirement and, therefore, does not impose a new requirement. Therefore, this change is not a backfit.

2. Revise § 50.55a(b)(1)(iv), ''Quality assurance,'' to require that when applying editions and addenda later than the 1989 Edition of Section III, the requirements of NQA–1, 1994 Edition, 2008 Edition, and the 2009–1a Addenda are acceptable for use, provided that the edition and addenda of NQA–1 specified in either NCA–4000 or NCA–7000 is used in conjunction with the administrative, quality, and technical provisions contained in the edition and addenda of Section III being used. This revision clarifies the current requirements, and is considered to be consistent with the meaning and intent of the current requirements, and therefore is not considered to result in a change in requirements. Therefore, this change is not a backfit.

3. Add a new condition as § 50.55a(b)(1)(viii), ''Use of ASME Certification Marks,'' to allow licensees to use either the ASME BPV Code Symbol Stamp or ASME Certification Mark with the appropriate certification designator and class designator as specified in the 2013 Edition through the latest edition and addenda incorporated by reference in § 50.55a. This condition does not result in a change in requirements previously approved in the Code and, therefore, is not a backfit.

ASME BPV Code, Section XI

1. Revise § 50.55a(b)(2)(vi), ''Effective edition and addenda of Subsection IWE and Subsection IWL,'' to clarify that the provision applies only to the class of licensees of operating reactors that were required by previous versions of § 50.55a to develop, implement a containment ISI program in accordance with Subsection IWE and Subsection IWL, and complete an expedited examination of containment during the 5-year period from September 9, 1996, to September 9, 2001. This revision clarifies the current requirements, is considered to be consistent with the meaning and intent of the current requirements, and is not considered to result in a change in requirements. Therefore, this change is not a backfit.

2. Revise § 50.55a(b)(2)(viii), ''Concrete containment examinations,'' so that when using the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWL, the conditions in § 50.55a(b)(2)(viii)(E) do not apply, but the new conditions in § 50.55a(b)(2)(viii)(H) and (I) do apply. This revision does not require § 50.55a(b)(2)(viii)(E) to be used when following the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWL because most of its requirements have been included in IWL–2512, ''Inaccessible Areas.'' Therefore, this change is not a backfit because the requirements have not changed. The revision to add the condition in § 50.55a(b)(2)(viii)(H) captures the reporting requirements of the current § 50.55a(b)(2)(viii)(E) which were not included in IWL–2512. Therefore, this change is not a backfit because the requirements have not changed. The revision to add the condition in § 50.55a(b)(2)(viii)(I) addresses a new code provision in IWL–2512(b) for evaluation of below-grade concrete surfaces during the period of extended operation of a renewed license. The condition assures consistency with the GALL Report, Revision 2, and applies to plants going forward using the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWL. The requirements remain unchanged from the recommendations in the GALL Report and, therefore, this change is not a backfit.

3. Revise § 50.55a(b)(2)(ix), ''Metal containment examinations,'' to extend the applicability of the existing conditions in § 50.55a(b)(2)(ix)(A)(2) and (b)(2)(ix)(B) and (J) to the 2007 Edition with 2009 Addenda through the 2013 Edition of Subsection IWE. This condition does not result in a change to current requirements, and is therefore not a backfit.

4. Revise § 50.55a(b)(2)(x), ''Quality assurance,'' to require that when applying the editions and addenda later than the 1989 Edition of ASME BPV Code, Section XI, the requirements of NQA–1, 1994 Edition, the 2008 Edition, and the 2009–1a Addenda specified in either IWA–1400 or Table IWA 1600–1, ''Referenced Standards and Specifications,'' of that edition and addenda of Section XI are acceptable for use, provided the licensee uses its appendix B to 10 CFR part 50 QA program in conjunction with Section XI requirements. This revision clarifies the current requirements, which the NRC considers to be consistent with the meaning and intent of the current requirements. Therefore, the NRC does not consider the clarification to be a change in requirements. Therefore, this change is not a backfit.

5. Revise § 50.55a(b)(2)(xii), ''Underwater welding,'' to allow underwater welding on irradiated materials under certain conditions. The revision eliminates the prohibition on welding on irradiated materials. Therefore, this change is not a backfit.

6. Add a new condition as § 50.55a(b)(2)(xviii)(D), ''NDE personnel certification: Fourth provision,'' to prohibit the use of Appendix VII and Subarticle VIII–2200 of the 2011 Addenda and 2013 Edition of Section XI of the ASME BPV Code. Licensees are required to implement Appendix VII

and Subarticle VIII–2200 of the 2010 Edition of Section XI. This condition does not constitute a change in NRC position because the use of the subject provisions is not currently allowed by § 50.55a. Therefore, the addition of this new condition is not a backfit.

7. Revise § 50.55a(b)(2)(xxi)(A), ''Table IWB–2500–1 examination requirements: First provision,'' to modify the standard for visual magnification resolution sensitivity and contrast for visual examinations of Examination Category B–D components, making the rule conform with ASME BPV Code, Section XI requirements for VT–1 examinations. This revision removes a condition that was in addition to the ASME BPV Code requirements and does not impose a new requirement. Therefore, this change is not a backfit.

8. Add a new condition as § 50.55a(b)(2)(xxxi), ''Mechanical clamping devices;'' to prohibit the use of mechanical clamping devices in accordance with IWA–4131.1(c) in the 2010 Edition and IWA–4131.1(d) in the 2011 Addenda through 2013 Edition on small item Class 1 piping and portions of a piping system that forms the containment boundary. This condition does not constitute a change in NRC position and does not affect licensees because the use of the subject provisions is not currently allowed by § 50.55a. Therefore, the addition of this new condition is not a backfit.

9. Add a new condition as § 50.55a(b)(2)(xxxii), ''Summary report submittal,'' to clarify that licensees using the 2010 Edition or later editions and addenda of Section XI must continue to submit to the NRC the Preservice and Inservice Summary Reports required by IWA–6240 of the 2009 Addenda of Section XI. This condition does not result in a change in the NRC's requirements insomuch as these reports have been required in the 2009 Addenda of Section XI and all previous editions and addenda. Therefore, the addition of this new condition is not a backfit.

10. Add a new condition as § 50.55a(b)(2)(xxxiii), ''Risk-Informed allowable pressure,'' to prohibit the use of ASME BPV Code, Section XI, Appendix G, Paragraph G–2216. The use of Paragraph G–2216 is not currently allowed by § 50.55a. Therefore, the condition does not constitute a new or changed NRC position on the lack of acceptability of Paragraph G–2216. Therefore, the addition of this new condition is not a backfit.

11. Add a new condition as § 50.55a(b)(2)(xxxiv), ''Nonmandatory Appendix U.'' Paragraph (b)(2)(xxxiv)(A) requires that repair or replacement activities temporarily deferred under the provisions of Nonmandatory Appendix U shall be performed during the next scheduled refueling outage. This condition is imposed to ensure that repairs/replacements are performed on degraded components when a unit is shutdown for refueling. This change is consistent with the condition previously placed on ASME BPV Code Case N–513–3 and, therefore, does not impose a new requirement. This change is not a backfit. Paragraph (b)(2)(xxxiv)(B) requires that the mandatory appendix in ASME BPV Code Case N–513–3 be used in lieu of the appendix referenced in Paragraph U–S1–4.2.1(c) of Appendix U. This change is required because the appendix referenced in Appendix U was unintentionally omitted. This change is not a backfit.

12. Add a new condition as § 50.55a(b)(2)(xxxv), ''Use of RT_{T0} in the K_{Ia} and K_{Ic} equations,'' to specify that when licensees use ASME BPV Code, Section XI 2013 Edition Nonmandatory Appendix A, Paragraph A–4200, if T_0 is available, then RT_{T0} may be used in place of RT_{NDT} for applications using the K_{Ic} equation and the associated K_{Ic} curve, but not for applications using the K_{Ia} equation and the associated K_{Ia} curve. Conditions on the use of ASME BPV Code, Section XI, Nonmandatory Appendices do not constitute backfitting inasmuch as those provisions apply to voluntary actions initiated by the licensee to use the ''nonmandatory compliance'' provisions in these Appendices of the rule.

13. Add a new condition as § 50.55a(b)(2)(xxxvi), ''Fracture toughness of irradiated materials,'' to require licensees using ASME BPV Code, Section XI 2013 Edition Nonmandatory Appendix A, Paragraph A–4400, to obtain NRC approval before using irradiated T_0 and the associated RT_{T0} in establishing fracture toughness of irradiated materials. Conditions on the use of ASME BPV Code, Section XI, Nonmandatory Appendices do not constitute backfitting inasmuch as those provisions apply to voluntary actions initiated by the licensee to use the ''nonmandatory compliance'' provisions in these Appendices of the rule.

14. Add a new condition as § 50.55a(b)(2)(xxxvii), ''ASME BPV Code Case N–824,'' to allow the use of the code case as conditioned. Conditions on the use of ASME BPV Code Case N–824 do not constitute backfitting, inasmuch as the use of this code case is not required by the NRC but instead is an alternative which may be voluntarily used by the licensee (*i.e.,* a ''voluntary alternative'').

OM Code

1. Add a new condition as § 50.55a(b)(3)(ii)(A), ''MOV diagnostic test interval,'' to require that licensees evaluate the adequacy of the diagnostic test intervals established for MOVs within the scope of OM Code, Appendix III, not later than 5 years or three refueling outages (whichever is longer) from initial implementation of Appendix III of the OM Code. This condition represents an exception to a later OM Code provision but merely retains the current NRC condition on ASME OM Code Case OMN–1, and is therefore not a backfit because the NRC is not imposing a new requirement.

2. Add a new condition as § 50.55a(b)(3)(ii)(B), ''MOV testing impact on risk,'' to require that licensees ensure that the potential increase in core damage frequency and large early release frequency associated with the extension is acceptably small when extending exercise test intervals for high risk MOVs beyond a quarterly frequency. This condition represents an exception to a later OM Code provision but merely retains the current NRC condition on ASME OM Code Case OMN–1, and is therefore not a backfit because the NRC is not imposing a new requirement.

3. Add a new condition as § 50.55a(b)(3)(ii)(C), ''MOV risk categorization,'' to require, when applying Appendix III to the OM Code, that licensees categorize MOVs according to their safety significance using the methodology described in OM Code Case OMN–3 subject to the conditions discussed in RG 1.192, or using an MOV risk ranking methodology accepted by the NRC on a plant-specific or industry-wide basis in accordance with the conditions in the applicable safety evaluation. This condition represents an exception to a later OM Code provision but merely retains the current NRC condition on ASME OM Code Case OMN–1, and is therefore not a backfit because the NRC is not imposing a new requirement.

4. Add a new condition as § 50.55a(b)(3)(ii)(D), ''MOV stroke time,'' to require that, when applying Paragraph III–3600, ''MOV Exercising Requirements,'' of Appendix III to the OM Code, licensees shall verify that the stroke time of the MOVs specified in plant technical specifications satisfies the assumptions in the plant's safety analyses. This condition retains the MOV stroke time requirement for a smaller set of MOVs than was specified in previous editions and addenda of the

OM Code. The retention of this requirement is not a backfit.

5. Add new conditions as § 50.55a(b)(3)(iii)(A) through (D), ''New reactors,'' to apply specific conditions for IST programs applicable to licensees of new nuclear power plants in addition to the provisions of the OM Code as incorporated by reference with conditions in § 50.55a. Licensees of ''new reactors'' are, as identified in the paragraph: (1) Holders of operating licenses for nuclear power reactors that received construction permits under this part on or after the date 12 months after August 17, 2017, and (2) holders of COLs issued under 10 CFR part 52, whose initial fuel loading occurs on or after the date 12 months after August 17, 2017. This implementation schedule for new reactors is consistent with the NRC regulations in § 50.55a(f)(4)(i). These conditions represent an exception to a later OM Code provision but merely retain a current NRC requirement, and are therefore not a backfit because the NRC is not imposing a new requirement.

6. Revise § 50.55a(b)(3)(iv), ''Check valves (Appendix II),'' to specify that Appendix II, ''Check Valve Condition Monitoring Program,'' of the OM Code, 2003 Addenda through the 2012 Edition, is acceptable for use with the following clarification: Trending and evaluation shall support the determination that the valve or group of valves is capable of performing its intended function(s) over the entire interval. At least one of the Appendix II condition monitoring activities for a valve group shall be performed on each valve of the group at approximate equal intervals not to exceed the maximum interval shown in the following table:

MAXIMUM INTERVALS FOR USE WHEN APPLYING INTERVAL EXTENSIONS

Group size	Maximum interval between activities of member valves in the groups (years)	Maximum interval between activities of each valve in the group (years)
≥4	4.5	16
3	4.5	12
2	6	12
1	Not applicable	10

The regulation is being revised to extend the applicability of this existing NRC condition on the OM Code to the 2012 Edition of the OM Code and to update the clarification for the use of Appendix II. This does not represent a change in the NRC's position that the condition is needed with respect to the OM Code. Therefore, this condition is not a backfit.

7. Add a new condition as § 50.55a(b)(3)(vii), ''Subsection ISTB,'' to prohibit the use of Subsection ISTB in the 2011 Addenda to the OM Code because the complete set of planned Code modifications to support the changes to the comprehensive pump test acceptance criteria was not made in that addenda. This condition represents an exception to a later OM Code provision but merely limits the use of the later Code provision, and is therefore not a backfit because the NRC is not imposing a new requirement.

8. Add a new condition as § 50.55a(b)(3)(viii), ''Subsection ISTE,'' to allow licensees to implement Subsection ISTE, ''Risk-Informed Inservice Testing of Components in Light-Water Reactor Nuclear Power Plants,'' in the OM Code, 2009 Edition, 2011 Addenda and 2012 Edition, where the licensee has obtained authorization to implement Subsection ISTE as an alternative to the applicable IST requirements in the OM Code on a case-by-case basis in accordance with § 50.55a(z). This condition represents an exception to a later OM Code provision but merely limits the use of the later Code provision, and is therefore not a backfit because the NRC is not imposing a new requirement.

9. Add a new condition as § 50.55a(b)(3)(ix), ''Subsection ISTF,'' to specify that licensees applying Subsection ISTF, 2012 Edition, shall satisfy the requirements of Mandatory Appendix V, ''Pump Periodic Verification Test Program,'' of the OM Code, 2012 Edition. The condition also specifies that Subsection ISTF, 2011 Addenda, is not acceptable for use. This condition represents an exception to a later OM Code provision but merely limits the use of the later Code provision, and is therefore not a backfit because the NRC is not imposing a new requirement.

10. Add a new condition as § 50.55a(b)(3)(x), ''ASME OM Code Case OMN–20,'' to allow licensees to implement OM Code Case OMN–20, ''Inservice Test Frequency,'' in the OM Code, 2012 Edition. This condition allows voluntary action initiated by the licensee to use the code case and is, therefore, not a backfit.

11. Add a new condition as § 50.55a(b)(3)(xi), ''Valve Position Indication,'' to emphasize, when implementing OM Code (2012 Edition), Subsection ISTC–3700, ''Position Verification Testing,'' licensees shall implement the OM Code provisions to verify that valve operation is accurately indicated. This condition emphasizes the OM Code requirements for valve position indication and is not a change to those requirements. As such, this condition is not a backfit.

12. Revise § 50.55a(f), ''Preservice and inservice testing requirements,'' to clarify that the OM Code includes provisions for preservice testing of components as part of its overall provisions for IST programs. No expansion of IST program scope is intended by this clarification. This condition does not result in a change in requirements previously approved in the Code and is, therefore, not a backfit.

13. Revise § 50.55a(f)(4), ''Inservice testing standards for operating plants,'' to state that the paragraph is applicable to pumps and valves that are within the scope of the OM Code. Also, revise § 50.55a(f)(4) to state that the IST requirements for pumps and valves that are within the scope of the OM Code but are not classified as ASME BPV Code Class 1, Class 2, or Class 3 may be satisfied as an augmented IST program in accordance with § 50.55a(f)(6)(ii) without requesting relief under § 50.55a(f)(5) or alternatives under § 50.55a(z). This use of an augmented IST program may be acceptable provided the basis for deviations from the OM Code as incorporated by reference in this section demonstrates an acceptable level of quality and safety, or that implementing the Code provisions would result in hardship or

unusual difficulty without a compensating increase in the level of quality and safety, where documented and available for NRC review. These changes align the scope of pumps and valves for inservice testing with the scope defined in the OM Code. These changes do not result in a change in requirements previously approved in the Code, and is therefore not a backfit.

ASME BPV Code Case N–729–4

Revise § 50.55a(g)(6)(ii)(D), ''Reactor vessel head inspections.''

On June 22, 2012, the ASME approved the fourth revision of ASME BPV Code Case N–729 (N–729–4). The NRC proposed to update the requirements of § 50.55a(g)(6)(ii)(D) to require licensees to implement ASME BPV Code Case N–729–4, with conditions. The ASME BPV Code Case N–729–4 contains similar requirements as N–729–1; however, N–729–4 also contains new requirements to address previous NRC conditions, including changes to inspection frequency and qualifications. The new NRC conditions on the use of ASME BPV Code Case N–729–4 address operational experience, clarification of implementation, and the use of alternatives to the code case.

The current regulatory requirements for the examination of pressurized water reactor upper RPV heads that use nickel-alloy materials are provided in § 50.55a(g)(6)(ii)(D). This section was first created by rulemaking, dated September 10, 2008 (73 FR 52730), to require licensees to implement ASME BPV Code Case N–729–1, with conditions, instead of the inspections previously required by the ASME BPV Code, Section XI. The action did constitute a backfit; however, the NRC concluded that imposition of ASME BPV Code Case N–729–1, as conditioned, constituted an adequate protection backfit.

The General Design Criteria (GDC) for nuclear power plants (appendix A to 10 CFR part 50) or, as appropriate, similar requirements in the licensing basis for a reactor facility, provide bases and requirements for NRC assessment of the potential for, and consequences of, degradation of the reactor coolant pressure boundary (RCPB). The applicable GDC include GDC 14 (Reactor Coolant Pressure Boundary), GDC 31 (Fracture Prevention of Reactor Coolant Pressure Boundary), and GDC 32 (Inspection of Reactor Coolant Pressure Boundary). General Design Criterion 14 specifies that the RCPB be designed, fabricated, erected, and tested so as to have an extremely low probability of abnormal leakage, of rapidly propagating failure, and of gross rupture. General Design Criterion 31 specifies that the probability of rapidly propagating fracture of the RCPB be minimized. General Design Criterion 32 specifies that components that are part of the RCPB have the capability of being periodically inspected to assess their structural and leak-tight integrity.

The NRC concludes that ASME BPV Code Case N–729–4, as conditioned, shall be mandatory in order to ensure that the requirements of the GDC are satisfied. Imposition of ASME BPV Code Case N–729–4, with conditions, ensures that the ASME BPV Code-allowable limits will not be exceeded, leakage will likely not occur, and potential flaws will be detected before they challenge the structural or leak-tight integrity of the RPV upper head within current nondestructive examination limitations. The NRC concludes that the regulatory framework for providing adequate protection of public health and safety is accomplished by the incorporation of ASME BPV Code Case N–729–4 into § 50.55a, as conditioned. All current licensees of U.S. pressurized water reactors will be required to implement ASME BPV Code Case N–729–4, as conditioned. The Code Case provisions on examination requirements for RPV upper heads are essentially the same as those established under ASME BPV Code Case N–729–1, as conditioned. One exception is the condition in § 50.55a(g)(6)(ii)(D)(*3*), which will require, for upper heads with Alloy 600 penetration nozzles, that bare metal visual examinations be performed each outage in accordance with Table 1 of ASME BPV Code Case N–729–4. Accordingly, the NRC imposition of the ASME BPV Code Case N–729–4, as conditioned, may be deemed to be a modification of the procedures to operate a facility resulting from the imposition of the new regulation, and as such, this rulemaking provision may be considered backfitting under § 50.109(a)(1).

The NRC continues to find that inspections of RPV upper heads, their penetration nozzles, and associated partial penetration welds are necessary for adequate protection of public health and safety and that the requirements of ASME BPV Code Case N–729–4, as conditioned, represent an acceptable approach, developed, in part, by a voluntary consensus standards body for performing future inspections. The NRC concludes that approval of ASME BPV Code Case N–729–4, as conditioned, by incorporation by reference of the Code Case into § 50.55a, is necessary to ensure that the facility provides adequate protection to the health and safety of the public and constitutes a redefinition of the requirements necessary to provide reasonable assurance of adequate protection of public health and safety. Therefore, a backfit analysis need not be prepared for this portion of the rule in accordance with § 50.109(a)(4)(ii) and (iii).

ASME BPV Code Case N–770–2

Revise § 50.55a(g)(6)(ii)(F), ''Examination requirements for Class 1 piping and nozzle dissimilar metal butt welds.''

On June 9, 2011, the ASME approved the second revision of ASME BPV Code Case N–770 (N–770–2). The NRC is updating the requirements of § 50.55a(g)(6)(ii)(F) to require licensees to implement ASME BPV Code Case N–770–2, with conditions. The ASME BPV Code Case N–770–2 contains similar baseline and ISI requirements for unmitigated nickel-alloy butt welds, and preservice and ISI requirements for mitigated butt welds as N–770–1. However, N–770–2 also contains new requirements for optimized weld overlays, a specific mitigation technique and volumetric inspection coverage. Further, the NRC conditions on the use of ASME BPV Code Case N–770–2 have been modified to address the changes in the code case, clarify inspection coverage requirements and require the development of inspection qualifications to allow complete weld inspection coverage in the future.

The current regulatory requirements for the examination of ASME Class 1 piping and nozzle dissimilar metal butt welds that use nickel-alloy materials is provided in § 50.55a(g)(6)(ii)(F). This section was first created by rulemaking, dated June 21, 2011 (76 FR 36232), to require licensees to implement ASME BPV Code Case N–770–1, with conditions. The NRC added § 50.55a(g)(6)(ii)(F) to require licensees to implement ASME BPV Code Case N–770–1, with conditions, instead of the inspections previously required by the ASME BPV Code, Section XI. The action did constitute a backfit; however, the NRC concluded that imposition of ASME BPV Code Case N–770–1, as conditioned, constituted an adequate protection backfit.

The GDC for nuclear power plants (appendix A to 10 CFR part 50) or, as appropriate, similar requirements in the licensing basis for a reactor facility, provide bases and requirements for NRC assessment of the potential for, and consequences of, degradation of the RCPB. The applicable GDC include GDC 14 (Reactor Coolant Pressure Boundary), GDC 31 (Fracture Prevention of Reactor Coolant Pressure Boundary) and GDC 32 (Inspection of Reactor Coolant Pressure

Boundary). General Design Criterion 14 specifies that the RCPB be designed, fabricated, erected, and tested so as to have an extremely low probability of abnormal leakage, of rapidly propagating failure, and of gross rupture. General Design Criterion 31 specifies that the probability of rapidly propagating fracture of the RCPB be minimized. General Design Criterion 32 specifies that components that are part of the RCPB have the capability of being periodically inspected to assess their structural and leak-tight integrity.

The NRC concludes that ASME BPV Code Case N–770–2, as conditioned, must be imposed in order to ensure that the requirements of the GDC are satisfied. Imposition of ASME BPV Code Case N–770–2, with conditions, ensures that the requirements of the GDC are met for all mitigation techniques currently in use for Alloy 82/182 butt welds because ASME BPV Code-allowable limits will not be exceeded, leakage would likely not occur and potential flaws will be detected before they challenge the structural or leak-tight integrity of piping welds. All current licensees of U.S. pressurized water reactors will be required to implement ASME BPV Code Case N–770–2, as conditioned. The Code Case provisions on examination requirements for ASME Class 1 piping and nozzle nickel-alloy dissimilar metal butt welds are somewhat different from those established under ASME BPV Code Case N–770–1, as conditioned, and will require a licensee to modify its procedures for inspection of ASME Class 1 nickel-alloy welds to meet these requirements. Accordingly, the NRC imposition of the ASME BPV Code Case N–770–2, as conditioned, may be deemed to be a modification of the procedures to operate a facility resulting from the imposition of the new regulation, and as such, this rulemaking provision may be considered backfitting under § 50.109(a)(1).

The NRC continues to find that ASME Class 1 nickel-alloy dissimilar metal weld inspections are necessary for adequate protection of public health and safety, and that the requirements of ASME BPV Code Case N–770–2, as conditioned, represent an acceptable approach developed by a voluntary consensus standards body for performing future ASME Class 1 nickel-alloy dissimilar metal weld inspections. The NRC concludes that approval of ASME BPV Code Case N–770–2, as conditioned, by incorporation by reference of the Code Case into § 50.55a, is necessary to ensure that the facility provides adequate protection to the health and safety of the public and constitutes a redefinition of the requirements necessary to provide reasonable assurance of adequate protection of public health and safety. Therefore, a backfit analysis need not be prepared for this portion of the rule in accordance with § 50.109(a)(4)(ii) and (iii).

Conclusion

The NRC finds that incorporation by reference into § 50.55a of the 2009 Addenda through 2013 Edition of Section III, Division 1, of the ASME BPV Code, subject to the identified conditions; the 2009 Addenda through 2013 Edition of Section XI, Division 1, of the ASME BPV Code, subject to the identified conditions; and the 2009 Edition through the 2012 Edition of the OM Code, subject to the identified conditions, does not constitute backfitting or represent an inconsistency with any issue finality provisions in 10 CFR part 52.

The NRC finds that the incorporation by reference of Code Cases N–824 and OMN–20 does not constitute backfitting or represent an inconsistency with any issue finality provisions in 10 CFR part 52.

The NRC finds that the inclusion of a new condition on Code Case N–729–4 and a new condition on Code Case N–770–2 constitutes backfitting necessary for adequate protection.

X. 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).

XI. Finding of No Significant Environmental Impact: Environmental Assessment

This final rule is in accordance with the NRC's policy to incorporate by reference in § 50.55a new editions and addenda of the ASME BPV and OM Codes to provide updated rules for constructing and inspecting components and testing pumps, valves, and dynamic restraints (snubbers) in light-water nuclear power plants. The ASME Codes are national voluntary consensus standards and are required by the NTTAA to be used by government agencies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. The National Environmental Policy Act (NEPA) requires Federal agencies to study the impacts of their ''major Federal actions significantly affecting the quality of the human environment,'' and prepare detailed statements on the environmental impacts of the proposed action and alternatives to the proposed action (42 U.S.C. 4332(C); NEPA Sec. 102(C)).

The NRC has determined under NEPA, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rulemaking does not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off-site, and there is no significant increase in public radiation exposure. The NRC estimates the radiological dose to plant personnel performing the inspections required by ASME BPV Code Case N–770–2 would be about 3 rem per plant over a 10-year interval, and a one-time exposure for mitigating welds of about 30 rem per plant. The NRC estimates the radiological dose to plant personnel performing the inspections required by ASME BPV Code Case N–729–4 would be about 3 rem per plant over a 10-year interval and a one-time exposure for mitigating welds of about 30 rem per plant. As required by 10 CFR part 20, and in accordance with current plant procedures and radiation protection programs, plant radiation protection staff will continue monitoring dose rates and would make adjustments in shielding, access requirements, decontamination methods, and procedures as necessary to minimize the dose to workers. The increased occupational dose to individual workers stemming from the ASME BPV Code Case N–770–2 and N–729–4 inspections must be maintained within the limits of 10 CFR part 20 and as low as reasonably achievable. Therefore, the NRC concludes that the increase in occupational exposure would not be significant. This final rule does not involve non-radiological plant effluents and has no other environmental impacts. Therefore, no significant non-radiological impacts are associated with this action. The determination of this environmental assessment is that there will be no significant off-site impact to the public from this action.

XII. Paperwork Reduction Act Statement

This final rule amends collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501

et seq.). The collections of information were approved by the Office of Management and Budget (OMB), approval number 3150–0011.

Because the rule will reduce the burden for existing information collections, the public burden for the information collections is expected to be decreased by 58.5 hours per response. This reduction includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection.

The information collection is being conducted to document the plans for and the results of ISI and IST programs. The records are generally historical in nature and provide data on which future activities can be based. The practical utility of the information collection for the NRC is that appropriate records are available for auditing by NRC personnel to determine if ASME BPV and OM Code provisions for construction, inservice inspection, repairs, and inservice testing are being properly implemented in accordance with § 50.55a, or whether specific enforcement actions are necessary. Responses to this collection of information are generally mandatory under 10 CFR 50.55a.

You may submit comments on any aspect of the information collection(s), including suggestions for reducing the burden, by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0088.
- *Mail comments to:* Information Services Branch, Office of the Chief Information Officer, Mail Stop: T–2F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 or to Aaron Szabo, Desk Officer, Office of Information and Regulatory Affairs (3150–0011), NEOB–10202, Office of Management and Budget, Washington, DC 20503; telephone: 202–395–3621, email: *oira_submission@omb.eop.gov.*

Public Protection Notification

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

XIII. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, OMB has not found it to be a major rule as defined in the Congressional Review Act.

XIV. Voluntary Consensus Standards

Section 12(d)(3) of the National Technology Transfer and Advancement Act of 1995, Public Law 104–113 (NTTAA), and implementing guidance in OMB Circular A–119 (February 10, 1998), requires each Federal government agency (should it decide that regulation is necessary) to use a voluntary consensus standard instead of developing a government-unique standard. An exception to using a voluntary consensus standard is allowed where the use of such a standard is inconsistent with applicable law or is otherwise impractical. The NTTAA requires Federal agencies to use industry consensus standards to the extent practical; it does not require Federal agencies to endorse a standard in its entirety. Neither the NTTAA nor OMB Circular A–119 prohibit an agency from adopting a voluntary consensus standard while taking exception to specific portions of the standard, if those provisions are deemed to be ''inconsistent with applicable law or otherwise impractical.'' Furthermore, taking specific exceptions furthers the Congressional intent of Federal reliance on voluntary consensus standards because it allows the adoption of substantial portions of consensus standards without the need to reject the standards in their entirety because of limited provisions which are not acceptable to the agency.

In this final rule, the NRC is continuing its existing practice of establishing requirements for the design, construction, operation, ISI (examination), and IST of nuclear power plants by approving the use of the latest editions and addenda of the ASME Codes in § 50.55a. The ASME Codes are voluntary consensus standards, developed by participants with broad and varied interests, in which all interested parties (including the NRC and licensees of nuclear power plants) participate. Therefore, the NRC's incorporation by reference of the ASME Codes is consistent with the overall objectives of the NTTAA and OMB Circular A–119.

In this final rule, the NRC is also continuing its existing practice of approving the use of ASME BPV and OM Code Cases, which are ASME-approved alternatives to compliance with various provisions of the ASME BPV and OM Codes. The ASME Code Cases are national consensus standards as defined in the NTTAA and OMB Circular A–119. The ASME Code Cases constitute voluntary consensus standards, in which all interested parties (including the NRC and licensees of nuclear power plants) participate. Therefore, the NRC's approval of the use of the ASME Code Cases in this final rule is consistent with the overall objectives of the NTTAA and OMB Circular A–119.

As discussed in Section II of this document, ''Discussion,'' the NRC is conditioning the use of certain provisions of the 2009 Addenda, 2010 Edition, 2011 Addenda, and 2013 Edition of the ASME BPV Code Section III, Division 1 and Section XI, Division 1. The NRC is also conditioning the use of certain provisions of the 2009 Edition, the 2011 Addenda, and the 2012 Edition of the OM Code, Division 1. This final rule also includes various versions of quality assurance standard NQA–1 and Code Cases N–729–4, N–770–2, N–824, OMN–20, N–513–3 Mandatory Appendix I, and N–852. In addition, this final rule does not adopt (''excludes'') certain provisions of the ASME Codes, as discussed in this statement of considerations and in the regulatory analysis for this rulemaking. The NRC staff's position is that this final rule complies with the NTTAA and OMB Circular A–119 despite these conditions and ''exclusions.''

If the NRC did not conditionally accept ASME editions, addenda, and code cases, the NRC would disapprove these entirely. The effect would be that licensees and applicants would submit a larger number of requests for use of alternatives under § 50.55a(z), requests for relief under § 50.55a(f) and (g), or requests for exemptions under § 50.12 and/or § 52.7. These requests would likely include broad scope requests for approval to issue the full scope of the ASME Code editions and addenda which would otherwise be approved in this final rule (*i.e.,* the request would not be simply for approval of a specific ASME Code provision with conditions). These requests would be an unnecessary additional burden for both the licensee and the NRC, inasmuch as the NRC has already determined that the ASME Codes and Code Cases which are the subject of this final rule are acceptable for use (in some cases with conditions). For these reasons, the NRC concludes that this final rule's treatment of ASME Code editions and addenda, and code cases and any conditions placed on them does not conflict with any policy on agency use of consensus standards specified in OMB Circular A–119.

The NRC did not identify any other voluntary consensus standards, developed by U.S. voluntary consensus standards bodies for use within the United States, which the NRC could incorporate by reference instead of the ASME Codes. The NRC also did not

identify any voluntary consensus standards, developed by multinational voluntary consensus standards bodies for use on a multinational basis, which the NRC could incorporate by reference instead of the ASME Codes. The NRC identified codes addressing the same subject as the ASME Codes for use in individual countries. At least one country, Korea, directly translated the ASME Code for use in that country. In other countries (*e.g.,* Japan), ASME Codes were the basis for development of the country's codes, but the ASME Codes were substantially modified to accommodate that country's regulatory system and reactor designs. Finally, there are countries (*e.g.,* the Russian Federation) where that country's code was developed without regard to the ASME Code. However, some of these codes may not meet the definition of a voluntary consensus standard because they were developed by the state rather than a voluntary consensus standards body. The NRC's evaluation of other countries' codes to determine whether each code provides a comparable or enhanced level of safety, when compared against the level of safety provided under the ASME Codes, would require a significant expenditure of agency resources. This expenditure does not seem justified, given that substituting another country's code for the U.S. voluntary consensus standard does not appear to substantially further the apparent underlying objectives of the NTTAA.

In summary, this final rule satisfies the requirements of Section 12(d)(3) of the NTTAA and OMB Circular A–119.

XV. Incorporation by Reference—Reasonable Availability to Interested Parties

The NRC is incorporating by reference recent editions and addenda to the ASME Codes for nuclear power plants and a standard for quality assurance. The NRC is also incorporating by reference six ASME Code Cases. As described in the ''Background'' and ''Discussion'' sections of this document, these materials provide rules for safety governing the design, fabrication, and inspection of nuclear power plant components.

The NRC is required by law to obtain approval for incorporation by reference from the Office of the Federal Register (OFR). The OFR's requirements for incorporation by reference are set forth in 1 CFR part 51. On November 7, 2014, the OFR adopted changes to its regulations governing incorporation by reference (79 FR 66267). The OFR regulations require an agency to include in a final rule a discussion of the ways that the materials the agency incorporates by reference are reasonably available to interested parties and how interested parties can obtain the materials. The discussion in this section complies with the requirement for final rules as set forth in § 51.5(b).

The NRC considers ''interested parties'' to include all potential NRC stakeholders, not only the individuals and entities regulated or otherwise subject to the NRC's regulatory oversight. These NRC stakeholders are not a homogenous group, so the considerations for determining ''reasonable availability'' vary by class of interested parties. The NRC identifies six classes of interested parties with regard to the material to be incorporated by reference in an NRC rule:

- Individuals and small entities regulated or otherwise subject to the NRC's regulatory oversight who are subject to the material to be incorporated by reference by rulemaking. This class also includes applicants and potential applicants for licenses and other NRC regulatory approvals. In this context, ''small entities'' has the same meaning as a ''small entity'' under § 2.810.
- Large entities otherwise subject to the NRC's regulatory oversight who are subject to the material to be incorporated by reference by rulemaking. This class also includes applicants and potential applicants for licenses and other NRC regulatory approvals. In this context, ''large entities'' are those which do not qualify as a ''small entity'' under § 2.810.
- Non-governmental organizations with institutional interests in the matters regulated by the NRC.
- Other Federal agencies, states, local governmental bodies (within the meaning of § 2.315(c)).
- Federally-recognized and State-recognized [3] Indian tribes.
- Members of the general public (*i.e.,* individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC's regulatory oversight) who may wish to gain access to the materials that the NRC proposes to incorporate by reference in order to participate in the rulemaking.

The NRC makes the materials to be incorporated by reference available for inspection to all interested parties, by appointment, at the NRC Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.*

Interested parties may purchase a copy of the materials from ASME at Three Park Avenue, New York, NY 10016, or at the ASME Web site *https://www.asme.org/shop/standards.* The materials are also accessible through third-party subscription services such as IHS (15 Inverness Way East, Englewood, CO 80112; *https://global.ihs.com*) and Thomson Reuters Techstreet (3916 Ranchero Dr., Ann Arbor, MI 48108; *http://www.techstreet.com*). The purchase prices for individual documents range from $225 to $720 and the cost to purchase all documents is approximately $9,000.

For the class of interested parties constituting members of the general public who wish to gain access to the materials to be incorporated by reference in order to participate in the rulemaking, the NRC recognizes that the $9,000 cost may be so high that the materials could be regarded as not reasonably available for purposes of commenting on this rulemaking, despite the NRC's actions to make the materials available at the NRC's PDR.

Accordingly, the NRC sent a letter to the ASME on April 9, 2015, requesting that they consider enhancing public access to these materials during the public comment period. In an April 21, 2015, letter to the NRC, the ASME agreed to make the materials available online in a read-only electronic access format during the public comment period.

During the public comment period, the ASME made publicly-available the editions and addenda to the ASME Codes for nuclear power plants, the ASME standard for quality assurance, and the ASME Code Cases which the NRC proposed to incorporate by reference. The ASME made the materials publicly-available in read-only format at the ASME Web site *http://go.asme.org/NRC.*

The materials are available to all interested parties in multiple ways and in a manner consistent with their interest in this rulemaking. Therefore, the NRC concludes that the materials the NRC is incorporating by reference in this rulemaking are reasonably available to all interested parties.

XVI. Availability of Guidance

The NRC will not be issuing guidance for this rulemaking. The ASME BPV Code and OM Code provide direction for the performance of activities to satisfy the Code requirements for design, inservice inspection, and inservice testing of nuclear power plant SSCs. In addition, the NRC provides

[3] State-recognized Indian tribes are not within the scope of § 2.315(c). However, for purposes of the NRC's compliance with 1 CFR 51.5, ''interested parties'' includes a broad set of stakeholders including State-recognized Indian tribes.

guidance in this **Federal Register** notice for the implementation of the new conditions on the ASME BPV Code and OM Code, as necessary. The NRC has a number of standard review plans (SRPs), which provide guidance to NRC reviewers and make communication and understanding of NRC review processes available to members of the public and the nuclear power industry. NUREG–0800, ''Review of Safety Analysis Reports for Nuclear Power Plants,'' has numerous sections which discuss implementation of various aspects of the ASME BPV Code and OM Code (*e.g.,* Sections 3.2.2, 3.8.1, 3.8.2, 3.9.3, 3.9.6, 3.9.7, 3.9.8, 3.13, 5.2.1.1, 5.2.1.2, 5.2.4, and 6.6). The NRC also publishes Regulatory Guides and Generic Communications (*i.e.,* Regulatory Issue Summaries, Information Notices) to communicate and clarify NRC technical or policy positions on regulatory matters which may contain guidance relative to this rulemaking.

Revision 2 of NUREG–1482, ''Guidelines for Inservice Testing at Nuclear Power Plants,'' provides guidance for the development and implementation of IST programs at nuclear power plants. With direction provided in the ASME BPV and OM Codes, and guidance in this **Federal Register** notice, the NRC has determined that preparation of a separate guidance document is not necessary for this update to § 50.55a. However, the NRC will consider preparation of a revision to NUREG–1482 in the future to address the latest edition of the ASME OM Code incorporated by reference in § 50.55a.

XVII. Availability of Documents

The NRC is making the documents identified in Table 2 available to interested persons through one or more of the following methods, as indicated. To access documents related to this action, see the **ADDRESSES** section of this document.

TABLE 2—AVAILABILITY OF DOCUMENTS

Document	ADAMS Accession No./ FEDERAL REGISTER citation/Web link
Proposed Rule Documents:	
Proposed Rule—Federal Register Notice	80 FR 56820 (September 18, 2015).
Draft Regulatory Analysis	ML14170B104.
Final Rule Documents:	
Final Regulatory Analysis	ML16130A522.
2017 Final Rule (10 CFR 50.55a) American Society of Mechanical Engineers Codes and Code Cases: Analysis of Public Comments.	ML16130A531.
Related Documents:	
Fatigue and Fracture Mechanics: 33rd Volume, ASTM STP 1417, W.G. Reuter and R.S. Piascik, Eds., ASTM International, West Conshohocken, PA, 2002.	*https://www.astm.org/DIGITAL_LIBRARY/STP/SOURCE_PAGES/STP1417.htm.*
Final Results from the CARINA Project on Crack Initiation and Arrest of Irradiated German RPV Steels for Neutron Fluences in the Upper Bound, H. Hein et al., ASTM International, West Conshohocken, PA, June 2014.	*http://www.astm.org/DIGITAL_LIBRARY/STP/PAGES/STP157220130113.htm.*
Letter from Brian Thomas, NRC, to Michael Merker, ASME, ''Public Access to Material the NRC Seeks to Incorporate by Reference into its Regulations,'' April 9, 2015.	ML15085A206.
Letter from Mark Maxin, NRC, to Rick Libra, BWRVIP Chairman, ''Safety Evaluation for Electric Power Research Institute (EPRI) Boiling Water Reactor (BWR) Vessel and Internals Project (BWRVIP) Report 1003020 (BWRVIP–97), 'BWR Vessel and Internals Project, Guidelines for Performing Weld Repairs to Irradiated BWR Internals' (TAC No. MC3948),'' June 30, 2008.	ML081680730.
Letter from Michael Merker, ASME, to Brian Thomas, NRC; April 21, 2015	ML15112A064.
Licensee Event Report 50–338/2012–001–00	ML12151A441.
NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, LWR Edition''.	ML070660036.
NUREG–0800, Section 3.9.6, Revision 3, ''Functional Design, Qualification, and Inservice Testing Programs for Pumps, Valves, and Dynamic Restraints,'' March 2007.	ML070720041.
NUREG–1482, Revision 2, ''Guidelines for Inservice Testing at Nuclear Power Plants: Inservice Testing of Pumps and Valves and Inservice Examination and Testing of Dynamic Restraints (Snubbers) at Nuclear Power Plants,'' October 2013.	ML13295A020.
NUREG–1800, Revision 2, ''Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants,'' December 2010.	ML103490036.
NUREG–1801, Revision 2, ''Generic Aging Lessons Learned (GALL) Report,'' December 2010	ML103490041.
NUREG–1950, ''Disposition of Public Comments and Technical Bases for Changes in the License Renewal Guidance Documents NUREG–1801 and NUREG–1800,'' April 2011.	ML11116A062.
NUREG–2124, ''Final Safety Evaluation Report Related to the Combined Licenses for Vogtle Electric Generating Plant, Units 3 and 4,'' Section 3.9.6, ''Inservice Testing of Pumps and Valves (Related to RG 1.206, Section C.III.1, Chapter 3, C.I.3.9.6, 'Functional Design, Qualification, and Inservice Testing Programs for Pumps, Valves, and Dynamic Restraints')''.	ML12271A045.
NUREG/CR–6860, ''An Assessment of Visual Testing,'' November 2004	ML043630040.
NUREG/CR–6933, ''Assessment of Crack Detection in Heavy-Walled Cast Stainless Steel Piping Welds Using Advanced Low-Frequency Ultrasonic Methods,'' March 2007.	ML071020410 and ML071020414.
NUREG/CR–7122, ''An Evaluation of Ultrasonic Phased Array Testing for Cast Austenitic Stainless Steel Pressurizer Surge Line Piping Welds,'' March 2012.	ML12087A004.
NRC Generic Letter 89–10, ''Safety-Related Motor-Operated Valve Testing and Surveillance,'' June 1989.	ML031150300.
NRC Generic Letter 90–05, ''Guidance for Performing Temporary Non-Code Repair of ASME Code Class 1, 2, and 3 Piping (Generic Letter 90–05),'' June 1990.	ML031140590.
NRC Meeting Summary of June 5–7, 2013, Annual Materials Programs Technical Information Exchange Public Meeting.	ML14003A230.
NRC Meeting Summary of January 19, 2016, Category 2 Public Meeting with Industry Representatives to Discuss Welding on Neutron Irradiated Ferritic and Austenitic Materials.	ML16050A383.

TABLE 2—AVAILABILITY OF DOCUMENTS—Continued

Document	ADAMS Accession No./ FEDERAL REGISTER citation/Web link
NRC Meeting Summary of March 2, 2016, Public Meeting on Stakeholder Comments on the Proposed Rule.	ML16069A408.
NRC Staff Memorandum, ''Consolidation of SECY–94–084 and SECY–95–132,'' July 24, 1995	ML003708048.
NRC Memorandum, ''Staff Requirements—Affirmation Session, 11:30 a.m., Friday, September 10, 1999, Commissioners' Conference Room, One White Flint North, Rockville, Maryland (Open to Public Attendance),'' September 10, 1999.	ML003755050.
NRC Regulatory Guide 1.28, Revision 4, ''Quality Assurance Program Criteria (Design and Construction),'' June 2010.	ML100160003.
NRC Regulatory Guide 1.147, Revision 17, ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,'' August 2014.	ML13339A689.
NRC Regulatory Guide 1.174, Revision 2, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' May 2011.	ML100910006.
NRC Regulatory Guide 1.175, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Inservice Testing,'' August 1998.	ML003740149.
NRC Regulatory Guide 1.192, Revision 1, ''Operation and Maintenance Code Case Acceptability, ASME OM Code,'' August 2014.	ML13340A034.
NRC Regulatory Guide 1.200, Revision 2, ''An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,'' March 2009.	ML090410014.
NRC Regulatory Guide 1.201, Revision 1, ''Guidelines for Categorizing Structures, Systems, and Components in Nuclear Power Plants According to Their Safety Significance,'' May 2006.	ML061090627.
NRC Regulatory Information Conference, Recent Operating Reactors Materials Issues, Presentation Materials, 2013.	*http://www.nrc.gov/public-involve/conference-symposia/ric/past/2013/docs/abstracts/sessionabstract-19.html.*
NRC Regulatory Issue Summary 2013–07, ''NRC Staff Position on the Use of American Society of Mechanical Engineers Certification Mark,'' May 28, 2013.	ML13003A207.
Relief Request REP–1 U2, Revision 2	ML13232A308.
SECY–90–016, ''Evolutionary Light Water Reactor (LWR) Certification Issues and Their Relationship to Current Regulatory Requirements''.	ML003707849.
SECY–93–087, ''Policy, Technical, and Licensing Issues Pertaining to Evolutionary and Advanced Light-Water Reactor (ALWR) Designs''.	ML003708021.
SECY–94–084, ''Policy and Technical Issues Associated with the Regulatory Treatment of Non-Safety Systems in Passive Plant Designs''.	ML003708068.
SECY–95–132, ''Policy and Technical Issues Associated with the Regulatory Treatment of Non-Safety Systems (RTNSS) in Passive Plant Designs (SECY–94–084)''.	ML003708005.
Vogtle Electric Generating Plant, Units 3 and 4, Updated Final Safety Analysis Report, Revision 3, Chapter 3, Section 3.9, Mechanical Systems and Components.	ML14183B276.

List of Subjects in 10 CFR Part 50

Administrative practice and procedure, Antitrust, Classified information, Criminal penalties, Education, Fire prevention, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

For the reasons set forth in the preamble, and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Pub. L. 96–295, 94 Stat. 783.

■ 2. In § 50.55a:

■ a. Revise paragraphs (a) introductory text, (a)(1)(i) introductory text and (a)(1)(i)(E)(*12*) and (*13*) and add paragraphs (a)(1)(i)(E)(*14*) through (*17*);

■ b. Revise paragraphs (a)(1)(ii) introductory text and (a)(1)(ii)(C)(*48*) and (*49*) and add paragraphs (a)(1)(ii)(C)(*50*) through (*53*);

■ c. Revise paragraphs (a)(1)(iii)(A) through (C) and add paragraphs (a)(1)(iii)(D) through (G);

■ d. Revise paragraph (a)(1)(iv) introductory text and add paragraphs (a)(1)(iv)(B) and (C);

■ e. Add paragraph (a)(1)(v);

■ f. Revise paragraphs (b) introductory text, (b)(1) introductory text and (b)(1)(ii), (iv), and (vii) and add paragraphs (b)(1)(viii) and (ix);

■ g. Revise paragraphs (b)(2) introductory text, (b)(2)(vi), and (b)(2)(viii) introductory text, add paragraphs (b)(2)(viii)(H) and (I), revise paragraphs (b)(2)(ix) introductory text, (b)(2)(ix)(D), and (b)(2)(x) and (xii), add paragraph (b)(2)(xviii)(D), revise paragraphs (b)(2)(xxi)(A) and (b)(2)(xxiii), add and reserve paragraph (b)(2)(xxx), and add paragraphs (b)(2)(xxxi) through (xxxvii);

■ h. Revise paragraphs (b)(3) introductory text and (b)(3)(i) and (ii), add paragraph (b)(3)(iii), revise paragraph (b)(3)(iv) introductory text, and add paragraphs (b)(3)(vii) through (xi);

■ i. Revise paragraphs (b)(4) introductory text and (b)(5) and (6);

■ j. Revise paragraphs (f) heading and introductory text, (f)(2), (f)(3)(iii)(A) and (B), (f)(3)(iv)(A) and (B), (f)(4) introductory text, and (f)(4)(i) and (ii); and

■ k. Revise paragraphs (g) heading and introductory text, (g)(2), and (g)(3)

heading, remove paragraph (g)(3) introductory text, revise paragraphs (g)(3)(i), (ii), and (v), (g)(4)(i) and (ii), and (g)(6)(ii)(D)(*1*) through (*4*), remove paragraphs (g)(6)(ii)(D)(*5*) and (*6*), revise paragraphs (g)(6)(ii)(F)(*1*) through (*10*), and add paragraphs (g)(6)(ii)(F)(*11*) through (*13*).

The revisions and additions read as follows:

§ 50.55a Codes and standards.

(a) *Documents approved for incorporation by reference.* The standards listed in this paragraph (a) have been approved for incorporation by reference by the Director of the Federal Register pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. The standards are available for inspection, by appointment, at the NRC Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(1) * * *

(i) *ASME Boiler and Pressure Vessel Code, Section III.* The editions and addenda for Section III of the ASME Boiler and Pressure Vessel Code (excluding Nonmandatory Appendices) (referred to herein as ASME BPV Code) are listed in this paragraph (a)(1)(i), but limited by those provisions identified in paragraph (b)(1) of this section.

* * * * *

(E) * * *

(*12*) 2007 Edition,

(*13*) 2008 Addenda,

(*14*) 2009b Addenda (including Subsection NCA; and Division 1 subsections NB through NH and Appendices),

(*15*) 2010 Edition (including Subsection NCA; and Division 1 subsections NB through NH and Appendices),

(*16*) 2011a Addenda (including Subsection NCA; and Division 1 subsections NB through NH and Appendices), and

(*17*) 2013 Edition (including Subsection NCA; and Division 1 subsections NB through NH and Appendices).

(ii) *ASME Boiler and Pressure Vessel Code, Section XI.* The editions and addenda for Section XI of the ASME BPV Code are listed in this paragraph (a)(1)(ii), but limited by those provisions identified in paragraph (b)(2) of this section.

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(C) * * *

(*48*) 2007 Edition,

(*49*) 2008 Addenda,

(*50*) 2009b Addenda,

(*51*) 2010 Edition,

(*52*) 2011a Addenda (Excluding Article IWB–2000: IWB–2500 ''Examination and Inspection: Examination and Pressure Test Requirements,'' Table IWB–2500–1 ''Examination Categories,'' Item numbers B5.11 and B5.71), and

(*53*) 2013 Edition (Excluding Article IWB–2000: IWB–2500 ''Examination and Inspection: Examination and Pressure Test Requirements,'' Table IWB–2500–1 (B–F) ''Examination Category B–F, Pressure Retaining Dissimilar Metal Welds in Vessel Nozzles,'' Item numbers B5.11 and B5.71; Article IWB–3000 ''Acceptance Standards,'' IWB–3100 ''Evaluation of Examination Results,'' IWB–3110 ''Preservice Volumetric and Surface Examinations,'' IWB–3112 ''Acceptance,'' paragraph (a)(3); and Article IWC–3000 ''Acceptance Standards,'' IWC–3100 ''Evaluation of Examination Results,'' IWC–3110 ''Preservice Volumetric and Surface Examinations,'' IWC–3112 ''Acceptance,'' paragraph (a)(3)).

(iii) * * *

(A) *ASME BPV Code Case N–513–3 Mandatory Appendix I.* ASME BPV Code Case N–513–3, ''Evaluation Criteria for Temporary Acceptance of Flaws in Moderate Energy Class 2 or 3 Piping Section XI, Division 1,'' Mandatory Appendix I, ''Relations for F_m, F_b, and F for Through-Wall Flaws'' (Approval Date: January 26, 2009). ASME BPV Code Case N–513–3 Mandatory Appendix I is referenced in paragraph (b)(2)(xxxiv)(B) of this section.

(B) *ASME BPV Code Case N–722–1.* ASME BPV Code Case N–722–1, ''Additional Examinations for PWR Pressure Retaining Welds in Class 1 Components Fabricated with Alloy 600/82/182 Materials, Section XI, Division 1'' (Approval Date: January 26, 2009), with the conditions in paragraph (g)(6)(ii)(E) of this section.

(C) *ASME BPV Code Case N–729–4.* ASME BPV Code Case N–729–4, ''Alternative Examination Requirements for PWR Reactor Vessel Upper Heads With Nozzles Having Pressure-Retaining Partial-Penetration Welds Section XI, Division 1'' (Approval Date: June 22, 2012), with the conditions in paragraph (g)(6)(ii)(D) of this section.

(D) *ASME BPV Code Case N–770–2.* ASME BPV Code Case N–770–2, ''Alternative Examination Requirements and Acceptance Standards for Class 1 PWR Piping and Vessel Nozzle Butt Welds Fabricated with UNS N06082 or UNS W86182 Weld Filler Material With or Without Application of Listed Mitigation Activities Section XI, Division 1'' (Approval Date: June 9, 2011), with the conditions in paragraph (g)(6)(ii)(F) of this section.

(E) *ASME BPV Code Case N–824.* ASME BPV Code Case N–824, ''Ultrasonic Examination of Cast Austenitic Piping Welds From the Outside Surface Section XI, Division 1'' (Approval Date: October 16, 2012), with the conditions in paragraphs (b)(2)(xxxvii)(A) through (D) of this section.

(F) *ASME BPV Code Case N–852.* ASME BPV Code Case N–852, ''Application of the ASME NPT Stamp, Section III, Division 1; Section III, Division 2; Section III, Division 3; Section III, Division 5'' (Approval Date: February 9, 2015). ASME BPV Code Case N–852 is referenced in paragraph (b)(1)(ix) of this section.

(G) *ASME OM Code Case OMN–20.* ASME OM Code Case OMN–20, ''Inservice Test Frequency,'' in the 2012 Edition of the ASME OM Code. OMN–20 is referenced in paragraph (b)(3)(x) of this section.

(iv) *ASME Operation and Maintenance Code.* The editions and addenda for the ASME Operation and Maintenance of Nuclear Power Plants (various edition titles referred to herein as ASME OM Code) are listed in this paragraph (a)(1)(iv), but limited by those provisions identified in paragraph (b)(3) of this section.

* * * * *

(B) ''Operation and Maintenance of Nuclear Power Plants, Division 1: Section IST Rules for Inservice Testing of Light-Water Reactor Power Plants:''

(*1*) 2009 Edition; and

(*2*) 2011 Addenda.

(C) ''Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST:''

(*1*) 2012 Edition.

(*2*) [Reserved]

(v) *ASME Quality Assurance Requirements.* (A) ASME NQA–1, ''Quality Assurance Program Requirements for Nuclear Facilities:''

(*1*) NQA–1—1983 Edition;

(*2*) NQA–1a—1983 Addenda;

(*3*) NQA–1b—1984 Addenda;

(*4*) NQA–1c—1985 Addenda;

(*5*) NQA–1—1986 Edition;

(*6*) NQA–1a—1986 Addenda;

(*7*) NQA–1b—1987 Addenda;

(*8*) NQA–1c—1988 Addenda;

(*9*) NQA–1—1989 Edition;

(*10*) NQA–1a—1989 Addenda;
(*11*) NQA–1b—1991 Addenda; and
(*12*) NQA–1c—1992 Addenda.
(B) ASME NQA–1, ''Quality Assurance Requirements for Nuclear Facility Applications:''
(*1*) NQA–1—1994 Edition;
(*2*) NQA–1—2008 Edition; and
(*3*) NQA–1a—2009 Addenda.
* * * * *

(b) *Use and conditions on the use of standards.* Systems and components of boiling and pressurized water-cooled nuclear power reactors must meet the requirements of the ASME BPV Code and the ASME OM Code as specified in this paragraph (b). Each combined license for a utilization facility is subject to the following conditions.

(1) *Conditions on ASME BPV Code Section III.* Each manufacturing license, standard design approval, and design certification under 10 CFR part 52 is subject to the following conditions. As used in this section, references to Section III refer to Section III of the ASME BPV Code and include the 1963 Edition through 1973 Winter Addenda and the 1974 Edition (Division 1) through the 2013 Edition (Division 1), subject to the following conditions:

* * * * *

(ii) *Section III condition: Weld leg dimensions.* When applying the 1989 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1) of this section, applicants and licensees may not apply the Section III provisions identified in Table I of this section for welds with leg size less than 1.09 t_n:

TABLE I—PROHIBITED CODE PROVISIONS

Editions and addenda	Code provision
1989 Addenda through 2013 Edition	Subparagraph NB–3683.4(c)(1); Subparagraph NB–3683.4(c)(2).
1989 Addenda through 2003 Addenda	Note 11 to Figure NC–3673.2(b)–1; Note 11 to Figure ND–3673.2(b)–1.
2004 Edition through 2010 Edition	Note 13 to Figure NC–3673.2(b)–1; Note 13 to Figure ND–3673.2(b)–1.
2011 Addenda through 2013 Edition	Note 11 to Table NC–3673.2(b)–1; Note 11 to Table ND–3673.2(b)–1.

* * * * *

(iv) *Section III condition: Quality assurance.* When applying editions and addenda later than the 1989 Edition of Section III, the requirements of NQA–1, ''Quality Assurance Requirements for Nuclear Facility Applications,'' 1994 Edition, 2008 Edition, and the 2009–1a Addenda specified in either NCA–4000 or NCA–7000 of that edition and addenda of Section III may be used by an applicant or licensee, provided that the administrative, quality, and technical provisions contained in that edition and addenda of Section III are used in conjunction with the applicant's or licensee's appendix B to this part quality assurance program; and that the applicant's or licensee's Section III activities comply with those commitments contained in the applicant's or licensee's quality assurance program description. Where NQA–1 and Section III do not address the commitments contained in the applicant's or licensee's appendix B quality assurance program description, those licensee commitments must be applied to Section III activities.
* * * * *

(vii) *Section III condition: Capacity certification and demonstration of function of incompressible-fluid pressure-relief valves.* When applying the 2006 Addenda through the 2013 Edition, applicants and licensees may use paragraph NB–7742, except that paragraph NB–7742(a)(2) may not be used. For a valve design of a single size to be certified over a range of set pressures, the demonstration of function tests under paragraph NB–7742 must be conducted as prescribed in NB–7732.2 on two valves covering the minimum set pressure for the design and the maximum set pressure that can be accommodated at the demonstration facility selected for the test.

(viii) *Section III condition: Use of ASME certification marks.* When applying editions and addenda earlier than the 2011 Addenda to the 2010 Edition, licensees may use either the ASME BPV Code Symbol Stamps or the ASME Certification Marks with the appropriate certification designators and class designators as specified in the 2013 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1) of this section.

(ix) *Section III Condition: NPT Code Symbol Stamps.* Licensees may use the NPT Code Symbol Stamp with the letters arranged horizontally as specified in ASME BPV Code Case N–852 for the service life of a component that had the NPT Code Symbol Stamp applied during the time period from January 1, 2005, through December 31, 2015.

(2) *Conditions on ASME BPV Code, Section XI.* As used in this section, references to Section XI refer to Section XI, Division 1, of the ASME BPV Code, and include the 1970 Edition through the 1976 Winter Addenda and the 1977 Edition through the 2013 Edition, subject to the following conditions:
* * * * *

(vi) *Section XI condition: Effective edition and addenda of Subsection IWE and Subsection IWL.* Licensees that implemented the expedited examination of containment, in accordance with Subsection IWE and Subsection IWL, during the period from September 9, 1996, to September 9, 2001, may use either the 1992 Edition with the 1992 Addenda or the 1995 Edition with the 1996 Addenda of Subsection IWE and Subsection IWL, as conditioned by the requirements in paragraphs (b)(2)(viii) and (ix) of this section, when implementing the initial 120-month inspection interval for the containment inservice inspection requirements of this section. Successive 120-month interval updates must be implemented in accordance with paragraph (g)(4)(ii) of this section.
* * * * *

(viii) *Section XI condition: Concrete containment examinations.* Applicants or licensees applying Subsection IWL, 1992 Edition with the 1992 Addenda, must apply paragraphs (b)(2)(viii)(A) through (E) of this section. Applicants or licensees applying Subsection IWL, 1995 Edition with the 1996 Addenda, must apply paragraphs (b)(2)(viii)(A), (b)(2)(viii)(D)(*3*), and (b)(2)(viii)(E) of this section. Applicants or licensees applying Subsection IWL, 1998 Edition through the 2000 Addenda, must apply paragraphs (b)(2)(viii)(E) and (F) of this section. Applicants or licensees applying Subsection IWL, 2001 Edition through the 2004 Edition, up to and including the 2006 Addenda, must apply paragraphs (b)(2)(viii)(E) through (G) of this section. Applicants or licensees applying Subsection IWL, 2007 Edition up to and including the 2008 Addenda must apply paragraph (b)(2)(viii)(E) of this section. Applicants or licensees applying Subsection IWL, 2007 Edition with the 2009 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, must apply paragraphs (b)(2)(viii)(H) and (I) of this section.
* * * * *

(H) *Concrete containment examinations: Eighth provision.* For each inaccessible area of concrete identified for evaluation under IWL–2512(a), or identified as susceptible to deterioration under IWL–2512(b), the licensee must provide the applicable information specified in paragraphs (b)(2)(viii)(E)(*1*), (*2*), and (*3*) of this section in the ISI Summary Report required by IWA–6000.

(I) *Concrete containment examinations: Ninth provision.* During the period of extended operation of a renewed license under part 54 of this chapter, the licensee must perform the technical evaluation under IWL–2512(b) of inaccessible below-grade concrete surfaces exposed to foundation soil, backfill, or groundwater at periodic intervals not to exceed 5 years. In addition, the licensee must examine representative samples of the exposed portions of the below-grade concrete, when such below-grade concrete is excavated for any reason.

(ix) *Section XI condition: Metal containment examinations.* Applicants or licensees applying Subsection IWE, 1992 Edition with the 1992 Addenda, or the 1995 Edition with the 1996 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A) through (E) of this section. Applicants or licensees applying Subsection IWE, 1998 Edition through the 2001 Edition with the 2003 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A) and (B) and (F) through (I) of this section. Applicants or licensees applying Subsection IWE, 2004 Edition, up to and including the 2005 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A) and (B) and (F) through (H) of this section. Applicants or licensees applying Subsection IWE, 2004 Edition with the 2006 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A)(*2*) and (b)(2)(ix)(B) of this section. Applicants or licensees applying Subsection IWE, 2007 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, must satisfy the requirements of paragraphs (b)(2)(ix)(A)(*2*) and (b)(2)(ix)(B) and (J) of this section.

* * * * *

(D) *Metal containment examinations: Fourth provision.* This paragraph (b)(2)(ix)(D) may be used as an alternative to the requirements of IWE–2430. If the examinations reveal flaws or areas of degradation exceeding the acceptance standards of Table IWE–3410–1, an evaluation must be performed to determine whether additional component examinations are required. For each flaw or area of degradation identified that exceeds acceptance standards, the applicant or licensee must provide the following in the ISI Summary Report required by IWA–6000:

(*1*) A description of each flaw or area, including the extent of degradation, and the conditions that led to the degradation;

(*2*) The acceptability of each flaw or area and the need for additional examinations to verify that similar degradation does not exist in similar components;

(*3*) A description of necessary corrective actions; and

(*4*) The number and type of additional examinations to ensure detection of similar degradation in similar components.

* * * * *

(x) *Section XI condition: Quality assurance.* When applying the editions and addenda later than the 1989 Edition of ASME BPV Code, Section XI, the edition and addenda of NQA–1, ''Quality Assurance Requirements for Nuclear Facility Applications,'' 1994 Edition, the 2008 Edition, and the 2009–1a Addenda specified in either IWA–1400 or Table IWA 1600–1 of that edition and addenda of Section XI, may be used by a licensee provided that the licensee uses its appendix B to this part quality assurance program in conjunction with Section XI requirements and the commitments contained in the licensee's quality assurance program description. Where NQA–1 and Section XI do not address the commitments contained in the licensee's appendix B quality assurance program description, those licensee commitments must be applied to Section XI activities.

* * * * *

(xii) *Section XI condition: Underwater welding.* The provisions in IWA–4660, ''Underwater Welding,'' of Section XI, 1997 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, are approved for use on irradiated material with the following conditions:

(A) *Underwater welding: First provision.* Licensees must obtain NRC approval in accordance with paragraph (z) of this section regarding the welding technique to be used prior to performing welding on ferritic material exposed to fast neutron fluence greater than 1×10^{17} n/cm^2 (E > 1 MeV).

(B) *Underwater welding: Second provision.* Licensees must obtain NRC approval in accordance with paragraph (z) of this section regarding the welding technique to be used prior to performing welding on austenitic material other than P-No. 8 material exposed to thermal neutron fluence greater than 1×10^{17} n/cm^2 (E < 0.5 eV). Licensees must obtain NRC approval in accordance with paragraph (z) regarding the welding technique to be used prior to performing welding on P-No. 8 austenitic material exposed to thermal neutron fluence greater than 1×10^{17} n/cm^2 (E < 0.5 eV) and measured or calculated helium concentration of the material greater than 0.1 atomic parts per million.

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(xviii) * * *

(D) *NDE personnel certification: Fourth provision.* The use of Appendix VII and Subarticle VIII–2200 of the 2011 Addenda and 2013 Edition of Section XI of the ASME BPV Code is prohibited. When using ASME BPV Code, Section XI editions and addenda later than the 2010 Edition, licensees and applicants must use the prerequisites for ultrasonic examination personnel certifications in Table VII–4110–1 and Subarticle VIII–2200, Appendix VIII in the 2010 Edition.

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(xxi) * * *

(A) *Table IWB–2500–1 examination requirements: First provision.* The provisions of Table IWB 2500–1, Examination Category B–D, Full Penetration Welded Nozzles in Vessels, Items B3.40 and B3.60 (Inspection Program A) and Items B3.120 and B3.140 (Inspection Program B) of the 1998 Edition must be applied when using the 1999 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section. A visual examination with magnification that has a resolution sensitivity to resolve 0.044 inch (1.1 mm) lower case characters without an ascender or descender (*e.g.,* a, e, n, v), utilizing the allowable flaw length criteria in Table IWB–3512–1, 1997 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, with a limiting assumption on the flaw aspect ratio (*i.e.,* a/l = 0.5), may be performed instead of an ultrasonic examination.

* * * * *

(xxiii) *Section XI condition: Evaluation of thermally cut surfaces.* The use of the provisions for eliminating mechanical processing of thermally cut surfaces in IWA–4461.4.2 of Section XI, 2001 Edition through the 2009 Addenda, is prohibited.

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(xxx) [Reserved]

(xxxi) *Section XI condition: Mechanical clamping devices.* When

installing a mechanical clamping device on an ASME BPV Code class piping system, Appendix W of Section XI shall be treated as a mandatory appendix and all of the provisions of Appendix W shall be met for the mechanical clamping device being installed. Additionally, use of IWA–4131.1(c) of the 2010 Edition of Section XI and IWA–4131.1(d) of the 2011 Addenda of the 2010 Edition and later versions of Section XI is prohibited on small item Class 1 piping and portions of a piping system that form the containment boundary.

(xxxii) *Section XI condition: Summary report submittal.* When using ASME BPV Code, Section XI, 2010 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, Summary Reports described in IWA–6000 must be submitted to the NRC as described in IWA–6240(a) and IWA–6240(b). Preservice inspection summary reports shall be submitted prior to the date of placement of the unit into commercial service and inservice inspection summary reports shall be submitted within 90 calendar days of the completion of each refueling outage.

(xxxiii) *Section XI condition: Risk-Informed allowable pressure.* The use of Paragraph G–2216 in Appendix G in the 2011 Addenda and later editions and addenda of the ASME BPV Code, Section XI is prohibited.

(xxxiv) *Section XI condition: Nonmandatory Appendix U.* When using Nonmandatory Appendix U of the 2013 Edition of the ASME BPV Code, Section XI the following conditions apply:

(A) The repair or replacement activities temporarily deferred under the provisions of Nonmandatory Appendix U must be performed during the next scheduled refueling outage.

(B) In lieu of the appendix referenced in paragraph U–S1–4.2.1(c) of Appendix U the mandatory appendix in ASME BPV Code Case N–513–3 must be used.

(xxxv) *Section XI condition: Use of RT_{T0} in the K_{Ia} and K_{Ic} equations.* When using the 2013 Edition of the ASME BPV Code, Section XI, Appendix A, paragraph A–4200, if T_0 is available, then RT_{T0} may be used in place of RT_{NDT} for applications using the K_{Ic} equation and the associated K_{Ic} curve, but not for applications using the K_{Ia} equation and the associated K_{Ia} curve.

(xxxvi) *Section XI condition: Fracture toughness of irradiated materials.* When using the 2013 Edition of the ASME BPV Code, Section XI, Appendix A paragraph A–4400, the licensee shall obtain NRC approval under paragraph (z) of this section before using irradiated T_0 and the associated RT_{T0} in establishing fracture toughness of irradiated materials.

(xxxvii) *Section XI condition: ASME BPV Code Case N–824.* Licensees may use the provisions of ASME BPV Code Case N–824, ''Ultrasonic Examination of Cast Austenitic Piping Welds From the Outside Surface Section XI, Division 1,'' subject to the following conditions.

(A) Ultrasonic examinations must be spatially encoded.

(B) Instead of Paragraph 1(c)(1)(–a), licensees shall use dual, transmit-receive, refracted longitudinal wave, multi-element phased array search units.

(C) Instead of Paragraph 1(c)(1)(–c)(–2), licensees shall use a phased array search unit with a center frequency of 500 kHz with a tolerance of ± 20 percent.

(D) Instead of Paragraph 1(c)(1)(–d), the phased array search unit must produce angles including, but not limited to, 30 to 55 degrees with a maximum increment of 5 degrees.

(3) *Conditions on ASME OM Code.* As used in this section, references to the ASME OM Code are to the ASME OM Code, Subsections ISTA, ISTB, ISTC, ISTD, ISTE, and ISTF; Mandatory Appendices I, II, III, and V; and Nonmandatory Appendices A through H and J through M, in the 1995 Edition through the 2012 Edition, as specified in paragraph (a)(1)(iv) of this section. Mandatory appendices must be used if required by the OM Code; nonmandatory appendices are approved for use by the NRC but need not be used. The following conditions are applicable when implementing the ASME OM Code:

(i) *OM condition: Quality assurance.* When applying editions and addenda of the ASME OM Code, the requirements of ASME Standard NQA–1, ''Quality Assurance Requirements for Nuclear Facility Applications,'' 1994 Edition, 2008 Edition, and 2009–1a Addenda, are acceptable as permitted by either ISTA 1.4 of the 1995 Edition through 1997 Addenda or ISTA–1500 of the 1998 Edition through the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section, provided the licensee uses its appendix B to this part quality assurance program in conjunction with the ASME OM Code requirements and the commitments contained in the licensee's quality assurance program description. Where NQA–1 and the ASME OM Code do not address the commitments contained in the licensee's appendix B quality assurance program description, the commitments must be applied to ASME OM Code activities.

(ii) *OM condition: Motor-Operated Valve (MOV) testing.* Licensees must comply with the provisions for testing MOVs in ASME OM Code, ISTC 4.2, 1995 Edition with the 1996 and 1997 Addenda, or ISTC–3500, 1998 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(iv) of this section, and must establish a program to ensure that MOVs continue to be capable of performing their design basis safety functions. Licensees implementing ASME OM Code, Mandatory Appendix III, ''Preservice and Inservice Testing of Active Electric Motor Operated Valve Assemblies in Light-Water Reactor Power Plants,'' of the 2009 Edition, 2011 Addenda, and 2012 Edition shall comply with the following conditions:

(A) *MOV diagnostic test interval.* Licensees shall evaluate the adequacy of the diagnostic test intervals established for MOVs within the scope of ASME OM Code, Appendix III, not later than 5 years or three refueling outages (whichever is longer) from initial implementation of ASME OM Code, Appendix III.

(B) *MOV testing impact on risk.* Licensees shall ensure that the potential increase in core damage frequency and large early release frequency associated with the extension is acceptably small when extending exercise test intervals for high risk MOVs beyond a quarterly frequency.

(C) *MOV risk categorization.* When applying Appendix III to the ASME OM Code, licensees shall categorize MOVs according to their safety significance using the methodology described in ASME OM Code Case OMN–3, ''Requirements for Safety Significance Categorization of Components Using Risk Insights for Inservice Testing of LWR Power Plants,'' subject to the conditions applicable to OMN–3 which are set forth in Regulatory Guide 1.192, or using an MOV risk ranking methodology accepted by the NRC on a plant-specific or industry-wide basis in accordance with the conditions in the applicable safety evaluation.

(D) *MOV stroke time.* When applying Paragraph III–3600, ''MOV Exercising Requirements,'' of Appendix III to the ASME OM Code, licensees shall verify that the stroke time of MOVs specified in plant technical specifications satisfies the assumptions in the plant's safety analyses.

(iii) *OM condition: New reactors.* In addition to complying with the provisions in the ASME OM Code with the conditions specified in paragraph (b)(3) of this section, holders of

operating licenses for nuclear power reactors that received construction permits under this part on or after the date 12 months after August 17, 2017, and holders of combined licenses issued under 10 CFR part 52, whose initial fuel loading occurs on or after the date 12 months after August 17, 2017, shall also comply with the following conditions, as applicable:

(A) *Power-operated valves.* Licensees shall periodically verify the capability of power-operated valves to perform their design-basis safety functions.

(B) *Check valves.* Licensees must perform bi-directional testing of check valves within the IST program where practicable.

(C) *Flow-induced vibration.* Licensees shall monitor flow-induced vibration from hydrodynamic loads and acoustic resonance during preservice testing or inservice testing to identify potential adverse flow effects on components within the scope of the IST program.

(D) *High risk non-safety systems.* Licensees shall assess the operational readiness of pumps, valves, and dynamic restraints within the scope of the Regulatory Treatment of Non-Safety Systems for applicable reactor designs.

(iv) *OM condition: Check valves (Appendix II).* Licensees applying Appendix II, ''Check Valve Condition Monitoring Program,'' of the ASME OM Code, 1995 Edition with the 1996 and 1997 Addenda, shall satisfy the requirements of paragraphs (b)(3)(iv)(A) through (C) of this section. Licensees applying Appendix II, 1998 Edition through the 2012 Edition, shall satisfy the requirements of paragraphs (b)(3)(iv)(A), (B), and (D) of this section. Appendix II of the ASME OM Code, 2003 Addenda through the 2012 Edition, is acceptable for use with the following requirements. Trending and evaluation shall support the determination that the valve or group of valves is capable of performing its intended function(s) over the entire interval. At least one of the Appendix II condition monitoring activities for a valve group shall be performed on each valve of the group at approximate equal intervals not to exceed the maximum interval shown in the following table:

TABLE II—MAXIMUM INTERVALS FOR USE WHEN APPLYING INTERVAL EXTENSIONS

Group size	Maximum interval between activities of member valves in the groups (years)	Maximum interval between activities of each valve in the group (years)
≥4	4.5	16
3	4.5	12
2	6	12
1	Not applicable	10

* * * * *

(vii) *OM condition: Subsection ISTB.* Subsection ISTB, 2011 Addenda, is prohibited for use.

(viii) *OM condition: Subsection ISTE.* Licensees may not implement the risk-informed approach for inservice testing (IST) of pumps and valves specified in Subsection ISTE, ''Risk-Informed Inservice Testing of Components in Light-Water Reactor Nuclear Power Plants,'' in the ASME OM Code, 2009 Edition, 2011 Addenda, or 2012 Edition, without first obtaining NRC authorization to use Subsection ISTE as an alternative to the applicable IST requirements in the ASME OM Code, pursuant to paragraph (z) of this section.

(ix) *OM condition: Subsection ISTF.* Licensees applying Subsection ISTF, 2012 Edition, shall satisfy the requirements of Mandatory Appendix V, ''Pump Periodic Verification Test Program,'' of the ASME OM Code, 2012 Edition. Subsection ISTF, 2011 Addenda, is prohibited for use.

(x) *OM condition: ASME OM Code Case OMN–20.* Licensees may implement ASME OM Code Case OMN–20, ''Inservice Test Frequency,'' which is incorporated by reference in paragraph (a)(1)(iii)(G) of this section, for editions and addenda of the ASME OM Code listed in paragraph (a)(1)(iv) of this section.

(xi) *OM condition: Valve Position Indication.* When implementing ASME OM Code, 2012 Edition, Subsection ISTC–3700, ''Position Verification Testing,'' licensees shall verify that valve operation is accurately indicated by supplementing valve position indicating lights with other indications, such as flow meters or other suitable instrumentation, to provide assurance of proper obturator position.

(4) *Conditions on Design, Fabrication, and Materials Code Cases.* Each manufacturing license, standard design approval, and design certification application under part 52 of this chapter is subject to the following conditions. Licensees may apply the ASME BPV Code Cases listed in NRC Regulatory Guide 1.84, as incorporated by reference in paragraph (a)(3)(i) of this section, without prior NRC approval, subject to the following conditions:

* * * * *

(5) *Conditions on inservice inspection Code Cases.* Licensees may apply the ASME BPV Code Cases listed in NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section, without prior NRC approval, subject to the following:

(i) *ISI Code Case condition: Applying Code Cases.* When a licensee initially applies a listed Code Case, the licensee must apply the most recent version of that Code Case incorporated by reference in paragraph (a) of this section.

(ii) *ISI Code Case condition: Applying different revisions of Code Cases.* If a licensee has previously applied a Code Case and a later version of the Code Case is incorporated by reference in paragraph (a) of this section, the licensee may continue to apply, to the end of the current 120-month interval, the previous version of the Code Case, as authorized, or may apply the later version of the Code Case, including any NRC-specified conditions placed on its use. Licensees who choose to continue use of the Code Case during subsequent 120-month ISI program intervals will be required to implement the latest version incorporated by reference into this section as listed in Tables 1 and 2 of NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section.

(iii) *ISI Code Case condition: Applying annulled Code Cases.* Application of an annulled Code Case is prohibited unless a licensee previously applied the listed Code Case prior to it being listed as annulled in NRC

Regulatory Guide 1.147. If a licensee has applied a listed Code Case that is later listed as annulled in NRC Regulatory Guide 1.147, the licensee may continue to apply the Code Case to the end of the current 120-month interval.

(6) *Conditions on ASME OM Code Cases.* Licensees may apply the ASME OM Code Cases listed in NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section, without prior NRC approval, subject to the following:

(i) *OM Code Case condition: Applying Code Cases.* When a licensee initially applies a listed Code Case, the licensee must apply the most recent version of that Code Case incorporated by reference in paragraph (a) of this section.

(ii) *OM Code Case condition: Applying different revisions of Code Cases.* If a licensee has previously applied a Code Case and a later version of the Code Case is incorporated by reference in paragraph (a) of this section, the licensee may continue to apply, to the end of the current 120-month interval, the previous version of the Code Case, as authorized, or may apply the later version of the Code Case, including any NRC-specified conditions placed on its use. Licensees who choose to continue use of the Code Case during subsequent 120-month ISI program intervals will be required to implement the latest version incorporated by reference into this section as listed in Tables 1 and 2 of NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section.

(iii) *OM Code Case condition: Applying annulled Code Cases.* Application of an annulled Code Case is prohibited unless a licensee previously applied the listed Code Case prior to it being listed as annulled in NRC Regulatory Guide 1.192. If a licensee has applied a listed Code Case that is later listed as annulled in NRC Regulatory Guide 1.192, the licensee may continue to apply the Code Case to the end of the current 120-month interval.

* * * * *

(f) *Preservice and inservice testing requirements.* Systems and components of boiling and pressurized water-cooled nuclear power reactors must meet the requirements for preservice and inservice testing (referred to in this paragraph (f) collectively as inservice testing) of the ASME BPV Code and ASME OM Code as specified in this paragraph (f). Each operating license for a boiling or pressurized water-cooled nuclear facility is subject to the following conditions. Each combined license for a boiling or pressurized water-cooled nuclear facility is subject to the following conditions, but the conditions in paragraphs (f)(4) through (6) of this section must be met only after the Commission makes the finding under § 52.103(g) of this chapter. Requirements for inservice inspection of Class 1, Class 2, Class 3, Class MC, and Class CC components (including their supports) are located in paragraph (g) of this section.

* * * * *

(2) *Design and accessibility requirements for performing inservice testing in plants with CPs issued between 1971 and 1974.* For a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued on or after January 1, 1971, but before July 1, 1974, pumps and valves that are classified as ASME BPV Code Class 1 and Class 2 must be designed and provided with access to enable the performance of inservice tests for operational readiness set forth in editions and addenda of Section XI of the ASME BPV Code incorporated by reference in paragraph (a)(1)(ii) of this section (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147 or NRC Regulatory Guide 1.192, as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively) in effect 6 months before the date of issuance of the construction permit. The pumps and valves may meet the inservice test requirements set forth in subsequent editions of this Code and addenda that are incorporated by reference in paragraph (a)(1)(ii) of this section (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147 or NRC Regulatory Guide 1.192, as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively), subject to the applicable conditions listed therein.

* * * * *

(3) * * *

(iii) * * *

(A) *Class 1 pumps and valves: First provision.* In facilities whose construction permit was issued before November 22, 1999, pumps and valves that are classified as ASME BPV Code Class 1 must be designed and provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in the editions and addenda of Section XI of the ASME BPV Code incorporated by reference in paragraph (a)(1)(ii) of this section (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147 or NRC Regulatory Guide 1.192, as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively) applied to the construction of the particular pump or valve or the summer 1973 Addenda, whichever is later.

(B) *Class 1 pumps and valves: Second provision.* In facilities whose construction permit under this part, or design certification, design approval, combined license, or manufacturing license under part 52 of this chapter, issued on or after November 22, 1999, pumps and valves that are classified as ASME BPV Code Class 1 must be designed and provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in editions and addenda of the ASME OM Code (or the optional ASME OM Code Cases listed in NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section), incorporated by reference in paragraph (a)(1)(iv) of this section at the time the construction permit, combined license, manufacturing license, design certification, or design approval is issued.

(iv) * * *

(A) *Class 2 and 3 pumps and valves: First provision.* In facilities whose construction permit was issued before November 22, 1999, pumps and valves that are classified as ASME BPV Code Class 2 and Class 3 must be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in the editions and addenda of Section XI of the ASME BPV Code incorporated by reference in paragraph (a)(1)(ii) of this section (or the optional ASME BPV Code Cases listed in NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section) applied to the construction of the particular pump or valve or the Summer 1973 Addenda, whichever is later.

(B) *Class 2 and 3 pumps and valves: Second provision.* In facilities whose construction permit under this part, or design certification, design approval, combined license, or manufacturing license under part 52 of this chapter, issued on or after November 22, 1999, pumps and valves that are classified as ASME BPV Code Class 2 and 3 must be designed and provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in editions and addenda of the ASME OM Code (or the optional ASME OM Code Cases listed in NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section), incorporated by reference in paragraph (a)(1)(iv) of this section at the

time the construction permit, combined license, or design certification is issued.

* * * * *

(4) *Inservice testing standards requirement for operating plants.* Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, pumps and valves that are within the scope of the ASME OM Code must meet the inservice test requirements (except design and access provisions) set forth in the ASME OM Code and addenda that become effective subsequent to editions and addenda specified in paragraphs (f)(2) and (3) of this section and that are incorporated by reference in paragraph (a)(1)(iv) of this section, to the extent practical within the limitations of design, geometry, and materials of construction of the components. The inservice test requirements for pumps and valves that are within the scope of the ASME OM Code but are not classified as ASME BPV Code Class 1, Class 2, or Class 3 may be satisfied as an augmented IST program in accordance with paragraph (f)(6)(ii) of this section without requesting relief under paragraph (f)(5) of this section or alternatives under paragraph (z) of this section. This use of an augmented IST program may be acceptable provided the basis for deviations from the ASME OM Code, as incorporated by reference in this section, demonstrates an acceptable level of quality and safety, or that implementing the Code provisions would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, where documented and available for NRC review.

(i) *Applicable IST Code: Initial 120-month interval.* Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during the initial 120-month interval must comply with the requirements in the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section on the date 12 months before the date of issuance of the operating license under this part, or 12 months before the date scheduled for initial loading of fuel under a combined license under part 52 of this chapter (or the optional ASME OM Code Cases listed in NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section, subject to the conditions listed in paragraph (b) of this section).

(ii) *Applicable IST Code: Successive 120-month intervals.* Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during successive 120-month intervals must comply with the requirements of the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section 12 months before the start of the 120-month interval (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147 or NRC Regulatory Guide 1.192 as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively), subject to the conditions listed in paragraph (b) of this section.

* * * * *

(g) *Preservice and inservice inspection requirements.* Systems and components of boiling and pressurized water-cooled nuclear power reactors must meet the requirements of the ASME BPV Code as specified in this paragraph. Each operating license for a boiling or pressurized water-cooled nuclear facility is subject to the following conditions. Each combined license for a boiling or pressurized water-cooled nuclear facility is subject to the following conditions, but the conditions in paragraphs (g)(4) through (6) of this section must be met only after the Commission makes the finding under § 52.103(g) of this chapter. Requirements for inservice testing of Class 1, Class 2, and Class 3 pumps and valves are located in paragraph (f) of this section.

* * * * *

(2) *Accessibility requirements*—(i) *Accessibility requirements for plants with CPs issued between 1971 and 1974.* For a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued on or after January 1, 1971, but before July 1, 1974, components that are classified as ASME BPV Code Class 1 and Class 2 and supports for components that are classified as ASME BPV Code Class 1 and Class 2 must be designed and be provided with the access necessary to perform the required preservice and inservice examinations set forth in editions and addenda of Section III or Section XI of the ASME BPV Code incorporated by reference in paragraph (a)(1) of this section (or the optional ASME BPV Code Cases listed in NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section) in effect 6 months before the date of issuance of the construction permit.

(ii) *Accessibility requirements for plants with CPs issued after 1974.* For a boiling or pressurized water-cooled nuclear power facility, whose construction permit under this part, or design certification, design approval, combined license, or manufacturing license under part 52 of this chapter, was issued on or after July 1, 1974, components that are classified as ASME BPV Code Class 1, Class 2, and Class 3 and supports for components that are classified as ASME BPV Code Class 1, Class 2, and Class 3 must be designed and provided with the access necessary to perform the required preservice and inservice examinations set forth in editions and addenda of Section III or Section XI of the ASME BPV Code incorporated by reference in paragraph (a)(1) of this section (or the optional ASME BPV Code Cases listed in NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section) applied to the construction of the particular component.

(iii) *Accessibility requirements: Meeting later Code requirements.* All components (including supports) may meet the requirements set forth in subsequent editions of codes and addenda or portions thereof that are incorporated by reference in paragraph (a) of this section, subject to the conditions listed therein.

(3) *Preservice examination requirements*—(i) *Preservice examination requirements for plants with CPs issued between 1971 and 1974.* For a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued on or after January 1, 1971, but before July 1, 1974, components that are classified as ASME BPV Code Class 1 and Class 2 and supports for components that are classified as ASME BPV Code Class 1 and Class 2 must meet the preservice examination requirements set forth in editions and addenda of Section III or Section XI of the ASME BPV Code incorporated by reference in paragraph (a)(1) of this section (or the optional ASME BPV Code Cases listed in NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section) in effect 6 months before the date of issuance of the construction permit.

(ii) *Preservice examination requirements for plants with CPs issued after 1974.* For a boiling or pressurized water-cooled nuclear power facility, whose construction permit under this part, or design certification, design approval, combined license, or manufacturing license under part 52 of this chapter, was issued on or after July 1, 1974, components that are classified as ASME BPV Code Class 1, Class 2, and Class 3 and supports for components that are classified as ASME BPV Code Class 1, Class 2, and Class 3 must meet the preservice examination requirements set forth in the editions

and addenda of Section III or Section XI of the ASME BPV Code incorporated by reference in paragraph (a)(1) of this section (or the optional ASME BPV Code Cases listed in NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section) applied to the construction of the particular component.

* * * * *

(v) *Preservice examination requirements: Meeting later Code requirements.* All components (including supports) may meet the requirements set forth in subsequent editions of codes and addenda or portions thereof that are incorporated by reference in paragraph (a) of this section, subject to the conditions listed therein.

* * * * *

(4) * * *

(i) *Applicable ISI Code: Initial 120-month interval.* Inservice examination of components and system pressure tests conducted during the initial 120-month inspection interval must comply with the requirements in the latest edition and addenda of the ASME Code incorporated by reference in paragraph (a) of this section on the date 12 months before the date of issuance of the operating license under this part, or 12 months before the date scheduled for initial loading of fuel under a combined license under part 52 of this chapter (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147, when using ASME BPV Code, Section XI, or NRC Regulatory Guide 1.192, when using the ASME OM Code, as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively), subject to the conditions listed in paragraph (b) of this section. Licensees may, at any time in their 120-month ISI interval, elect to use the Appendix VIII in the latest edition and addenda of the ASME BPV Code incorporated by reference in paragraph (a) of this section, subject to any applicable conditions listed in paragraph (b) of this section. Licensees using this option must also use the same edition and addenda of Appendix I as Appendix VIII, including any applicable conditions listed in paragraph (b) of this section.

(ii) *Applicable ISI Code: Successive 120-month intervals.* Inservice examination of components and system pressure tests conducted during successive 120-month inspection intervals must comply with the requirements of the latest edition and addenda of the ASME Code incorporated by reference in paragraph (a) of this section 12 months before the start of the 120-month inspection interval (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147, when using ASME BPV Code, Section XI, or NRC Regulatory Guide 1.192, when using the ASME OM Code, as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section), subject to the conditions listed in paragraph (b) of this section. However, a licensee whose inservice inspection interval commences during the 12 through 18-month period after August 17, 2017, may delay the update of their Appendix VIII program by up to 18 months after August 17, 2017. Alternatively, licensees may, at any time in their 120-month ISI interval, elect to use the Appendix VIII in the latest edition and addenda of the ASME BPV Code incorporated by reference in paragraph (a) of this section, subject to any applicable conditions listed in paragraph (b) of this section. Licensees using this option must also use the same Edition and Addenda of Appendix I as Appendix VIII, including any applicable conditions listed in paragraph (b) of this section.

* * * * *

(6) * * *

(ii) * * *

(D) * * *

(*1*) *Implementation.* Holders of operating licenses or combined licenses for pressurized-water reactors as of or after August 17, 2017 shall implement the requirements of ASME BPV Code Case N–729–4 instead of ASME BPV Code Case N–729–1, subject to the conditions specified in paragraphs (g)(6)(ii)(D)(*2*) through (*4*) of this section, by the first refueling outage starting after August 17, 2017.

(*2*) *Appendix I use.* Appendix I of ASME BPV Code Case N–729–4 shall not be implemented without prior NRC approval.

(*3*) *Bare metal visual frequency.* Instead of Note 4 of ASME BPV Code Case N–729–4, the following shall be implemented. If effective degradation years (EDY) < 8 and if no flaws are found that are attributed to primary water stress corrosion cracking:

(*i*) A bare metal visual examination is not required during refueling outages when a volumetric or surface examination is performed; and

(*ii*) If a wetted surface examination has been performed of all of the partial penetration welds during the previous non-visual examination, the reexamination frequency may be extended to every third refueling outage or 5 calendar years, whichever is less, provided an IWA–2212 VT–2 visual examination of the head is performed under the insulation through multiple access points in outages that the VE is not completed. This IWA–2212 VT–2 visual examination may be performed with the reactor vessel depressurized.

(*4*) *Surface exam acceptance criteria.* In addition to the requirements of Paragraph –3132.1(b) of ASME BPV Code Case N–729–4, a component whose surface examination detects rounded indications greater than allowed in Paragraph NB–5352 in size on the partial-penetration or associated fillet weld shall be classified as having an unacceptable indication and corrected in accordance with the provisions of paragraph–3132.2 of ASME BPV Code Case N–729–4.

* * * * *

(F) * * *

(*1*) *Implementation.* Holders of operating licenses or combined licenses for pressurized-water reactors as of or after August 17, 2017, shall implement the requirements of ASME BPV Code Case N–770–2 instead of ASME BPV Code Case N–770–1, subject to the conditions specified in paragraphs (g)(6)(ii)(F)(*2*) through (*13*) of this section, by the first refueling outage starting after August 17, 2017.

(*2*) *Categorization.* Full structural weld overlays, authorized by the NRC staff in accordance with the alternatives approval process of this section, may be categorized as Inspection Items C–1 or F–1, as appropriate. Welds that have been mitigated by the Mechanical Stress Improvement Process (MSIP™) may be categorized as Inspection Items D or E, as appropriate, provided the criteria in Appendix I of the code case have been met. For the purpose of determining ISI frequencies, all other butt welds that rely on Alloy 82/182 for structural integrity shall be categorized as Inspection Items A–1, A–2, or B until the NRC staff has reviewed the mitigation and authorized an alternative code case Inspection Item for the mitigated weld, or an alternative code case Inspection Item is used based on conformance with an ASME mitigation code case endorsed in NRC Regulatory Guide 1.147 with any applying conditions specified in NRC Regulatory Guide 1.147, as incorporated by reference in paragraph (a)(3)(ii) of this section. Paragraph –1100(e) of ASME BPV Code Case N–770–2 shall not be used to exempt welds that rely on Alloy 82/182 for structural integrity from any requirement of paragraph (g)(6)(ii)(F) of this section.

(*3*) *Baseline examinations.* Baseline examinations for welds in Table 1 of ASME BPV Code Case N–770–2, Inspection Items A–1, A–2, and B, if not

previously performed or currently scheduled to be performed in an ongoing refueling outage as of August 17, 2017, in accordance with paragraph (g)(6)(ii)(F) of this section, shall be completed by the end of the next refueling outage. Previous examinations of these welds can be credited for baseline examinations only if they were performed within the re-inspection period for the weld item in Table 1 of ASME BPV Code Case N–770–2 and the examination of each weld meets the examination requirements of paragraphs –2500(a) or –2500(b) of ASME BPV Code Case N–770–2 as conditioned in this section. Other previous examinations that do not meet these requirements can be used to meet the baseline examination requirement, provided NRC approval in accordance with paragraph (z)(1) or (2) of this section, is granted prior to the end of the next refueling outage.

(*4*) *Examination coverage.* When implementing Paragraph –2500(a) of ASME BPV Code Case N–770–2, essentially 100 percent of the required volumetric examination coverage shall be obtained, including greater than 90 percent of the volumetric examination coverage for circumferential flaws. Licensees are prohibited from using Paragraphs –2500(c) and –2500(d) of ASME BPV Code Case N–770–2 to meet examination requirements.

(*5*) *Inlay/onlay inspection frequency.* All hot-leg operating temperature welds in Inspection Items G, H, J, and K shall be inspected each inspection interval. A 25 percent sample of Inspection Items G, H, J, and K cold-leg operating temperature welds shall be inspected whenever the core barrel is removed (unless it has already been inspected within the past 10 years) or within 20 years, whichever is less.

(*6*) *Reporting requirements.* For any mitigated weld whose volumetric examination detects growth of existing flaws in the required examination volume that exceed the previous IWB–3600 flaw evaluations or new flaws, a report summarizing the evaluation, along with inputs, methodologies, assumptions, and causes of the new flaw or flaw growth is to be provided to the NRC prior to the weld being placed in service other than modes 5 or 6.

(*7*) *Defining ''t''.* For Inspection Items G, H, J, and K, when applying the acceptance standards of ASME BPV Code, Section XI, IWB–3514, for planar flaws contained within the inlay or onlay, the thickness ''t'' in IWB–3514 is the thickness of the inlay or onlay. For planar flaws in the balance of the dissimilar metal weld examination volume, the thickness ''t'' in IWB–3514 is the combined thickness of the inlay or onlay and the dissimilar metal weld.

(*8*) *Optimized weld overlay examination.* Initial inservice examination of Inspection Item C–2 welds shall be performed between the third refueling outage and no later than 10 years after application of the overlay.

(*9*) *Deferral.* Note (11)(b)(1) in ASME BPV Code Case N–770–2 shall not be used to defer the initial inservice examination of optimized weld overlays (*i.e.,* Inspection Item C–2 of ASME BPV Code Case N–770–2).

(*10*) *Examination technique.* Note 14(b) of Table 1 and Note (b) of Figure 5(a) of ASME BPV Code Case N–770–2 may only be implemented if the requirements of Note 14(a) of Table 1 of ASME BPV Code Case N–770–2 cannot be met.

(*11*) *Cast stainless steel.* Examination of ASME BPV Code Class 1 piping and vessel nozzle butt welds involving cast stainless steel materials, shall be performed with Appendix VIII, Supplement 9 qualifications, or qualifications similar to Appendix VIII, Supplement 2 or 10 using cast stainless steel mockups no later than the next scheduled weld examination after January 1, 2022, in accordance with the requirements of Paragraph –2500(a).

(*12*) *Stress improvement inspection coverage.* Under Paragraph I.5.1, for cast stainless steel items, the required examination volume shall be examined by Appendix VIII procedures to the maximum extent practical including 100 percent of the susceptible material volume.

(*13*) *Encoded ultrasonic examination.* Ultrasonic examinations of non-mitigated or cracked mitigated dissimilar metal butt welds in the reactor coolant pressure boundary must be performed in accordance with the requirements of Table 1 for Inspection Item A–1, A–2, B, E, F–2, J, and K for 100 percent of the required inspection volume using an encoded method.

* * * * *

Dated at Rockville, Maryland, this 30th day of June 2017.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Acting Director, Office of Nuclear Reactor Regulation.

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