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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.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

6 CFR Parts 1001 and 1003

[PCLOB Case 2017–001; Docket No. 2017–0001; Sequence No. 1]

RIN 0311–AA03

Freedom of Information Act and Government in the Sunshine Act Procedures

AGENCY: Privacy and Civil Liberties Oversight Board.

ACTION: Final rule.

SUMMARY: The Privacy and Civil Liberties Oversight Board is updating its Freedom of Information Act regulation to conform to the FOIA Amendments Act of 2016 and updating its Sunshine Act regulation to clarify how public meetings will be announced and how changes to the meeting may occur after public announcement.

DATES: *Effective:* August 28, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Parker Dupree, Deputy General Counsel, Privacy and Civil Liberties Oversight Board, at 202–296–4682 or *lynn.parker.dupree@pclob.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The changes to the Freedom of Information Act are conforming amendments to reflect the requirements of the FOIA Improvement Act of 2016. The changes to the Sunshine Act regulation are conforming amendments that reflect changes to the agency's Sunshine Act procedures.

II. Regulatory Analysis and Notices

Executive Order 12866

This final rule is not a ''significant regulatory action'' within the meaning of Executive Order 12866. The economic impact of these regulations should be minimal, therefore, further economic evaluation is not necessary.

Regulatory Flexibility Act, as Amended

The Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Act of 1996 (5 U.S.C. 601 *et seq.*), generally requires an agency to prepare a regulatory flexibility analysis for any rule subject to notice and comment rulemaking under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a number of small entities. Small entities include small businesses, small organizations, and small government jurisdictions. The Board considered the effects on this rulemaking on small entities and certifies that this final rule will not have a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, requires each agency to assess the effects of its regulatory actions on state, local, and tribal governments, and the private sector. Agencies must prepare a written statement of economic and regulatory alternatives anytime a proposed or final rule imposes a new or additional enforceable duty on any state, local, or tribal government or the private sector that causes those entities to spend, in aggregate, $100 million or more (adjusted for inflation) in any one year (defined in UMRA as a ''federal mandate''). The Board determined that such a written statement is not required in connection with this final rule because it will not impose a federal mandate, as defined in UMRA.

National Environmental Policy Act

The Board analyzed this final rule for purposes of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.,* and determined that it would not significantly affect the environment; therefore, an environmental impact statement is not required.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. This final rule does not include an information collection for purposes of the PRA.

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and the Board determined that it does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

List of Subjects in 6 CFR Parts 1001 and 1003

Administrative practice and procedure, Public availability of information, Meetings.

Dated: July 19, 2017.

Lynn Parker Dupree,

Deputy General Counsel, Alternate Designated Agency Ethics Official, Privacy and Civil Liberties Oversight Board.

For the reasons set forth in the preamble, the Board amends 6 CFR parts 1001 and 1003 as set forth below:

PART 1001—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT

■ 1. The authority citation for part 1001 continues to read as follows:

Authority: 5 U.S.C. 552, as amended; Executive Order 12600.

■ 2. Amend § 1001.2 by revising the definition ''Chief FOIA Officer'' to read as follows:

§ 1001.2 Definitions.

* * * * *

Chief FOIA Officer means the senior official to whom the Board delegated responsibility for efficient and appropriate compliance with the FOIA.

* * * * *

■ 3. Revise § 1001.5 to read as follows:

§ 1001.5 Requests for records.

(a) You may request copies of records under this part by email to *FOIA@pclob.gov* or in writing addressed to FOIA Officer, Privacy and Civil Liberties Oversight Board. Requestors should check the Board's Web site at *https://www.pclob.gov* for the Board's current mailing address. Please provide contact information, such as your phone number, email address, and/or mailing address, to assist the Board in communicating with you and providing released records.

(b) Your request shall reasonably describe the records sought with sufficient specificity, and when

possible, include names, dates, and subject matter, in order to permit the FOIA Officer to locate the records with a reasonable amount of effort. If the FOIA Officer cannot locate responsive records based on your written description, you will be notified and advised that further identifying information is necessary before the request can be fulfilled. Requesters who are attempting to reformulate or modify such a request may discuss their request with the Board's FOIA Officer or FOIA Public Liaison. If a request does not reasonably describe the records sought, the Board's response to the request is likely to be delayed.

(c) Although requests are considered either FOIA or Privacy Act requests, the Board processes requests for records in accordance with both laws so as to provide the greatest degree of lawful access while safeguarding an individual's personal privacy.

(d) Your request should specify your preferred form or format (including electronic formats) for the records you seek. We will accommodate your request if the record is readily available in that form or format. When you do not specify the form or format of the response, we will provide responsive records in the form or format most convenient to us.

■ 4. Amend § 1001.6 by—

■ a. Removing ''and'' from the end of paragraph (b)(3);

■ b. Removing the period from the end of paragraph (b)(4) and adding ''; and'' in its place;

■ c. Adding paragraph (b)(5);

■ d. Revising paragraph (c)(1); and

■ e. Adding paragraph (d).

The additions and revision read as follows:

§ 1001.6 Responsibility for responding to requests.

* * * * *

(b) * * *

(5) A statement notifying you of the assistance available from the Board's FOIA Public Liaison and the dispute resolution services offered by OGIS.

(c) * * *

(1) Upon receipt of a FOIA request for a record within the Board's possession, the FOIA Officer should determine if the Board or another federal agency is best able to determine eligibility for disclosure under the FOIA. As to any such record, the FOIA Officer must proceed in one of the following ways:

(i) *Consultation.* When records originated with the Board, but contain within them information of interest to or originated by another agency or Federal Government office, the FOIA Officer must consult with that other entity prior to making a release determination.

(ii) *Referral.* When the FOIA Officer believes that a different agency is best able to determine whether to disclose the record the FOIA Officer will refer the responsibility for responding to the request regarding that record to that agency (but only if that other department or agency is subject to FOIA). Ordinarily, the department or agency that originated the record will be presumed best able to determine whether to disclose it. However, if the FOIA Officer and the originating agency jointly agree that the Board is in the best position to respond regarding the record, then the record may be handled as a consultation.

* * * * *

(d) *Coordination.* The standard referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made is classified for national security reasons or otherwise could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. For instance, if the Board locates within its files materials originating with an Intelligence Community agency, and the involvement of that agency in the matter is classified and not publicly acknowledged, then to disclose or give attribution to the involvement of that Intelligence Community agency could cause national security harms. In such an instance, in order to avoid harm to an interest protected by an applicable exemption, the Board will coordinate with the originating agency to seek its views on the disclosability of the record. The release determination for the record that is the subject of the coordination will then be conveyed to the requester by the Board.

■ 5. Revise § 1001.7 to read as follows:

§ 1001.7 Administrative appeals.

(a) You may appeal an adverse determination related to your FOIA request, or the Board's failure to respond to your FOIA request within the prescribed time limits, to the Chief FOIA Officer, Privacy and Civil Liberties Oversight Board. Requestors should check the Board's Web site at *https://www.pclob.gov* for the Board's current mailing address.

(b) Your appeal must be in writing, sent to the address posted on the Board's Web site in accordance with paragraph (a) of this section, and it must be postmarked, or in the case of electronic submissions, transmitted, within 90 calendar days after the date of the letter denying your request, in whole or in part. The appeal should clearly identify the agency determination that is being appealed and the assigned case request number. In case of the Board's failure to respond within the statutory time frame, you may submit an administrative appeal at any time until an agency response has been provided. For the most expeditious handling, your appeal letter and envelope, or subject line of the electronic transmission, should be marked ''Freedom of Information Act appeal.''

(c) Your appeal letter should state facts and may cite legal or other authorities in support of your request.

(d) On receipt of any appeal involving classified information, the Chief FOIA Officer must take appropriate action to ensure compliance with applicable classification rules.

(e) The Chief FOIA Officer shall respond to all administrative appeals in writing and within the time frame stated in § 1001.8(d). If the decision affirms, in whole or in part, the FOIA Officer's determination, the letter shall contain a statement of the reasons for the affirmance, including any FOIA exemption(s) applied, and will inform you of the FOIA's provisions for court review. If the Chief FOIA Officer reverses or modifies the FOIA Officer's determination, in whole or in part, you will be notified in writing and your request will be reprocessed in accordance with that decision. The Board may work with Office of Government Information Services (OGIS) to resolve disputes between FOIA requestors and the Board. A requester may also contact OGIS in the following ways: Via mail to OGIS, National Archives and Records Administration, 8601 Adelphi Road—OGIS, College Park, MD 20740 (*ogis.archives.gov*), via email at *ogis@nara.gov,* or via the telephone at 202–741–5770 or 877–684–6448. Facsimile is also available at 202–741–5769.

■ 6. Amend § 1001.9 by adding a sentence to the end of paragraphs (c) and (f) to read as follows:

§ 1001.9 Business information.

* * * * *

(c) * * * Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

* * * * *

(f) * * * The Board also must notify the requester when it notifies the submitter of its intent to disclose the requested information, and whenever a submitter files a lawsuit to prevent the disclosure of the information.

■ 7. Revise § 1001.10 to read as follows:

§ 1001.10 Fees.

(a) We will charge fees that recoup the full allowable direct costs we incur in processing your FOIA request. Fees may be charged for search, review or duplication. As a matter of administrative discretion, the Board may release records without charge or at a reduced rate whenever the Board determines that the interest of the United States government would be served. We will use the most efficient and least costly methods to comply with your request. The Board may charge for search time even if no records are located or the records located are exempt from disclosure. If the Board fails to comply with the FOIA's time limits in which to respond to a request, it may not charge search fees, unless the circumstances outlined in paragraph (o) of this section are met.

(b) With regard to manual searches for records, we will charge the salary rate(s) (calculated as the basic rate of pay plus 16 percent of that basic rate to cover benefits) of the employee(s) performing the search.

(c) In calculating charges for computer searches for records, we will charge at the actual direct cost of providing the service, including the cost of operating computers and other electronic equipment, such as photocopiers and scanners, directly attributable to searching for records potentially responsive to your FOIA request and the portion of the salary of the operators/programmers performing the search.

(d) We may only charge requesters seeking documents for commercial use for time spent reviewing records to determine whether they are exempt from mandatory disclosure. Charges may be assessed only for the initial review—that is, the review undertaken the first time we analyze the applicability of a specific exemption to a particular record or portion of a record. Records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. We may assess the costs for such subsequent review. No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage.

(e) Records will be duplicated at a rate of $.10 per page, except that the Board may adjust this rate from time to time by rule published in the **Federal Register**. For copies prepared by computer, such as tapes, CDs, DVDs, or printouts, we will charge the actual cost, including operator time, of production. For other methods of reproduction or duplication, we will charge the actual direct costs of producing the document(s). If we estimate that duplication charges are likely to exceed $25, we will notify you of the estimated amount of fees, unless you indicated in advance your willingness to pay fees as high as those anticipated. Our notice will offer you an opportunity to confer with Board personnel to reformulate the request to meet your needs at a lower cost. If the Board notifies you that the actual or estimated fees are in excess of $25.00, your request will not be considered received and further work will not be completed until you commit in writing to pay the actual or estimated total fee, or designate some amount of fees you are willing to pay, or in the case of a noncommercial use requester who has not yet been provided with your statutory entitlements, you designate that you seek only that which can be provided by the statutory entitlements. The Board's FOIA Officer or Public Liaison are available to assist you in reformulating your request to meet your needs at a lower cost.

(f) We will charge you the full costs of providing you with the following services:

(1) Certifying that records are true copies; or

(2) Sending records by special methods such as express mail.

(g) We may assess interest charges on an unpaid bill starting on the 31st calendar day following the day on which the billing was sent. Interest shall be at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date of the billing until payment is received by the Board.

(h) We will not charge a search fee for requests by educational institutions, non-commercial scientific institutions, or representatives of the news media. A search fee will be charged for a commercial use request.

(i) The Board will not charge duplication fees for requests by educational institutions, non-commercial scientific institutions, or representatives of the news media for a non-commercial use request if the agency fails to comply with the FOIA's time limits in which to respond to a request.

(j) Except for a commercial use request, we will not charge you for the first 100 pages of duplication and the first two hours of search.

(k) You may not file multiple requests, each seeking portions of a document or documents, solely for the purpose of avoiding payment of fees. When the Board reasonably believes that a requester, or a group of requesters acting in concert, has submitted requests that constitute a single request involving clearly related matters, we may aggregate those requests and charge accordingly.

(l) We may not require you to make payment before we begin work to satisfy the request or to continue work on a request, unless:

(1) We estimate or determine that the allowable charges that you may be required to pay are likely to exceed $250; or

(2) You have previously failed to pay a fee charged within 30 calendar days of the date of billing.

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

(n) Upon written request, we may waive or reduce fees that are otherwise chargeable under this part. If you request a waiver or reduction in fees, you must demonstrate that a waiver or reduction in fees is in the public interest because disclosure of the requested records is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in your commercial interest. After processing, actual fees must exceed $25, for the Board to require payment of fees.

(o) If the Board has determined that unusual circumstances, as defined by the FOIA, apply and more than 5,000 pages are necessary to respond to the request, the Board may charge search fees, or, in the case of requesters described in paragraph (h) of this section, may charge duplication fees, if the following steps are taken. The Board must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and the agency must have discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, the Board may charge all applicable fees incurred in the processing of the request.

■ 8. Add § 1001.11 to read as follows:

§ 1001.11 Other rights and services.

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.

PART 1003—IMPLEMENTATION OF THE GOVERNMENT IN THE SUNSHINE ACT

■ 9. The authority citation for part 1003 continues to read as follows:

Authority: 5 U.S.C. 552b.

■ 10. Amend § 1003.4 by revising paragraph (c) and adding paragraphs (d) through (f) to read as follows:

§ 1003.4 Procedures for public announcement of meetings.

* * * * *

(c) When a meeting has been called by the Chairman, the notice shall contain such agenda items as the Chairman designates. The notice shall be circulated to Members in advance of publication and Members, by majority vote, may add additional agenda items.

(d) When a meeting is called by a majority of Members, the notice shall contain such agenda items as have been approved by a majority of the Board.

(e) The Executive Director will ensure that the final agenda for the meeting conforms to the notice published in the **Federal Register**.

(f) If public notice is provided by means other than publication in the **Federal Register**, notice will be promptly submitted to the **Federal Register** for publication.

■ 11. Revise § 1003.7 to read as follows:

§ 1003.7 Changes following public announcement.

(a) The time, place, and agenda items of a meeting following the public announcement described in § 1003.4, or the determination of the Board to open or close a meeting, or a portion thereof, to the public may be changed following public announcement only if:

(1) A majority of all members determine by recorded vote that Board business so requires and that no earlier announcement of the change was possible; and

(2) The Board publicly announces such change and the vote of each member thereon at the earliest practicable time.

(b) Changes to the time, place and agenda items of a meeting called by the Chairman pursuant to § 1003.4(c) must be made with the concurrence of the Chairman, except that when Members have, by majority vote, added additional agenda items, the addition of those agenda items does not require the Chairman's concurrence.

[FR Doc. 2017–15660 Filed 7–26–17; 8:45 am]

BILLING CODE 6820–B3–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0664; Directorate Identifier 2016–SW–073–AD; Amendment 39–18947; AD 2017–14–03]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters. This AD requires an inspection and reduces the retirement lives of certain landing gear components. This AD is prompted by a revised analysis of the fatigue life of the landing gear. The actions of this AD are intended to prevent an unsafe condition on these products.

DATES: This AD becomes effective August 11, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of August 11, 2017.

We must receive comments on this AD by September 25, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0664; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any incorporated by reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email: *wcs_cust_service_eng.gr-sik@lmco.com.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0664.

FOR FURTHER INFORMATION CONTACT: Dorie Resnik, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, 1200 District Avenue, Burlington, Massachusetts 01803; telephone (781) 238–7693; email *dorie.resnik@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Discussion

We are adopting a new AD for Sikorsky Model S–92A helicopters. This AD is prompted by Sikorsky's updated fatigue analysis of the nose and main landing gear as part of a supplier transition project. The updated fatigue

analysis revealed that certain components—main landing gear (MLG) wheel axle part number (P/N) 2392–2334–001, MLG and nose landing gear (NLG) threaded hinge pin P/N 2392–2311–003, NLG cylinder P/N 2392–4006–005, NLG hinge pin P/N 2392–4312–003, and landing gear actuator rod end P/N 2392–0876–901—require a reduced service life. Sikorsky updated the airworthiness limitations schedule accordingly and developed a recurring visual and ultrasonic inspection of NLG airframe fitting assembly P/N 92209–01101–041 once it has accumulated 31,600 landing cycles.

Accordingly, this AD requires inspecting and reducing the life limits of these landing gear components. The actions specified by this AD are intended to detect and prevent cracks or failure of any landing gear component, which could result in damage and loss of control of the helicopter.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

We reviewed Ultrasonic Inspection Technique No. UT 5077, Revision 0, dated July 25, 2014 (UT 5077). UT 5077 contains the inspection method, equipment and materials, calibration, and inspection procedure for performing an ultrasonic inspection of nose gear actuator fitting P/N 92209–01101–101.

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

Other Related Service Information

We also reviewed Sikorsky S–92 Helicopter Alert Service Bulletin 92–32–004, Basic Issue, dated January 30, 2015 (ASB). The ASB describes procedures for conducting a visual inspection of the NLG airframe fitting assembly and an ultrasonic inspection by following the procedures in UT 5077.

AD Requirements

This AD requires removing the following components from service:

- Any MLG wheel axle P/N 2392–2334–001 that has 22,300 or more landing cycles.
- Any MLG or NLG threaded hinge pin P/N 2392–2311–003 that has 26,100 or more landing cycles.
- Any NLG cylinder P/N 2392–4006–005 that has 26,300 or more landing cycles.
- Any NLG hinge pin P/N 2392–4312–003 that has 26,700 or more landing cycles.
- Any landing gear actuator rod end P/N 2392–0876–901 that has 41,700 or more landing cycles.

For helicopters that have 31,600 or more landing cycles and an NLG airframe fitting assembly P/N 92209–01101–041 installed, this AD also requires:

- Using a 10X or higher power magnifying glass, inspecting each bushing and all visible surfaces of mating lug fittings adjacent to each bushing for fretting, corrosion, wear, and scratches.
- Replacing the NLG airframe fitting assembly before further flight if there is fretting, corrosion, wear, or a scratch more than 0.0005 inch deep.
- Ultrasonic inspecting the NLG actuator fitting and replacing the NLG actuator fitting before further flight if there are any anomalies.

Differences Between This AD and the Service Information

The ASB requires a repetitive inspection of the NLG airframe fitting assemblies P/N 92209–01101–041 every 1,986 landing cycles; this AD does not.

Interim Action

We consider this AD to be an interim action. We are currently considering requiring a repetitive inspection of the NLG airframe fitting assemblies P/N 92209–01101–041 that would occur every 1,986 landing cycles. However, the planned compliance time for the inspections would allow enough time to provide notice and opportunity for prior public comment on the merits of the repetitive inspections.

Costs of Compliance

We estimate that this AD will affect 80 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour:

- Replacing a wheel axle P/N 2392–2334–001 will require 2 work-hours and required parts cost $22,000, for a cost per helicopter of $22,170.
- Replacing a MLG or NLG threaded hinge pin P/N 2392–2311–003 will require 1 work-hour and required parts cost $3,800, for a cost per helicopter of $3,885.
- Replacing a NLG cylinder P/N 2392–4006–005 will require 1 work-hour and required parts cost $27,200, for a cost per helicopter of $27,285.
- Replacing a NLG hinge pin P/N 2392–4312–003 will require 1 work-hour and required parts cost $4,400, for a cost per helicopter of $4,485.
- Replacing a landing gear actuator rod end P/N 2392–0876–901 will require 1 work-hour and required parts cost $900, for a cost per helicopter of $985.
- Inspecting the NLG airframe fitting assembly P/N 92209–01101–041 will require 8 work-hours, and required parts cost is minimal, for a cost of $680 per helicopter and $54,400 for the U.S. fleet.
- If required, replacing a NLG actuator fitting P/N 92209–01101–101 would require 70 work-hours, and required parts cost $10,000, for a cost per helicopter of $15,950.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because replacing the landing gear components affected by the life-limit reductions required by this AD must be accomplished before further flight.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–14–03 Sikorsky Aircraft Corporation (Sikorsky): Amendment 39–18947; Docket No. FAA–2017–0664; Directorate Identifier 2016–SW–073–AD.

(a) Applicability

This AD applies to Sikorsky Model S–92A helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as fatigue failure of the landing gear. This condition could result in failure of the landing gear and subsequent damage to and loss of control of the helicopter.

(c) Effective Date

This AD becomes effective August 11, 2017.

(d) Compliance

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

(e) Required Actions

(1) Before further flight, remove from service any part that has accumulated the number of landing cycles listed in Table 1 to paragraph (e)(1) of this AD. Thereafter, remove from service any part before accumulating the number of landing cycles listed in Table 1 to paragraph (e)(1) of this AD. For purposes of this AD, a landing cycle is counted anytime the helicopter lifts off into the air and then lands again regardless of the duration of the landing and regardless of whether the engine is shut down. If the number of landing cycles in unknown, multiply the number of hours time-in-service by 4.5 to determine the number of landing cycles.

TABLE 1 TO PARAGRAPH (e)(1) OF THIS AD

Part name	Part number	Life limit
Main landing gear (MLG) wheel axle	2392–2334–001	22,300 landing cycles.
MLG or nose landing gear (NLG) threaded hinge pin	2392–2311–003	26,100 landing cycles.
NLG cylinder	2392–4006–005	26,300 landing cycles.
NLG hinge pin	2392–4312–003	26,700 landing cycles.
Landing gear actuator rod end	2392–0876–901	41,700 landing cycles.

(2) For helicopters with 31,600 or more landing cycles and an NLG airframe fitting assembly P/N 92209–01101–041 installed, before further flight:

(i) Using a 10X or higher power magnifying glass, inspect each bushing (P/N 92209–01101–102 and P/N 92209–01101–103) and all visible surfaces of mating lug fittings adjacent to each bushing for fretting, corrosion, wear, and scratches. If there is fretting, corrosion, wear, or a scratch more than 0.0005 inch deep, replace the NLG airframe fitting assembly before further flight.

(ii) Ultrasonic inspect each NLG actuator fitting P/N 92209–01101–101 in accordance with Sikorsky Ultrasonic Inspection Technique No. UT 5077, Revision 0, dated July 25, 2014 (UT 5077), except you are not required to report to or contact Sikorsky. If there are any anomalies or suspect indications, replace the NLG actuator fitting before further flight.

Note 1 to paragraph (e)(2)(ii) of this AD: A copy of UT 5077 is attached to Sikorsky S–92 Helicopter Alert Service Bulletin 92–32–004, Basic Issue, dated January 30, 2015.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Dorie Resnik, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, 1200 District Avenue, Burlington, Massachusetts 01803; telephone (781) 238–7693; email *dorie.resnik@faa.gov.*

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

(g) Additional Information

Sikorsky S–92 Helicopter Alert Service Bulletin 92–32–004, Basic Issue, dated January 30, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email: *wcs_cust_service_eng.gr-sik@lmco.com.* You may review this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 3200 Main Landing Gear and 3220 Nose Landing Gear.

(i) Material Incorporated by Reference

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

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

(i) Ultrasonic Inspection Technique No. UT 5077, Revision 0, dated July 25, 2014.

Note 2 to paragraph (i)(2)(i): Ultrasonic Inspection Technique No. UT 5077, Revision 0, dated July 25, 2014, is an attachment to Sikorsky S–92 Helicopter Alert Service Bulletin 92–32–004, Basic Issue, dated

January 30, 2015, which is not incorporated by reference.

(ii) Reserved.

(3) For Sikorsky service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email: *wcs_cust_service_eng.gr-sik@lmco.com.*

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

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

Issued in Fort Worth, Texas, on June 27, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–15222 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9304; Directorate Identifier 2016–NM–028–AD; Amendment 39–18959; AD 2017–14–15]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This AD was prompted by reports of aileron and rudder control cables that may have tensions that are beyond allowable limits. This AD requires a revision to the maintenance or inspection program to incorporate certification maintenance requirement tasks that introduce functional tests of the control cable tension. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 31, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 31, 2017.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* Internet: *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9304.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9304; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7318; fax: 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. The NPRM published in the **Federal Register** on November 7, 2016 (81 FR 78080). The NPRM was prompted by reports of aileron and rudder control cables that may have tensions that are beyond allowable limits. The NPRM proposed to require revising the maintenance or inspection program to incorporate certification maintenance requirement tasks that introduce functional tests of the control cable tension. We are issuing this AD to detect and correct out-of-tolerance tension in the control cables, which, with certain system failures and environmental conditions, could result in reduced controllability of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–06R1, dated July 25, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier Model BD–700–1A10 and BD–700–1A11 airplanes. The MCAI states:

> Recent in-service inspections have shown that aileron and rudder control cables may have tensions beyond allowable limits. Review of the technical documentation found that there are no maintenance tasks to detect and rectify out-of-tolerance tensions on these cables. Out of tolerance cables in combinations with certain system failures and environmental conditions could result in the degraded aircraft controllability.
>
> * * * [This Canadian] AD was issued to mandate a revision to the approved maintenance schedule [maintenance or inspection program, as applicable] to introduce cable tension check [*e.g.,* functional test,] as [certification maintenance requirement] tasks.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9304.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this AD. The request should include a description of changes to the required actions that will ensure the continued operational safety of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Reference the Latest Time Limits/Maintenance Checks (TLMC) General Revision Instead of the Temporary Revision (TR)

Bombardier, Inc., and KACALP Flight Operations requested that paragraph (g)

of this AD, reference the latest TLMC general revision for each affected Bombardier, Inc. airplane model instead of the TR to each applicable TLMC. The commenters noted that the TLMC TRs are no longer available on Bombardier's Web site, as they have been incorporated into the TLMC Revision. The commenters indicated that the Canadian Airworthiness Directive CF–2016–06R1, dated July 25, 2016, references these TLMC Revisions, as should the FAA AD.

We do not agree to delay issuance of this AD to reference the latest TLMC general revision. Paragraph (g) of this AD states that when the applicable TR has been included in a general revision of the TLMC, the general revision may be inserted in the maintenance or inspection program and the applicable TR may be removed. The TR for each affected Bombardier, Inc. airplane model TLMC is available on the Internet at *http://www.regulations.gov.* The service information can be found by searching for and locating Docket No. FAA–2016–9304. We have, however, added note 1 to paragraph (g) of this AD to identify the TLMC task number and airplane maintenance manual (AMM) manual number that corresponds to each TR.

Request To Revise Compliance Time

Bombardier, Inc., and KACALP Flight Operations requested that we revise paragraphs (h)(1) and (h)(2) of the proposed AD to remove the later alternative compliance time ''within 30 months since the date of issuance of the original Canadian airworthiness certificate or the date of issuance of the original Canadian export certificate of airworthiness.'' The commenters noted that some airplanes have already exceeded, or will soon exceed, this threshold and would be immediately grounded by the proposed AD.

We agree with the request. We have revised the compliance time in paragraphs (h)(1) and (h)(2) of this AD to within 15 months after the effective date of this AD. We have determined that this change will not affect flight safety or the calculated risk assessment, and will not impose any additional burden on any operator.

Request To Remove Paragraph (h)(3) of This AD

Bombardier, Inc., requested that paragraph (h)(3) of this AD be removed. Bombardier, Inc., noted that the Canadian AD CF–2016–06R1, dated July 25, 2016, did not give any actions for the aircraft in paragraph (h) of this AD. Bombardier, Inc. indicated that for these aircraft, inserting the certification maintenance requirements (CMR) task into the scheduled maintenance or inspection program, as described in paragraph (g) of this AD, and following the specified task interval in the TLMC is sufficient.

We do not agree to remove paragraph (h)(3) of this AD. Paragraph (h) of this AD provides the compliance times for the initial actions that are incorporated into the maintenance or inspection program, as specified in paragraph (g) of this AD. These compliance times are necessary to provide a starting point for the inspections. The FAA finds it necessary to specify initial compliance times for maintenance actions in ADs because this information is not normally included in the design approval holder's (DAH) service information. The airplanes identified in paragraph (h)(3) of this AD are also identified in paragraph (g) of this AD. We have not changed this AD in this regard.

Request To Include CMR Tasks and Procedures

KACALP Flight Operations requested that we revise paragraph (i) of the proposed AD to include the inspection intervals and procedural instructions in the referenced TR of the Bombardier Model BD–700–1A10 and BD–700–1A11 airplanes' CMR. KACALP Flight Operations then suggested that these instructions in paragraph (i) of the proposed AD be referenced in the TLMC and AMM as a way to ensure compliance with each subsequent revision to the TLMC and AMM. KACALP Flight Operations stated that owner/operators are not obligated by regulation to own a technical subscription from the original equipment manufacturer (OEM), but that most recipients of a Bombardier Technical Library own a digital subscription. Bombardier, Inc. automatically removes the TRs and updates the standard issue to the TLMC and AMM without immediate notice. Bombardier stated that nothing would trigger either the OEM or the subscriber to look for changes to an interval or procedure; therefore, these owner/operators would not know if there is a change to an interval or procedure. KACALP Flight Operations suggested that the FAA could mandate a maintenance record requirement specifically for aircraft inspection programs.

We find that clarification is necessary. When possible, we rely on the DAH to provide accomplishment instructions in their service information; referencing this information provides for brevity in ADs and minimizes errors in ADs. Owners/operators are responsible for compliance with ADs, as well as the proper maintenance and safe operation of their airplanes, by adhering to the actions specified in the TLMC and AMM. Therefore, we have not changed paragraph (i) of this AD.

We also do not agree to mandate a maintenance record requirement specifically for aircraft inspection programs. At this time, the FAA does not require manufacturers to reference ADs within their service information. We have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

We reviewed the following Bombardier, Inc. service information:

- TR 5–2–10, dated November 24, 2015, to Section 5–10–40, of Bombardier Global Express XRS BD–700 Time Limits/Maintenance Checks.
- TR 5–2–15, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 6000 GL 6000 Time Limits/Maintenance Checks.
- TR 5–2–15, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 5000 GL 5000 Featuring Global Vision Flight Deck—Time Limits/Maintenance Checks.
- TR 5–2–16, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 5000 BD–700 Time Limits/Maintenance Checks.
- TR 5–2–47, dated November 24, 2015, to Section 5–10–40, of Bombardier Global Express BD–700 Time Limits/Maintenance Checks.

The service information identifies airworthiness limitation tasks for functional tests of the cable tension of the aileron and rudder control cables. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal

course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 60 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Maintenance or Inspection Program Revision ...	1 work-hour × $85 per hour = $85 per airplane	$0	$85	$5,100

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–14–15 Bombardier, Inc.: Amendment 39–18959; Docket No. FAA–2016–9304; Directorate Identifier 2016–NM–028–AD.

(a) Effective Date

This AD is effective August 31, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, serial numbers 9002 through 9743 inclusive, and 9998.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by reports of aileron and rudder control cables that may have tensions that are beyond allowable limits. We are issuing this AD to detect and correct out-of-tolerance tension in the control cables, which, with certain system failures and environmental conditions, could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Time Limits/Maintenance Checks (TLMC)—Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate certification maintenance requirement (CMR) tasks 27–11–35–101, 27–11–35–102, and 27–21–27–101 (for functional tests of the control cable tension), as specified in the applicable service information in paragraphs (g)(1) through (g)(5) of this AD. The initial compliance time for doing the tasks is specified in paragraph (h) of this AD. When the applicable temporary revision (TR) has been included in general revisions of the TLMC, the general revisions may be inserted in the maintenance or inspection program, and the applicable TR may be removed, provided the relevant information in the general revision is identical to that in the applicable TR.

(1) TR 5–2–10, dated November 24, 2015, to Section 5–10–40, of Bombardier Global Express XRS BD–700 Time Limits/Maintenance Checks (for Model BD–700–1A10 airplanes).

(2) TR 5–2–15, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 6000 GL 6000 Time Limits/Maintenance Checks (for Model BD–700–1A10 airplanes).

(3) TR 5–2–47, dated November 24, 2015, to Section 5–10–40, of Bombardier Global Express BD–700 Time Limits/Maintenance Checks (for Model BD–700–1A10 airplanes).

(4) TR 5–2–15, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 5000 GL 5000 Featuring Global Vision Flight Deck—Time Limits/Maintenance Checks (for Model BD–700–1A11 airplanes).

(5) TR 5–2–16, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 5000 BD–700 Time Limits/Maintenance Checks (for Model BD–700–1A11 airplanes).

Note 1 to Paragraph (g) of this AD: The TRs identified in paragraph (g) of this AD have been incorporated into their respective airplane model AMM as follows:

Bombardier Model BD–700–1A10: GL 700 AMM, Revision 67, dated August 6, 2015; GL XRS AMM, Revision 45, dated August 6, 2015; GL 6000 AMM, Revision 15, dated August 6, 2015.

Bombardier Model BD–700–1A11: GL 5000 AMM, Revision 48, dated August 6, 2015; GL 5000 GVFD AMM, Revision 15, dated August 6, 2015.

(h) Initial Compliance Times for CMR Tasks

The initial compliance times for doing the CMR tasks identified in paragraph (g) of this AD are at the applicable times specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD.

(1) For airplanes having serial numbers (S/Ns) 9002 through 9694 inclusive, and 9998: Within 15 months after the effective date of this AD.

(2) For airplanes having S/Ns 9695 through 9743 inclusive that have had aileron and/or

rudder control cable replacement and the aileron and rudder control cables were rigged as specified in any applicable Bombardier aircraft maintenance manual (AMM) revision earlier than the revision date shown in paragraphs (h)(2)(i) through (h)(2)(v) of this AD or the AMM revision date is unknown: Within 15 months after the effective date of this AD.

(i) Bombardier GL 700 AMM, Revision 67, dated August 6, 2015 (for Model BD–700–1A10 airplanes).

(ii) Bombardier GL XRS AMM, Revision 45, dated August 6, 2015 (for Model BD–700–1A10 airplanes).

(iii) Bombardier GL 6000 AMM, Revision 15, dated August 6, 2015 (for Model BD–700–1A10 airplanes).

(iv) Bombardier GL 5000 AMM, Revision 48, August 6, 2015 (for Model BD–700–1A11 airplanes).

(v) Bombardier GL 5000 GVFD AMM, Revision 15, August 6, 2015 (for Model BD–700–1A11 airplanes).

(3) For airplanes other than those identified in paragraphs (h)(1) and (h)(2) of this AD: Within 30 months since the date of issuance of the original Canadian airworthiness certificate or the date of issuance of the original Canadian export certificate of airworthiness, or within 30 days after the effective date of this AD, whichever occurs later.

(i) No Alternative Actions and Intervals

Except as provided by paragraph (h) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2016–06 R1, dated July 25, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9304.

(2) For more information about this AD, contact Cesar A. Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531; email: *Cesar.Gomez@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Temporary Revision (TR) 5–2–10, dated November 24, 2015, to Section 5–10–40, of Bombardier Global Express XRS BD–700 Time Limits/Maintenance Checks.

(ii) TR 5–2–15, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 6000 GL 6000 Time Limits/Maintenance Checks.

(iii) TR 5–2–15, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 5000 GL 5000 Featuring Global Vision Flight Deck—Time Limits/Maintenance Checks.

(iv) TR 5–2–16, dated November 24, 2015, to Section 5–10–40, of Bombardier Global 5000 BD–700 Time Limits/Maintenance Checks.

(v) TR 5–2–47, dated November 24, 2015, to Section 5–10–40, of Bombardier Global Express BD–700 Time Limits/Maintenance Checks.

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

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on June 29, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–14589 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0174; Directorate Identifier 2014–SW–059–AD; Amendment 39–18973; AD 2017–15–13]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Bell Helicopter Textron Canada Limited (Bell) Model 429 helicopters. This AD requires reducing the life limit of certain landing gear parts and is prompted by a stress analysis. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective August 31, 2017.

ADDRESSES: For service information identified in this final rule, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0174; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the Transport Canada AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

On March 7, 2017, at 82 FR 12753, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Bell Model 429 helicopters. The NPRM proposed to require reducing the life limit of certain landing gear parts by requiring the removal from service of any part that has reached or exceeded its new life limit before further flight. The proposed requirements were intended to prevent failure of a landing gear part, failure of a landing gear skid, and subsequent loss of control of the helicopter during takeoff or landing.

The NPRM was prompted by AD No. CF–2014–28, dated August 19, 2014, issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition for Bell Model 429 helicopters, serial numbers 57001 and subsequent. Transport Canada advises that Bell has reduced the life limits of several landing gear components and accordingly revised the airworthiness limitations schedule for Model 429 helicopters. The reduced life limits resulted from a stress analysis completed by Bell after the introduction of the Model 429 helicopter to service. While the reduced life limits were originally published in Revision 9 of the Bell Model 429 maintenance manual, Transport Canada AD No. CF–2014–28 requires inserting the new airworthiness limitations schedule in Revision 10 of the Bell Model 429 maintenance manual. Transport Canada states that failure to replace those components prior to the established airworthiness life could result in an unsafe condition.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, Transport Canada, its technical representative, has notified us of the unsafe condition described in its AD. We are issuing this AD because we evaluated all information provided by Transport Canada and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information

We reviewed Bell Model 429 Maintenance Manual BHT–429–MM–1, Chapter 4, Airworthiness Limitations Schedule, Revision 9, dated January 6, 2012, which specifies airworthiness life limits and inspection intervals for parts installed on Model 429 helicopters. Revision 9 reduced the life limits for the skid tube assemblies, forward crosstube assembly, and aft crosstube assembly.

Costs of Compliance

We estimate that this AD affects 71 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour. Calculating the life limit will take about 0.25 work-hour for an estimated cost of $21 per helicopter and $1,491 for the U.S. fleet. Replacing a skid tube assembly will take about 2 work-hours and parts will cost about $7,050 for an estimated replacement cost of $7,220. Replacing a forward cross tube assembly will take about 1.5 work-hours and parts will cost about $5,880 for an estimated replacement cost of $6,008. Replacing an aft tube assembly will take about 1.5 work-hours and parts will cost $6,710 for an estimated replacement cost of $6,838.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–15–13 Bell Helicopter Textron Canada Limited: Amendment 39–18973; Docket No. FAA–2017–0174; Directorate Identifier 2014–SW–059–AD.

(a) Applicability

This AD applies to Bell Helicopter Textron Canada Limited Model 429 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a landing gear part remaining in service beyond its fatigue life. This condition could result in failure of a landing gear part, failure of a landing gear skid, and subsequent loss of control of the helicopter during takeoff or landing.

(c) Effective Date

This AD becomes effective August 31, 2017.

(d) Compliance

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

(e) Required Actions

Before further flight, determine the accumulated retirement index number (RIN) for each part and remove it from service if it has reached or exceeded its life limit as follows. Thereafter, remove each part from service on or before reaching its life limit. For purposes of this AD, a run-on landing is defined as a landing with forward ground travel of the helicopter greater than 3 feet (0.91 m) with weight on skids.

(1) For Skid Tube Assembly part number (P/N) 429–700–101, 429–700–102, and 429–030–586–107: 16,000 RIN. Count 1 RIN for each landing; count 81 RIN for each run-on landing; and count 117 RIN for each autorotation landing.

(2) For Forward Crosstube Assembly P/N 429–712–101: 10,000 RIN. Count 1 RIN for each landing; count 50 RIN for each run-on landing; and count 118 RIN for each autorotation landing.

(3) Aft Crosstube Assembly P/N 429–723–108: 30,000 RIN. Count 1 RIN for each landing; count 32 RIN for each run-on landing; and count 186 RIN for each autorotation landing.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

(1) Bell 429 Maintenance Manual BHT–429–MM–1, Volume 1, Chapter 4, Revision 9, dated January 6, 2012, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in Transport Canada AD No. CF–2014–28, dated August 19, 2014. You may view the Transport Canada AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2017–0174.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 3200, Landing Gear System.

Issued in Fort Worth, Texas, on July 18, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–15552 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0395; Directorate Identifier 2017–CE–011–AD; Amendment 39–18966; AD 2017–15–06]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Regional Aircraft Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 airplanes that would supersede AD 97–10–05. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks in the main landing gear (MLG) fitting at the pintle to cylinder interface, which could cause failure of the MLG during takeoff and landing. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective August 31, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of August 31, 2017.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0395; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For the British Aerospace Jetstream Series 3100 and 3200 service information identified in this AD, contact BAE Systems (Operations) Ltd, Business Support Team—Technical Publications, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; phone: +44 1292 675207; fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *https://www.regional-services.com/spares_and_support/support/aircraft-technical-publications/.* For the Heroux Devtek service information identified in this AD, contact Heroux Devtek Product Support, Unit 1, Pembroke Court, Chancellor Road, Manor Park, Runcorn, Cheshire, WA7 1TG, England; phone: +44 01928 530530; fax: +44 01928 579454; email: *technical_support@herouxdevtek.com;* Internet: *http://www.herouxdevtek.com/aog-product-support.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2017–0395.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 airplanes. The NPRM was published in the **Federal Register** on April 28, 2017 (82 FR 19646), and proposed to supersede AD 97–10–05, Amendment 39–10017 (62 FR 28318; May 23, 1997). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> Cracks were found during early fatigue testing and in service on the main landing gear (MLG) main fitting at the pintle to cylinder interface.
>
> This condition, if not detected and corrected, could lead to structural failure of

the MLG, possibly resulting in loss of control of the aeroplane during take-off or landing runs.

To address this unsafe condition, BAE Systems (Operations) Ltd published several Service Bulletins (SB) which, in 1996, were consolidated into a single SB 32–JA960142 to provide instructions for inspection. CAA UK issued AD 005–03–96 accordingly to require repetitive inspections of the MLG.

Recently, a crack was found which was below the critical crack length, but unusually large compared to other similar cracks previously found in service. Further investigation into the subject determined that the existing inspection interval remains valid, but also showed that the assumed detectable defect size of 1.27 mm (0.05 in) crack cannot be guaranteed using the current accomplishment instructions for high frequency eddy current (HFEC) or fluorescent dye penetrant (FDP) inspection.

Consequently, BAE Systems (Operations) Ltd issued SB 32–JA960142 Revision 04, which provides improved procedures for HFEC and FDP inspection to ensure the detection of cracks of 1.27 mm (0.05 in).

For the reason described above, the [EASA] AD retains the requirements of CAA UK AD 005–03–96, which is superseded, and requires accomplishment of repetitive inspections in accordance with the improved procedures.

The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0395-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

We reviewed British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA960142, Revision No. 4, October 21, 2016, which describes procedures for doing non-destructive testing for cracks in the MLG and corrective actions if cracks found exceed a certain crack length. (The appendix to the service bulletin specifically describes fluorescent liquid penetrant testing.) We also reviewed Heroux Devtek Service Bulletin 32–56, Revision 4, dated August 16, 2016, which describes procedures for doing a non-destructive testing eddy current inspection for cracks in the MLG. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this document.

Costs of Compliance

We estimate that this AD will affect 26 products of U.S. registry. We also estimate that it would take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $13,260, or $510 per product.

In addition, we estimate that any necessary follow-on actions would take about 1 work-hour and require parts costing $5,000, for a cost of $5,085 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0395; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 97–10–05, Amendment 39–10017 (62 FR 28318; May 23, 1997), and adding the following new AD:

2017–15–06 British Aerospace Regional Aircraft: Amendment 39–18966; Docket No. FAA–2017–0395; Directorate Identifier 2017–CE–011–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective August 31, 2017.

(b) Affected ADs

This AD replaces AD 97–10–05; Amendment 39–10017 (62 FR 28318; May 23, 1997) (''AD 97–10–05'').

(c) Applicability

This AD applies to British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and

Jetstream Model 3201 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing Gear.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks in the main landing gear (MLG) fitting at the pintle to cylinder interface, which could cause failure of the MLG during takeoff and landing. We are issuing this AD to detect and correct cracks in the main landing gear (MLG), which could lead to structural failure of the MLG and could result in loss of control during takeoffs and landings.

(f) Actions and Compliance

Unless already done, do the following actions listed in paragraphs (f)(1) through (3) of this AD:

(1) Within the compliance times listed in paragraph (f)(1)(i) or (ii) of this AD, as applicable, inspect the MLG for cracks following Appendix 1 of British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA960142, Revision No. 4, October 21, 2016; or Heroux Devtek Service Bulletin 32–56, Revision 4, dated August 16, 2016, as specified in British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA960142, Revision No. 4, October 21, 2016.

(i) For airplanes that have been inspected following AD 97–10–05: Do the initial inspection within 1,200 flight cycles (FC) after the last inspection required by AD 97–10–05 and repetitively thereafter at intervals not to exceed 1,200 FC.

(ii) For airplanes that have not been inspected following AD 97–10–05: Do the initial inspection within 8,000 FC after installation of the MLG or within the next 100 FC after August 31, 2017 (the effective date of this AD), whichever occurs later, and repetitively thereafter at intervals not to exceed 1,200 FC.

(2) If any cracks are found during any of the inspections required in paragraph (f)(1) of this AD, before further flight, replace the MLG with an airworthy part following British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA960142, Revision No. 4, October 21, 2016.

(3) The compliance times in paragraphs (f)(1)(i) and (ii) of this AD are presented in FC (landings). If the total FC have not been kept, multiply the total number of airplane hours time-in-service (TIS) by 0.75 to calculate the FC. For the purposes of this AD:

(i) 100 hours TIS × .75 = 75 FC; and

(ii) 1,000 hours TIS × .75 = 750 FC.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD 2017–0053, dated March 24, 2017. The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0395-0002.*

(i) Material Incorporated by Reference

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

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

(i) British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA960142, Revision No. 4, October 21, 2016.

(ii) Heroux Devtek Service Bulletin 32–56, Revision 4, dated August 16, 2016.

(3) For British Aerospace Jetstream Series 3100 and 3200 service information related to this AD, contact BAE Systems (Operations) Ltd, Business Support Team-Technical Publications, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; phone: +44 1292 675207; fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *https://www.regional-services.com/spares_and_support/support/aircraft-technical-publications/.* For Heroux Devtek service information identified in this proposed AD, contact Heroux Devtek Product Support, Unit 1, Pembroke Court, Chancellor Road, Manor Park, Runcorn, Cheshire, WA7 1TG, England; phone: +44 01928 530530; fax: +44 01928 579454; email: *technical_support@herouxdevtek.com;* Internet: *http://www.herouxdevtek.com/aog-product-support.*

(4) You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0395.

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

Issued in Kansas City, Missouri, on July 12, 2017.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–15224 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2017–N–1917]

Medical Devices; Immunology and Microbiology Devices; Classification of the Assayed Quality Control Material for Clinical Microbiology Assays

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is classifying the assayed quality control material for clinical microbiology assays into class II (special controls). The special controls that will apply to the device are identified in this order and will be part of the codified language for the assayed quality control material for clinical microbiology assays' classification. The Agency is classifying the device into class II (special controls) to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective July 27, 2017. The classification was applicable on March 28, 2016.

FOR FURTHER INFORMATION CONTACT: Ryan Lubert, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4545, Silver Spring, MD 20993–0002, 240–402–6357, *ryan.lubert@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, also known as De Novo classification, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA shall classify the device by written order within 120 days. This classification will be the initial classification of the device.

On December 18, 2015, Bio-Rad Laboratories, Inc., submitted a request for classification of the Amplichek II under section 513(f)(2) of the FD&C Act.

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1). FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on March 28, 2016, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 866.3920.

Following the effective date of this final classification order, any firm submitting a premarket notification (510(k)) for an assayed quality control material for clinical microbiology assays will need to comply with the special controls named in this final order. A De Novo classification decreases regulatory burdens. When FDA classifies a device type as class I or II via the De Novo pathway, other manufacturers do not have to submit a De Novo request or premarket approval application to market the same type of device, unless the device has a new intended use or technological characteristics that raise different questions of safety or effectiveness. Instead, manufacturers can use the less burdensome pathway of 510(k), when necessary, to market their device, and the device that was the subject of the original De Novo classification can serve as a predicate device for additional 510(k)s from other manufacturers.

The device is assigned the generic name assayed quality control material for clinical microbiology assays, and it is identified as a device indicated for use in a test system to estimate test precision or to detect systematic analytical deviations that may arise from reagent or analytical instrument variation. This type of device consists of single or multiple microbiological analytes intended for use with either qualitative or quantitative assays.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1:

TABLE 1—ASSAYED QUALITY CONTROL MATERIAL FOR CLINICAL MICROBIOLOGY ASSAYS RISKS AND MITIGATION MEASURES

Identified risks to health	Required mitigations
Incorrect use of the instrument for non-indicated samples resulting in a delay in diagnosis.	Special Control (1) (21 CFR 866.3920(b)(1)); Special Control (3) (21 CFR 866.3920(b)(3)); and Special Control (4) (21 CFR 866.3920(b)(4)).
Assessment performance error (false negative)	Special Control (1) (21 CFR 866.3920(b)(1)).
Incorrect results due to improper or unexpected performance	Special Control (2) (21 CFR 866.3920(b)(2)) and Special Control (4)(iii) (21 CFR 866.3920(b)(4)(iii)).
Failure to correctly operate the instrument	Special Control (1) (21 CFR 866.3920(b)(1)).

FDA believes that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. This device type is not exempt from premarket notification

requirements. Persons who intend to market this type of device must submit to FDA a premarket notification (510(k)), prior to marketing the device, which contains information about the assayed quality control material for clinical microbiology assays they intend to market.

II. Analysis of Environmental Impact

We have determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR parts 801 and 809, regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 is revised to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l*, 371.

■ 2. Add § 866.3920 to subpart D to read as follows:

§ 866.3920 Assayed quality control material for clinical microbiology assays.

(a) *Identification.* An assayed quality control material for clinical microbiology assays is a device indicated for use in a test system to estimate test precision or to detect systematic analytical deviations that may arise from reagent or analytical instrument variation. This type of device consists of single or multiple microbiological analytes intended for use with either qualitative or quantitative assays.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Premarket notification submissions must include detailed device description documentation and information concerning the composition of the quality control material, including, as appropriate:

(i) Analyte concentration;

(ii) Expected values;

(iii) Analyte source;

(iv) Base matrix;

(v) Added components;

(vi) Safety and handling information; and

(vii) Detailed instructions for use.

(2) Premarket notification submissions must include detailed documentation, including line data as well as detailed study protocols and a statistical analysis plan used to establish performance, including:

(i) Description of the process for value assignment and validation.

(ii) Description of the protocol(s) used to establish stability.

(iii) Line data establishing precision/reproducibility.

(iv) Where applicable, assessment of matrix effects and any significant differences between the quality control material and typical patient samples in terms of conditions known to cause analytical error or affect assay performance.

(v) Where applicable, identify or define traceability or relationship to a domestic or international standard reference material and/or method.

(vi) Where applicable, detailed documentation related to studies for surrogate controls.

(3) Premarket notification submissions must include an adequate mitigation (*e.g.,* real-time stability program) to the risk of false results due to potential modifications to the assays specified in the device's 21 CFR 809.10 compliant labeling.

(4) Your 21 CFR 809.10 compliant labeling must include the following:

(i) The intended use of your 21 CFR 809.10(a)(2) and (b)(2) compliant labeling must include the following:

(A) Assayed control material analyte(s);

(B) Whether the material is intended for quantitative or qualitative assays;

(C) Stating if the material is a surrogate control; and

(D) The system(s), instrument(s), or test(s) for which the quality control material is intended.

(ii) The intended use in your 21 CFR 809.10(a)(2) and (b)(2) compliant labeling must include the following statement: ''This product is not intended to replace manufacturer controls provided with the device.''

(iii) A limiting statement that reads ''Quality control materials should be used in accordance with local, state, federal regulations, and accreditation requirements.''

Dated: July 24, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–15858 Filed 7–26–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2017–N–1916]

Medical Devices; Cardiovascular Devices; Classification of the Balloon Aortic Valvuloplasty Catheter

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is classifying the balloon aortic valvuloplasty catheter into class II (special controls). The special controls that will apply to the device are identified in this order and will be part of the codified language for the balloon aortic valvuloplasty catheter's classification. The Agency is classifying the device into class II (special controls) to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective July 27, 2017. The classification was applicable on June 11, 2012.

FOR FURTHER INFORMATION CONTACT: Nicole Ibrahim, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1232, Silver Spring, MD, 20993–0002, 301–796–5171, *nicole.ibrahim@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA

rulemaking process. These devices remain in class III and require premarket approval unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, also known as De Novo classification, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA shall classify the device by written order within 120 days. This classification will be the initial classification of the device. In accordance with section 513(f)(1) of the FD&C Act, FDA issued an order on December 3, 2008, classifying the NuCLEUS–X Percutaneous Transluminal Valvuloplasty Catheter into class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II.

On December 23, 2008, NuMED, Inc. submitted a request for classification of the NuCLEUS–X Percutaneous Transluminal Valvuloplasty Catheter under section 513(f)(2) of the FD&C Act.

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1). FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on June 11, 2012, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 870.1255.

Following the effective date of this final classification order, any firm submitting a premarket notification (510(k)) for a balloon aortic valvuloplasty catheter will need to comply with the special controls named in this final order. A De Novo classification decreases regulatory burdens. When FDA classifies a device type as class I or II via the De Novo pathway, other manufacturers do not have to submit a De Novo request or premarket approval application to market the same type of device, unless the device has a new intended use or technological characteristics that raise different questions of safety or effectiveness. Instead, manufacturers can use the less burdensome pathway of 510(k), when necessary, to market their device, and the device that was the subject of the original De Novo classification can serve as a predicate device for additional 510(k)s from other manufacturers.

The device is assigned the generic name balloon aortic valvuloplasty catheter, and it is identified as a catheter with a balloon at the distal end of the shaft that is intended to treat stenosis in the aortic valve when the balloon is expanded.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1:

TABLE 1—BALLOON AORTIC VALVULOPLASTY CATHETER RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Adverse tissue reaction	Biocompatibility testing. Labeling.
Infection	Sterility. Shelf life testing.
User error	Labeling.
Valve leaflet perforation	Non-clinical performance evaluation. In Vivo evaluation. Labeling.
Perforation of vascular or cardiac tissue	Non-clinical performance evaluation. In Vivo evaluation. Labeling.
Procedural complications, including bleeding, cardiac tamponade, calcium embolic events, valvular regurgitation, and death.	Non-clinical performance evaluation. In Vivo evaluation. Labeling.
Balloon burst	Non-clinical performance evaluation. In Vivo evaluation. Labeling.

TABLE 1—BALLOON AORTIC VALVULOPLASTY CATHETER RISKS AND MITIGATION MEASURES—Continued

Identified risks	Mitigation measures
Inability for balloon deflation	Non-clinical performance evaluation. In Vivo evaluation.
Increased balloon inflation and deflation times	Non-clinical performance evaluation. In Vivo evaluation. Labeling.
Inability to steer towards valve of interest	Non-clinical performance evaluation. In Vivo evaluation.

FDA believes that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness.

Balloon aortic valvuloplasty catheters are not safe for use except under the supervision of a practitioner licensed by law to direct the use of the device. As such, the device is a prescription device and must satisfy prescription labeling requirements (see 21 CFR 801.109, *Prescription devices*).

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k), if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification (510(k)), prior to marketing the device, which contains information about the balloon aortic valvuloplasty catheter they intend to market.

II. Analysis of Environmental Impact

We have determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR part 801, regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l*, 371.

■ 2. Add § 870.1255 to subpart B to read as follows:

§ 870.1255 Balloon aortic valvuloplasty catheter.

(a) *Identification.* A balloon aortic valvuloplasty catheter is a catheter with a balloon at the distal end of the shaft, which is intended to treat stenosis in the aortic valve when the balloon is expanded.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) The device must be demonstrated to be biocompatible.

(2) Sterility and shelf life testing must demonstrate the sterility of patient-contacting components and the shelf life of these components.

(3) Non-clinical performance evaluation must demonstrate that the device performs as intended under anticipated conditions of use, including device delivery, inflation, deflation, and removal.

(4) In vivo evaluation of the device must demonstrate device performance, including the ability of the device to treat aortic stenosis.

(5) Labeling must include a detailed summary of the device-related and procedure-related complications pertinent to the use of the device.

Dated: July 21, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–15786 Filed 7–26–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF STATE

22 CFR Part 147

[Public Notice: 10027]

RIN 1400–AE42

Electronic and Information Technology

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule provides a correction to a hyperlink included in the Section 508 implementing rule for the Department of State (the Department). The hyperlink takes the reader to a form that can be used by an employee or a member of the public to report accessibility issues to the Department, regarding its electronic and information technology.

DATES: This rule is effective on August 28, 2017.

FOR FURTHER INFORMATION CONTACT: Alice Kottmyer, Attorney-Adviser, 202–647–2318, *kottmyeram@state.gov.*

SUPPLEMENTARY INFORMATION: Section 508 requires that when Federal departments and agencies develop, procure, maintain, or use electronic and information technology, they shall ensure that the electronic and information technology is accessible to individuals with disabilities. The Department's implementing regulations, in 22 CFR part 147, were published in 2016. Due to a re-configuration of Web site assets within the Department, the hyperlink included in § 147.7(c) for the DS–4282 (Discrimination Complaint Form), is no longer valid. This rulemaking corrects the link.

The Department is preparing a more comprehensive update to Part 147, which will align its rule with the final rule published by the Access Board (*see* 82 FR 5790); and to parts 142 and 144

(implementing Section 504 of the Rehabilitation Act), to update terminology consistent with modern practice. For those interested in tracking, the RIN for the Department's ''508 refresh'' is 1400–AE35; for Section 504, it is 1400–AE03.

Regulatory Analyses

The Department of State is publishing this rulemaking as a final rule, pursuant to 5 U.S.C. 553(b). This rulemaking is a rule of agency organization, procedure, or practice. The effective date of the rule is 30 days after publication, as provided in the Administrative Procedure Act.

The Department further finds that this is not a major rule; is not subject to the Unfunded Mandates Reform Act of 1995; will not have tribal implications as defined by Executive Order 13175; and will not have an impact on a substantial number of small entities under the Regulatory Flexibility Act. This rule is not an economically significant rule under Executive Order 12866, and the Department certifies that the benefits of this rulemaking outweigh any costs, which are minimal for the public. The Office of Information and Regulatory Affairs has designated this rule as ''non-significant'', as defined by Executive Order 12866. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' See OMB Memorandum M–17–21, ''Guidance Implementing Executive Order 13771'' of April 5, 2017.

The Department of State has reviewed this rule in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden. This rule will not have substantial direct effect on the states, on the relationships between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

The information collection referred to in this rulemaking has been approved by OMB. (OMB Control No. 1405–0220).

List of Subjects in 22 CFR Part 147

Civil rights, Communications equipment, Computer technology, Government employees, Individuals with disabilities, Reporting and recordkeeping requirements, Telecommunications.

For the reasons set forth in the preamble, 22 CFR part 147 is amended as follows:

PART 147—ELECTRONIC AND INFORMATION TECHNOLOGY

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 22 U.S.C. 2651a; 29 U.S.C. 794, 794d; 36 CFR part 1194.

§ 147.7 [Amended]

■ 2. Amend § 147.7 in paragraph (c) by removing ''*https://eforms.state.gov/searchform.aspx*'' and adding in its place ''*https://eforms.state.gov/Forms/ds4282.PDF*''.

Janet Freer,

Director, Office of Directives Management, Department of State.

[FR Doc. 2017–15823 Filed 7–26–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG- 2017–0593]

Special Local Regulations; Three Rivers Rowing Association/Head of the Ohio Regatta, Allegheny River Mile 0.0 to 4.0

AGENCY: Coast Guard, DHS

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation during the Three Rivers Rowing Association/Head of the Ohio Regatta on the Allegheny River miles 0.0 to 4.0, for all navigable waters of the river. This regulation is needed to protect vessels transiting the area and event spectators from the hazards associated with the Three Rivers Rowing Association/Head of the Ohio Regatta. During the enforcement period, entry into, transiting, or anchoring in the regulated area is prohibited to all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative.

DATES: The regulations in 33 CFR 100.801, Table 1 Sector Ohio Valley, No. 36 will be enforced from 6 a.m. until 3:30 p.m., each day from October 7, 2017, through October 8, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email MST1 Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone 412–221–0807, email *Jennifer.L.Haggins@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations for the annual Three Rivers Rowing Association/Head of the Ohio Regatta in 33 CFR 100.801, Table 1 Sector Ohio Valley, No. 36 from 6 a.m. until 3:30 p.m. each day from October 7, 2017 through October 8, 2017. Entry into the regulated area is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative. Persons or vessels desiring to enter into or pass through the area must request permission from the COTP or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

This notice of enforcement is issued under authority of 33 CFR 100.801 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Local Notice to Mariners and updates via Marine Information Broadcasts.

Dated: July 20, 2017.

L. McClain, Jr.,

Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Pittsburgh.

[FR Doc. 2017–15829 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0697]

Drawbridge Operation Regulation; Columbia River, Portland, OR and Vancouver, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Interstate 5 (I–5) Bridges across the Columbia River, mile 106.5, between Portland, Oregon, and Vancouver, Washington. The deviation is necessary to facilitate the presence of participants in the Hands Across the Bridge Project. This deviation allows the bridges to remain in the closed-to-navigation position during the event.

DATES: This deviation is effective from 11 a.m. to 2 p.m. on September 4, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0697 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: Oregon Department of Transportation (bridge owner) requested a temporary deviation from the operating schedule for the I–5 Bridges, mile 106.5, across the Columbia River between Vancouver, WA, and Portland, OR, to facilitate safe passage of participants in the Hands Across the Bridge Project. The I–5 Bridges provides three designated navigation channels with vertical clearances ranging from 39 to 72 feet above Columbia River Datum 0.0 while the lift spans are in the closed-to-navigation position. The normal operating schedule for the I–5 Bridges is codified at 33 CFR 117.869. The subject bridges need not open to marine vessels during the deviation period from 11 a.m. to 2 p.m. on September 4, 2017. The bridge shall operate in accordance with 33 CFR 117.869 at all other times. Waterway usage on this part of the Columbia River includes vessels ranging from large commercial ships, tug and tow vessels to recreational pleasure craft.

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

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

Dated: July 20, 2017.

Steven Michael Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017–15794 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0700]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Montlake Bridge across the Lake Washington Ship Canal, mile 5.2, at Seattle, WA. The deviation is necessary to allow work crews to replace bridge decking. This deviation allows a single leaf opening with a one hour advance notice during the day, and remains in the closed-to-navigation position during evening hours.

DATES: This deviation is effective from 10 p.m. on August 11, 2017 to 5 a.m. on August 21, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0700] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: Washington Department of Transportation (WSDOT), bridge owner, has requested a temporary deviation from the operating schedule for the Montlake Bridge across the Lake Washington Ship Canal, at mile 5.2, at Seattle, WA. The deviation is necessary to accommodate work crews to conduct timely bridge deck repairs. The Montlake Bridge in the closed-to-navigation position provides 30 feet of vertical clearance throughout the navigation channel, and 46 feet of vertical clearance throughout the center 60 feet of the bridge; vertical clearance references to the Mean Water Level of Lake Washington. When half the span is open, single leaf, 46 feet of vertical clearance will be reduced throughout the center 30 feet of the bridge. To facilitate this construction event, single leaf operation will provide 75 feet of horizontal clearance.

The normal operating schedule for the Montlake Bridge operates in accordance with 33 CFR 117.1051(e). The deviation period and span operation is described in the table below:

Time/date start	Time/date end	Action
10 p.m. Aug 11, 2017	5 a.m. Aug 12, 2017	span in the closed-to-navigation position.
5 a.m. Aug 12, 2017	6 p.m. Aug 12, 2017	single leaf opening w/one hour notice.
6 p.m. Aug 12, 2017	5 a.m. Aug 13, 2017	span in the closed-to-navigation position.
5 a.m. Aug 13, 2017	6 p.m. Aug 13, 2017	single leaf opening w/one hour notice.
6 p.m. Aug 13, 2017	5 a.m. Aug 14, 2017	span in the closed-to-navigation position.
10 p.m. Aug 18, 2017	5 a.m. Aug 19, 2017	span in the closed-to-navigation position.
5 a.m. Aug 2017	6 p.m. Aug 19, 2017	single leaf opening w/one hour notice.
6 p.m. Aug 19, 2017	5 a.m. Aug 20, 2017	span in the closed-to-navigation position.
5 a.m. Aug 20, 2017	6 p.m. Aug 20, 2017	single leaf opening w/one hour notice.
6 p.m. Aug 20, 2017	5 a.m. Aug 21, 2017	span in the closed-to-navigation position.

Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be able to open for emergency vessels in route to a call when an hour notice is given to the bridge operator, and a single leaf opening will be provided. The Lake Washington Ship Canal has no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our

Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: July 20, 2017.

Steven Michael Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017–15795 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0549]

RIN 1625–AA00

Safety Zone; Madison Light Up the Park Fireworks Display; Lake Erie, Madison Township, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of Lake Erie, Madison Township, OH. This safety zone is intended to restrict vessels from a portion of Lake Erie during the Madison Light Up the Park fireworks display on September 03, 2017. This temporary safety zone is necessary to protect personnel, vessels, and the marine environment from the potential hazards associated with a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Buffalo.

DATES: This rule is effective from 9:15 p.m. through 10:15 p.m. on September 3, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0549 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Ryan Junod, Chief of Waterways Management, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–0124, email *ryan.s.junod@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be contrary to the public interest by inhibiting the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Buffalo, NY (COTP) has determined that potential hazards associated with vessels in the vicinity of firework displays on September 03, 2017 will be a safety concern for vessels and spectators within a 210 foot radius of the launch point of the fireworks. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display is happening.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:15 p.m. through 10:15 p.m. on September 03, 2017. The safety zone will cover all navigable waters within 210 feet of the launch point of the fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

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

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

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

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

minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting one hour that will prohibit entry within 210 feet of the launch area for the fireworks display. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0549 to read as follows:

§ 165.T09–0549 Safety Zone; Madison Light Up the Park Fireworks Display; Lake Erie, Madison Township, OH.

(a) *Location.* This zone will encompass all waters of Lake Erie, Madison Township, OH within a 210 ft radius of position 41°50′17″ N. and 081°02′51″ W. (NAD 83).

(b) *Effective and enforcement period.* This regulation is effective and will be enforced on September 03, 2017 from 9:15 p.m. until 10:15 p.m.

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

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

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

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

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

Dated: July 21, 2017.

Joseph S. Dufresne,

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

[FR Doc. 2017–15863 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0708]

Safety Zone; Fleet Week Maritime Festival, 2017, Pier 66, Elliot Bay; Seattle, Washington

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Fleet Week Maritime Festival's Pier 66 Safety Zone in Elliott Bay, WA 30 minutes prior to the beginning, during, and 30 minutes following the conclusion of the parade of ships. This action is necessary to promote safety on navigable waters. During the enforcement period, entry into, transit through, mooring, or anchoring within this zone is prohibited unless authorized by the Captain of the Port, Puget Sound or his designated representative

DATES: The regulations in 33 CFR 165.1330 will be subject to enforcement from 8 a.m. until 8 p.m. on August 2, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Petty Officer Zachary Spence, Sector Puget Sound Waterways Management Division, Coast Guard; telephone (206) 217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The safety zone for the Fleet Week Maritime Festival in 33 CFR 165.1330 will be subject to enforcement from 8 a.m. until 8 p.m. on August 2, 2017; however, within this time frame it will only be enforced 30 minutes prior to the beginning, during, and 30 minutes following the conclusion of the parade of ships. The COTP may issue a general permission to enter the zone during some of this time period if he determines the zone need not be enforced for a certain period of time because the parade of ships starts late or ends early. If the COTP issues a general permission to enter, the public would be notified via a Broadcast Notice to Mariners.

In accordance with the general regulations in 33 CFR part 165, subpart C, no vessel operator may enter, transit, moor, or anchor within this safety zone, except for vessels authorized by the Captain of the Port, Puget Sound or his designated representative, 30 minutes prior to the beginning, during, and 30 minutes following the conclusion of the Parade of Ships. The Captain of the Port may be assisted by other federal, state, or local agencies as needed.

In order to transit through this safety zone, you must be granted authorization by the Captain of the Port, Puget Sound or his designated representative. To seek authorization to enter the zone, contact either the on-scene patrol craft on VHF Ch 13 or Ch 16, or Coast Guard Sector Puget Sound Joint Harbor Operations Center (JHOC) via telephone at (206) 217–6002. Vessel operators granted permission to enter this safety zone will be escorted by the on-scene patrol until no longer within the safety zone.

This document is issued under authority of 33 CFR 165.1330 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advanced notification of the safety zone via the Local Notice to Mariners and marine information broadcasts.

Dated: July 17, 2017.

M.M. Balding,

Captain, U.S. Coast Guard, Acting, Captain of the Port Puget Sound.

[FR Doc. 2017–15881 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0707]

Safety Zone, Seafair Air Show Performance, 2017, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the annual Seafair Air Show Performance safety zone on Lake Washington, Seattle, WA daily, from 8 a.m. until 4 p.m., from August 3, 2017, through August 6, 2017. This action is necessary to ensure the safety of the public from inherent dangers associated with these annual aerial displays. During the enforcement period, no person or vessel may enter or transit this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: The regulations in 33 CFR 165.1319 will be enforced daily, from 8 a.m. until 4 p.m., from August 3, 2017, through August 6, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email Petty Officer Zachary Spence, Sector Puget Sound Waterways Management Division, Coast Guard; telephone (206) 217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Seafair Air Show Performance safety zone in 33 CFR 165.1319 daily, from 8 a.m. until 4 p.m., from August 3, 2016, through August 6, 2017 unless canceled sooner by the Captain of the Port.

Under the provisions of 33 CFR 165.1319, the following area is designated as a safety zone: All waters of Lake Washington, Washington State, south of the Interstate 90 bridge, west of Mercer Island, and north of Seward Park. The specific boundaries of the safety zone are listed in 33 CFR 165.1319(b).

In accordance with the general regulations in 33 CFR part 165, subpart C, no person or vessel may enter or remain in the zone except for support vessels and support personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or Designated Representatives. Vessels and persons granted authorization to enter the safety zone must obey all lawful orders or directions made by the Captain of the Port or his designated representative.

The Captain of the Port may be assisted by other federal, state and local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 33 CFR 165.1319 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advanced notification of the safety zone via the Local Notice to Mariners and marine information broadcasts on the day of the event. If the COTP determines that the safety zone need not be enforced for the full duration stated in this notice of enforcement, he may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: July 17, 2017.

M.M. Balding,

Captain, U.S. Coast Guard, Acting, Captain of the Port Puget Sound.

[FR Doc. 2017–15879 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0706]

Security Zones; Seattle's Seafair Fleet Week Moving Vessels, 2017, Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce Seattle's Seafair Fleet Week Moving Vessels security zones from 10 a.m. on Aug 1, 2017, through 6 p.m. on August 7, 2017. These security zones are necessary to help ensure the security of the vessels from sabotage or other subversive acts during Seafair Fleet Week Parade of Ships. The designated participating vessels are: HMCS YELLOWKNIFE (MM 706), HMCS EDMONTON (MM 703), and USCGC MELLON (WHEC 717). During the enforcement period, no person or vessel may enter or remain in the security zones without the permission of the Captain of the Port (COTP), Puget Sound or her designated representative. The COTP has granted general permission for vessels to enter the outer 400 yards of the security zones as long as those vessels within the outer 400 yards of the security zones operate at the minimum speed necessary to maintain course unless required to maintain speed by the navigation rules.

DATES: The regulations in 33 CFR 165.1333 will be enforced from 10 a.m. on August 1, 2017, through 6 p.m. on August 7, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Petty Officer Zachary Spence, Sector Puget Sound Waterways Management Division, Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the security zones for Seattle's Seafair Fleet Week Moving Vessels in 33 CFR 165.1333 from 10 a.m. on August 1, 2017, through 6 p.m. on August 7, 2017.

In accordance with the general regulations in 33 CFR part 165, subpart D, no person or vessel may enter or remain in the security zones without the permission of the Captain of the Port, Puget Sound or her designated representative. For the purposes of this rule, the following areas are security zones: All navigable waters within 500 yards of HMCS YELLOWKNIFE (MM 706), HMCS EDMONTON (MM 703), and USCGC MELLON (WHEC 717) while each such vessel is in the Sector Puget Sound COTP Zone.

The COTP has granted general permission for vessels to enter the outer 400 yards of the security zones as long as those vessels within the outer 400 yards of the security zones operate at the minimum speed necessary to maintain course unless required to maintain speed by the navigation rules. The COTP may be assisted by other federal, state or local agencies with the enforcement of the security zones.

All vessel operators who desire to enter the inner 100 yards of the security zones or transit the outer 400 yards at greater than minimum speed necessary to maintain course must obtain permission from the COTP or her designated representative by contacting the on-scene patrol craft on VHF 13 or Ch 16. Requests must include the reason why movement within this area is necessary. Vessel operators granted permission to enter the security zones will be escorted by the on-scene patrol craft until they are outside of the security zones.

This notice of enforcement is issued under authority of 33 CFR 165.1333 and 5 U.S.C. 552(a). In addition to this notice of enforcement, the Coast Guard will provide the maritime community with advanced notification of the security zones via the Local Notice to Mariners and marine information broadcasts on the day of the event. If the COTP determines that the security zones need not be enforced for the full duration stated in this notice of enforcement, he may use a Broadcast Notice to Mariners to grant general permission to enter all portions of the regulated areas.

Dated: July 17, 2017.

M.M. Balding,

Captain, U.S. Coast Guard, Acting, Captain of the Port Puget Sound.

[FR Doc. 2017–15880 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2010–1042; FRL–9964–89–OAR]

RIN 2060–AT58

National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to amend the national emission standards for hazardous air pollutants for flame attenuation (FA) lines in the wool fiberglass manufacturing industry. This direct final rule provides affected sources a 1-year extension to comply with the emission limits for FA lines. The EPA can provide sources up to 3 years to comply with emission limits in the Clean Air Act (CAA) standards. FA lines initially were given 2 years to comply with the emission limits. This action will extend the compliance date to the maximum of 3 years while we conduct our review. This compliance date extension will enable the EPA to conduct a review of the emission limits for FA lines in light of recently submitted corrected source emissions data.

DATES: This rule is effective on October 25, 2017, without further notice, unless the EPA receives significant adverse comment by August 28, 2017, or if a public hearing is requested, by August 3, 2017.

Public Hearing. If requested by August 3, 2017, the EPA will hold a public hearing to accept oral comments on this action. EPA will publish a document in the **Federal Register** announcing the date and location if a public hearing is requested.

If the EPA receives significant adverse comment, or if a public hearing is requested, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2010–1042, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you

consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Aimee St. Clair at (919) 541–1063 or by email at *stclair.aimee@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Brian Storey, Sector Policies and Programs Division (D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1103; fax number: (919) 541–5450; and email address: *storey.brian@epa.gov.*

SUPPLEMENTARY INFORMATION:

Organization of This Document. The information in this preamble is organized as follows:

I. General Information
- A. Why is the EPA using a direct final rule?
- B. Does this direct final rule apply to me?
- C. What should I consider as I prepare my comments for the EPA?

II. What are the amendments made by this direct final rule?

III. Statutory and Executive Order Reviews
- A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Paperwork Reduction Act (PRA)
- C. Regulatory Flexibility Act (RFA)
- D. Unfunded Mandates Reform Act (UMRA)
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act (NTTAA)
- J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- K. Congressional Review Act (CRA)

I. General Information

A. Why is the EPA using a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and do not anticipate significant adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to amend the National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing, if the EPA receives significant adverse comments on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If the EPA receives significant adverse comment on all or a distinct portion of this direct final rule, we will publish a timely withdrawal in the **Federal Register** informing the public that some or all of this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule. In any subsequent final rule, the EPA will examine whether there is ''good cause,'' under 5 U.S.C. 553(d)(3), to designate the publication date of the final rule (based on our parallel proposal) as the effective date for implementation of the final rule.

B. Does this direct final rule apply to me?

Categories and entities potentially regulated by this direct final rule include:

Category	NAICS code [1]
Wool fiberglass manufacturing facilities	327993

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this direct final rule. To determine whether your facility is affected, you should examine the applicability criteria in 40 CFR 63.1380. If you have questions regarding the applicability of any aspect of this action to a particular entity, consult either the air permitting authority for the entity or your EPA Regional representative as listed in 40 CFR 63.13.

C. What should I consider as I prepare my comments for the EPA?

Do not submit information containing CBI to the EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, a copy of the comments that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2010–1042.

II. What are the amendments made by this direct final rule?

Under the rule published in 2015 (80 FR 45280, July 29, 2015), the owner or operator of an FA line subject to the emission limits for formaldehyde, phenol, and methanol in Table 2 to 40 CFR part 63, subpart NNN, must demonstrate compliance with the limits by July 31, 2017. This compliance date is 2 years after promulgation of the amended limits. We note that CAA section 112 allows sources up to 3 years to comply with emission standards. With this action, we are extending the compliance date for certain emission limitations by another year so the EPA can review the emission limitations to address two recent issues that have come to our attention.

First, in March 2017, Johns-Manville, a company that manufactures wool fiberglass using the FA process, notified the EPA that the data they collected in 2011 for the Wool Fiberglass Residual Risk and Technology Review (RTR) contained errors in the methodology and, ultimately, the final stack test emissions results submitted to the EPA. These data were used by the EPA in the development of the current emission limits for formaldehyde, methanol, and phenol emitted from the bonding and curing processes on FA lines. Johns-Manville representatives stated that they did not realize at the time of the 2011 test submittal that the methodology was in error, and it went undiscovered until

2017, when the laboratory that conducted the emissions testing informed the company of the error. Johns-Manville notified the EPA of the errors, and, with the testing contractor, corrected the errors and provided revised test results along with newly collected test data for the FA lines.

Second, Johns-Manville informed the EPA that some of their FA lines manufacture a product by extruding extremely thin glass fibers at a very low pull rate through a fiber forming process. This process is also subject to the FA line limits, which are expressed in pounds of pollutant per ton of glass pulled. Johns-Manville asked the EPA to consider alternative emission limits for such processes which would be equivalent to the pounds per ton limits, but would be expressed as a concentration (pounds of pollutant per dry standard cubic foot) or as hourly production (pounds of pollutant per hour).

The EPA is reviewing the new and corrected data submitted by Johns-Manville, and will determine at a later date what, if any, actions are appropriate. We plan to propose any actions we believe are appropriate along with the technology review proposed rulemaking for the rotary spin lines, which is expected to be promulgated in December 2017. During the extension to the compliance date, the EPA will review the corrected emission test data as well as the new test data collected on low-pull FA lines. Only the compliance date for FA lines is affected by this action, and no changes to the emission limits, operating limits, monitoring requirements, or other requirements are being made at this time.

In any subsequent final rule, if necessary, the EPA intends to examine whether there is ''good cause,'' under 5 U.S.C. 553(d)(3), to designate the publication date of the final rule (based on our parallel proposal) as the effective date for implementation of the final rule.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

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

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulation (40 CFR part 63, subpart NNN) and has assigned OMB control number 2060–0114. This action does not change the information collection requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action does not create any new requirements or burdens and no costs are associated with this direct final action.

D. Unfunded Mandates Reform Act (UMRA)

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

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. There are no wool fiberglass facilities located on tribal lands. Thus, Executive Order 13175 does not apply to this action.

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

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

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does *not* have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment.

K. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 6, 2017.

E. Scott Pruitt,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency is amending title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart NNN—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing

■ 2. Table 2 to Subpart NNN of part 63 is amended by revising entry 12 to read as follows:

TABLE 2 TO SUBPART NNN OF PART 63—EMISSIONS LIMITS AND COMPLIANCE DATES

If your source is a:	And you commenced construction:	Your emission limits are: [1]	And you must comply by: [2]
* * *	* * *	* * *	*
12. Flame-attenuation line manufacturing any product.	On or before November 25, 2011	1.4 lb phenol per ton of glass pulled ..... 5.6 lb formaldehyde per ton of glass pulled. 0.50 lb methanol per ton of glass pulled	July 31, 2018.
* * *	* * *	* * *	*

[1] The numeric limits do not apply during startup and shutdown.
[2] Existing sources must demonstrate compliance by the compliance dates specified in this table. New sources have 180 days after the applicable compliance date to demonstrate compliance.

* * * * *

[FR Doc. 2017–14940 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2017–0284; FRL–9964–78–OW]

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action announces the U.S. Environmental Protection Agency's (EPA's) approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. The Safe Drinking Water Act authorizes EPA to approve the use of alternative testing methods through publication in the **Federal Register**. EPA is using this streamlined authority to make 17 additional methods available for analyzing drinking water samples. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

DATES: This action is effective July 27, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2017–0284. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline (800) 426–4791 or Glynda Smith, Technical Support Center, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MS 140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268; telephone number: (513) 569–7652; email address: *smith.glynda@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Public water systems are the regulated entities required to measure contaminants in drinking water samples. In addition, EPA Regions as well as states and tribal governments with authority to administer the regulatory program for public water systems under the Safe Drinking Water Act (SDWA) may measure contaminants in water samples. When EPA sets a monitoring requirement in its national primary drinking water regulations for a given contaminant, the agency also establishes (in the regulations) standardized test procedures for analysis of the contaminant. This action makes alternative testing methods available for particular drinking water contaminants beyond the testing methods currently established in the regulations. EPA is providing public water systems, required to test water samples, with a choice of using either a test procedure already established in the existing regulations or an alternative testing method that has been approved in this action or in prior expedited approval actions. Categories and entities that may ultimately be affected by this action include:

Category	Examples of potentially regulated entities	NAICS [1]
State, local, & tribal governments.	State, local and tribal governments that analyze water samples on behalf of public water systems required to conduct such analysis; state, local and tribal governments that directly operate community and non-transient non-community water systems required to monitor.	924110
Industry	Private operators of community and non-transient non-community water systems required to monitor.	221310
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	924110

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in this action. This table lists the types of entities that EPA is now aware could potentially be affected by

this action. Other types of entities not listed in the table could also have some interest. To determine whether your facility is affected by this action, you should carefully examine the applicability language in the Code of Federal Regulations (CFR) at 40 CFR 141.2 (definition of a public water system). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Abbreviations and Acronyms Used In This Action

APHA: American Public Health Association
ATP: Alternate Test Procedure
CBI: Confidential Business Information
CFR: Code of Federal Regulations
EPA: United States Environmental Protection Agency
GWR: Ground Water Rule
HAA: Haloacetic Acid
HAA5: Haloacetic Acids (five) (sum of monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid and dibromoacetic acid)
IC: Ion Chromatography
ISFETs: Ion Selective Field Effect Transistors
LED: Light Emitting Diode
NAICS: North American Industry Classification System
QC: Quality Control
RTCR: Revisions to the Total Coliform Rule
SDWA: The Safe Drinking Water Act
SM: Standard Method
TCR: Total Coliform Rule
VCSB: Voluntary Consensus Standard Bodies

II. Background

A. What is the purpose of this action?

In this action, EPA is approving 17 analytical methods for determining contaminant concentrations in drinking water samples collected under SDWA. Regulated parties required to sample and monitor may use either the testing methods already established in existing regulations or the alternative testing methods being approved in this action or in prior expedited approval actions. The new methods are listed along with other methods similarly approved through previous expedited actions in 40 CFR part 141, appendix A to subpart C and on EPA's drinking water methods Web site at *https://www.epa.gov/dwanalyticalmethods.*

B. What is the basis for this action?

When EPA determines that an alternative analytical method is ''equally effective'' (*i.e.,* as effective as a method that has already been promulgated in the regulations), SDWA allows EPA to approve the use of the alternative testing method through publication in the **Federal Register** (see section 1401(1) of SDWA). EPA is using this streamlined approval authority to make 17 additional methods available for determining contaminant concentrations in drinking water samples collected under SDWA. EPA has determined that, for each contaminant or group of contaminants listed in Section III, the additional testing methods being approved in this action are as effective as one or more of the testing methods already approved in the regulations for those contaminants. Section 1401(1) of SDWA states that the newly approved methods ''shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.'' Accordingly, this action makes these additional 17 analytical methods legally available as options for meeting EPA's monitoring requirements.

This action does not add regulatory language, but does, for informational purposes, update an appendix to the regulations at 40 CFR part 141 that lists all methods approved under section 1401(1) of SDWA. Accordingly, while this action is not a rule, it is updating CFR text and therefore is being published in the ''Final Rules'' section of the **Federal Register**.

III. Summary of Approvals

EPA is approving 17 methods that are equally effective relative to methods previously promulgated in the regulations. By means of this action, these 17 methods are added to appendix A to subpart C of 40 CFR part 141.

A. Methods Developed by EPA

1. EPA Method 150.3, Determination of pH in Drinking Water (USEPA 2017). EPA Method 150.3 was developed in response to comments from state regulators and utility operators that EPA Methods 150.1 (USEPA 1983a) and 150.2 (USEPA 1983b), currently approved at 40 CFR 141.23(k)(1) for standalone and continuous online pH monitoring, respectively, do not address the current pH technologies available for pH monitoring in drinking water utilities. Specifically, the stakeholders requested that a new method address the different types of pH analyzers and require calibration frequency, calibration verification, sampling, and other analytical aspects to assure that the procedure is robust and applicable to the monitoring configurations that exist in drinking water public utilities.

EPA Method 150.3 allows the use of bench-top, portable and continuous monitoring pH meters including newer sensor technologies that are designed for the analysis of pH (*e.g.,* solid state ion selective field effect transistors (ISFETs)), provided that the required quality control (QC) acceptance criteria defined in the method can be met. The calibration procedure in the older continuous monitoring EPA Method 150.2 does not distinguish between pH electrodes that can be easily removed from the process stream and electrodes that cannot be easily removed. The new method simplifies the calibration of continuous monitoring pH meters through the use of either direct or indirect (grab sample) calibration techniques. EPA Method 150.3 defines the frequencies for calibration and calibration verifications and the required measurement acceptance criteria. In addition, the method incorporates guidelines to assist operators with potential problems such as the effect of temperature on pH measurement.

EPA has determined that EPA Method 150.3 is equally effective for measuring pH, relative to EPA Methods 150.1 and 150.2. The basis for this determination is discussed in Adams (2017a). EPA is therefore approving use of EPA Method 150.3 for standalone and continuous online pH monitoring of drinking water. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*).

B. Methods Developed by Voluntary Consensus Standard Bodies (VCSB)

1. Standard Methods for the Examination of Water and Wastewater (Standard Methods). In 2007, the GA method (GA 2004) for determination of radium-226 and radium-228 by gamma spectrometry was approved in the drinking water regulations at 40 CFR 141.25(a). The method had undergone evaluation through the drinking water Alternate Test Procedure (ATP) program and was examined for acceptability through a multi-laboratory validation study. The validation study assessed system background, sensitivity, precision and accuracy for drinking water samples drawn from multiple sources around the United States. Standard Method 7500-Ra E published in the 22nd edition (APHA 2012) and its identical online version, 7500-Ra E–07 (APHA 2007) were developed directly from the GA gamma spectrometry method, and thus entail the same sample collection and handling protocols, sample preparation, detection procedure, and method performance data.

EPA has determined that Standard Methods 7500-Ra E and 7500-Ra E–07 are equally effective, relative to the approved GA method. The basis for this determination is discussed in Smith (2017a). EPA is therefore approving Standard Methods 7500-Ra E and 7500-

Ra E–07 method for determining radium-226 and radium-228 in drinking water by gamma spectrometry.

An additional new online Standard Method 7110 D–17 (APHA 2017) was submitted for evaluation as an alternative to the approved EPA Method 900.0 (USEPA 1980) for the analysis of gross alpha and gross beta activity in drinking water. Standard Method 7110 D–17 involves the simultaneous analysis of gross alpha and gross beta activities by liquid scintillation counting using alpha/beta discrimination.

EPA Method 900.0 was promulgated in the drinking water regulations at 40 CFR 141.25(a) as a screening method to determine whether specific radionuclide analyses are required. While technically simple to perform, the accuracy of the results obtained with EPA Method 900.0 can be affected by the radionuclides used for calibration, variability in the drinking water dissolved solids, and the sample geometry. Sample self-absorption occurs when radioactive emissions interact with the solid film of residue, which results from evaporating the drinking water samples to dryness. This significantly limits the level of dissolved solids that can be tolerated.

In the liquid scintillation method, self-absorption does not occur as long as solids are dissolved and homogeneously mixed with the scintillation cocktail. The performance of Standard Method 7110 D–17 was evaluated through a multi-laboratory study that assessed the sensitivity, background, accuracy and precision in drinking water matrices containing variable dissolved solids levels. EPA has determined that Standard Method 7110 D–17 is equally as effective for gross alpha and gross beta measurement as the approved EPA Method 900.0. The basis for this determination is discussed in Smith and Wendelken (2017). EPA is therefore approving the use of Standard Method 7110 D–17 for gross alpha and gross beta determination in drinking water.

The online version is available at *http://www.standardmethods.org.*

2. ASTM International. EPA compared the most recent versions of seven ASTM International methods to the earlier versions of those methods that are currently approved in 40 CFR part 141. The new versions included changes such as:

- Additional sample handling and preservation instructions to assure safety of field samplers (D 2972–15 B, C; D 3559–15 D; D 3645–15 B; and D 3859–15 A, B)
- Additional quality control (D 2972–15 B, C; D 3559–15 D; D 3645–15 B; D 3859–15 A, B; and D 6508–15)

Changes between the earlier approved version and the most recent version of each method are described more fully in Smith (2017b). The additional revisions involve editorial changes (*e.g.,* updated references, definitions, terminology, procedural clarifications, and reorganization of text). The revised methods are the same as the approved versions with respect to sample collection and handling protocols, sample preparation, analytical methodology, and method performance data; thus, EPA finds they are equally effective relative to the approved methods.

EPA is thus approving the use of the following ASTM methods for the contaminants and their respective regulations listed in the following table:

ASTM revised version	Approved method	Contaminant	Regulation
D 2972–15 B (ASTM 2015a)	D 2972–03 B (ASTM 2003a)	Arsenic	40 CFR 141.23(k)(1).
D 2972–15 C (ASTM 2015a)	D 2972–03 C (ASTM 2003a)	Arsenic	40 CFR 141.23(k)(1).
D 3559–15 D (ASTM 2015b)	D 3559–03 D (ASTM 2003b)	Lead	40 CFR 141.23(k)(1).
D 3645–15 B (ASTM 2015c)	D 3645–03 B (ASTM 2003c)	Beryllium	40 CFR 141.23(k)(1).
D 3859–15 A (ASTM 2015d)	D 3859–03 A (ASTM 2003d)	Selenium	40 CFR 141.23(k)(1).
D 3859–15 B (ASTM 2015d)	D 3859–03 B (ASTM 2003d)	Selenium	40 CFR 141.23(k)(1).
D 6508–15 (ASTM 2015e)	D 6508–00 (ASTM 2000)	Nitrate, Nitrite, Orthophosphate	40 CFR 141.23(k)(1).

An additional ASTM Method D 7283–17 (ASTM 2017) was submitted for evaluation as an alternate test method to the approved EPA Method 900.0 (USEPA 1980) for the analysis of gross alpha and gross beta activity in drinking water. ASTM Method D 7283–17 involves the simultaneous analysis of gross alpha and gross beta activities by liquid scintillation counting using alpha/beta discrimination.

EPA Method 900.0 was promulgated in the drinking water regulations at 40 CFR 141.25(a) as a screening method to determine whether specific radionuclide analyses are required. While technically simple to perform, the accuracy of the results obtained with EPA Method 900.0 can be affected by the radionuclides used for calibration, variability in the drinking water dissolved solids, and the sample geometry. Sample self-absorption occurs when radioactive emissions interact with the solid film of residue, which results from evaporating drinking water samples to dryness. This significantly limits the level of dissolved solids that can be tolerated.

In the liquid scintillation method, self-absorption does not occur as long as solids are dissolved and homogeneously mixed with the scintillation cocktail. The performance of ASTM Method D 7283–17 was evaluated through a multi-laboratory study that assessed the sensitivity, background, accuracy and precision in drinking water matrices containing variable dissolved solids levels. EPA has determined that ASTM Method D 7283–17 is equally as effective for gross alpha and gross beta measurement as the approved EPA Method 900.0. The basis for this determination is discussed in Smith and Wendelken (2017). EPA is therefore approving the use of ASTM D 7283–17 for gross alpha and gross beta determination in drinking water.

The ASTM methods are available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or *http://www.astm.org.*

C. Methods Developed by Vendors

1. Pathogen Detection Systems, Inc., ''TECTA™ EC/TC Medium and the TECTA™ Instrument: A Presence/Absence Method for the Simultaneous Detection of Total Coliforms and *Escherichia coli* (*E. coli*) in Drinking Water, March 20, 2017, Version 2.0'' (Pathogen Detection Systems, Inc., 2017). Tecta™ EC/TC is a microbiological method for the simultaneous detection of total coliforms and *E. coli* in drinking water. This method detects the presence/absence of total coliforms and *E. coli* in 100 mL samples of drinking water by enzymatic cleavage of fluorogenic compounds, which then yield a fluorescent response. The TECTA™ TC/EC method uses an automated instrument for incubation and detection of total coliforms and *E. coli.* Approved drinking water methods for total

coliforms are listed at 40 CFR 141.852(a)(5) under the Revisions to the Total Coliform Rule (RTCR). Methods approved for *E. coli* in drinking water are listed at 40 CFR 141.402(c)(2) under the Ground Water Rule (GWR), and at 40 CFR 141.852(a)(5) under the RTCR. TECTA™ EC/TC (''TECTA™ EC/TC Medium and the TECTA™ Instrument: A Presence/Absence Method for the Simultaneous Detection of Total Coliforms and *Escherichia coli* (*E.coli*) in Drinking Water, May 22, 2014, Version 1.0'' (Pathogen Detection Systems, Inc., 2014)) was approved as being equally effective relative to the approved Standard Method 9221 B for total coliforms under the Total Coliform Rule (TCR) and RTCR, and Standard Method 9221 F for *E. coli* under the TCR, GWR, and RTCR in the June 19, 2014, expedited methods approval action (USEPA 2014). This action is approving a modified version of this method. For the latest version of this method, modifications were made to the TECTA B16 unit. System mass was reduced by using reconfigured heating blocks; components were simplified; and underutilized features were eliminated. These modifications are described in the docket document ''Summary of Hardware and Software Modifications TECTA B16 Rev 1.0 versus TECTA B16 Rev 2.0 November 12, 2015'' (Pathogen Detection Systems, Inc., 2015). The modifications made for this method did not include any changes to the detection algorithm. EPA reviewed the changes that were made and determined that the modifications did not affect the performance of the method. Therefore, EPA has determined that the TECTA EC/TC Version 2.0 method is equally as effective as the approved TECTA EC/TC Version 1.0 method. A more detailed description of the basis for this determination is discussed in Sinclair (2017). Accordingly, EPA is approving this revised method ''TECTA™ EC/TC Medium and the TECTA™ Instrument: A Presence/Absence Method for the Simultaneous Detection of Total Coliforms and *Escherichia coli* (*E. coli*) in Drinking Water, March 20, 2017, Version 2.0'' for the determination of total coliforms and *E. coli* in drinking water. TECTA EC/TC is an automated and self-contained method, but is subject to the requirements for certified laboratories described in 40 CFR 141.28. A copy of the TECTA EC/TC method is available from Pathogen Detection Systems, Inc., 382 King Street East, Kingston, Ontario, Canada, K7K 2Y2.

2. Thermo Fisher Method 557.1—Determination of Haloacetic Acids in Drinking Water using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection (Thermo Fisher 2017a). Thermo Fisher Method 557.1 is a method for the determination of haloacetic acids (HAAs) in drinking water using a multiple cut, two-dimensional ion chromatography (IC) technology that separates the HAAs from matrix interferences in the first dimension, followed by resolution of the HAAs on a small-bore column in the second dimension. Detection and quantitation in the second dimension are accomplished by suppressed conductivity measurement.

The sum of five HAAs (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid) is regulated as ''HAA5.'' The approved methods for HAA5 are listed at 40 CFR 141.131(b)(1). The performance of Thermo Fisher Method 557.1 for each of the five regulated HAAs was compared to the performance criteria established in the approved EPA Methods 552.2 (USEPA 1995) and 552.3, Revision 1.0 (USEPA 2003) for the same compounds. Performance was demonstrated in a variety of drinking water samples derived from both surface and ground water sources. Successful matrix elimination in the first dimension was demonstrated by analysis of high ionic strength matrices containing common anions in drinking water such as chloride, sulfate, bicarbonate and nitrate. Performance results are summarized in the method validation summary report (Thermo Fisher 2017b). EPA has determined that Thermo Fisher Method 557.1 is equally effective for measuring HAA5 relative to the approved EPA Methods 552.2 and 552.3. The basis for this determination is discussed in Smith (2017c). Therefore, EPA is approving Thermo Fisher Method 557.1 for determining HAA5 in drinking water. A copy of the method is available from Thermo Fisher Scientific, 490 Lakeside Dr., Sunnyvale, CA 94085 (*Richard.jack@thermofisher.com*).

3. Tintometer Lovibond PTV 1000 Method—Continuous Measurement of Drinking Water Turbidity Using a Lovibond PTV 1000 White Light LED Turbidimeter (Tintometer 2016a). The Tintometer Lovibond PTV 1000 Method uses light emitting diode (LED) nephelometry to continuously measure turbidity in drinking water. The LED emits white light in the visible spectrum between 380 nm and 780 nm, with spectral peak response between 400 nm and 600 nm. The method is based on a comparison of the intensity of light scattered by a drinking water sample under defined conditions with the intensity of light scattered by a standard reference suspension. The PTV 1000 turbidimeter incorporates a sample deaerator to remove air bubbles and uses heated optics to prevent condensation.

Approved methods for turbidity are listed at 40 CFR 141.74(a)(1). The performance characteristics of the Lovibond PTV 1000 Method were compared to the performance characteristics of the approved Hach Filter Trak Method 10133 (Hach Company 2000). The validation study report (Tintometer 2016b) summarizes the results obtained from the turbidimeters placed online at three different utilities. Each utility used surface water sources, but different treatment technologies. Sampling was important to ensure representative tracking and response times between the turbidimeters. The sample stream flowed to a manifold that split it into equal streams, with one stream leading to each instrument in the study.

EPA has determined that the Lovibond PTV 1000 Method is equally effective relative to Hach Filter Trak Method 10133. The basis for this determination is discussed in Adams (2017b). Therefore, EPA is approving the Lovibond PTV 1000 Method for determining turbidity in drinking water. A copy of the method is available from Tintometer, Inc., 6456 Parkland Drive, Sarasota, FL 34243 (*http://lovibond.com/ptv1000/*).

4. Tintometer Lovibond PTV 2000 Method—Continuous Measurement of Drinking Water Turbidity Using a Lovibond PTV 2000 660-nm LED Turbidimeter (Tintometer 2016c). The Tintometer Lovibond PTV 2000 Method uses light emitting diode (LED) nephelometry to continuously measure turbidity in drinking water. The 660 nm LED has a peak emitting wavelength between 650 nm and 670 nm. Use of a 660 nm LED source reduces interferences due to dissolved organics and sample color. The method is based on a comparison of the intensity of light scattered by a drinking water sample under defined conditions with the intensity of light scattered by a standard reference suspension. The PTV 2000 turbidimeter incorporates a sample deaerator to remove air bubbles and uses heated optics to prevent condensation.

Approved methods for turbidity are listed at 40 CFR 141.74(a)(1). The performance characteristics of the Lovibond PTV 2000 Method were compared to the performance characteristics of the approved Hach

Filter Trak Method 10133 (Hach Company 2000). The validation study report (Tintometer 2016b) summarizes the results obtained from the turbidimeters placed online at three different utilities. Each utility used surface water sources, but different treatment technologies. Sampling was important to ensure representative tracking and response times between the turbidimeters. The sample stream flowed to a manifold that split it into equal streams, with one stream leading to each instrument in the study.

EPA has determined that the Lovibond PTV 2000 Method is equally effective relative to Hach Filter Trak Method 10133. The basis for this determination is discussed in Adams (2017c). Therefore, EPA is approving the Lovibond PTV 2000 Method for determining turbidity in drinking water. A copy of the method is available from Tintometer, Inc., 6456 Parkland Drive, Sarasota, FL 34243 (*http://lovibond.com/ptv1000/*).

5. Tintometer Lovibond PTV 6000 Method—Continuous Measurement of Drinking Water Turbidity Using a Lovibond PTV 6000 Laser Turbidimeter (Tintometer 2016d). The Tintometer Lovibond PTV 6000 Method uses laser nephelometry to continuously measure turbidity in drinking water. The method uses a 685 nm laser diode with a peak emitting center wavelength between 650 nm and 690 nm. The incident laser light is a highly collimated beam of high energy light and its small diameter reduces stray light interference, resulting in improved method sensitivity. The method is based on a comparison of the intensity of light scattered by a drinking water sample under defined conditions with the intensity of light scattered by a standard reference suspension. The PTV 6000 turbidimeter incorporates a sample deaerator to remove air bubbles and uses heated optics to prevent condensation.

Approved methods for turbidity are listed at 40 CFR 141.74(a)(1). The performance characteristics of the Lovibond PTV 6000 Method were compared to the performance characteristics of the approved Hach Filter Trak Method 10133 (Hach Company 2000). The validation study report (Tintometer 2016b) summarizes the results obtained from the turbidimeters placed online at three different utilities. Each utility used surface water sources, but different treatment technologies. Sampling was important to ensure representative tracking and response times between the turbidimeters. The sample stream flowed to a manifold that split it into equal streams, with one stream leading to each instrument in the study.

EPA has determined that the Lovibond PTV 6000 Method is equally effective relative to Hach Filter Trak Method 10133. The basis for this determination is discussed in Adams (2017d). Therefore, EPA is approving the Lovibond PTV 6000 Method for determining turbidity in drinking water. A copy of the method is available from Tintometer, Inc., 6456 Parkland Drive, Sarasota, FL 34243 (*http://lovibond.com/ptv1000/*).

IV. Statutory and Executive Order Reviews

As noted in Section II, under the terms of SDWA section 1401(1), this streamlined method approval action is not a rule. Accordingly, the Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3). Similarly, this action is not subject to the Regulatory Flexibility Act because it is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute. In addition, because this approval action is not a rule, but simply makes alternative testing methods available as options for monitoring under SDWA, EPA has concluded that other statutes and executive orders generally applicable to rulemaking do not apply to this approval action.

V. References

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List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Indians—lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water supply.

Dated: July 5, 2017.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 141 as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

■ 2. Appendix A to subpart C of part 141 is amended as follows:

■ a. By revising the entries for ''Arsenic,'' ''Beryllium,'' ''Lead,'' ''Nitrate,'' ''Nitrite,'' ''Orthophosphate,'' ''pH,'' and ''Selenium'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1).''

■ b. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.25(a).''

■ c. By revising the entry for ''Turbidity'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(a)(1).''

■ d. By revising the entry for ''HAA5'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(b)(1).''

■ e. By revising the entry for ''*E. coli*'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.402(c)(2).''

■ f. By revising the entries for ''Total Coliforms'' and ''*Escherichia coli*'' in the table entitled ''ALTERNATE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.852(a)(5).''

■ g. By revising footnote 33.

■ h. By adding footnotes 43 through 48.

The revisions and additions read as follows:

APPENDIX A TO SUBPART C OF PART 141—ALTERNATIVE TESTING METHODS APPROVED FOR ANALYSES UNDER THE SAFE DRINKING WATER ACT

* * * * *

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)

Contaminant	Methodology	EPA method	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]	ASTM [4]	Other
*	*	*	*	*		*	*
Arsenic	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04, B–10.	D 2972–08 C, –15 C.	
	Hydride Atomic Absorption		3114 B	3114 B	3114 B–09	D 2972–08 B, –15 B.	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2]					
*	*	*	*	*		*	*
Beryllium	Inductively Coupled Plasma		3120 B	3120 B.			
	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04, B–10.	D 3645–08 B, –15 B.	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2]					
*	*	*	*	*		*	*
Lead	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04, B–10.	D 3559–08 D, –15 D.	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2]					
*	*	*	*	*		*	*
Nitrate	Ion Chromatography		4110 B	4110 B		D 4327–11.	
	Automated Cadmium Reduction.		4500–NO_3-F.	4500–NO_3-F.			
	Manual Cadmium Reduction.		4500–NO_3-E.	4500–NO_3-E.			
	Ion Selective Electrode		4500–NO_3-D.	4500–NO_3-D.			
	Reduction/Colorimetric						Systea Easy (1-Reagent) [8] NECi Nitrate-Reductase.[40]
*	*	*	*	*		*	*
	Colorimetric; Direct						Hach TNTplus™ 835/836 Method 10206.[23]
	Capillary Ion Electrophoresis.					D 6508–15.	
Nitrite	Ion Chromatography		4110 B	4110 B		D 4327–11.	
	Automated Cadmium Reduction.		4500–NO_3-F.	4500–NO_3-F.			
	Manual Cadmium Reduction.		4500–NO_3-E.	4500–NO_3-E.			
	Spectrophotometric		4500–NO_2-B.	4500–NO_2-B.			
	Reduction/Colorimetric						Systea Easy (1-Reagent) [8] NECi Nitrate-Reductase.[40]

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)—Continued

Contaminant	Methodology	EPA method	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]	ASTM [4]	Other
*	*	*	*	*		*	*
	Capillary Ion Electrophoresis.					D 6508–15.	
Orthophosphate	Ion Chromatography		4110 B	4110 B		D 4327–11.	
	Colorimetric, ascorbic acid, single reagent.		4500–P E	4500–P E	4500–P E–99.		
	Colorimetric, Automated, Ascorbic Acid.		4500–P F	4500–P F	4500–P F–99.		Thermo Fisher Discrete Analyzer.[41]
*	*	*	*	*		*	*
	Capillary Ion Electrophoresis.					D 6508–15.	
pH	Electrometric	150.3 [48]	4500–H^+ B	4500–H^+ B		D 1293–12.	
Selenium	Hydride-Atomic Absorption		3114 B	3114 B	3114 B–09	D 3859–08 A, –15 A.	
	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04, B–10.	D 3859–08 B, –15 B.	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2. [2]					
*	*	*	*	*		*	*

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.25(a)

Contaminant	Methodology	SM 21st edition [1]	SM 22nd edition [28]	ASTM [4]	SM online [3]
Naturally Occurring:					
Gross alpha and beta	Evaporation	7110 B	7110 B.		
	Liquid Scintillation			D 7283–17	7110 D–17
Gross alpha	Coprecipitation	7110 C	7110 C.		
Radium 226	Radon emanation	7500-Ra C	7500-Ra C	D 3454–05.	
	Radiochemical	7500-Ra B	7500-Ra B	D 2460–07.	
	Gamma Spectrometry		7500-Ra E		7500-Ra E–07
Radium 228	Radiochemical	7500-Ra D	7500-Ra D.		
	Gamma Spectrometry		7500-Ra E		7500-Ra E–07
Uranium	Radiochemical	7500–U B	7500–U B.		
	ICP–MS	3125		D 5673–05, 10.	
	Alpha spectrometry	7500–U C	7500–U C	D 3972–09.	
	Laser Phosphorimetry			D 5174–07.	
	Alpha Liquid Scintillation Spectrometry.		D 6239–09.		
Man-Made:					
Radioactive Cesium	Radiochemical	7500-Cs B	7500-Cs B.		
	Gamma Ray Spectrometry	7120	7120	D 3649–06.	
Radioactive Iodine	Radiochemical	7500–I B	7500–I B	D 3649–06.	
		7500–I C	7500–I C,		
		7500–I D	7500–I D.		
	Gamma Ray Spectrometry	7120	7120	D 4785–08.	
Radioactive Strontium 89, 90.	Radiochemical	7500-Sr B	7500-Sr B.		
Tritium	Liquid Scintillation	7500-^{3}"H B	7500-^{3}H B	D 4107–08.	
Gamma Emitters	Gamma Ray Spectrometry	7120	7120	D 3649–06.	
		7500-Cs B	7500-Cs B	D 4785–08.	
		7500–I B	7500–I B.		

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(a)(1)

Organism	Methodology	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]	Other
*	* *	*	*	*	*
Turbidity	Nephelometric Method	2130 B	2130 B.		
	Laser Nephelometry (online)				Mitchell M5271.[10] Mitchell M5331, Rev. 1.2.[42] Lovibond PTV 6000.[46]
	LED Nephelometry (online)				Mitchell M5331 [11] Mitchell M5331, Rev. 1.2.[42] Lovibond PTV 2000.[45]
	LED Nephelometry (online)				AMI Turbiwell.[15] Lovibond PTV 1000.[44]
	LED Nephelometry (portable)				Orion AQ4500.[12]
	360° Nephelometry				Hach Method 10258.[39]

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(b)(1)

Contaminant	Methodology	EPA method	ASTM [4]	SM online [3]	SM 21st edition [1]	SM 22nd edition [28]	Other
*	*	*	*	*		*	*
HAA5	LLE (diazomethane)/GC/ECD.			6251 B–07	6251 B	6251 B.	
	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	557. [14]					
	Two-Dimensional Ion Chromatography (IC) with Suppressed Conductivity Detection.						Thermo Fisher 557.1.[47]
*	*	*	*	*		*	*

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.402(c)(2)

Organism	Methodology	SM 20th edition [6]	SM 21st edition [1]	SM 22nd edition [28]	SM Online [3]	Other
E. coli	Colilert®		9223 B	9223 B	9223 B–97, B–04.	
	Colisure®		9223 B	9223 B	9223 B–97, B–04.	
	Colilert-18	9223 B	9223 B	9223 B	9223 B–97, B–04.	
	Readycult®					Readycult.® [20]
	Colitag					Modified Colitag.™ [13]
	Chromocult®					Chromocult.® [21]
	EC–MUG			9221 F	9221 F–06.	
	Tecta EC/TC. [33 43]					
*	*	*	*	*	*	*

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.852(a)(5)

Organism	Methodology category	Method	SM 20th, 21st editions [1 6]	SM 22nd edition [28]	SM online [3]
Total Coliforms	Lactose Fermentation Methods	Standard Total Coliform Fermentation Technique.		9221 B.1, B.2	9221 B.1, B.2–06.
	Enzyme Substrate Methods	Colilert®		9223 B	9223 B–04.
		Colisure®		9223 B	9223 B–04.
		Colilert-18	9223 B	9223 B	9223 B–04.
		Tecta EC/TC. [33 43]			
Escherichia coli	*Escherichia coli* Procedure (following Lactose Fermentation Methods).	EC–MUG medium		9221 F.1	9221 F.1–06.
	Enzyme Substrate Methods	Colilert®		9223 B	9223 B–04.
		Colisure®		9223 B	9223 B–04.
		Colilert-18	9223 B	9223 B	9223 B–04.
		Tecta EC/TC. [33 43]			
*	*	*	*	*	*	*

[1] *Standard Methods for the Examination of Water and Wastewater,* 21st edition (2005). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

[2] EPA Method 200.5, Revision 4.2. ''Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma-Atomic Emission Spectrometry.'' 2003. EPA/600/R–06/115. (Available at *http://www.epa.gov/water-research/epa-drinking-water-research-methods.*)

[3] Standard Methods Online are available at *http://www.standardmethods.org.* The year in which each method was approved by the Standard Methods Committee is designated by the last two digits in the method number. The methods listed are the only online versions that may be used.

[4] Available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or *http://astm.org.* The methods listed are the only alternative versions that may be used.

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[6] *Standard Methods for the Examination of Water and Wastewater,* 20th edition (1998). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

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[8] Systea Easy (1-Reagent). ''Systea Easy (1-Reagent) Nitrate Method,'' February 4, 2009. Available at *https://www.nemi.gov* or from Systea Scientific, LLC., 900 Jorie Blvd., Suite 35, Oak Brook, IL 60523.

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[10] Mitchell Method M5271, Revision 1.1. ''Determination of Turbidity by Laser Nephelometry,'' March 5, 2009. Available at *https://www.nemi.gov* or from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[11] Mitchell Method M5331, Revision 1.1. ''Determination of Turbidity by LED Nephelometry,'' March 5, 2009. Available at *https://www.nemi.gov* or from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[12] Orion Method AQ4500, Revision 1.0. ''Determination of Turbidity by LED Nephelometry,'' May 8, 2009. Available at *https://www.nemi.gov* or from Thermo Scientific, 166 Cummings Center, Beverly, MA 01915, *http://www.thermo.com*.

[13] Modified Colitag™ Method. ''Modified Colitag™ Test Method for the Simultaneous Detection of *E. coli* and other Total Coliforms in Water (ATP D05–0035),'' August 28, 2009. Available at *https://www.nemi.gov* or from CPI International, 5580 Skylane Boulevard, Santa Rosa, CA 95403.

[14] EPA Method 557. ''Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS),'' September 2009. EPA 815–B–09–012. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search ''815B09012''.

[15] AMI Turbiwell, ''Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter,'' August 2009. Available at *https://www.nemi.gov* or from Markus Bernasconi, SWAN Analytische Instrumente AG, Studbachstrasse 13, CH–8340 Hinwil, Switzerland.

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[20] Readycult® Method, ''Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,'' January, 2007. Version 1.1. Available from EMD Millipore (division of Merck KGaA, Darmstadt, Germany), 290 Concord Road, Billerica, MA 01821.

[21] Chromocult® Method, ''Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,'' November, 2000. Version 1.0. EMD Millipore (division of Merck KGaA, Darmstadt, Germany), 290 Concord Road, Billerica, MA 01821.

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[23] Hach Company. ''Hach Company TNTplus™ 835/836 Nitrate Method 10206—Spectrophotometric Measurement of Nitrate in Water and Wastewater,'' January 2011. 5600 Lindbergh Drive, P.O. Box 389, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

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[28] *Standard Methods for the Examination of Water and Wastewater,* 22nd edition (2012). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

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[33] Tecta EC/TC. ''Techta™ EC/TC Medium and Techta™ Instrument: A Presence/Absence Method for the Simultaneous Detection of Total Coliforms and *Escherichia coli* (*E. coli*) in Drinking Water,'' version 1.0, May 2014. Available from Pathogen Detection Systems, Inc., 382 King Street East, Kingston, Ontario, Canada, K7K 2Y2.

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[39] Hach Company. ''Hach Method 10258—Determination of Turbidity by 360° Nephelometry,'' January 2016. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[40] Nitrate Elimination Company Inc. (NECi). ''Method for Nitrate Reductase Nitrate-Nitrogen Analysis of Drinking Water,'' February 2016. Superior Enzymes Inc., 334 Hecla Street, Lake Linden, Michigan 49945.

[41] Thermo Fisher. ''Thermo Fisher Scientific Drinking Water Orthophosphate Method for Thermo Scientific Gallery Discrete Analyzer,'' February 2016. Revision 5. Thermo Fisher Scientific, Ratastie 2, 01620 Vantaa, Finland.

[42] Mitchell Method M5331, Revision 1.2. ''Determination of Turbidity by LED or Laser Nephelometry,'' February 2016. Available from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[43] Tecta EC/TC. ''Tecta™ EC/TC Medium and the Tecta™ Instrument: A Presence/Absence Method for the Simultaneous Detection of Total Coliforms and *Escherichia coli* (*E. coli*) in Drinking Water,'' version 2.0, February 2017. Available from Pathogen Detection Systems, Inc., 382 King Street East, Kingston, Ontario, Canada, K7K 2Y2.

[44] Lovibond PTV 1000. ''Continuous Measurement of Drinking Water Turbidity Using a Lovibond PTV 1000 White Light LED Turbidimeter,'' December 2016. Revision 1.0. Available from Tintometer, Inc., 6456 Parkland Drive, Sarasota, FL 34243.

[45] Lovibond PTV 2000. ''Continuous Measurement of Drinking Water Turbidity Using a Lovibond PTV 2000 660–nm LED Turbidimeter,'' December 2016. Revision 1.0. Available from Tintometer, Inc., 6456 Parkland Drive, Sarasota, FL 34243.

[46] Lovibond PTV 6000. ''Continuous Measurement of Drinking Water Turbidity Using a Lovibond PTV 6000 Laser Turbidimeter,'' December 2016. Revision 1.0. Available from Tintometer, Inc., 6456 Parkland Drive, Sarasota, FL 34243.

[47] Thermo Fisher. ''Thermo Fisher Method 557.1: Determination of Haloacetic Acids in Drinking Water using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection,'' January 2017. Version 1.0. Available from Thermo Fisher Scientific, 490 Lakeside Dr., Sunnyvale, CA 94085 (*Richard.jack@thermofisher.com*).

[48] EPA Method 150.3. ''Determination of pH in Drinking Water,'' February 2017. EPA 815–B–17–001. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*).

[FR Doc. 2017–15380 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0307; FRL–9963–22]

Fenpyroximate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation increases existing tolerances for residues of fenpyroximate in or on dried citrus pulp, citrus oil, and the citrus fruit group 10–10. Nichino America, Inc. requested these tolerance increases under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 27, 2017. Objections and requests for hearings must be received on or before September 25, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0307, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through

the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0307 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 25, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0307, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 29, 2016 (81 FR 59165) (FRL–9950–22), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6F8465) by Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808. The petition requested to increase the tolerances in 40 CFR 180.566 for residues of the insecticide fenpyroximate in or on fruit, citrus, group 10–10 to 1.0 parts per million (ppm), citrus dried pulp to 4.0 ppm, and citrus oil to 14 ppm. That document referenced a summary of the petition prepared by Nichino America, Inc., the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the level of the citrus oil tolerance from 14 ppm to 15 ppm. The reason for this change is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fenpyroximate including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fenpyroximate follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The effects following repeated oral exposures to fenpyroximate were based on systemic toxicity (no specific target organ/tissue identified). The most sensitive species tested was the dog. The effects reported in the dog included slight bradycardia, deficits in food consumption, body weight, body-weight gain, and an increased incidence of emesis and diarrhea. Emaciation and torpor (sluggish inactivity) were reported in female dogs at lower dose levels than males. The highest dose tested in the dog (50 milligram/kilogram bodyweight/day (mg/kg bw/day)) resulted in first- and second-degree heart block, increased urea concentration, decreased glucose, and altered plasma electrolyte levels among other signs of toxicity. In subchronic and chronic studies with rats, the primary effect was decreased body-weight gain in both sexes with hematological changes (*e.g.,* higher counts of red blood cells) at higher doses.

In a rat prenatal developmental toxicity study, a dose level that marginally affected maternal body weight and food consumption also resulted in an increased litter incidence of increased thoracic ribs, indicating increased prenatal (qualitative) susceptibility. In the rabbits, there were no developmental effects reported at the levels tested. In the rat two-generation reproductive toxicity study, maternal toxicity (decreased body weight) and offspring toxicity (decreased lactational weight gain in both generations) occurred at the same dose.

There is no evidence that fenpyroximate specifically targets the nervous or immune system based on the results of recently submitted studies. In the acute neurotoxicity study, neurotoxicity signs such as decreases in motor activity occurred in the presence of other effects including decreases in body weight and food consumption, and in the absence of neuropathology. Similar results were noted in a delayed acute neurotoxicity study in the hen where no effects (neurotoxic or otherwise) were reported. The results of the rat subchronic neurotoxicity study did not indicate any neurotoxicity-specific effects; deficits in body weight and food consumption were the main effects reported. Similarly, the effects reported in a rat immunotoxicity study were limited to decreased body-weight gain.

In a 21-day dermal toxicity study in rats, there were clinical signs in females consisting of red nose and mouth/nasal discharge, decreased body weights, body-weight gains, and food consumption in males and females. There were also increased liver weights and hepatocellular necrosis reported in females.

In a 4-week rat inhalation study, treatment-related effects included clinical observations (labored breathing and rales), increased lung weights, decreases in body-weight gain and food consumption, and changes in hematology parameters (increased counts of erythrocytes and leukocytes). There were also histopathology findings in the nasal passage mucosa consisting of atrophy and squamous metaplasia.

Fenpyroximate was classified as ''not likely to be carcinogenic to humans'' based on the results of rat and mouse carcinogenicity studies. Genotoxicity studies including mutagenicity did not demonstrate any genotoxic potential associated with fenpyroximate.

Specific information on the studies received and the nature of the adverse effects caused by fenpyroximate as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''*Fenpyroximate. Human-Health Risk Assessment for Proposed Section 3 Uses on Stone Fruits (Group 12–12), Tuberous and Corm Vegetables (Subgroup 1C), and Small Vine Climbing Fruits Except Kiwifruit (Subgroup 13–07F)*'' on page 28 in docket ID number EPA–HQ–OPP–2016–0307.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for fenpyroximate used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FENPYROXIMATE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age).	NOAEL = 5.0 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.05 mg/kg/day. aPAD = 0.05 mg/kg/day	Prenatal Developmental Toxicity Study—Rat. LOAEL = 25 mg/kg/day based on increase in the fetal incidence of additional thoracic ribs.
Acute dietary (General population including infants and children).	NOAEL = 37.5 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.375 mg/kg/day. aPAD = 0.375 mg/kg/day	Acute Neurotoxicity Study—Rat. LOAEL = 150 mg/kg bw based on decreased motor activity (total activity counts and total time spent in movement) in both sexes, and a reduction in auditory startle response in females at 24 hours post dose, and mild dehydration in males.
Chronic dietary (All populations)	NOAEL= 5.0 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.05 mg/kg/day. cPAD = 0.05 mg/kg/day	Chronic toxicity—Dog. LOAEL = 15 mg/kg/day based on an increased incidence of bradycardia, diarrhea, and decreases in cholesterol, body-weight gain, and food consumption (M); vomiting, diarrhea, excess salivation and decrease cholesterol in females.
Cancer (Oral, dermal, inhalation).	Classification: ''Not likely to be carcinogen,'' cancer risk assessment is not required		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population-adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fenpyroximate, EPA considered exposure under the petitioned-for tolerances as well as all existing fenpyroximate tolerances in 40 CFR 180.566. EPA assessed dietary exposures from fenpyroximate in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for fenpyroximate. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) National Health and Nutrition

Examination Survey, What We Eat in America, (NHANES/WWEIA; 2003–2008). As to residue levels in food, EPA assumed 100 percent crop treated (PCT) and tolerance level residues for all commodities.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA NHANES/WWEIA (2003–2008). As to residue levels in food, EPA assumed 100 PCT and tolerance level residues for all commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that fenpyroximate does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue or PCT information in the dietary assessment for fenpyroximate. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for fenpyroximate in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of fenpyroximate. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Food Quality Protection Act (FQPA) Index Reservoir Screening Tool (FIRST) and a Provisional Cranberry Model for fenpyroximate and its metabolites (M1 and M3) in surface water and with Screening Concentration in Ground Water (SCI–GROW) for ground water, the estimated drinking water concentrations (EDWCs) of fenpyroximate for acute exposures are estimated to be 43 parts per billion (ppb) for surface water and 0.27 ppb for ground water, and for chronic exposures are estimated to be 8.6 ppb for surface water and 0.27 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 43 ppb was used to assess the contribution to drinking water and for the chronic dietary risk assessment, the water concentration of value 8.6 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Fenpyroximate is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found fenpyroximate to share a common mechanism of toxicity with any other substances, and fenpyroximate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that fenpyroximate does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is evidence of increased prenatal (qualitative) susceptibility in a rat prenatal developmental toxicity study. A dose level that marginally affected maternal body weight and food consumption also resulted in an increased litter incidence of increased thoracic ribs. However, concern for prenatal and postnatal toxicity to fenpyroximate is low because:

i. There was a clear NOAEL in the rat prenatal developmental toxicity study;

ii. The NOAEL for this developmental study is being used as POD for the acute dietary risk assessment for the population of concern-females 13–49 years old;

iii. In the rabbit, there were no developmental effects reported at the levels tested; and

iv. In the rat 2-generation reproductive toxicity study, there was no indication of increased prenatal or postnatal susceptibility.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicity database for fenpyroximate is complete.

ii. There is no indication that fenpyroximate is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is evidence that fenpyroximate results in increased susceptibility *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the two-generation reproduction study. Increased (qualitative) prenatal susceptibility was seen following oral exposures in the rat developmental toxicity study, but the concern for these effects is low, for the reasons noted in Unit III.D.2. Therefore, a 10x FQPA SF is not necessary to account for this increased susceptibility of infants and children.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to fenpyroximate in drinking water. These assessments will not underestimate the exposure and risks posed by fenpyroximate.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks

are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fenpyroximate will occupy 14% of the aPAD for females 13–49 years old and 6.4% of the aPAD for children 1–2 years old, the population groups with the greatest risk estimate.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fenpyroximate from food and water will utilize 16% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for fenpyroximate.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Short- and intermediate-term adverse effects were identified; however, fenpyroximate is not registered for any use patterns that would result in either short- or intermediate-term residential exposure. Short- and intermediate-term risk is assessed based on short- and intermediate-term residential exposure plus chronic dietary exposure. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short- or intermediate-term risk), no further assessment of short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for fenpyroximate.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, chemical name is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to fenpyroximate residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography method with nitrogen/phosphorus detection (GC/NPD), Method S19) is available to enforce the tolerance expression. Method S19 has passed an Agency validation and has a limit of quantitation (LOQ) of 0.05 ppm for the combined residues of fenpyroximate and M–1 in snap beans and avocados. A data-gathering liquid chromatography/mass spectroscopy/mass spectroscopy (LC/MS/MS) method is also available.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for fenpyroximate in or on citrus fruits at 0.5 ppm. This MRLs is different than the tolerance being established for fenpyroximate in the United States, however, harmonization with the Codex MRL is not possible because the U.S. tolerance expression includes an additional isomer and the U.S. use pattern requires a higher numerical value.

C. Revisions to Petitioned-For Tolerances

Based on the Organization for Economic Co-operation and Development (OECD) tolerance-calculation procedure, the Agency is increasing the tolerance on citrus oil to 15 ppm rather than 14 ppm as proposed by the registrant.

V. Conclusion

Therefore, existing tolerances for residues of fenpyroximate are increased in or on citrus, dried pulp from 2.5 ppm to 4.0 ppm; citrus, oil from 10 ppm to 15 ppm; and fruit, citrus, group 10–10 from 0.50 ppm to 1.0 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian

tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 22, 2017.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.566, revise the entries for ''Citrus, dried pulp'', ''Citrus, oil'', and ''Fruit, citrus, group 10–10'' in the table in paragraph (a)(1) to read as follows:

§ 180.566 Fenpyroximate; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Citrus, dried pulp	4.0
Citrus, oil	15
* * * * *	
Fruit, citrus, group 10–10	1.0
* * * * *	

* * * * *

[FR Doc. 2017–15728 Filed 7–26–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0518; FRL–9963–04]

Ametoctradin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends a tolerance for residues of ametoctradin in or on hops. BASF Corporation requested this tolerance amendment under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 27, 2017. Objections and requests for hearings must be received on or before September 25, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0518, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0518 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 25, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0518, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online

instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of November 30, 2016 (81 FR 86312) (FRL–9954–06), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6E8500) by BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.663 be amended by modifying the tolerance for residues of the fungicide ametoctradin in or on hop, dried cone from 10 parts per million (ppm) to 100 ppm. That document referenced a summary of the petition prepared by BASF Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for ametoctradin including exposure resulting from the tolerance amended by this action, consistent with FFDCA section 408(b)(2).

In the **Federal Register** of May 9, 2012 (77 FR 27130) (FRL–9339–6), EPA established tolerances for residues of ametoctradin in or on several commodities, including hop, dried cones at 10 ppm. EPA is relying upon the findings made in the May 9, 2012, **Federal Register** document, as well as the supporting risk assessments, in support of this action. The toxicity profile of ametoctradin has not changed since 2012, and as discussed in the 2012 rule, no toxicological endpoints were identified for ametoctradin. The Agency evaluated the request to increase the existing tolerance on hop, dried cones and based on the lack of toxicity, has concluded that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to ametoctradin residues.

For a detailed discussion of the aggregate risk assessments and determination of safety for these tolerances, please refer to the May 9, 2012, **Federal Register** document and its supporting documents, available at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2010–0261. Additionally, the risk assessment for this action is available in docket ID number EPA–HQ–OPP–2016–0518.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology using liquid chromatography tandem mass spectrometry (LC/MS/MS) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established an MRL for ametoctradin in or on hop, dried cones at 30 ppm. This MRL is different than the tolerance established for ametoctradin in the United States, however, the tolerance increase addressed by this document was requested to accommodate the importation of hops grown in the European Union into the United States. It is the Agency's understanding that Codex intends to raise the MRL for ametoctradin on hop, dried cones to 100 ppm.

V. Conclusion

Therefore, the existing tolerance for residues of ametoctradin, including its metabolites and degradates in or on hop, dried cones is increased from 10 ppm to 100 ppm.

VI. Statutory and Executive Order Reviews

This action amends a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority

Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 22, 2017.

Michael Goodis,

Director Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.663, revise the entry for ''Hop, dried cones'' in the table in paragraph (a) to read as follows:

§ 180.663 Ametoctradin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Hop, dried cones	100
* * * * *	

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[FR Doc. 2017–15762 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0405; FRL–9964–15]

Tolpyralate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tolpyralate in or on field corn, popcorn, and sweet corn. ISK Biosciences Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 27, 2017. Objections and requests for hearings must be received on or before September 25, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0405, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2015–0405 in the subject line on the first page of your submission. All

objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 25, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2015–0405, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned for Tolerance

In the **Federal Register** of August 26, 2015 (80 FR 51759) (FRL–9931–74), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5F8359) by ISK Biosciences, Corporation, 7470 Auburn Rd., Suite A, Concord, OH 44077. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide, tolpyralate, 1-[[1-ethyl-4-[3-(2-methoxyethoxy)-2-methyl-4-(methylsulfonyl)benzoyl]-1H-pyrazol-5-yl]oxy]ethyl methyl carbonate, including its metabolite MT–2153, in or on the raw agricultural commodities of corn that include field corn (corn, field, grain; corn, field, forage; and corn, field, stover); sweet corn (corn, sweet, kernel + cob with husks removed; corn, sweet, forage; and corn, sweet, stover); and popcorn (corn, pop, grain and corn, pop, stover) at 0.01 parts per million (ppm). That document referenced a summary of the petition prepared by ISK Biosciences, Corporation the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for tolpyralate including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with tolpyralate follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The effects in the tolpyralate hazard database are similar to those seen with other hydroxyphenylpyruvate dioxygenase (HPPD) inhibiting chemicals, including eye opacity and developmental skeletal defects. The major target organs identified were the eyes, kidney, liver, thyroid and developing skeleton. Other effects included pancreatic acinar cell single cell necrosis, gall bladder calculi, fur loss and/or tactile hair loss, and decreased body weights. No systemic toxicity was observed following a 28-day dermal exposure in the rat.

Neurotoxicity was not observed in the acute or subchronic neurotoxicity studies in the rat. There was no indication of neurotoxicity to the fetus in developmental studies or during early postnatal development in a rat reproductive toxicity study. However, with chronic exposure, rats and mice showed effects on the nervous system that were indicative of a temporally-dependent response for neurotoxicity. Similar findings were not seen in the one-year dog study.

Developmental toxicity studies in the rat and rabbit showed that the main effects on fetuses in both species were skeletal variations that are consistent with those observed from exposure to other HPPD inhibitors. These skeletal effects are considered to be evidence of increased quantitative and qualitative prenatal susceptibility. No immunotoxic potential was observed in a mouse immunotoxicity study; however, in the dog, inflammation associated with hyperostosis and lymph node hyperplasia in males was observed.

In the rat, an increase in the incidence of squamous cell carcinomas of the eye was observed. The increase in this tumor type is considered to be related to the eye opacities typically observed with compounds producing HPPD inhibition. The Agency has determined that tolpyralate shows ''suggestive evidence of carcinogenicity to humans'' based on an increase in the incidence of squamous cell carcinoma of the eye in male rats in the rat carcinogenicity study. There was no evidence of carcinogenicity in female rats or in the mouse. Most genotoxicity studies did not show evidence of mutagenicity or clastogenicity. A mouse lymphoma cell gene mutation assay showed a dose-dependent, reproducible increase in mutant colonies, but the results of this study are considered inconclusive due to the insolubility of the test compound. However, all other genotoxicity studies, including an *in vivo* mouse micronucleus assay, were negative. Therefore, when considered as a whole, the available mutagenicity and clastogenicity studies did not indicate genotoxic potential.

The Agency concluded that the eye tumors resulted from long-term exposure to increased blood tyrosine levels as a result of HPPD inhibition. The eye is a target organ for HPPD inhibitors and causes opacities and keratitis with subchronic or chronic exposure. Eye tumors have been

reported in male rats following chronic exposure to some other HPPD inhibitors. Since the development of the eye tumors in the rat is considered to be dependent upon ocular toxicity, and not to a linear (non-threshold), genotoxic mechanism, tumors will not develop at doses that are protective of eye toxicity. Eye effects from exposure to tolpyralate were observed at the LOAEL in males in the rat chronic toxicity/carcinogenicity study but not at the NOAEL. The NOAEL from this study is therefore considered protective of this tumor type and was used as the basis of the chronic reference dose. Quantification of cancer risk is not required because the chronic reference dose, which is protective of eye toxicity, is considered to be protective of cancer risk.

The acute toxicity of tolpyralate is low, and it is not an eye or skin irritant or a dermal sensitizer.

Specific information on the studies received and the nature of the adverse effects caused by tolpyralate as well as the NOAELs and the LOAELs from the toxicity studies can be found at *http://www.regulations.gov* in document titled ''Tolpyralate—New Active Ingredient Human Health Risk Assessment for Proposed Uses on Sweet Corn, Field Corn, and Popcorn'' at page 35 in docket ID number EPA–HQ–OPP–2015–405.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern (LOC) to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

No adverse effects resulting from a single exposure and relevant for the general population were identified for tolpyralate; therefore, a point of departure for assessing acute risk for this population was not established. The fetal skeletal effects noted above are suitable for acute assessment of women of child-bearing age. The no-adverse effect level (NOAEL) for skeletal variations in the rabbit developmental toxicity study is 5 mg/kg body weight (bw)/day (lowest adverse effect level (LOAEL) = 50 mg/kg bw/day). Chronic exposure is being assessed based on the systemic effects (fur loss; eye opacity; liver; pancreas; kidney; thyroid and cerebellar effects) noted in the chronic oral toxicity study in rats, with a NOAEL of 0.93 mg/kg bw/day and a LOAEL of 97/126 (male/female) mg/kg bw/day. A summary of the toxicological endpoints for tolpyralate used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR TOLPYRALATE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	.....	.....	An appropriate endpoint was not identified for this exposure scenario. An adverse effect resulting from a single oral exposure was not identified for the general population.
Acute dietary (Females 13–49 years of age).	NOAEL = 5 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.05 mg/kg/day. aPAD = 0.05 mg/kg/day	Developmental toxicity study in the rabbit (gavage; range-finding and main studies considered together). Developmental LOAEL = 50 mg/kg/day based an increased incidence of skeletal abnormalities (range-finding study).
Chronic dietary (All populations including infants and children and females 13–49 years of age).	NOAEL= 0.925 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.0093 mg/kg/day. cPAD = 0.0093 mg/kg/day	Chronic oral toxicity in the rat (dietary). LOAEL = 97/126 mg/kg/day based on fur loss, eye opacity/neovascularization/keratitis, increased relative liver weight, thyroid follicular cell hypertrophy, hepatocellular centrilobular fatty change, increased pancreatic acinar cell necrosis, renal tubule basophilic change, increased molecular layer vacuolation in the cerebellum (males).
Cancer (Oral, dermal, inhalation).	Classification: Suggestive evidence of carcinogenic potential in humans, based on squamous cell carcinoma of the eye in male rats. The chronic RfD is protective of carcinogenicity.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_H = potential variation in sensitivity among members of the human population (intraspecies). DAF = dermal absorption factor.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to tolpyralate, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from tolpyralate in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for tolpyralate. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA)

under the Continuing Survey of Food Intake by Individuals (CSFII) and the CDC under the National Health and Nutrition Examination Survey/What We Eat in America (NHANES/WEIA) 2003–2008. EPA assumed tolerance-level residues for all commodities and 100% crop treated. There is no expectation of finite residues in either livestock commodities or rotational crops; therefore, no residues have been entered for these commodities.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA NHANES/WEIA 2003–2008. EPA assumed tolerance-level residues for all commodities and 100% crop treated.

iii. *Cancer.* The Agency has determined that quantification of risk using a non-linear approach (*i.e.,* RfD), for tolpyralate will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to tolpyralate. As a result, the chronic dietary exposure assessment is protective for potential cancer risk, and a separate cancer exposure assessment was not conducted.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for tolpyralate. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.*

The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for tolpyralate in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of tolpyralate. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

The groundwater value was generated using the Pesticide Root Zone Model for Groundwater (PRZM–GW) Model, and the surface water values were generated using the Pesticide Root Zone Model (PRZM5) and the Variable Volume Water Model (VVWM). The EDWCs of tolpyralate for acute exposures are estimated to be 6.75 parts per billion (ppb) for surface water and 11.53 ppb for ground water. For chronic exposures assessments are estimated to be 0.65 ppb for surface water and 10.18 ppb for ground water. Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

For acute dietary risk assessment, the water concentration value of 11.53 ppb was used to assess the contribution to drinking water.

For chronic dietary risk assessment, the water concentration of value 10.18 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Tolpyralate is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Although tolpyralate belongs to the class of chemicals whose mechanism of toxicity is the inhibition of HPPD, EPA has not made a common mechanism of toxicity finding as to tolpyralate and other HPPD-inhibiting substances. There are marked differences among species in the ocular toxicity and other effects typically associated with tolpyralate and other substances that the inhibit HPPD. Ocular effects following treatment with HPPD-inhibitor herbicides are seen in the rat but not in the mouse. Monkeys also seem to be recalcitrant to the ocular toxicity induced by HPPD inhibition. One explanation for this species-specific response in ocular opacity may be related to species differences in the clearance of tyrosine. A metabolic pathway that involves the liver enzyme tyrosine aminotransferase (TAT) exists to remove tyrosine from the blood. In contrast to rats where ocular toxicity is observed following exposure to HPPD-inhibiting herbicides, mice and humans are unlikely to achieve the levels of plasma tyrosine necessary to produce ocular opacities because the activity of TAT in these species is much greater compared to rats.

HPPD inhibitors (*e.g.,* nitisinone) are used as an effective therapeutic agent to treat patients suffering from rare genetic diseases of tyrosine catabolism. Treatment starts in childhood but is often sustained throughout patient's lifetime. The human experience indicates that a therapeutic dose (1 mg/kg/day dose) of nitisinone has an excellent safety record in infants, children, and adults and that serious adverse health outcomes have not been observed in a population followed for approximately a decade. Rarely, ocular effects are seen in patients with high plasma tyrosine levels; however, these effects are transient and can be readily reversed upon adherence to a restricted protein diet. This observation indicates that an HPPD inhibitor in and of itself cannot easily overwhelm the tyrosine-clearance mechanism in humans.

Based on the available information about the potential mechanism of toxicity and the variability of effects between species, EPA has not assumed, for purposes of this tolerance action, that tolpyralate has a common mechanism of toxicity with other substances.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Quantitative and qualitative evidence of increased susceptibility, as compared to adults, of fetuses to in utero exposure to tolpyralate was observed in developmental toxicity studies in rats and rabbits. Concern for this evidence is low because (1) clear NOAELs/LOAELs were identified for the observed effects; (2) the relevant developmental effects were observed at LOAELs that were well above (10-fold greater) the NOAELs; and (3) the selected endpoints are protective of these effects.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The database for tolpyralate is considered complete with respect to FQPA assessment.

ii. There is no concern for neurotoxicity from single or subchronic exposures. Although neuropathology was observed at the LOAELs in the rat

and the mouse long-term studies, the chronic LOAELs were almost 100-fold greater than the chronic NOAELs. The POD and endpoint for chronic dietary exposure are selected from the rat chronic study. Therefore, the chronic PAD (cPAD) is protective of potential neuropathology. It is also protective of increased susceptibility of offspring for neurotoxicity in the absence of a developmental neurotoxicity study, since neurotoxicity in adult animals was only observed as an effect following long-term dosing. There was no neurotoxicity observed in the database with exposure up to 90 days, including no evidence of neurotoxicity in the rat or rabbit developmental toxicity studies or the rat reproductive toxicity study. An additional uncertainty factor to account for the absence of data or other data deficiency (10x UFDB) is therefore not needed to account for this study.

iii. Evidence of quantitative and qualitative prenatal susceptibility was observed in the rat and rabbit developmental toxicity studies based on findings of fetal skeletal abnormalities at doses below those causing maternal toxicity. However, clear NOAELs and LOAELs were identified in both species and there are no residual uncertainties regarding the points of departure PODs or the endpoints of concern.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to tolpyralate in drinking water. These assessments will not underestimate the exposure and risks posed by tolpyralate.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and cPAD. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to tolpyralate will occupy 1.3% of the aPAD for females of child-bearing age (13–49 years old), the only population relevant for assessing acute exposure to tolpyralate.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to tolpyralate from food and water will utilize 6.2% of the cPAD for all infants (<1 year-old), the population group receiving the greatest exposure. There are no residential uses for tolpyralate.

3. *Short-term risk.* A short-term adverse effect was identified; however, tolpyralate is not registered for any use patterns that would result in short-term residential exposure. Short-term risk is assessed based on short-term residential exposure plus chronic dietary exposure. Because there is no short-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-term risk for tolpyralate.

4. *Intermediate-term risk.* An intermediate-term adverse effect was identified; however, tolpyralate is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for tolpyralate.

5. *Aggregate cancer risk for U.S. population.* Based on the discussion in Unit III.A., the chronic dietary exposure assessment is protective for potential cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to tolpyralate residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (ISK Biosciences Method JSM0433) for plant commodities is a LC–MS/MS method that can be used to analyze for parent tolpyralate and the metabolite MT–2153 concurrently. It has been developed and independently validated, and is available to enforce the tolerance expression. For all matrices and analytes, the level of quantification (LOQ), defined as the lowest level of method validation (LLMV) or lowest spiking level where acceptable precision and accuracy data were obtained, was determined to be 0.01 ppm. The limit of detection (LOD) was 0.004 ppm.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for tolpyralate.

V. Conclusion

Therefore, tolerances are established for residues of the herbicide tolpyralate in or on field corn (corn, field, grain; corn, field, forage; and corn, field, stover), sweet corn (corn, sweet, kernel + cob with husks removed; corn, sweet, forage; and corn, sweet, stover), and popcorn (corn, pop, grain and corn, pop, stover) at 0.01 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under

Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 11, 2017.

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.696 to subpart C to read as follows:

§ 180.696 Tolpyralate; tolerances for residues.

(a) *General.* Tolerances are established for residues of tolpyralate, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only tolpyralate, 1-[[1-ethyl-4-[3-(2-methoxyethoxy)-2-methyl-4-(methylsulfonyl)benzoyl]-1*H*-pyrazol-5-yl]oxy]ethyl methyl carbonate, in or on the commodity.

Commodity	Parts per million
Corn, field, forage	0.01
Corn, field, grain	0.01
Corn, field, stover	0.01
Corn, pop, grain	0.01
Corn, pop, stover	0.01
Corn, sweet, forage	0.01
Corn, sweet, kernel plus cob with husks removed	0.01
Corn, sweet, stover	0.01

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 2017–15717 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 91

Inspection and Certification

CFR Correction

■ In Title 46 of the Code of Federal Regulations, parts 90 to 139, revised as of October 1, 2016, on page 24, in § 91.40–3, in paragraph (a)(2), Table 91.40–3(a) is removed and Table 91.40–3(b) is reinstated to read as follows:

§ 91.40–3 Drydock examination, internal structural examination, cargo tank internal examination, and underwater survey intervals.

(a) * * *

(2) * * *

TABLE 91.40–3(b)—FRESH WATER SERVICE VESSELS EXAMINATION INTERVALS IN YEARS

	Single hull ship and barge	Double hull barge with internal framing [1]	Double hull barge with external framing [2]	Single hull barge with independent tanks [3]	Wood hull ship and barge	Unmanned deck cargo barge [4]	Unmanned double hull freight barge [5]
Drydock	5.0	10.0	10.0	10.0	2.5	10.0	10.0
Internal structural	5.0	5.0	5.0	5.0	2.5	5.0	5.0
Cargo tank internal	[6] 5.0	[6] 5.0	[6] 10.0	[6] 10.0	[6] 2.5	.....	[6] 5.0

Note:

[1] Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.

[2] Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the external tank surface accessible for examination from voids, double bottoms, and other similar spaces.

[3] Applicable to single hull tank barges with independent cargo tanks which have a cargo containment envelope that is not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.

[4] Applicable to unmanned/non-permissively manned deck cargo barge which carries cargo only above the weather deck and which provides complete access for examination of the inside of the hull structure.

[5] Applicable to unmanned/non-permissively manned double hull freight barges (double sides, ends, and bottoms) the arrangement of which provides access for a complete internal structural examination as defined in § 91.40–1(b) without the necessity of entering cargo tanks or holds.

[6] Or as specified in Part 151.

* * * * *

[FR Doc. 2017–15816 Filed 7–26–17; 8:45 am]

BILLING CODE 1301–00–D

Proposed Rules

Federal Register
Vol. 82, No. 143
Thursday, July 27, 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 HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS–2017–0025]

Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security/ALL–039 Foreign Access Management System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security is giving concurrent notice of a newly established system of records pursuant to the Privacy Act of 1974 for the ''Department of Homeland Security/ALL–039 Foreign Access Management System of Records'' and this proposed rulemaking. In this proposed rulemaking, the Department proposes to exempt portions of this system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

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

ADDRESSES: You may submit comments, identified by docket number DHS–2017–0025, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this document. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general and privacy-related questions please contact: Jonathan R. Cantor, (202–343–1717), Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Homeland Security (DHS) is proposing to update applicable regulations to exempt portions of a newly established system of records from certain provisions of the Privacy Act. Specifically, this rule exempts portions of the ''DHS/ALL–039 Foreign Access Management System of Records,'' which is being proposed concurrently with this Notice of Proposed Rulemaking elsewhere in this issue of the **Federal Register**, from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements, pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5). Furthermore, to the extent certain categories of records are ingested from other systems, the exemptions applicable to the source systems will remain in effect.

DHS is publishing this system of records document to provide transparency on how DHS collects, uses, maintains, and disseminates information relating to foreign nationals who seek access to DHS and partner U.S. Government (USG) agency personnel, information, facilities, programs, research, studies, and information technology (IT) systems. The DHS Office of the Chief Security Officer (OCSO)/Center for International Safety & Security (CISS) Foreign Access Management (FAM) program uses the Foreign Access Management System (FAMS) to manage the risk assessment process for foreign nationals requesting access to DHS and partner agencies. DHS is responsible for conducting screening of all foreign nationals and foreign entities seeking access to DHS personnel, information, facilities, programs, and IT systems, including: Dual U.S. citizens and lawful permanent residents (LPR) representing foreign interests; LPRs providing construction or contractual services (*e.g.,* food services, janitorial services); and foreign contacts and foreign visitors reported by DHS and partner USG agency employees who have met and/or befriended such contacts and visitors outside the scope of the employee's official duties.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, and similarly, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

The Privacy Act allows government agencies to exempt certain records from the access and amendment provisions. If an agency claims an exemption, however, it must issue a Notice of Proposed Rulemaking to make clear to the public the reasons why a particular exemption is claimed.

DHS is claiming exemptions from certain requirements of the Privacy Act for DHS/ALL–039 Foreign Access Management System of Records. Some information in DHS/ALL–039 Foreign Access Management System of Records relates to official DHS national security, law enforcement, immigration, intelligence activities. These exemptions are needed to protect information relating to DHS activities from disclosure to subjects or others related to these activities. Specifically, the exemptions are required to avoid disclosure of screening techniques; to protect the identities and physical safety of confidential informants and law enforcement personnel; to ensure DHS's ability to obtain information from third

parties and other sources; to protect the privacy of third parties; and to safeguard classified information. Disclosure of information to the subject of the inquiry could also permit the subject to avoid detection or apprehension.

In appropriate circumstances, when compliance would not appear to interfere with or adversely affect the law enforcement purposes of this system and the overall law enforcement process, the applicable exemptions may be waived on a case by case basis.

A notice of system of records for DHS/ALL–039 Foreign Access Management System of Records is also published in this issue of the **Federal Register**.

List of Subjects in 6 CFR Part 5

Freedom of information, Privacy.

For the reasons stated in the preamble, DHS proposes to amend chapter I of title 6, Code of Federal Regulations, as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

■ 1. Revise the authority citation for part 5 to read as follows:

Authority: 6 U.S.C. 101 *et seq.;* Pub. L. 107–296, 116 Stat. 2135; 5 U.S.C. 301.

■ 2. Amend appendix C to part 5 by adding paragraph 78 to read as follows:

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

78. The DHS/ALL–039 Foreign Access Management System of Records consists of electronic and paper records and will be used by DHS and its components. The DHS/ALL–039 Foreign Access Management System of Records is a repository of information held by DHS in connection with its several and varied missions and functions, including, but not limited to the enforcement of civil and criminal laws; investigations, inquiries, and proceedings there under; and national security and intelligence activities. The DHS/ALL–039 Foreign Access Management System of Records contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other federal, state, local, tribal, foreign, or international government agencies.

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). When a record received from another system has been exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process. When an investigation has been completed, information on disclosures made may continue to be exempted if the fact that an investigation occurred remains sensitive after completion.

(b) From subsection (d) (Access and Amendment to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension. Amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an unreasonable administrative burden by requiring investigations to be continually reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(f) From subsections (e)(4)(G), (e)(4)(H), and (e)(4)(I) (Agency Requirements) and (f) (Agency Rules), because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to themselves in the system would undermine investigative efforts and reveal the identities of witnesses, and potential witnesses, and confidential informants.

Dated: July 20, 2017.

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2017–15751 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0710; Directorate Identifier 2017–NM–019–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A300 B4–600R series airplanes; Model A300 B4–603, B4–620, and B4–622 airplanes; Model A300 C4–605R Variant F airplanes; and Model A300 F4–605R airplanes. This proposed AD was prompted by a determination that the top stringer joints at rib 18 are an area of uniform stress distribution, which indicates that cracks may develop in adjacent stringers at the same time. This proposed AD would require an inspection of the upper wing skin and top stringer joints, and modification of the stringer joint couplings if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 11, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–

30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

• *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0710; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0710; Directorate Identifier 2017–NM–019–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as widespread fatigue damage (WFD). It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

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

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

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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0023, dated February 10, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 B4–600R series airplanes; Model A300 B4–603, B4–620, and B4–622 airplanes; Model A300 C4–605R Variant F airplanes; and Model A300 F4–605R airplanes. The MCAI states:

> In response to the FAA Part 26 rule change concerning Widespread Fatigue Damage (WFD), all wing structural items of the A300–600 design deemed potentially susceptible to WFD were assessed. The top stringer joints at Rib 18 were highlighted as an area of uniform stress distribution, indicating that cracks may develop in adjacent stringers at the same time which is known as Multi Element Damage (MED). Each affected stringer joint consists of three main load transferring parts: An overlapping flange, two straps attached through the stringer web and a strap on the top flange. All the components of the joint are attached with fasteners. The fastener holes were the subject of a MED WFD analysis, which showed that cracking could occur from a number of the holes in the joint on stringers 11, 12, 13, 14, 15, 16, 17, and 18.
>
> This condition, if not detected and corrected, could reduce the structural integrity of the wing.
>
> Prompted by the conclusion of the WFD analysis, Airbus issued Service Bulletin (SB) A300–57–6118 to provide modification instructions. The modification will both re-life via oversizing and inspect via non-destructive test a defined number of stringer joint fastener holes at Rib 18. This modification will delay the onset of cracking at the stringer joint, providing it is completed at the specified time and will delay the requirement for subsequent inspection.
>
> For the reasons described above, this [EASA] AD requires a detailed visual inspection (DVI) [for damage, including cracking] of the upper wing skin and the top stringer joints at Rib 18, [and corrective action if necessary] and modification of the stringer joint couplings at Rib 18, on both wings [as applicable].

The modification includes a related investigative action, *i.e.,* a special detailed (roto-probe) inspection for damage, including cracking, of the fastener holes in the upper wing skin, and corrective action if necessary. Corrective actions include repairing any damage. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0710.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–57–6118, Revision 01, dated January 31, 2017. This service information describes procedures for an inspection of the upper wing skin and top stringer joints at rib 18, and modification of the stringer joint couplings. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 65 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections and modification	37 work-hours × $85 per hour = $3,145	$4,770	$7,915	$514,475

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2017–0710; Directorate Identifier 2017–NM–019–AD.

(a) Comments Due Date

We must receive comments by September 11, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A300 B4–605R, B4–622R, B4–603, C4–605R Variant F, B4–620, B4–622, and F4–605R airplanes, certificated in any category, all serial numbers except Model A300 F4–605R airplanes that have embodied Airbus modification 12699 in production.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that the top stringer joints at rib 18 are an area of uniform stress distribution, which indicates that cracks may develop in adjacent stringers at the same time. We are issuing this AD to detect and correct damage (including cracking) at the stringer joints, which could reduce the structural integrity of the wing.

(f) Compliance

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

(g) Definitions

For the purposes of this AD, the definitions in paragraphs (g)(1) through (g)(5) of this AD apply.

(1) Group 1 airplanes are defined as Airbus Model A300 B4–603, B4–605R, B4–620, B4–622, and B4–622R airplanes.

(2) Group 2 airplanes are defined as Airbus Model A300 C4–605 Variant F and F4–605R (if in pre-modification 12699 configuration) airplanes.

(3) Short range (SR) is defined as airplanes with an average flight time of less than 1.5 flight hours per flight cycle.

(4) Long range (LR) is defined as airplanes with an average flight time equal to or higher than 1.5 flight hours per flight cycle.

(5) For determining the ''short range'' and ''long range'' airplanes, the average flight time is the total accumulated flight hours, counted from take-off to touch-down, divided by the total accumulated flight cycles at the effective date of this AD.

(h) Inspection and Modification

Not before exceeding the applicable lower thresholds as specified in table 1 to paragraph (h) of this AD, and within the compliance times specified in paragraphs (h)(1), (h)(2), (h)(3), and (h)(4) of this AD, as applicable: Accomplish a detailed visual

inspection for damage (including cracking) of the upper wing skin and top stringer joints at rib 18 on both wings, do all applicable corrective actions, and do the applicable modification, including related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6118, Revision 01, dated January 31, 2017, except as required by paragraph (i) of this AD. Do all applicable modifications, related investigative actions, and corrective actions before further flight.

(1) For Group 1, LR airplanes: Inspect at the time specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD, whichever occurs later.

(i) Before exceeding 32,500 flight cycles or 70,300 flight hours, whichever occurs first since first flight of the airplane.

(ii) Within 700 flight cycles, 1,500 flight hours, or 12 months, whichever occurs first after the effective date of this AD.

(2) For Group 1, SR airplanes: Inspect at the time specified in paragraphs (h)(2)(i) or (h)(2)(ii) of this AD, whichever occurs later.

(i) Before exceeding 35,100 flight cycles or 52,600 flight hours, whichever occurs first since the first flight of the airplane.

(ii) Within 700 flight cycles or 1,000 flight hours, or 12 months, whichever occurs first after the effective date of this AD.

(3) For Group 2, LR airplanes: Inspect before exceeding 35,000 flight cycles or 75,700 flight hours, whichever occurs first since the first flight of the airplane.

(4) For Group 2, SR airplanes: Inspect before exceeding 37,800 flight cycles or 56,700 flight hours, whichever occurs first since the first flight of the airplane.

TABLE 1 TO PARAGRAPH (h) OF THIS AD—COMPLIANCE TIME LOWER THRESHOLDS

Applicable airplanes	Compliance time flight cycles (FC) or flight hours (FH), whichever occurs first since first flight of the airplane
Group 1, LR	Not before exceeding 30,900 FC or 66,700 FH.
Group 1, SR	Not before exceeding 28,700 FC or 43,000 FH.
Group 2, LR	Not before exceeding 28,600 FC or 61,700 FH.
Group 2, SR	Not before exceeding 34,400 FC or 51,600 FH.

(i) Service Information Exception

Where Airbus Service Bulletin A300–57–6118, Revision 01, dated January 31, 2017, specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (Required for Compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (k)(2) of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–57–6118, dated June 30, 2015.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0023, dated February 10, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0710.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 18, 2017.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0711; Directorate Identifier 2017–NM–003–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 757–200, –200CB, and –300 series airplanes. This proposed AD was prompted by a report of fatigue cracking found in a certain fuselage frame, which severed the inner chord and web. This proposed AD would require inspecting the fuselage frame for existing repairs, repetitive inspections, and applicable repairs. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 11, 2017.

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

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

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

the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0711.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0711; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Chandra Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0711; Directorate Identifier 2017–NM–001–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received a report of a crack in the fuselage frame at station (STA) 1640, at stringer (S) 14–R, adjacent to door stop number 5. The inner chord and web of the STA 1640 fuselage frame had been severed after developing a crack. Analysis revealed that the crack was caused by fatigue due to flight loads and pressurization of the fuselage. Cracking of the fuselage frame, if not detected and corrected, could result in reduced structural integrity of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 757–53A0108, dated November 14, 2016. The service information describes procedures for an inspection of the fuselage frame for existing frame repairs, repetitive high frequency eddy current and low frequency eddy current inspections for cracking in specified areas with no existing frame repair, and repair of any cracking.

We also reviewed Aviation Partners Boeing (APB) Alert Service Bulletin AP757–53–001, Revision 1, dated June 21, 2017. The service information provides compliance times for accomplishing the procedures identified in Boeing Alert Service Bulletin 757–53A0108, dated November 14, 2016; for airplanes on which APB blended or scimitar blended winglets are installed.

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

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0108, dated November 14, 2016, described previously, except for differences between this proposed AD and the service information that are identified in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this Boeing service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0711, except for airplanes on which blended or scimitar blended winglets are installed in accordance with Supplemental Type Certificate ST01518SE, which have different repetitive compliance times as specified in APB Alert Service Bulletin AP757–53–001, Revision 1, dated June 21, 2017.

For airplanes on which blended or scimitar blended winglets are installed in accordance with Supplemental Type Certificate ST01518SE, the repetitive compliance times have a range, depending on airplane configuration. The earliest repetitive interval is 1,950 flight cycles; the latest repetitive interval is 8,600 flight cycles.

Costs of Compliance

We estimate that this proposed AD affects 606 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect for existing frame repairs	1 work-hour × $85 per hour = $85	$0	$85	$51,510.
Repetitive high and low frequency inspections for Groups 1 through 3 airplanes (598 airplanes).	48 work-hours × $85 per hour = $4,080 per inspection cycle.	0	4,080	$2,439,840 per inspection cycle.
Repetitive high and low frequency inspections for Groups 4 and 5 airplanes (8 airplanes).	26 work-hours × $85 per hour = $2,210 per inspection cycle.	0	2,210	$17,680 per inspection cycle.

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

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0711; Directorate Identifier 2017–NM–003–AD.

(a) Comments Due Date

We must receive comments by September 11, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200, –200CB, and –300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 757–53A0108, dated November 14, 2016.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of fatigue cracking found in the fuselage frame at station (STA) 1640, which severed the inner chord and web. We are issuing this AD to detect and correct cracking of the fuselage frame at STA 1640, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Actions Required for Compliance

(1) For all airplanes except those identified in paragraph (g)(2) of this AD: Do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0108, dated November 14, 2016; except as provided by paragraph (h)(1) of this AD. Do the actions at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service 757–53A0108, dated November 14, 2016, except as provided by paragraph (h)(2) of this AD.

(2) For airplanes on which blended or scimitar blended winglets are installed in accordance with Supplemental Type Certificate ST01518SE: Do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of APB Alert Service Bulletin AP757–53–001, Revision 1, dated June 21, 2017; and Boeing Alert Service Bulletin 757–53A0108, dated November 14, 2016; except as provided by paragraph (h)(1) of this AD. Do the actions at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing (APB) Alert Service Bulletin AP757–53–001, Revision 1, dated June 21, 2017, except as provided by paragraph (h)(2) of this AD.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 757–53A0108, dated November 14, 2016, specifies contacting Boeing for instructions, and specifies that action as RC: This AD requires using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(2) Where Boeing Alert Service Bulletin 757–53A0108, dated November 14, 2016, and APB Alert Service Bulletin AP757–53–001, Revision 1, dated June 21, 2017, use the phrase ''after the original issue of this service bulletin'' for determining compliance, this AD requires compliance within the specified compliance time after the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(4) Except as required by paragraph (h)(1) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) of this AD apply.

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

(1) For more information about this AD, contact Chandra Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137;

phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone: 562–797–1717; Internet: *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 18, 2017.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–15554 Filed 7–26–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0708; Directorate Identifier 2017–NM–035–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) AD 2016–20–11, for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Airbus Model A310 series airplanes. AD 2016–20–11 requires repetitive inspections of the external area of the aft cargo door sill beam for cracking, repetitive inspections for fatigue cracking of the cargo door sill beam, lock fitting, and torsion box plate, and repair if necessary. Since we issued AD 2016–20–11, we have determined that reinforcement of the aft cargo door sill beam area is necessary to address the unsafe condition, which constitutes terminating action for the repetitive inspections. This proposed AD would retain the inspections for cracking, and repair if necessary; and require reinforcement of the aft cargo door sill beam area. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 11, 2017.

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

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

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0708; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0708; Directorate Identifier 2017–NM–035–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On September 28, 2016, we issued AD 2016–20–11, Amendment 39–18677 (81 FR 85837, November 29, 2016) (''AD 2016–20–11''), for certain Airbus Model A300–600 series airplanes; and Airbus Model A310 series airplanes. AD 2016–20–11 was prompted by reports of fatigue cracks on the cargo door sill beam, lock fitting, and torsion box plate. AD 2016–20–11 requires repetitive ultrasonic and detailed inspections of the external area of the aft cargo door sill beam for cracking, repetitive high frequency eddy current (HFEC) inspections for fatigue cracking of the cargo door sill beam, lock fitting, and torsion box plate, and repair if necessary. We issued AD 2016–20–11 to detect and correct fatigue cracking of the cargo door sill beam, lock fitting, and torsion box plate, which could result in the loss of the door locking function and subsequently, loss of the cargo door in flight and rapid decompression.

Since we issued AD 2016–20–11, Airbus has developed a reinforcement modification of the aft cargo door sill beam area, which constitutes terminating action for the repetitive inspections. We have determined the reinforcement of the aft cargo door sill beam area is necessary to address the unsafe condition.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0048, dated March 15, 2017; corrected April 20, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300–600 series airplanes; and Airbus Model A310 series airplanes. The MCAI states:

> In the frame of the widespread fatigue damage (WFD) compliance study and after an in-service occurrence, the area of the aft cargo door sill beam and adjacent structure was identified as sensitive to the fatigue loads.
>
> This condition, if not detected and corrected, could lead to failure of multiple lock fittings, possibly resulting in loss of the cargo door in flight and consequent explosive decompression of the aeroplane.

To address this potential unsafe condition, Airbus issued Alert Operators Transmission (AOT) A53W005–14 providing inspection instructions and, consequently, EASA issued Emergency AD 2014–0097–E [which corresponded to FAA AD 2014–12–06] to require repetitive ultrasonic inspections (US) or detailed inspections (DET) of the aft cargo door sill beam area [and corrective actions if necessary].

After that [EASA] AD was issued, further analysis indicated that repetitive high frequency eddy current (HFEC) inspections needed to be introduced, and Airbus published Service Bulletin (SB) A310–53–2139 and SB A300–53–6179 to provide instructions. Prompted by this determination, EASA issued AD 2015–0150, retaining the requirements of EASA Emergency AD 2014–0097–E, which was superseded, and required repetitive HFEC inspections of the concerned areas. The first HFEC inspection terminated the repetitive US/DET inspections. That [EASA] AD also required the inspection results to be reported.

Since that [EASA] AD was issued, Airbus developed a reinforcement modification of the aft cargo door sill beam area, and published Airbus SB A310–53–2141 and SB A300–53–6181, which were revised lately, to make this available for in-service application.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2015–0150 [which corresponded to FAA AD 2016–20–11], which is superseded, and requires modification [reinforcement] of the aft cargo door sill beam, which constitutes terminating action for the repetitive inspections.

This [EASA] AD is re-published to correct the compliance time description in Table 4.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0708.

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus Service Bulletin A300–53–6181, Revision 01, dated July 2, 2015; and A310–53–2141, Revision 01, dated July 2, 2015. This service information describes procedures for reinforcing the aft cargo door sill beam. These service bulletins are distinct since they apply to different airplane models.

Airbus has issued Airbus Service Bulletin A300–53–6179, dated December 12, 2014; and A310–53–2139, dated December 12, 2014. This service information describes procedures for repetitive HFEC inspections of the cargo door sill beam, lock fitting, and torsion box plate. These service bulletins are distinct since they apply to different airplane models.

Airbus has also issued AOT A53W005–14, Revision 01, dated April 29, 2014, which describes procedures for doing an ultrasonic inspection or detailed inspection of the aft cargo door sill beam external area for cracking.

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

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this AD affects 75 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained actions from AD 2016–20–11).	12 work-hours × $85 per hour = $1,020 per inspection cycle.	N/A	$1,020 per inspection cycle ...	$76,500 per inspection cycle.
Modification (new proposed action).	40 work-hours × $85 per hour = $3,400.	$96,890	$100,290	$7,521,750.
Reporting ..... (retained action from AD 2016–20–11).	1 work-hour × $85 per hour = $85 per inspection cycle.	0	$85 per inspection cycle	$6,375 per inspection cycle.

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a

substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–20–11, Amendment 39–18677 (81 FR 85837, November 29, 2016), and adding the following new AD:

Airbus: Docket No. FAA–2017–0708; Directorate Identifier 2017–NM–035–AD.

(a) Comments Due Date

We must receive comments by September 11, 2017.

(b) Affected ADs

This AD replaces AD 2016–20–11, Amendment 39–18677 (81 FR 85837, November 29, 2016) (''AD 2016–20–11'').

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, all manufacturer serial numbers on which Airbus Modification 05438 has been embodied in production, except those on which Airbus Modification 12046 has been embodied in production.

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

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

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

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

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

(d) Subject

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

(e) Reason

This AD was prompted by reports of fatigue cracks on the cargo door sill beam, lock fitting, and torsion box plate. We are issuing this AD to prevent fatigue cracking of the cargo door sill beam, lock fitting, and torsion box plate, which could result in the loss of the door locking function and subsequently, loss of the cargo door in flight and rapid decompression.

(f) Compliance

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

(g) Retained Inspection, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2016–20–11, with no changes. Within the compliance time identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD, as applicable: Do an ultrasonic inspection or detailed inspection of the aft cargo door sill beam external area for cracking, in accordance with Airbus Alert Operators Transmission (AOT) A53W005–14, dated April 22, 2014; or Airbus AOT A53W005–14, Revision 01, dated April 29, 2014. Repeat the inspection thereafter at intervals not to exceed 275 flight cycles. As of January 3, 2017 (the effective date of AD 2016–20–11), use only AOT A53W005–14, Revision 01, dated April 29, 2014, to comply with the requirements of this paragraph.

(1) For airplanes that have accumulated 30,000 flight cycles or more since the airplane's first flight as of July 2, 2014 (the effective date of AD 2014–12–06, Amendment 39–17867, (79 FR 34403, June 17, 2014) (''AD 2014–12–06'')): Within 50 flight cycles after July 2, 2014.

(2) For airplanes that have accumulated 18,000 flight cycles or more, but fewer than 30,000 flight cycles since the airplane's first flight as of July 2, 2014 (the effective date of AD 2014–12–06): Within 275 flight cycles after July 2, 2014.

(3) For airplanes that have accumulated fewer than 18,000 flight cycles since the airplane's first flight as of July 2, 2014 (the effective date of AD 2014–12–06): Before exceeding 18,275 flight cycles since the airplane's first flight.

(h) Retained Optional Terminating Action, With No Changes

This paragraph restates the provisions of paragraph (h) of AD 2016–20–11, with no changes. Accomplishment of a high frequency eddy current (HFEC) inspection for cracking, in accordance with Airbus AOT A53W005–14, dated April 22, 2014; or AOT A53W005–14, Revision 01, dated April 29, 2014; terminates the repetitive inspections required by paragraph (g) of this AD for that airplane. If any cracking is found during the HFEC inspection, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(i) Retained Reporting Requirement, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2016–20–11, with no changes. Submit a report of the findings (both positive and negative) of the inspection required by paragraph (g) of this AD to ''Airbus Service Bulletin Reporting Online Application'' on Airbus World (*https://w3.airbus.com/*), at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD. The report must include the inspection results, including no findings.

(1) If the inspection was done on or after January 3, 2017 (the effective date of AD 2016–20–11): Submit the report within 30 days after the inspection.

(2) If the inspection was done before January 3, 2017 (the effective date of AD 2016–20–11): Submit the report within 30 days after January 3, 2017.

(j) Retained Definition of Airplane Groups, With No Changes

This paragraph restates the definitions specified in paragraph (j) of AD 2016–20–11, with no changes. Paragraphs (k)(1), (k)(2), and (k)(3) of this AD refer to airplane groups, as identified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD.

(1) Airplanes on which an HFEC inspection was accomplished as specified in Airbus AOT A53W005–14.

(2) Airplanes on which no HFEC inspection was accomplished as specified in Airbus AOT A53W005–14, that have accumulated more than 18,000 total flight cycles as of January 3, 2017 (the effective date of AD 2016–20–11).

(3) Airplanes on which no HFEC inspection was accomplished as specified in Airbus AOT A53W005–14, that have accumulated 18,000 total flight cycles or fewer as of January 3, 2017 (the effective date of AD 2016–20–11).

(k) Retained Repetitive HFEC Inspections, With No Changes

This paragraph restates the requirements of paragraph (k) of AD 2016–20–11, with no changes. At the applicable time specified in paragraph (k)(1), (k)(2), or (k)(3) of this AD: Do an HFEC inspection for fatigue cracking of the cargo door sill beam, lock fitting, and torsion box plate, in accordance with Airbus Service Bulletin A300–53–6179, dated December 12, 2014; or Airbus Service Bulletin A310–53–2139, dated December 12, 2014; as applicable. Repeat the HFEC inspection thereafter at intervals not to exceed 4,600 flight cycles.

(1) For airplanes identified in paragraph (j)(1) of this AD: Inspect within 4,600 flight cycles after the most recent HFEC inspection specified in Airbus AOT A53W005–14.

(2) For airplanes identified in paragraph (j)(2) of this AD: Inspect within 2,000 flight cycles after January 3, 2017 (the effective date of AD 2016–20–11).

(3) For airplanes identified in paragraph (j)(3) of this AD: Inspect before exceeding 13,000 total flight cycles since the airplane's

first flight, or within 2,000 flight cycles after January 3, 2017 (the effective date of AD 2016–20–11), whichever occurs later.

(l) Retained Corrective Action, With No Changes

This paragraph restates the requirements of paragraph (l) of AD 2016–20–11, with no changes. If any crack is found during any inspection required by paragraph (g) or (k) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA.

(m) Retained Terminating Action for Repetitive Inspections in Paragraph (g) of This AD, With No Changes

This paragraph restates the terminating action of paragraph (m)(1) of AD 2016–20–11, with no changes. For any airplane identified in paragraphs (j)(2) and (j)(3) of this AD, accomplishment of the initial inspection required by paragraph (k) of this AD terminates the repetitive inspections required by paragraph (g) of this AD.

(n) New Cargo Door Reinforcement

At the latest of the applicable times specified in paragraphs (n)(1), (n)(2), and (n)(3) of this AD: Reinforce the aft cargo door sill beam area, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–53–2141, Revision 01, dated July 2, 2015; or Airbus Service Bulletin A300–53–6181, Revision 01, dated July 2, 2015; as applicable.

(1) Before exceeding 19,600 flight cycles since first flight of the airplane.

(2) Within 2,300 flight cycles after the last HFEC or detailed inspection required by this AD that was accomplished before the effective date of this AD.

(3) Within 12 months after the effective date of this AD.

(o) New Terminating Action

Modification of an airplane as required by paragraph (n) of this AD constitutes terminating action for the repetitive inspections required by paragraphs (g) and (k) of this AD for that airplane.

(p) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (n) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–53–6181, dated June 26, 2015; or Airbus Service Bulletin A310–53–2141, dated June 26, 2015; as applicable.

(q) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(ii) AMOCs approved previously for AD 2016–20–11 are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(4) *Required for Compliance (RC):* Except as required by paragraph (l) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(r) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0048, dated March 15, 2017; corrected April 20, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0708.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 14, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–15553 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No.: 170322304–7304–01]

RIN 0691–AA86

Direct Investment Surveys: BE–12, Benchmark Survey of Foreign Direct Investment in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend regulations of the Department of Commerce's Bureau of Economic Analysis (BEA) to set forth the reporting requirements for the 2017 BE–12, Benchmark Survey of Foreign Direct Investment in the United States. The BE–12 survey is conducted every five years; the prior survey covered 2012. The benchmark survey covers the universe of foreign direct investment in the United States and is BEA's most detailed survey of such investment. For the 2017 benchmark survey, BEA proposes changes in data items collected, the design of the survey forms, and the reporting requirements for the survey to satisfy changing data needs, improve data quality and the effectiveness and efficiency of data collection.

DATES: Comments on this proposed rule will receive consideration if submitted in writing on or before 5 p.m. September 25, 2017.

ADDRESSES: You may submit comments, identified by RIN 0691–AA86, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. For Keyword or ID, enter ''EAB–2017–0001.''

• *Email: patricia.abaroa@bea.gov.*

• *Mail:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–49, Washington, DC 20233.

• *Hand Delivery/Courier:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–49, 4600 Silver Hill Road, Suitland, MD 20746. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed rule should be sent both to BEA through any of the methods above and to the Office of Management and Budget (OMB), O.I.R.A., Paperwork Reduction Project 0608–0042, Attention PRA Desk Officer for BEA, via email at *jpark@omb.eop.gov,* or by FAX at 202–395–7245.

Public Inspection: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commentator may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. BEA will accept anonymous comments (enter N/A in required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe portable document file (pdf) formats only.

FOR FURTHER INFORMATION CONTACT: Patricia Abaroa, Chief, Direct Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20233; email *patricia.abaroa@bea.gov* or phone (301) 278–9591.

SUPPLEMENTARY INFORMATION: The BE–12, Benchmark Survey of Foreign Direct Investment in the United States, is a mandatory survey and is conducted once every five years by BEA under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108), hereinafter, ''the Act.''

In 2012, BEA issued a rule (77 FR 24373) that established guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Persons are required to respond to other BEA surveys conducted under these guidelines only when they are contacted by BEA. Under this proposed rule, however, persons subject to the reporting requirements of the BE–12, Benchmark Survey of Foreign Direct Investment in the United States, would be required to respond whether or not they are contacted by BEA.

The benchmark survey covers the universe of foreign direct investment in the United States in terms of value and is BEA's most detailed survey of such investment. Foreign direct investment in the United States is defined as the ownership or control, directly or indirectly, by one foreign person (foreign parent) of 10 percent or more of the voting securities of an incorporated U.S. business enterprise or an equivalent interest in an unincorporated U.S. business enterprise, including a branch.

The purpose of the benchmark survey is to obtain universe data on the financial and operating characteristics of U.S. affiliates and on positions and transactions between U.S. affiliates and their foreign parent groups (which are defined to include all foreign parents and foreign affiliates of foreign parents). These data are needed to measure the size and economic significance of foreign direct investment in the United States, measure changes in such investment, and assess its impact on the U.S. economy. Such data are generally found in enterprise-level accounting records of respondent companies. These data are used to derive current universe estimates of direct investment from sample data collected in other BEA surveys in non-benchmark years. In particular, they serve as benchmarks for the quarterly direct investment estimates included in the U.S. international transactions, international investment position, and national income and product accounts, and for annual estimates of the foreign direct investment position in the United States and of the activities of the U.S. affiliates of foreign companies.

This proposed rule would amend 15 CFR 801 to set forth the reporting requirements for the BE–12, Benchmark Survey of Foreign Direct Investment in the United States. The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520 (PRA).

Description of Changes

The proposed changes would amend the regulations and the survey forms for the BE–12 benchmark survey. These amendments include changes in data items collected, the design of the survey forms, and the reporting requirements for the survey.

BEA proposes to change the reporting requirements for certain private funds that file the BE–12 survey. BEA, in cooperation with the U.S. Department of the Treasury, proposes to instruct reporters of investments in private funds that meet the definition of direct investment (that is, ownership by one person of 10 percent or more of the voting interest of a business enterprise) but display characteristics of portfolio investment (specifically, investors who do not intend to control or influence the management of an operating company) to report through the Treasury International Capital (TIC) reporting system, where other related portfolio investments are already being reported, and not to report on BEA's direct investment surveys. Direct investment in operating companies, including investment by and through private funds, will continue to be reported to BEA. This change has already been implemented on BEA's other surveys of foreign direct investment in the United States: The BE–605, Quarterly Survey of Foreign Direct Investment in the United States; the BE–15, Annual Survey of Foreign Direct Investment in the United States; and the BE–13, Survey of New Foreign Direct Investment in the United States. Additional information on the change in reporting requirements for reporters of investments in private funds that do not meet the definition of direct investment and the implementation of changes on BEA's surveys of foreign direct investment in the United States can be found in the rule issued in 2016 (81 FR 72519).

BEA proposes to add, delete, and modify some items on the benchmark survey forms. Most of the additions are proposed in response to suggestions from data users and to provide more information about foreign direct investment in the United States. The following items would be added to the benchmark survey:

1. Expand sales of services breakdown on the BE–12A form to include sales of services to other U.S. affiliates of the same affiliated foreign group, sales to unaffiliated U.S. persons or entities, sales to the affiliated foreign group, sales to foreign affiliates owned by the U.S. affiliate responding to the survey, and sales to all other foreign persons or entities. Previously, BEA collected sales

of services to U.S. persons or entities and to foreign persons or entities. This expansion will provide information on firm integration as well as insight into global value chains.

2. Expand state-level data items on the BE–12A and BE–12B forms to include manufacturing employment; gross book value of property, plant and equipment; and the portion of the gross book value that is commercial property. BEA added these data items back to the BE–15 annual survey beginning in 2014, after having eliminated them in 2008. This information was previously collected, then discontinued for the 2012 benchmark survey, but the data are of interest to users and Congress provided funding to restore these data items.

3. Add state of location to the BE–12C form, Part I. This will improve estimation of employment and property, plant, and equipment by location for smaller entities reporting on this abbreviated form.

4. Add a question to collect the 20-digit Legal Entity Identifier of the U.S. affiliate on the BE–12A and BE–12B forms. This additional information will assist in matching entities across databases enabling better verification of data and linking to other surveys and publicly available data for these entities.

5. Add a question asking whether the U.S. affiliate is a publicly traded company, and if it is, collect the stock exchange on which it is listed and the ticker symbol on the BE–12A and BE–12B forms. This additional information will assist in matching entities across databases enabling better verification of data and linking to other surveys and publicly available data for these entities.

6. Add questions separating payables, receivables, interest payments, and interest receipts by foreign parents and foreign affiliates of foreign parents (FAFPs) on the BE–12B. Previously, data for foreign parents and FAFPs were combined for these data items. This change will better align the data collected in the BE–12 benchmark survey with the BE–605 quarterly survey and assist in updating the statistics on foreign direct investment transactions, positions, and income to include the benchmark survey results.

7. Add a Part III to BE–12C to expand information collected on foreign ownership to better align the data collected on the BE–12 benchmark survey with the BE–605 quarterly survey and assist in updating the statistics on foreign direct investment to include the benchmark survey results. Part III will include new questions on whether each parent has a direct or indirect ownership interest in the U.S. affiliate being reported, and if direct, the equity percentage of the parent's ownership in the affiliate. Part III will also include existing questions that were in Part II of the 2012 BE–12 survey about the name and industry of each foreign parent and name, country, and industry of each ultimate beneficial owner in addition to the new questions. Part III will be preceded by a request at the end of Part II to enter the number of foreign parents and instructions to file a Part III for each foreign parent. Part III will only be completed by larger BE–12C filers (those with assets, sales, or net income greater than $20 million).

8. Add a private funds exemption option to the BE–12 Claim for Not Filing. This is a change to prior reporting requirements for all BEA direct investment surveys and exempts certain private funds that were previously required to report.

9. Add U.S. tax withheld on dividends to the BE–12B Part III to better align the data collected in the BE–12 benchmark survey with the BE–605 quarterly survey and assist in updating the statistics on foreign direct investment to include the benchmark survey results.

10. Add intercompany debt payables and receivables to the BE–12C Part I to provide information on debt transactions of smaller affiliates, which will improve the foreign direct investment statistics in the U.S. international transactions and international investment position accounts.

11. Add questions to the BE–12C to determine if the U.S. affiliate has consolidated and unconsolidated affiliates. Add Supplement A (list of the U.S. business enterprises consolidated) and Supplement B (list of U.S. business enterprises not consolidated) to the BE–12C. These items aid in determining whether correct entities are being consolidated, in improving coverage of indirectly-owned affiliates, and in linking data across datasets. These items are already a part of the BE–12A and BE–12B.

BEA also proposes to eliminate the following items from the benchmark survey: Questions on contract manufacturing services will be deleted (BE–12A, items 24, 25, 26, and 27). The data collected have not met expectations for use and alternative methods are being developed to address the issue. Questions on wholesale and retail trade industry activities will be deleted (BE–12A, items 63a, 63b, and 63c). Similar information is available from other sources. A question on prior year closing balance for voting interest will be removed from the BE–12C. This information is not necessary as many of the BE–12C affiliates do not file in non-benchmark years so no comparison to prior year is needed.

In addition, BEA proposes to make the following modifications to the survey forms: Modifying instructions on the BE–12B form for employment by location to explain the expanded state-level data items (see Item 2. in Additions). This modification is consistent with the change made to the annual survey forms following the addition of the data items listed in Item 2. in Additions. Modifying question 87 on the BE–12A to separate amounts reported for ''change in entity'' and ''change in accounting methods or principles.'' Adding a checkbox asking if the change in accounting methods or principles is due in whole or in part to early implementation of FASB ASU No. 2016–02, Leases (Topic 842). Identifying companies that have implemented this change early may assist in assessing the impact of full implementation on BEA's statistics.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13132

This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

Paperwork Reduction Act

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the PRA. The requirement will be submitted to OMB for approval as a reinstatement, with change, of a previously approved collection under OMB control number 0608–0042.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection displays a currently valid OMB control number.

The BE–12 survey, as proposed, is expected to result in the filing of reports from approximately 22,700 U.S. affiliates. Total annual burden is calculated by multiplying the estimated number of submissions of each form (A, B, C, and Claim for Not Filing) by the average hourly burden per form and summing the results for the four forms. The respondent burden for this collection of information will vary from one company to another. The estimated

average time per respondent is 11.0 hours (249,625 hours/22,700 respondents) per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total respondent burden for this survey is estimated at 249,625 hours, compared to 194,150 hours for the previous (2012) benchmark survey. An increase in the number of foreign-owned companies accounts for over 80 percent of the increase in the estimated respondent burden, and the new survey questions account for the rest of the increase.

Comments are requested concerning: 1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; 2. the accuracy of the burden estimate; 3. ways to enhance the quality, utility, and clarity of the information collected; and 4. ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed rule should be sent to both BEA and OMB following the instructions given in the **ADDRESSES** section above.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities.

Most of the U.S. business enterprises that are required to file the survey are units of multinational enterprises. To qualify as a small business, the multinational enterprise as a whole must be evaluated when determining if the business meets the size standards set by the Small Business Administration. While BEA only collects information on the U.S. portion of the multinational enterprise, the size determination takes into account the sizes of both the U.S. businesses and their foreign parents. BEA estimates that fewer than 1 percent of the U.S. businesses required to file the BE–12 survey are considered small businesses based on the SBA size standards.

For the few small businesses that meet the reporting requirements of the survey, BEA has attempted to keep burden to a minimum by asking only those questions that are considered essential. The amount of information required to be reported by each U.S. affiliate is determined by the size of the affiliate's assets, sales, or net income or loss. The reporting thresholds for Form BE–12A (the longest form) and Form BE–12B are $300 million and $60 million, respectively. All affiliates below $60 million will file on Form BE–12C (the shortest form). The smallest affiliates, those below $20 million, are only required to report a few items on Form BE–12C. These data items are likely to be readily available from existing business records. Compliance with the survey should take less than one hour. The cost should be less than $40.00 to a small business. Because few small businesses are required to file the survey and because those impacted are subject to only minimal reporting burden, the Chief Counsel for Regulation certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 801

Economic statistics, Foreign direct investment in the United States, International transactions, Multinational enterprises, Penalties, Reporting and recordkeeping requirements.

Dated: July 17, 2017.

Brian C. Moyer,

Director, Bureau of Economic Analysis.

For reasons set forth in the preamble, BEA proposes to amend 15 CFR part 801 as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS AND SURVEYS OF DIRECT INVESTMENT

■ 1. The authority citation for 15 CFR part 801 continues to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101–3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp. p. 173); and E.O. 12518 (3 CFR, 1985 Comp. p. 348).

■ 2. Revise § 801.3 to read as follows:

§ 801.3 Reporting requirements.

Except for surveys subject to rulemaking in §§ 801.7, 801.8, 801.9, and 801.10, reporting requirements for all other surveys conducted by the Bureau of Economic Analysis shall be as follows:

(a) Notice of specific reporting requirements, including who is required to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be published by the Director of the Bureau of Economic Analysis in the **Federal Register** prior to the implementation of a survey;

(b) In accordance with section 3104(b)(2) of title 22 of the United States Code, persons notified of these surveys and subject to the jurisdiction of the United States shall furnish, under oath, any report containing information which is determined to be necessary to carry out the surveys and studies provided for by the Act; and

(c) Persons not notified in writing of their filing obligation by the Bureau of Economic Analysis are not required to complete the survey.

■ 3. Amend § 801.10 to read as follows:

§ 801.10 Rules and regulations for BE–12, Benchmark Survey of Foreign Direct Investment in the United States—2017.

A BE–12, Benchmark Survey of Foreign Direct Investment in the United States, will be conducted covering 2017. All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 through 801.2 and §§ 801.4 through 801.6 are applicable to this survey. Specific additional rules and regulations for the BE–12 survey are given in paragraphs (a) through (e) of this section. More detailed instructions are given on the report forms and instructions.

(a) *Response required.* A response is required from persons subject to the reporting requirements of the BE–12, Benchmark Survey of Foreign Direct Investment in the United States—2017, contained in this section, whether or not they are contacted by BEA. Also, a person, or their agent, contacted by BEA about reporting in this survey, either by sending them a report form or by written inquiry, must respond in writing pursuant this section. This may be accomplished by filing a properly completed BE–12 report (BE–12A, BE–12B, BE–12C, or BE–12 Claim for Not Filing);

(b) *Who must report.* A BE–12 report is required for each U.S. affiliate (except certain private funds as described below), that is, for each U.S. business enterprise in which a foreign person (foreign parent) owned or controlled, directly or indirectly, 10 percent or more of the voting securities in an incorporated U.S. business enterprise, or an equivalent interest in an unincorporated U.S. business enterprise, at the end of the business enterprise's fiscal year that ended in

calendar year 2017. Certain private funds are exempt from reporting on the BE–12 survey. If a U.S. business meets ALL of the following 3 criteria, it is not required to file any BE–12 report except to indicate exemption from the survey if contacted by BEA: (1) The U.S. business enterprise is a private fund; (2) the private fund does not own, directly or indirectly through another business enterprise, an ''operating company''—*i.e.,* a business enterprise that is not a private fund or a holding company—in which the foreign parent owns at least 10 percent of the voting interest; AND (3) if the foreign parent owns the private fund indirectly (through one or more other U.S. business enterprises); there are no U.S. ''operating companies'' between the foreign parent and the indirectly-owned private fund.

(c) *Forms to be filed.* (1) Form BE–12A must be completed by a U.S. affiliate that was majority-owned by one or more foreign parents (for purposes of this survey, a ''majority-owned'' U.S. affiliate is one in which the combined direct and indirect ownership interest of all foreign parents of the U.S. affiliate exceeds 50 percent) if, on a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, if any one of the following three items for the U.S. affiliate (not just the foreign parent's share) was greater than $300 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2017:

(i) Total assets (do not net out liabilities);

(ii) Sales or gross operating revenues, excluding sales taxes; or

(iii) Net income after provision for U.S. income taxes.

(2) Form BE–12B must be completed by:

(i) A majority-owned U.S. affiliate if, on a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, any one of the three items listed in paragraph (c)(1) of this section (not just the foreign parent's share), was greater than $60 million (positive or negative) but none of these items was greater than $300 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2017.

(ii) A minority-owned U.S. affiliate (for purposes of this survey, a ''minority-owned'' U.S. affiliate is one in which the combined direct and indirect ownership interest of all foreign parents of the U.S. affiliate is 50 percent or less) if, on a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, any one of the three items listed in paragraph (c)(1) of this section (not just the foreign parent's share), was greater than $60 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2017.

(3) Form BE–12C must be completed by a U.S. affiliate if, on a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, none of the three items listed in paragraph (c)(1) of this section for a U.S. affiliate (not just the foreign parent's share), was greater than $60 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2017.

(4) BE–12 Claim for Not Filing will be provided for response by persons that are not subject to the reporting requirements of the BE–12 survey but have been contacted by BEA concerning their reporting status.

(d) *Aggregation of real estate investments.* All real estate investments of a foreign person must be aggregated for the purpose of applying the reporting criteria. A single report form must be filed to report the aggregate holdings, unless written permission has been received from BEA to do otherwise. Those holdings not aggregated must be reported separately on the same type of report that would have been required if the real estate holdings were aggregated.

(e) *Due date.* A fully completed and certified Form BE–12A, BE–12B, BE–12C, or BE–12 Claim for Not Filing is due to be filed with BEA not later than May 31, 2018 (or by June 30, 2018 for reporting companies that use BEA's eFile system).

[FR Doc. 2017–15695 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 3280, 3282, 3285, and 3286

[Docket No. FR–6042–N–01]

Manufactured Home Regulations; Request for Recommended Changes

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: Consistent with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, this document invites interested persons to submit proposed changes to update and revise HUD's Manufactured Home Construction and Safety Standards, its Manufactured Home Procedural and Enforcement Regulations, its Model Manufactured Home Installation Standards, and its Manufactured Home Installation Program regulations. Proposed changes will be submitted to the Manufactured Housing Consensus Committee (MHCC) for review and consideration as part of its responsibility to provide periodic recommendations to HUD to adopt, revise, and interpret the HUD standards and regulations.

DATES: To ensure consideration, the deadline for submitting proposed changes from the public for the 2018–2019 review period is December 31, 2017. Any Proposals received after December 31, 2017 will be held until the 2020–2021 review period.

ADDRESSES: Proposed changes to the Manufactured Home Construction and Safety Standards, Procedural and Enforcement Regulations, Model Installation Standards, and Installation Program Regulations are to be submitted using the following URL address: *mhcc.homeinnovation.com* or mailed to Home Innovation Research Labs, 400 Prince Georges Blvd., Upper Marlboro, MD 20774, Attention: Kevin Kauffman.

FOR FURTHER INFORMATION CONTACT: Pamela Beck Danner, Administrator and Designated Federal Official (DFO), Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW., Room 9168, Washington, DC 20410, telephone number 202–708–6423 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Section 604(a) of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000 (42 U.S.C. 5401 *et seq.*) (the Act) establishes the MHCC. According to Section 604(a)(4) of the Act, the MHCC is responsible for considering and submitting revisions to the Manufactured Home Construction and Safety Standards, codified at 24 CFR part 3280, not less than once during each 2-year period. In addition, the MHCC is responsible for considering and submitting revisions to the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282), the Model Manufactured Home Installation Standards (24 CFR part 3285), and the Manufactured Home Installation Program Regulations (24 CFR part 3286) on the same 2-year cycle.

Consistent with the Act, this document requests that interested persons provide proposed changes to revise or update the Manufactured Home Construction and Safety Standards, the Manufactured Home Procedural and Enforcement Regulations, the Model Manufactured Home Installation Standards, and Manufactured Home Installation Program Regulations. Specifically, recommendations are requested that further HUD's efforts to increase the quality, durability, safety and affordability of manufactured homes; facilitate the availability of affordable manufactured homes and increase homeownership for all Americans; and encourage cost-effective and innovative construction techniques for manufactured homes.

To permit the MHCC to fully consider the proposed changes, commenters are encouraged to provide at least the following information:

- The specific section of the current Manufactured Home Construction and Safety Standards, Manufactured Home Procedural and Enforcement Regulations, Model Manufactured Home Installation Standards, or Manufactured Home Installation Program Regulations that require revision or update, or whether the recommendation would require a new standard;
- Specific detail regarding the recommendation including a statement of the problem intended to be corrected or addressed by the recommendation, how the recommendation would resolve or address the problem, and the basis of the recommendation; and
- Information regarding whether the recommendation would result in increased costs to manufacturers or consumers and the value of the benefits derived from HUD's implementation of the recommendation, should be provided and discussed to the extent feasible.

The Act requires that an administering organization administer the process for the MHCC's development and interpretation of the Manufactured Home Construction and Safety Standards, Manufactured Home Procedural and Enforcement Regulations, Model Manufactured Home Installation Standards, and Manufactured Home Installation Program Regulations. The administering organization that has been selected by HUD to administer this process is Home Innovation Research Labs Inc. This document requests that proposed revisions be submitted to the MHCC for consideration through the administering organization, Home Innovation Research Labs. This organization will be responsible for ensuring delivery of all appropriately prepared proposed changes to the MHCC for its review and consideration.

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB Control Number 2535–0116. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

Dated: July 19, 2017.

Pamela Beck Danner,

Administrator, Office of Manufactured Housing Programs.

[FR Doc. 2017–15574 Filed 7–26–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 328

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401

[EPA–HQ–OW–2017–0203; FRL–9962–34–OW]

RIN 2040–AF74

Definition of "Waters of the United States"—Recodification of Pre-Existing Rules

AGENCY: Department of the Army, Corps of Engineers, Department of Defense; and Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency and the Department of the Army (''the agencies'') are publishing this proposed rule to initiate the first step in a comprehensive, two-step process intended to review and revise the definition of ''waters of the United States'' consistent with the Executive Order signed on February 28, 2017, ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule.'' This first step proposes to rescind the definition of ''waters of the United States'' in the Code of Federal Regulations to re-codify the definition of ''waters of the United States,'' which currently governs administration of the Clean Water Act, pursuant to a decision issued by the U.S. Court of Appeals for the Sixth Circuit staying a definition of ''waters of the United States'' promulgated by the agencies in 2015. The agencies would apply the definition of ''waters of the United States'' as it is currently being implemented, that is informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding practice. Proposing to re-codify the regulations that existed before the 2015 Clean Water Rule will provide continuity and certainty for regulated entities, the States, agency staff, and the public. In a second step, the agencies will pursue notice-and-comment rulemaking in which the agencies will conduct a substantive re-evaluation of the definition of ''waters of the United States.''

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2017–0203, at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The agencies may publish any comment received to the public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The agencies 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: Ms. Donna Downing, Office of Water (4504–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 566–2428; email address: *CWAwotus@epa.gov;* or Ms. Stacey Jensen, Regulatory Community of Practice (CECW–CO–R), U.S. Army

Corps of Engineers, 441 G Street NW., Washington, DC 20314; telephone number: (202) 761–5903; email address: *USACE_CWA_Rule@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The regulatory definition of ''waters of the United States'' in this proposed rule is the same as the definition that existed prior to promulgation of the Clean Water Rule in 2015 and that has been in effect nationwide since the Clean Water Rule was stayed on October 9, 2015. The agencies will administer the regulations as they are currently being implemented consistent with Supreme Court decisions and longstanding practice as informed by applicable agency guidance documents.

State, tribal, and local governments have well-defined and longstanding relationships with the federal government in implementing CWA programs and these relationships are not altered by the proposed rule. This proposed rule will not establish any new regulatory requirements. Rather, the rule simply codifies the current legal *status quo* while the agencies engage in a second, substantive rulemaking to reconsider the definition of ''waters of the United States.''

I. Executive Summary

A. What This Proposed Rule Does

In this proposed rule, the agencies define the scope of ''waters of the United States'' that are protected under the Clean Water Act (CWA). In 2015, the agencies published the ''Clean Water Rule: Definition of 'Waters of the United States''' (80 FR 37054, June 29, 2015), and on October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 Rule nationwide pending further action of the court. The agencies propose to replace the stayed 2015 definition of ''waters of the United States'', and re-codify the exact same regulatory text that existed prior to the 2015 rule, which reflects the current legal regime under which the agencies are operating pursuant to the Sixth Circuit's October 9, 2015 order. The proposed regulatory text would thus replace the stayed rulemaking text, and re-codify the regulatory definitions (at 33 CFR part 328 and 40 CFR parts 110; 112; 116; 117; 122; 230; 232; 300; 302; and 401) in the Code of Federal Regulations (CFR) as they existed prior to the promulgation of the stayed 2015 definition. If this proposed rule is finalized, the agencies would continue to implement those prior regulatory definitions), informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding agency practice.

B. History and the Purpose of This Rulemaking

Congress enacted the Federal Water Pollution Control Act Amendments of 1972, Public Law 92–500, 86 Stat. 816, as amended, Public Law 95–217, 91 Stat. 1566, 33 U.S.C. 1251 *et seq.* (''Clean Water Act'' or ''CWA'' or ''Act'') ''to restore and maintain the chemical, physical and biological integrity of the Nation's waters.'' Section 101(a). A primary tool in achieving that purpose is a prohibition on the discharge of any pollutants, including dredged or fill material, to ''navigable waters'' except in accordance with the Act. Section 301(a). The CWA provides that ''[t]he term 'navigable waters' means the waters of the United States, including the territorial seas.'' Section 502(7).

The CWA also provides that States retain their traditional role in preventing, reducing and eliminating pollution. The Act states that ''[i]t is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources . . .'' Section 101(b). States and Tribes voluntarily may assume responsibility for permit programs governing discharges of pollution under section 402 for any jurisdictional water bodies (section 402(b)), or of dredged or fill material discharges under section 404 (section 404(g)), with agency approval. (Section 404(g) provides that states may not assume permitting authority over certain specified waters and their adjacent wetlands.) States are also free to establish their own programs under state law to manage and protect waters and wetlands independent of the federal CWA. The statute's introductory purpose section thus commands the Environmental Protection Agency (EPA) to pursue two policy goals simultaneously: (a) To restore and maintain the nation's waters; and (b) to preserve the States' primary responsibility and right to prevent, reduce, and eliminate pollution.

The regulations defining the scope of federal CWA jurisdiction currently in effect, which this proposed rule would recodify, were established in large part in 1977 (42 FR 37122, July 19, 1977). While EPA administers most provisions in the CWA, the U.S. Army Corps of Engineers (Corps) administers the permitting program under section 404. During the 1980s, both of these agencies adopted substantially similar definitions (51 FR 41206, Nov. 13, 1986, amending 33 CFR 328.3; 53 FR 20764, June 6, 1988, amending 40 CFR 232.2).

Federal courts have reviewed the definition of ''waters of the United States'' and its application to a variety of factual circumstances. Three Supreme Court decisions, in particular, provide critical context and guidance in determining the appropriate scope of ''waters of the United States.''

In *United States* v. *Riverside Bayview Homes,* 474 U.S. 121 (1985) (*Riverside*), the Court, in a unanimous opinion, deferred to the Corps' ecological judgment that adjacent wetlands are ''inseparably bound up'' with the waters to which they are adjacent, and upheld the inclusion of adjacent wetlands in the regulatory definition of ''waters of the United States.'' *Id.* at 134.

In *Solid Waste Agency of Northern Cook County* v. *U.S. Army Corps of Engineers,* 531 U.S. 159 (2001) (*SWANCC*), the Supreme Court held that the use of ''isolated'' non-navigable intrastate ponds by migratory birds was not by itself a sufficient basis for the exercise of federal regulatory authority under the CWA. The *SWANCC* decision created uncertainty with regard to the jurisdiction of other isolated non-navigable waters and wetlands. In January 2003, EPA and the Corps issued joint guidance interpreting the Supreme Court decision in *SWANCC* (''the 2003 Guidance''). The guidance indicated that *SWANCC* focused on isolated, intrastate, non-navigable waters, and called for field staff to coordinate with their respective Corps or EPA Headquarters on jurisdictional determinations which asserted jurisdiction for waters under 33 CFR 328.3(a)(3)(i) through (iii). Waters that were jurisdictional pursuant to 33 CFR 328.3(a)(3) could no longer be determined jurisdictional based solely on their use by migratory birds.

Five years after the *SWANCC* decision, in *Rapanos* v. *United States,* 547 U.S. 715 (2006) (*Rapanos*), a four-Justice plurality opinion in *Rapanos,* authored by Justice Scalia, interpreted the term ''waters of the United States'' as covering ''relatively permanent, standing or continuously flowing bodies of water . . . ,'' *id.* at 739, that are connected to traditional navigable waters, *id.* at 742, as well as wetlands with a ''continuous surface connection . . .'' to such water bodies, *id.* (Scalia, J., plurality opinion). The *Rapanos* plurality noted that its reference to ''relatively permanent'' waters did ''not necessarily exclude streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought,'' or ''*seasonal* rivers, which contain

continuous flow during some months of the year but no flow during dry months . . .'' *Id.* at 732 n.5 (emphasis in original). Justice Kennedy concurred with the plurality judgment, but concluded that the appropriate test for the scope of jurisdictional waters is whether a water or wetland possesses a '' 'significant nexus' to waters that are or were navigable in fact or that could reasonably be so made.'' *Id.* at 759. The four dissenting Justices in *Rapanos,* who would have affirmed the court of appeals' application of the agencies' regulations, also concluded that the term ''waters of the United States'' encompasses, *inter alia,* all tributaries and wetlands that satisfy ''either the plurality's [standard] or Justice Kennedy's.'' *Id.* at 810 & n.14 (Stevens, J., dissenting).

While the *SWANCC* and *Rapanos* decisions limited the way the agencies' longstanding regulatory definition of ''waters of the United States'' was implemented, in neither case did the Court invalidate that definition.

After the *Rapanos* decision, the agencies issued joint guidance in 2007 to address the waters at issue in that decision but did not change the codified definition. The guidance indicated that ''waters of the United States'' included traditional navigable waters and their adjacent wetlands, relatively permanent waters and wetlands that abut them, and waters with a significant nexus to a traditional navigable water. The guidance did not address waters not at issue in *Rapanos,* such as interstate waters and the territorial seas. The guidance was reissued in 2008 with minor changes (hereinafter, the ''2008 guidance'').[1]

After issuance of the 2008 guidance, Members of Congress, developers, farmers, state and local governments, environmental organizations, energy companies and others asked the agencies to replace the guidance with a regulation that would provide clarity and certainty on the scope of the waters protected by the CWA.

Following public notice and comment on a proposed rule, the agencies published a final rule defining the scope of ''waters of the United States'' on June 29, 2015 (80 FR 37054). Thirty-one States and a number of other parties sought judicial review in multiple actions in Federal district courts and Circuit Courts of Appeal, raising concerns about the scope and legal authority of the 2015 rule. One district court issued an order granting a motion for preliminary injunction on the rule's effective date, finding that the thirteen State challengers were likely to succeed on their claims, including that the rule violated the congressional grant of authority to the agencies under the CWA and that it appeared likely the EPA failed to comply with Administrative Procedure Act (APA) requirements in promulgating the rule. *State of North Dakota et al.* v. *US EPA,* No. 15–00059, slip op. at 1–2 (D.N.D. Aug. 27, 2015, as clarified by order issued on September 4, 2015). Several weeks later, the Sixth Circuit stayed the 2015 rule nationwide to restore the ''pre-Rule regime, pending judicial review.'' *In re U.S. Dep't. of Def. and U.S. Envtl. Protection Agency Final Rule: Clean Water Rule,* No. 15–3751 (lead), slip op. at 6. The Sixth Circuit found that the petitioners had demonstrated a substantial possibility of success on the merits, including with regard to claims that certain provisions of the rule were at odds with the *Rapanos* decision and that the distance limitations in the rule were not substantiated by scientific support. Pursuant to the court's order, the agencies have implemented the statute pursuant to the regulatory regime that preceded the 2015 rule. On January 13, 2017, the U.S. Supreme Court granted *certiorari* on the question of whether the court of appeals has original jurisdiction to review challenges to the 2015 rule. The Sixth Circuit granted petitioners' motion to hold in abeyance the briefing schedule in the litigation challenging the 2015 rule pending a Supreme Court decision on the question of the court of appeals' jurisdiction.

On February 28, 2017, the President of the United States issued an Executive Order entitled ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule.'' Section 1 of the Order states, ''[i]t is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the States under the Constitution.'' It directs the EPA and the Army to review the 2015 rule for consistency with the policy outlined in section 1, and to issue a proposed rule rescinding or revising the 2015 rule as appropriate and consistent with law. Section 2. The Executive Order also directs the agencies to consider interpreting the term ''navigable waters'' in a manner consistent with Justice Scalia's plurality opinion in *Rapanos.* Section 3.

The agencies have the authority to rescind and revise the regulatory definition of ''waters of the United States,'' consistent with the guidance in the Executive Order, so long as the revised definition is authorized under the law and based on a reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009) (''*Fox*''). Importantly, such a revised decision need not be based upon a change of facts or circumstances. A revised rulemaking based ''on a re-evaluation of which policy would be better in light of the facts'' is ''well within an agency's discretion,'' and ''[a] change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency's reappraisal'' of its regulations and programs. *Nat'l Ass'n of Home Builders* v. *EPA,* 682 F.3d 1032, 1038 & 1043 (D.C. Cir. 2012) (citing *Fox,* 556 U.S. at 514–15 (Rehnquist, J., concurring in part and dissenting in part)).

The Executive Order states that it is in the national interest to protect the nation's waters from pollution as well as to allow for economic growth, ensuring regulatory clarity, and providing due deference to States, as well as Congress. Executive Order section 1. These various priorities reflect, in part the CWA itself, which includes both the objective to ''restore and maintain'' the integrity of the nation's waters, as well as the policy to ''recognize, preserve, and protect the primary responsibilities and right of States to prevent, reduce, and eliminate pollution . . .'' CWA sections 101(a), 101(b). Re-evaluating the best means of balancing these statutory priorities, as called for in the Executive Order, is well within the scope of authority that Congress has delegated to the agencies under the CWA.

This rulemaking is the first step in a two-step response to the Executive Order, intended to ensure certainty as to the scope of CWA jurisdiction on an interim basis as the agencies proceed to engage in the second step: A substantive review of the appropriate scope of ''waters of the United States.''

C. This Proposed Rule

In this proposed rule, the agencies would rescind the 2015 Clean Water Rule and replace it with a recodification of the regulatory text that governed the legal regime prior to the 2015 Clean Water Rule and that the agencies are

[1] The guidance expressly stated that it was not intended to create any legally binding requirements, and that ''interested persons are free to raise questions about the appropriateness of the application of this guidance to a particular situation, and EPA and/or the Corps will consider whether or not the recommendations or interpretations of this guidance are appropriate in that situation based on the statutes, regulations, and case law.'' 2008 guidance at 4 n. 17.

currently implementing under the court stay, informed by applicable guidance documents (*e.g.,* the 2003 and 2008 guidance documents, as well as relevant memoranda and regulatory guidance letters), and consistent with the *SWANCC* and *Rapanos* Supreme Court decisions, applicable case law, and longstanding agency practice. The proposal retains exclusions from the definition of ''waters of the United States'' for prior converted cropland and waste treatment systems, both of which existed before the 2015 regulations were issued. Nothing in this proposed rule restricts the ability of States to protect waters within their boundaries by defining the scope of waters regulated under State law more broadly than the federal law definition.

D. Rationale for This Rulemaking

This rulemaking action is consistent with the February 28, 2017, Executive Order and the Clean Water Act. This action will consist of two steps. In this first step, the agencies are proposing as an interim action to repeal the 2015 definition of ''waters of the United States'' and codify the legal *status quo* that is being implemented now under the Sixth Circuit stay of the 2015 definition of ''waters of the United States'' and that was in place for decades prior to the 2015 rule. This regulatory text would, pending completion of the second step in the two-step process, continue to be informed by the 2003 and 2008 guidance documents. In the second step, the agencies will conduct a separate notice and comment rulemaking that will consider developing a new definition of ''waters of the United States'' taking into consideration the principles that Justice Scalia outlined in the *Rapanos* plurality opinion.

In the 2015 rulemaking, the agencies described their task as ''interpret[ing] the scope of the 'waters of the United States' for the CWA in light of the goals, objectives, and policies of the statute, the Supreme Court case law, the relevant and available science, and the agencies' technical expertise and experience.'' 80 FR 37054, 37060 (June 29, 2015). In so doing, the agencies properly acknowledged that a regulation defining ''waters of the United States'' in this area is not driven by any one type or piece of information, but rather must be the product of the evaluation and balancing of a variety of different types of information. That information includes scientific data as well as the policies articulated by Congress when it passed the Act. For example, the agencies recognized this construct in the preamble to the 2015 Rule by explaining that what constitutes a ''significant nexus'' to navigable waters ''is not a purely scientific determination'' and that ''science does not provide bright line boundaries with respect to where 'water ends' for purposes of the CWA.'' 80 FR at 37060.[2]

The objectives, goals, and policies of the statute are detailed in sections 101(a)–(g) of the statute, and guide the agencies' interpretation and application of the Clean Water Act. Section 101(a) of the Act states that the ''objective of this chapter is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters,'' and identifies several goals and national policies Congress believed would help the Act achieve that objective. 33 U.S.C. 1251(a). When referring to the Act's objective, the 2015 rule referred specifically to Section 101(a). 80 FR at 37056.

In addition to the objective of the Act and the goals and policies identified to help achieve that objective in section 101(a), in section 101(b) Congress articulated that it is ''the policy of the Congress'' to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his or her authority. Section 101(b) also states that it is the policy of Congress that the States manage the construction grant program under this chapter and implement the permit programs under sections 402 and 404 of the Act. 33 U.S.C. 1251(b). Therefore, as part of the two-step rulemaking, the agencies will be considering the relationship of the CWA objective and policies, and in particular, the meaning and importance of section 101(b).

The 2015 rule did acknowledge the language contained in section 101(b) and the vital role states and tribes play in the implementation of the Act and the effort to meet the Act's stated objective. *See, e.g.,* 80 FR at 37059. In discussing the provision, the agencies noted that it was ''[o]f particular importance[,] [that] states and tribes may be authorized by the EPA to administer the permitting programs of CWA sections 402 and 404.'' *Id.* The agencies also noted that ''States and federally-recognized tribes, consistent with the CWA, retain full authority to implement their own programs to more broadly and more fully protect the waters in *their jurisdiction*.'' *Id.* at 37060. However, the agencies did not include a discussion in the 2015 rule preamble of the meaning and importance of section 101(b) in guiding the choices the agencies make in setting the outer bounds of jurisdiction of the Act, despite the recognition that the rule must be drafted ''in light of the goals, objectives, and policies of the statute.'' In the two-step rulemaking process commencing with today's notice, the agencies will more fully consider the policy in section 101(b) when exercising their discretion to delineate the scope of waters of the U.S., including the extent to which states or tribes have protected or may protect waters that are not subject to CWA jurisdiction.

The scope of CWA jurisdiction is an issue of great national importance and therefore the agencies will allow for robust deliberations on the ultimate regulation. While engaging in such deliberations, however, the agencies recognize the need to provide as an interim step for regulatory continuity and clarity for the many stakeholders affected by the definition of ''waters of the United States.'' The pre-CWR regulatory regime is in effect as a result of the Sixth Circuit's stay of the 2015 rule but that regime depends upon the pendency of the Sixth Circuit's order and could be altered at any time by factors beyond the control of the agencies. The Supreme Court's resolution of the question as to which courts have original jurisdiction over challenges to the 2015 rule could impact the Sixth Circuit's exercise of jurisdiction and its stay. If, for example, the Supreme Court were to decide that the Sixth Circuit lacks original jurisdiction over challenges to the 2015 rule, the Sixth Circuit case would be dismissed and its nationwide stay would expire, leading to inconsistencies, uncertainty, and confusion as to the regulatory regime that would be in effect pending substantive rulemaking under the Executive Order.

As noted previously, prior to the Sixth Circuit's stay order, the District Court for North Dakota had preliminarily enjoined the rule in 13 States (North Dakota, Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, South Dakota, Wyoming and New Mexico). Therefore, if the Sixth Circuit's nationwide stay were to expire, the 2015

[2] This notion was at least implicitly recognized by the Chief Justice in his concurring opinion in *Rapanos:* ''[T]he Corps and the EPA would have enjoyed plenty of room to operate in developing *some* notion of an outer bound to the reach of their authority.'' *Rapanos* v. *United States,* 547 U.S. 715, 758 (2006) (Roberts, C.J., concurring). Ultimately, developing ''some notion of an outer bound'' from the full range of relevant information is the task facing the agencies.

rule would be enjoined under the North Dakota order in States covering a large geographic area of the country, but the rule would be in effect in the rest of the country pending further judicial decision-making or substantive rulemaking under the Executive Order.

Adding to the confusion that could be caused if the Sixth Circuit's nationwide stay of the 2015 rule were to expire, there are multiple other district court cases pending on the 2015 rule, including several where challengers have filed motions for preliminary injunctions. These cases—and the pending preliminary injunction motions—would likely be reactivated if the Supreme Court were to determine that the Sixth Circuit lacks original jurisdiction over challenges to the 2015 rule. The proposed interim rule would establish a clear regulatory framework that would avoid the inconsistencies, uncertainty and confusion that would result from a Supreme Court ruling affecting the Sixth Circuit's jurisdiction while the agencies reconsider the 2015 rule. It would ensure that, during this interim period, the scope of CWA jurisdiction will be administered exactly the way it is now, and as it was for many years prior to the promulgation of the 2015 rule. The agencies considered other approaches to providing stability while they work to finalize the revised definition, such as simply withdrawing or staying the Clean Water Rule, but did not identify any options that would do so more effectively and efficiently than this proposed rule would do. A stable regulatory foundation for the *status quo* would facilitate the agencies' considered re-evaluation, as appropriate, of the definition of ''waters of the United States'' that best effectuates the language, structure, and purposes of the Clean Water Act.

II. General Information

A. How can I get copies of this document and related information?

1. *Docket.* An official public docket for this action has been established under Docket Id. No. EPA–HQ–OW–2017–0203. The official public docket consists of the documents specifically referenced in this action, and other information related to this action. The official public docket is the collection of materials that is available for public viewing at the OW Docket, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The OW Docket telephone number is 202–566–2426. A reasonable fee will be charged for copies.

2. *Electronic Access.* You may access this **Federal Register** document electronically under the **Federal Register** listings at *http://www.regulations.gov.* An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may access EPA Dockets at *http://www.regulations.gov* to view public comments as they are submitted and posted, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the Docket Facility.

B. What is the agencies' authority for taking this action?

The authority for this action is the Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.,* including sections 301, 304, 311, 401, 402, 404 and 501.

C. What are the economic impacts of this action?

This proposed rule is the first step in a comprehensive, two-step process to review and revise the 2015 definition of ''waters of the United States.'' The agencies prepared an illustrative economic analysis to provide the public with information on the potential changes to the costs and benefits of various CWA programs that could result if there were a change in the number of positive jurisdictional determinations. The economic analysis is provided pursuant to the requirements of Executive Orders 13563 and 12866 to provide information to the public. The 2015 CWR is used as a baseline in the analysis in order to provide information to the public on the estimated differential effects of restoring pre-2015 status quo in comparison to the 2015 CWR. However, as explained previously, the 2015 CWR has already been stayed by the Sixth Circuit, and this proposal would merely codify the legal status quo, not change current practice.

The proposed rule is a definitional rule that affects the scope of ''waters of the United States.'' This rule does not establish any regulatory requirements or directly mandate actions on its own. However, by changing the definition of ''waters of the United States,'' the proposed rule would change the waters where other regulatory requirements that affect regulated entities come into play, for example, the locations where regulated entities would be required to obtain certain types of permits. The consequence of a water being deemed non-jurisdictional is simply that CWA provisions no longer apply to that water. There are no avoided costs or forgone benefits if similar state regulations exist and continue to apply to that water. The agencies estimated that the 2015 rule would result in a small overall increase in positive jurisdictional determinations compared to those made under the prior regulation as currently implemented, and that there would be fewer waters within the scope of the CWA under the 2015 rule compared to the prior regulations. The agencies estimated the avoided costs and forgone benefits of repealing the 2015 rule. This analysis is contained in the *Economic Analysis for the Proposed Definition of ''Waters of the United States''—Recodification of Pre-existing Rules* and is available in the docket for this action.

III. Public Comments

The agencies solicit comment as to whether it is desirable and appropriate to re-codify in regulation the *status quo* as an interim first step pending a substantive rulemaking to reconsider the definition of ''waters of the United States'' and the best way to accomplish it. Because the agencies propose to simply codify the legal *status quo* and because it is a temporary, interim measure pending substantive rulemaking, the agencies wish to make clear that this interim rulemaking does not undertake any substantive reconsideration of the pre-2015 ''waters of the United States'' definition nor are the agencies soliciting comment on the specific content of those longstanding regulations. *See P&V Enterprises* v. *Corps of Engineers,* 516 F.3d 1021,1023–24 (D.C. Cir. 2008). For the same reason, the agencies are not at this time soliciting comment on the scope of the definition of ''waters of the United States'' that the agencies should ultimately adopt in the second step of this two-step process, as the agencies will address all of those issues, including those related to the 2015 rule, in the second notice and comment rulemaking to adopt a revised definition of ''waters of the United States'' in light of the February 28, 2017, Executive Order. The agencies do not intend to engage in substantive reevaluation of the definition of ''waters of the United States'' until the second step of the rulemaking. *See P&V,* 516 F.3d at 1025–26.

IV. Statutory and Executive Order Reviews

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket.

In addition, the agencies prepared an analysis of the potential avoided costs and forgone benefits associated with this action. This analysis is contained in the *Economic Analysis for the Proposed Definition of ''Waters of the United States''—Recodification of Pre-existing Rules.* A copy of the analysis is available in the docket for this action.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control numbers 2050–0021 and 2050–0135 for the CWA section 311 program and 2040–0004 for the 402 program.

For the CWA section 404 regulatory program, the current OMB approval number for information requirements is maintained by the Corps (OMB approval number 0710–0003). However, there are no new approval or application processes required as a result of this rulemaking that necessitate a new Information Collection Request (ICR).

C. Regulatory Flexibility Act

We certify that this action will not have a significant economic impact on a substantial number of small entities. Because this action would simply codify the legal *status quo,* we have concluded that this action will not have a significant impact on small entities. This analysis is contained in the *Economic Analysis for the Proposed Definition of ''Waters of the United States''—Recodification of Pre-existing Rules.* A copy of the analysis is available in the docket for this action.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The definition of ''waters of the United States'' applies broadly to CWA programs. The action imposes no enforceable duty on any state, local, or tribal governments, or the private sector, and does not contain regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Consistent with the agencies' policy to promote communications with state and local governments, the agencies have informed states and local governments about this proposed rulemaking.

The agencies will appropriately consult with States and local governments as a subsequent rulemaking makes changes to the longstanding definition of ''waters of the United States.''

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications as specified in Executive Order 13175. This proposed rule maintains the legal *status quo.* Thus, Executive Order 13175 does not apply to this action.

Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011), the agencies will appropriately consult with tribal officials during the development of a subsequent rulemaking that makes changes to the longstanding definition of ''waters of the United States.'' In fact, the agencies have already initiated the formal consultation process with respect to the subsequent rulemaking.

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

This action is not subject to Executive Order 13045 because the environmental health risks or safety risks addressed by this action do not present a disproportionate risk to children.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act

This proposed rule does not involve technical standards.

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

This proposed rule maintains the legal *status quo.* The agencies therefore believe that this action does not have disproportionately high and adverse human health or environmental effects on minority, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, Feb. 16, 1994).

K. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

Pursuant to Executive Order 13771 (82 FR 9339, February 3, 2017) this proposed rule is expected to be an E.O. 13771 deregulatory action.

List of Subjects

33 CFR Part 328

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Navigation, Water pollution control, Waterways.

40 CFR Parts 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401

Environmental protection, Water pollution control.

Dated: June 27, 2017.

E. Scott Pruitt,

Administrator, Environmental Protection Agency.

Dated: June 27, 2017.

Douglas W. Lamont,

Deputy Assistant Secretary of the Army (Project Planning and Review), performing the duties of the Assistant Secretary of the Army for Civil Works.

Title 33—Navigation and Navigable Waters

For the reasons set out in the preamble, title 33, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 328—DEFINITION OF WATERS OF THE UNITED STATES

■ 1. The authority citation for part 328 is revised to read as follows:

Authority: 33 U.S.C. 1344.

■ 2. Section 328.3 is amended by revising paragraphs (a) through (d) and adding paragraphs (e) and (f) to read as follows:

§ 328.3 Definitions.

* * * * *

(a) The term *waters of the United States* means

(1) All waters which are currently used, or were used in the past, or may

be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) All interstate waters including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(iii) Which are used or could be used for industrial purpose by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as waters of the United States under the definition;

(5) Tributaries of waters identified in paragraphs (a)(1) through (4) of this section;

(6) The territorial seas;

(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (6) of this section.

(8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

(b) The term *wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(c) The term *adjacent* means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are ''adjacent wetlands.''

(d) The term *high tide line* means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(e) The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(f) The term *tidal waters* means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

Title 40—Protection of Environment

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

PART 110—DISCHARGE OF OIL

■ 3. The authority citation for part 110 is revised to read as follows:

Authority: 33 U.S.C. 1321(b)(3) and (b)(4) and 1361(a); E.O. 11735, 38 FR 21243, 3 CFR parts 1971–1975 Comp., p. 793.

■ 4. Section 110.1 is amended by revising the definition of ''Navigable waters'' and adding the definition of ''Wetlands'' in alphabetical order to read as follows:

§ 110.1 Definitions.

* * * * *

Navigable waters means the waters of the United States, including the territorial seas. The term includes:

(a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

(b) Interstate waters, including interstate wetlands;

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) That are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;

(3) That are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as navigable waters under this section;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this section, including adjacent wetlands; and

(f) Wetlands adjacent to waters identified in paragraphs (a) through (e) of this section: Provided, That waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States;

Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

* * * * *

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

PART 112—OIL POLLUTION PREVENTION

■ 5. The authority citation for part 112 is revised to read as follows:

Authority: 33 U.S.C. 1251 *et seq.;* 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.

■ 6. Section 112.2 is amended by revising the definition of ''Navigable waters'' and adding the definition of

''Wetlands'' in alphabetical order to read as follows:

§ 112.2 Definitions.

* * * * *

Navigable waters of the United States means ''navigable waters'' as defined in section 502(7) of the FWPCA, and includes:

(1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92–500), and tributaries of such waters;

(2) Interstate waters;

(3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and

(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

* * * * *

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

* * * * *

PART 116—DESIGNATION OF HAZARDOUS SUBSTANCES

■ 7. The authority citation for part 116 is revised to read as follows:

Authority: Secs. 311(b)(2)(A) and 501(a), Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

■ 8. Section 116.3 is amended by revising the definition of ''Navigable waters'' to read as follows:

§ 116.3 Definitions.

* * * * *

Navigable waters is defined in section 502(7) of the Act to mean ''waters of the United States, including the territorial seas,'' and includes, but is not limited to:

(1) All waters which are presently used, or were used in the past, or may be susceptible to use as a means to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide, and including adjacent wetlands; the term *wetlands* as used in this regulation shall include those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevelance of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas; the term *adjacent* means bordering, contiguous or neighboring;

(2) Tributaries of navigable waters of the United States, including adjacent wetlands;

(3) Interstate waters, including wetlands; and

(4) All other waters of the United States such as intrastate lakes, rivers, streams, mudflats, sandflats and wetlands, the use, degradation or destruction of which affect interstate commerce including, but not limited to:

(i) Intrastate lakes, rivers, streams, and wetlands which are utilized by interstate travelers for recreational or other purposes; and

(ii) Intrastate lakes, rivers, streams, and wetlands from which fish or shellfish are or could be taken and sold in interstate commerce; and

(iii) Intrastate lakes, rivers, streams, and wetlands which are utilized for industrial purposes by industries in interstate commerce.

Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

* * * * *

PART 117—DETERMINATION OF REPORTABLE QUANTITIES FOR HAZARDOUS SUBSTANCES

■ 9. The authority citation for part 117 is revised to read as follows:

Authority: Secs. 311 and 501(a), Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*), (''the Act'') and Executive Order 11735, superseded by Executive Order 12777, 56 FR 54757.

■ 10. Section 117.1 is amended by revising paragraph (i) to read as follows:

§ 117.1 Definitions.

* * * * *

(i) *Navigable waters* means ''waters of the United States, including the territorial seas.'' This term includes:

(1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) Interstate waters, including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;

(iii) Which are used or could be used for industrial purposes by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as navigable waters under this paragraph;

(5) Tributaries of waters identified in paragraphs (i)(1) through (4) of this section, including adjacent wetlands; and

(6) Wetlands adjacent to waters identified in paragraphs (i)(1) through (5) of this section (''Wetlands'' means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally included playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds): *Provided,* That waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.

Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

* * * * *

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

■ 11. The authority citation for part 122 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 *et seq.*

■ 12. Section 122.2 is amended by:

■ a. Lifting the suspension of the last sentence of the definition of ''Waters of the United States'' published July 21, 1980 (45 FR 48620).

■ b. Revising the definition of ''Waters of the United States''.

■ c. Suspending the last sentence of the definition of ''Waters of the United States'' published July 21, 1980 (45 FR 48620).

■ d. Adding the definition of ''Wetlands''.

The revision and addition read as follows:

§ 122.2 Definitions.

* * * * *

Waters of the United States or *waters of the U.S.* means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate ''wetlands;''

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, ''wetlands,'' sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and

(g) ''Wetlands'' adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. [See Note 1 of this section.] Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Note: At 45 FR 48620, July 21, 1980, the Environmental Protection Agency suspended until further notice in § 122.2, the last sentence, beginning ''This exclusion applies . . .'' in the definition of ''Waters of the United States.'' This revision continues that suspension.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

* * * * *

PART 230—SECTION 404(b)(1) GUIDELINES FOR SPECIFICATION OF DISPOSAL SITES FOR DREDGED OR FILL MATERIAL

■ 13. The authority citation for part 230 is revised to read as follows:

Authority: Secs. 404(b) and 501(a) of the Clean Water Act of 1977 (33 U.S.C. 1344(b) and 1361(a)).

■ 14. Section 230.3 is amended by:

■ a. Redesignating paragraph (o) as paragraph (s).

■ b. Revising newly redesignated paragraph (s).

■ c. Redesignating paragraph (n) as paragraph (r).

■ d. Redesignating paragraph (m) as paragraph (q–1).

■ e. Redesignating paragraphs (h) through (l) as paragraphs (m) through (q).

■ f. Redesignating paragraphs (e) and (f) as paragraphs (h) and (i).

■ g. Redesignating paragraph (g) as paragraph (k).

■ h. Redesignating paragraphs (b) through (d) as paragraphs (c) through (e).

■ i. Adding reserved paragraphs (f), (g), (j), and (l).

■ j. Adding paragraphs (b) and (t).

The revision and additions read as follows:

§ 230.3 Definitions.

* * * * *

(b) The term *adjacent* means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes, and the like are ''adjacent wetlands.''

* * * * *

(s) The term *waters of the United States* means:

(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) All interstate waters including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(iii) Which are used or could be used for industrial purposes by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as waters of the United States under this definition;

(5) Tributaries of waters identified in paragraphs (s)(1) through (4) of this section;

(6) The territorial sea;

(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

(t) The term *wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

PART 232—404 PROGRAMS DEFINITIONS; EXEMPT ACTIVITIES NOT REQUIRING 404 PERMITS

■ 15. The authority citation for part 232 is revised to read as follows:

Authority: 33 U.S.C. 1344.

■ 16. Section 232.2 is amended by revising the definition of ''Waters of the

United States'' and adding the definition of ''Wetlands'' to read as follows:

§ 232.2 Definitions.

* * * * *

Waters of the United States means:

All waters which are currently used, were used in the past, or may be susceptible to us in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

All interstate waters including interstate wetlands.

All other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would or could affect interstate or foreign commerce including any such waters:

Which are or could be used by interstate or foreign travelers for recreational or other purposes; or

From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

Which are used or could be used for industrial purposes by industries in interstate commerce.

All impoundments of waters otherwise defined as waters of the United States under this definition;

Tributaries of waters identified in paragraphs (g)(1)–(4) of this section;

The territorial sea; and

Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (q)(1)–(6) of this section.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Act (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 17. The authority citation for part 300 is revised to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p.306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

■ 18. Section 300.5 is amended by revising the definition of ''Navigable waters'' to read as follows:

§ 300.5 Definitions.

* * * * *

Navigable waters as defined by 40 CFR 110.1, means the waters of the United States, including the territorial seas. The term includes:

(1) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

(2) Interstate waters, including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters;

(i) That are or could be used by interstate or foreign travelers for recreational or other purposes;

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;

(iii) That are used or could be used for industrial purposes by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as navigable waters under this section;

(5) Tributaries of waters identified in paragraphs (a) through (d) of this definition, including adjacent wetlands; and

(6) Wetlands adjacent to waters identified in paragraphs (a) through (e) of this definition: Provided, that waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.

(7) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

* * * * *

■ 19. In appendix E to part 300, section 1.5 is amended by revising the definition of ''Navigable waters'' to read as follows:

Appendix E to Part 300—Oil Spill Response

* * * * *

*1.5 Definitions * * **

Navigable waters as defined by 40 CFR 110.1 means the waters of the United States, including the territorial seas. The term includes:

(a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

(b) Interstate waters, including interstate wetlands;

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) That are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; and

(3) That are used or could be used for industrial purposes by industries in interstate commerce.

(d) All impoundments of waters otherwise defined as navigable waters under this section;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition, including adjacent wetlands; and

(f) Wetlands adjacent to waters identified in paragraphs (a) through (e) of this definition: Provided, that waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.

(g) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

* * * * *

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

■ 20. The authority citation for part 302 is revised to read as follows:

Authority: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

■ 21. Section 302.3 is amended by revising the definition of ''Navigable waters'' to read as follows:

§ 302.3 Definitions.

* * * * *

Navigable waters or *navigable waters of the United States* means waters of the

United States, including the territorial seas;

* * * * *

PART 401—GENERAL PROVISIONS

■ 22. The authority citation for part 401 is revised to read as follows:

Authority: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307 (b) and (c) and 316(b) of the Federal Water Pollution Control Act, as amended (the ''Act''), 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (b) and (c) and 1326(c); 86 Stat. 816 *et seq.;* Pub. L. 92–500.

■ 23. Section 401.11 is amended by revising paragraph (l) to read as follows:

§ 401.11 General definitions.

* * * * *

(l) The term *navigable waters* includes: All navigable waters of the United States; tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce. Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

* * * * *

[FR Doc. 2017–13997 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Chapter 1

46 CFR Chapters 1 and III

49 CFR Chapter IV

[Docket No. USCG–2017–0658]

Great Lakes Pilotage 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 Great Lakes Pilotage Advisory Committee (GLPAC); teleconference meeting.

SUMMARY: The U.S. Coast Guard is issuing a new task to the Great Lakes Pilotage Advisory Committee (GLPAC). The U.S. Coast Guard is asking GLPAC 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 23, 2017, to discuss this tasking. This teleconference will be open to the public. The U.S. Coast Guard will consider GLPAC 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 23, 2017, from 1:30 p.m. to 3 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 16, 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 16, 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–2017–0658'' in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Ms. Michelle Birchfield, Alternate Designated Federal Officer of the Great Lakes Pilotage Advisory Committee, telephone (202) 372–1533, or email *michelle.r.birchfield@uscg.mil.*

SUPPLEMENTARY INFORMATION:

New Task to the Committee

The U.S. Coast Guard is issuing a new task to GLPAC 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. GLPAC 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

GLPAC 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 23, 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/glpac* and uploaded as supporting documents in the electronic docket for this action, [USCG–2017–0658], at *Regulations.gov*.

Michael D. Emerson,

Director, Marine Transportation Systems.

[FR Doc. 2017–15708 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2010–1042; FRL–9964–88–OAR]

RIN 2060–AT58

National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to amend the national emission standards for hazardous air pollutants for flame attenuation (FA) lines in the wool fiberglass manufacturing industry. In the ''Rules and Regulations'' section of this **Federal Register**, we are publishing a direct final rule, without a prior proposed rule, that revises the compliance dates for FA lines. This direct final rule provides an additional year for affected sources to comply with the emission limits for FA lines. The EPA can give sources up to 3 years to comply with emission limits in the Clean Air Act (CAA) standards. FA lines initially were given 2 years to comply with the emission limits, and we are extending that compliance date to the maximum of 3 years while we conduct our review. This compliance date extension will enable the EPA to conduct a review of the emission limits for FA lines in light of recently submitted corrected source emissions data. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: The EPA must receive written comments on or before August 28, 2017.

Public Hearing. If requested by August 3, 2017, the EPA will hold a public hearing to accept oral comments on this proposed action. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Aimee St. Clair at (919) 541–1063 or by email at *stclair.aimee@epa.gov.* EPA will publish a document in the **Federal Register** announcing the date and location if a public hearing is requested.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2010–1042, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its

public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Mr. Brian Storey, Sector Policies and Programs Division (D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1103; fax number: (919) 541–5450; and email address: *storey.brian@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is the EPA issuing this proposed rule?

This document proposes to take action on amendments to the National Emission Standards for Hazardous Pollutants for Wool Fiberglass Manufacturing. We have published a direct final rule to amend 40 CFR part 63, subpart NNN by revising the compliance dates for FA lines in the ''Rules and Regulations'' section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment on a distinct portion of the direct final rule, we will withdraw that portion of the rule and it will not take effect. In this instance, we would address all public comments in any subsequent final rule based on this proposed rule. In any subsequent final rule, the EPA intends to examine whether there is ''good cause,'' under 5 U.S.C. 553(d)(3), to designate the publication date of the final rule (based on the parallel proposal) as the effective date for implementation of the final rule.

If we receive adverse comment on a distinct provision of the direct final rule, we will publish a timely withdrawal in the **Federal Register** indicating which provisions we are withdrawing. The provisions that are not withdrawn will become effective on the date set out in the direct final rule, notwithstanding adverse comment on any other provision. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time.

The regulatory text for this proposal is identical to that for the direct final rule published in the ''Rules and Regulations'' section of this **Federal Register**. For further supplementary information, the detailed rationale for this proposal, and the regulatory revisions, see the direct final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

II. Does this action apply to me?

Categories and entities potentially regulated by this proposed rule include:

Category	NAICS code [1]
Wool fiberglass manufacturing facilities	327993

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this proposed rule. To determine whether your facility is affected, you should examine the applicability criteria in 40 CFR 63.1380. If you have any questions regarding the applicability of any aspect of this action to a particular entity, consult either the air permitting authority for the entity or your EPA Regional representative as listed in 40 CFR 63.13.

III. Statutory and Executive Orders

For a complete discussion of the administrative requirements applicable to this action, see the direct final rule in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: July 6, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–14943 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 13–39; FCC 17–92]

Rural Call Completion

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, a Second Further Notice of Proposed Rulemaking (*Second FNPRM*) seeks comment on new proposed rural call completion requirements for covered providers and on proposals to either modify or eliminate the Commission's existing data recording, retention, and reporting requirements. The *Second FNPRM* also seeks comment on any additional measures the Commission should take to address rural call completion problems.

DATES: Comments are due on or before August 28, 2017, and reply comments are due on or before September 25, 2017. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before September 25, 2017.

ADDRESSES: You may submit comments, identified by WC Docket No. 13–39, by any of the following methods:

- *Federal Communications Commission's Web site: http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than

U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

▪ *People With Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to Nicole Ongele, Federal Communications Commission, via email to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Wireline Competition Bureau, Competition Policy Division, Alex Espinoza, at (202) 418–0849, *alex.espinoza@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking (*Second FNPRM*) in WC Docket No. 13–39, adopted July 13, 2017, and released July 14, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It is available on the Commission's Web site at *https://www.fcc.gov/document/fcc-takes-next-steps-combat-rural-call-completion-problems.*

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998), *http://www.fcc.gov/Bureaus/OGC/Orders/1998/fcc98056.pdf.*

▪ *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *https://www.fcc.gov/ecfs/.*

▪ *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.

▪ All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

▪ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

▪ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

People With Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Synopsis

I. Introduction

1. We are committed to ensuring that long-distance calls to *all* Americans—including rural Americans—are completed. In this *Second Further Notice of Proposed Rulemaking,* we propose to revise our rules to better address ongoing problems in the completion of long-distance telephone calls to rural areas. Although the reduced number of rural call completion complaints that we now receive suggests some progress, we can and must do better. Today, we begin to consider steps that we believe will be more effective and less burdensome than our existing recording, retention, and reporting rules. We propose to hold covered providers responsible for monitoring rural call completion performance and taking action to address poor performance. We also seek comment on proposals to either modify or eliminate our existing recording, retention, and reporting rules. We seek comment on these proposals and possible alternatives or additional measures to address rural call completion problems.

II. Background

2. Rural call completion problems manifest themselves in a number of ways. For example, a call may be significantly delayed, the called party's phone may never ring, or the caller may hear false ring tone or busy signals. These failures have significant public interest ramifications, causing rural businesses to lose customers, cutting families off from their relatives in rural areas, and potentially creating dangerous delays in public safety communications. While there appear to be multiple factors that cause rural call completion problems, one key factor is that a call to a rural area is often handled by numerous different providers in the call's path. Given the relatively high rates long-distance providers incur to terminate long-distance calls to rural carriers, long-distance providers have an incentive to reduce the per-minute cost of calls. As a result, there is greater incentive for the long-distance provider to hand off a call to an intermediate provider that is offering to deliver it cheaply—and potentially less incentive to ensure that calls to rural areas are actually completed properly.

3. *Prior Commission Actions.* The Commission has taken a series of actions in recent years to address rural call completion problems. In the 2011 *USF/ICC Transformation Order,* the Commission adopted a transition plan to gradually reduce most termination charges, including those of rate-of-return carriers, to a bill-and-keep methodology—a transition which, when completed, should eliminate a significant amount of the financial incentive structure that contributes to rural call completion problems. In the *USF/ICC Transformation Order,* the Commission also reaffirmed the Commission's call blocking policy; made clear that carriers' blocking of VoIP–PSTN traffic is prohibited; and clarified that interconnected and one-way VoIP providers are prohibited from blocking voice traffic to or from the PSTN. Similarly, in 2007 and 2012, the Wireline Competition Bureau clarified that carriers are prohibited from

blocking, choking, reducing, or restricting calls, including to avoid termination charges. The *2012 RCC Declaratory Ruling* in particular clarified that: (1) ''it is an unjust and unreasonable practice in violation of [S]ection 201 of the Act for a carrier that knows or should know that it is providing degraded service to certain areas to fail to correct the problem or to fail to ensure that intermediate providers, least-cost routers, or other entities acting for or employed by the carrier are performing adequately''; and (2) adopting or perpetuating routing practices that result in lower quality service to rural or high-cost localities than like service to urban or lower cost areas may constitute unjust or unreasonable discrimination in practices, facilities, or services in violation of Section 202 of the Act. The *2012 RCC Declaratory Ruling* also reiterated that carriers are liable for the acts, omissions, or failures of their agents, including underlying providers used to deliver traffic, pursuant to Section 217 of the Act.

4. *2013 RCC Order.* In 2013, the Commission initiated this proceeding and adopted rules to address rural call completion problems, including recording, retention, and reporting rules and rules codifying the long-standing industry practice of prohibiting false ring signaling. False ring signaling occurs when an originating or intermediate provider prematurely triggers audible ring tones to the caller before the call setup request has actually reached the terminating rural provider (*i.e.,* the calling party believes the phone is ringing at the called party's premises when it is not). The Commission adopted the recordkeeping, retention, and reporting rules in an effort to improve its ability to monitor the delivery of long-distance calls to rural areas and take appropriate enforcement action as necessary. These rules apply to providers of long-distance voice service that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines (including ''the total of all of a provider's business and residential fixed subscriber lines and mobile phones, aggregated over all of the provider's affiliates''). These ''covered providers'' include local exchange carriers (LECs), interexchange carriers (IXCs), commercial mobile radio service (CMRS) providers, and VoIP service providers. Covered providers must record and retain, for six months, specific information about each call attempt to a rural operating company number (OCN) from subscriber lines for which the providers make the initial long-distance call path choice. The term ''OCN'' means a four-place alphanumeric code that uniquely identifies a local exchange carrier. The term ''rural OCN'' means an operating company number that uniquely identifies an incumbent LEC that is a rural telephone company as that term is defined in Section 51.5 of the Commission's rules. Covered providers must also electronically file quarterly certified reports (via FCC Form 480) with the Commission. These reports must include specific information, separately for each month in the quarter, about call attempts to each rural OCN and to nonrural OCNs in the aggregate, including whether call attempts are ''answered,'' or signaled as ''busy,'' ''ring no answer,'' or ''unassigned number.'' The term ''nonrural OCN'' means an operating company number that uniquely identifies an incumbent LEC that is not a rural telephone company. For purposes of the Commission's recording, retention, and reporting requirements, the National Exchange Carrier Association (NECA) provides the definitive lists of rural OCNs and nonrural OCNs. Covered providers began recording the required data on April 1, 2015, and began submitting their Form 480 reports on August 1, 2015. Approximately 55 covered providers file such reports each quarter.

5. *Safe Harbor.* The Commission also adopted the Managing Intermediate Provider Safe Harbor (''Safe Harbor'') to encourage providers to reduce the number of intermediate providers in a call path before the call reaches the terminating provider or terminating tandem to no more than two. Qualifying providers that employ two or fewer intermediate providers in the call path, though required to report and retain data in the same manner as any non-qualifying provider, are limited to one year of reporting and are required to retain the information for only the three most recent complete calendar months. Two covered providers, AT&T and CenturyLink, have certified that they qualify for the Safe Harbor.

6. *Duration of Recording, Retention, and Reporting Rules.* The *2013 Rural Call Completion Order* anticipated that the need for the recording, retention, and reporting rules would decrease, particularly as the transition to a bill-and-keep regime continued. Therefore, the Commission directed the Wireline Competition Bureau to ''analyze the eight sets of reports submitted during the first two years of the data collection's effectiveness (as well as any other information the Commission receives during that period regarding the causes of and solution to rural call completion) and to publish for public comment a report on the effectiveness of the rules,'' among other issues. The Commission instructed the Bureau to publish the report no more than 90 days after the last reports are due for that two-year period (*i.e.,* by July 31, 2017). Further, to ensure that the recording, retention, and reporting rules ''do not last without review in perpetuity,'' the Commission committed to complete a proceeding to ''reevaluate whether to keep, eliminate, or amend the data collection and reporting rules three years after they become effective'' (*i.e.,* by April 2, 2018).

7. *2017 RCC Data Report.* Consistent with the Commission's directive in the *2013 RCC Order,* the Wireline Competition Bureau has released the *2017 RCC Data Report.* In the *Data Report,* the Bureau seeks to analyze the data collected in the first eight sets of quarterly reports (covering the period from April 2015 to March 2017) as directed by the Commission. The report shows, among other things: (1) A difference of approximately two percent between covered providers' median call answer rates for rural and nonrural OCNs in the aggregate; and (2) no improvement in covered providers' call answer rates to rural OCNs in the aggregate during that period. At the same time, the Bureau cautions that its confidence in the reliability of the data collected is fairly low due to several issues. These include, among others: (1) Potential inaccuracies in covered providers' categorization of call attempts (as answered, busy, ring no answer, or unassigned number) and the resulting call answer rates; (2) the inclusion of autodialer traffic—which generally has lower call answer rates—in most covered providers' reports; and (3) the inclusion of intermediate provider traffic and wholesale traffic in some covered providers' reports, which limits the utility and effectiveness of the data collection. The *Data Report* finds that as a result of these data quality issues, the Commission is generally unable to utilize the data to reliably identify rural OCNs experiencing potential rural call completion problems. These data quality issues have also hindered the Commission's ability to use the data as the sole basis for initiating enforcement actions against covered providers.

8. *Enforcement Activity and Complaints.* Before the recording, retention, and reporting rules took effect in the spring of 2015, the Enforcement Bureau completed investigations of the rural call routing practices and

performance of several long-distance voice service providers and entered into four consent decrees addressing rural call completion problems. The Bureau entered into another such consent decree in May 2016. These consent decrees included significant commitments by these providers to improve their call completion practices going forward by among other things, monitoring the performance of intermediate providers and developing internal procedures and policies to ensure the timely investigation of evidence of potential rural call completion problems. Notably, in its 2015 Consent Decree, Verizon agreed to use a form of safe harbor routing to rural incumbent LEC destinations during a three-year compliance period, which is scheduled to expire in January 2018. The Commission has also established dedicated avenues for rural consumers and carriers to report rural call completion problems and has reminded long-distance providers of their obligations when served with an informal complaint about rural call completion. While the Commission continues to receive rural call completion complaints, from 2015 to 2016, consumer complaints decreased by 57 percent and rural carrier complaints decreased by 45 percent.

9. *Pending Rural Call Completion Legislation.* Congress is currently considering legislation addressing rural call completion. On January 23, 2017, the House of Representatives passed H.R. 460, the Improving Rural Call Quality and Reliability Act of 2017 (hereinafter, the 2017 RCC Act). A companion bill, S. 96, has also been introduced in the Senate. If enacted, the 2017 RCC Act would instruct the Commission to establish a registry of and service quality standards for intermediate providers.

III. Discussion

10. We believe that rural call completion is a continuing problem and that continued Commission focus on the issue is warranted. We continue to receive rural call completion complaints from consumers as well as rural carriers. At the same time, the declining *rate* of rural call completion complaints to the Commission suggests that problems may be partially abating, and the ongoing transition to bill-and-keep will continue to reduce the incentive structure that contributes to rural call completion problems. We seek comment on this view, including on the prevalence and scope of rural call completion problems today. Regardless of commenters' views, we strongly encourage them to submit specific examples and data. Additionally, we continue to believe that a key reason for rural call completion problems is that calls to rural areas are often handled by multiple intermediate providers in the call path. We seek comment on this view. Further, we seek comment on how the transition to bill-and-keep affects the need for Commission action in this area.

A. New Rural Call Completion Requirements for Covered Providers

11. We propose to hold covered providers responsible for monitoring rural call completion performance, and particularly maintaining the accountability of their intermediate providers in the event of poor performance. We seek detailed comment below on this proposal and how best to implement it.

12. We believe that our proposal is an improvement upon our existing recording, retention, and reporting rules, and we seek comment on this view. Based on the *2017 RCC Data Report,* we question the ongoing utility of the current data collection requirements. We also recognize that any data collection imposes meaningful ongoing costs. We anticipate that our new proposed rules, when compared to the existing data collection, will be more effective and less burdensome. In particular, we believe that requiring covered providers to actively monitor and address unacceptable performance by their intermediate providers on routes to individual rural destinations—rather than requiring covered providers to submit data to the Commission that may mask call routing failures weeks or months after those failures occur—will help address potential rural call completion issues more directly and more quickly than our existing rules. At the same time, we believe that our proposal, which is consistent with existing industry best practices, will impose limited burdens on covered providers. We seek comment on these views and the need to establish new rural call completion rules for covered providers generally.

13. For purposes of any new rules, we propose to retain our existing definition of ''covered provider'' in Section 64.2101 of our rules, and we seek comment on this proposal. We also seek comment generally on the form that any new covered provider requirements should take as well as on the proposal discussed below. In addition, we seek comment on any possible alternative approaches to new rules for covered providers. For the proposal below and any potential alternative, we seek comment on its effectiveness in ensuring call completion to rural areas, its costs and benefits, and its impact on smaller providers.

1. Covered Provider Monitoring of Performance

14. Based on industry best practices as developed by ATIS as well as on our experience in enforcing rural call completion practices, we propose to require covered providers to monitor the rural call completion performance of their intermediate providers and to hold them accountable for such performance. We seek comment generally on this approach and other additional or alternative approaches to achieving our objectives. We further seek comment on whether our proposal will facilitate the Commission's ability to enforce Sections 201, 202, and 217 of the Act.

15. We recognize that there are multiple different ways to implement our proposal to require covered providers to monitor the rural call completion performance of their intermediate providers and to hold them accountable for such performance. We seek comment on how best to do so. One possible approach, which is reflected in Appendix A, is a rule that, for each intermediate provider with which it contracts as of the effective date of the rule, a covered provider must (1) monitor the intermediate provider's performance in the completion of call attempts to rural incumbent LECs from subscriber lines for which the covered provider makes the initial long-distance call path choice; and (2) based on the results of such monitoring, hold the intermediate provider accountable for such performance, including by removing an intermediate provider from a particular route after sustained inadequate performance. We seek comment on this specific formulation and on potential alternatives. Additionally, we seek comment on whether we should clarify that we would not impose liability on covered providers that make a good-faith effort to comply with any new monitoring requirements and that hold intermediate providers accountable for problems identified through such monitoring.

16. In implementing this proposal, we seek to ensure that covered providers are adequately monitoring the performance of their intermediate providers in the delivery of calls to rural areas while also giving covered providers flexibility in how they do so. Our preference would be to define meaningful, clear outcomes or actions for a covered provider and then allow covered providers flexibility in how they operate their businesses to meet these objectives. Therefore, we seek comment on the necessity and value of

a number of possible approaches to implementation. Specifically, we seek comment on the following issues:

• Should we specify performance metrics or other factors that covered providers must meet and/or performance metrics they must use to monitor and assess the call completion performance of their intermediate providers or should we leave this to the discretion of covered providers?

• Should we specify the form and frequency of the required monitoring, and if so how? For example, is ongoing automated monitoring sufficient, or should we also require periodic analysis of the resulting data (and if we require the latter, should we specify the frequency of review, such as on a monthly or quarterly basis)?

• Should we, and if so how, clarify the scope of the required monitoring of intermediate providers? For example, if we were to adopt the specific formulation discussed above, should we clarify (1) whether it must be conducted on a rural OCN-by-OCN basis; (2) whether it must be conducted for all call attempts covered by our existing rules or whether sampling should be permitted; (3) whether it should include call attempts to not only rural incumbent LECs but also rural competitive LECs; and (4) whether it should also include call attempts to nonrural incumbent LECs in the aggregate?

• Should we tie the performance monitoring requirement to industry best practices, and if so which best practices? In particular, we note that some covered providers contractually bind their intermediate providers to follow certain industry best practices, which are documented in the ATIS Call Completion Handbook. These practices include (1) prohibiting ''call looping,'' a practice in which the intermediate provider hands off a call for completion to a provider that has previously handed off the call); (2) requiring intermediate providers to ''crank back'' or release a call back to the originating carrier, rather than simply dropping the call, upon failure to find a route; and (3) prohibiting intermediate providers from processing calls so as to ''terminate and re-originate'' them (*e.g.,* fraudulently using ''SIM boxes'' or unlimited VoIP plans to re-originate large amounts of traffic in an attempt to shift the cost of terminating these calls from the originating provider to the wireless or wireline provider). These best practices have previously been supported by covered providers and rural carriers alike. Should we require covered providers to mandate that the intermediate providers with which they contract follow these or any other industry best practices? Would such a requirement be overly burdensome for those covered providers that do not already contractually bind their intermediate providers to follow these best practices? We also seek comment on the benefits and burdens of such a requirement on smaller providers.

• We seek comment on whether and how we should clarify the circumstances in which a covered provider must hold one of its intermediate providers accountable for its rural call completion performance. For example, if we adopted the specific formulation discussed above, how should we define what constitutes ''sustained inadequate performance'' by an intermediate provider?

We seek comment on any other potential implementation issues associated with our proposal, including whether we should establish any exceptions to the proposed requirements. For example, are there instances where an exception would be needed for cases in which covered providers cannot remove an underperforming intermediate provider from a particular route because no other intermediate provider is available? In addition, we seek specific comment on the benefits and burdens of our proposal on smaller providers.

17. In addition, we seek comment on any contractual issues raised by our proposed monitoring requirement. Specifically, we propose to require covered providers to monitor the performance of the intermediate providers with which they contract as of the effective date of the requirement. How would existing contracts be affected by this proposal? For example, would removal of an intermediate provider from a particular route for sustained inadequate performance entail a breach of contract or would contractual change of law provisions cover such action? Additionally, is there a subset of intermediate carriers for which our proposal would not require monitoring because that subset contracts only with other intermediate carriers and not covered providers, and if so how does this impact the effectiveness of our proposal?

18. Further, we seek comment on how we can best ensure compliance with our proposed performance monitoring requirements. For example, is a certification or audit requirement needed to ensure compliance? Why or why not? If so, how should such a requirement be implemented (*e.g.,* what should the certification include and how and when should it be filed)?

2. Additional or Alternative Proposals

19. We seek comment on any additional or alternative proposals for new rural call completion requirements for covered providers. For instance, should we require covered providers to follow some or all of the ATIS Call Completion Handbook best practices discussed above or any other industry best practices? Additionally, as an alternative to our proposal above, should we require covered providers to meet or exceed one or more numeric rural call completion performance targets or thresholds while giving them flexibility in how they do so? If so, what metric(s) should we use and what target(s) or threshold(s) should we establish? Should we require covered providers to monitor their own rural call completion performance and proactively investigate rural OCNs associated with poor performance (as evidenced by, for example, low call answer or completion rates, or repeated complaints by customers, rural LECs, or others)? Should covered providers be required to retain data on their rural call completion performance monitoring for a specified period of time? Should we require covered providers to certify that they conduct testing of new intermediate providers with whom they contract, and if so, how should that requirement be structured? Should we require covered providers to limit the number of intermediate providers that they utilize in the call path before the call reaches the terminating provider or terminating tandem, and if so, what should that number be? What are the implications of such a requirement on covered providers, intermediate providers, and consumers? Should we require covered providers to establish reasonable processes to timely investigate rural call completion complaints or other evidence of potential rural call completion problems? If such a requirement is necessary, what would be the elements of such processes? Should we require covered providers to provide and maintain updated information with the Commission on a point-of-contact within the company that is responsible for addressing rural call completion complaints (regardless of whether the complaint is from a customer of the covered provider), and should we make that contact information publicly available? For each of these potential requirements and any alternative, we seek comment on its effectiveness in addressing rural call completion problems, its costs and benefits, and its impact on smaller providers.

3. Definitions

20. For purposes of any new requirements we adopt for covered providers, we seek comment on how to define relevant terms. As with the definition of ''covered provider,'' we propose to retain the existing definitions ''intermediate provider,'' ''call attempt,'' ''long-distance voice service,'' ''initial long-distance call path choice,'' and ''affiliate'' in Section 64.2101 of the Commission's rules to the extent that these terms are used in our final rules. We seek comment on this proposal as well as on whether and how we should define any other relevant terms.

21. We seek comment in particular on how we should define ''rural'' areas for purposes of any new covered provider requirements. Our existing definition of ''rural OCN'' is based on the statutory definition of ''rural telephone company.'' Does this definition accurately capture potential call completion problems to areas that should be viewed as ''rural''? We seek comment on this issue and any potential alternatives for ensuring that our rules address call completion problems in ''rural'' areas. Further, if we decide to eliminate our existing recording, retention, and reporting requirements, should we ask NECA to continue publishing a list of rural and nonrural OCNs? Could and should this list be expanded to include rural competitive LECs? We seek comment on this issue and any alternative ways to ensure that covered providers can identify ''rural'' areas.

4. Exemption for Smaller Providers

22. We seek comment on whether smaller providers should be exempted from any new requirements applicable to covered providers. In the *2013 Rural Call Completion Order,* the Commission exempted providers that made the initial long-distance call path choice for 100,000 or fewer domestic retail subscriber lines, counting the total of all business and residential fixed subscriber lines and mobile phones and aggregated over all of the provider's affiliates, from the recording, retention, and reporting requirements. If we adopt new requirements for covered providers, is an exemption for smaller providers necessary? Why or why not? If such an exemption is necessary, should we retain the same exemption contained in our existing rules? If we retain the exemption, we propose to retain the requirement that the 100,000-subscriber-line figure include the total of all of a provider's business and residential fixed subscriber lines and mobile phones, aggregated over all of the provider's affiliates. We seek comment on this proposal.

5. Legal Authority

23. We believe that Sections 201(b) and 202(a) of the Act provide sufficient legal authority for our proposed requirements for covered providers. Practices that lead to rural call completion problems may violate the prohibition against unjust and unreasonable practices in Sections 201(b), or may violate carriers' duty under Section 202(a) to refrain from unjust or unreasonable discrimination in practices, facilities, or services. In addition, we believe that with respect to carriers, Sections 218, 220(a), and 403 of the Act grant the Commission ample authority to (1) inquire into and keep itself apprised of carriers' business management practices; (2) obtain from carriers full and complete information necessary to enable the Commission to perform the duties for which it was created; and (3) prescribe the form for these records and reports. Furthermore, we believe that Section 217 of the Act gives us authority to hold originating providers responsible for the acts, omissions, or failures of the intermediate providers with which they contract. We seek comment on these views and on any other sources of authority to address rural call completion issues. We seek comment on whether and the extent to which we have authority under Section 217 to hold originating providers responsible for the acts, omissions, or failures of intermediate providers in the call path other than those in a direct contracting relationship with the originating provider.

24. We believe the proposed requirements will help facilitate rural call completion and thereby ensure that all Americans in rural and nonrural areas receive the benefits of interconnection under Section 251(a) of the Act. As the Commission explained in the *2013 RCC Order,* Section 201(b) '''explicitly gives the FCC jurisdiction to make rules governing matters to which the 1996 Act applies,''' including matters covered by Section 251(a). As was the case with our recording, retention, and reporting rules, we believe we have authority to adopt covered provider requirements that would apply to not only interstate but also intrastate long-distance call attempts. As was the case with our recording, retention, and reporting rules, we also believe we have ancillary authority to apply the proposed requirements to covered providers that are VoIP service providers and that are not otherwise subject to our direct authority under the Act. In particular, we believe that requiring providers of VoIP service to comply with the proposed rules is ''reasonably ancillary to the effective performance of the Commission's various responsibilities'' under Sections 201(b), 202(a), and 251(a)(1). We seek comment on this analysis and any additional sources of possible legal authority for our proposed covered provider requirements.

B. Recording, Retention, and Reporting Requirements for Covered Providers

25. Consistent with the Wireline Competition Bureau's recommendations in the *2017 RCC Data Report,* we seek comment on proposals to either modify or eliminate our existing recording, retention, and reporting requirements. In adopting those rules in the *2013 RCC Order,* the Commission sought to eliminate the problem of rural call completion by (1) improving our ability to monitor rural call completion problems, and (2) aiding enforcement action in connection with providers' call completion practices as necessary. However, as discussed in the *2017 RCC Data Report,* given the data quality issues associated with the Form 480 data collection, we cannot consistently rely on the data to accurately identify rural areas with potential rural call completion problems. In addition, these data quality issues have hindered our ability to initiate enforcement action against covered providers based solely on the data collected. Therefore, we seek comment on three alternative approaches with regard to our existing rules. We believe that we have authority to adopt each of these or similar approaches, and we seek comment on this view.

26. One potential approach is to retain but modify the recording, retention, and reporting rules. We seek comment on this alternative. If we should adopt this approach, how should we modify the existing requirements in light of the lessons learned in the *2017 RCC Data Report*? Would modifying these requirements be preferable to the alternatives discussed below, and if so, why? For example, would a modified data collection assist covered providers in detecting rural call completion problems and addressing them before they grow? Consistent with the *2017 RCC Data Report,* we seek comment on the following potential modifications: (1) Whether and how to revise the call resolution categories specified in our rules (*i.e.,* answered, busy, ring no answer, and unassigned number) to reduce or eliminate the problem of uncategorized calls; (2) whether and how to account for inaccuracies in

signaling, which affect call categorization and the resulting call answer rates; (3) whether and how to require covered providers to exclude autodialer traffic, intermediate provider traffic, and/or wholesale traffic from their Form 480 reports; and (4) how to revise the Form 480 filing system to ensure consistency in the form and content of covered providers' filings. In addition, we seek comment on whether our recording, retention, and reporting requirements should cover call attempts to rural competitive LECs in addition to rural incumbent LECs. We also seek comment on other possible modifications to our recording, retention, and reporting requirements. For each of these potential modifications as well as any others that commenters recommend, we seek comment on the extent to which the potential modification would yield high-quality data that would help the Commission and/or covered providers in addressing rural call completion problems as well as the feasibility, costs, and benefits of such modifications and their impact on small providers.

27. A second possible approach is to retain the recording and retention requirement but eliminate the reporting requirement. We seek comment on this alternative and its benefits and drawbacks. If we retain the recording and retention requirement, how, if at all, should we modify those requirements?

28. A third potential approach is to eliminate the recording, retention, and reporting requirements. Would this alternative, which is reflected in Appendix A, be preferable to the other approaches discussed above? For example, in the *2017 RCC Data Report,* the Wireline Competition Bureau found that (1) even if we were to retain and modify our recording, retention, and reporting rules to address the data quality issues discussed in the *Data Report,* it is not clear that the benefits of such modifications would outweigh the costs; and (2) the necessary modifications would, at best, enable the Commission to reliably identify areas with potential rural call completion problems weeks or months after those problems have occurred. Do commenters agree with these views? We also seek comment on whether retaining the retention or reporting requirements, individually or together, would result in improved rural call completion performance. We seek comment on these and any other considerations we should take into account in determining whether to eliminate these rules.

C. Safe Harbor

29. We seek comment generally on how we should proceed with our existing Safe Harbor rule and how any Safe Harbor regime should be structured going forward. Given that problems with routing calls to rural areas often arise when multiple intermediate providers are involved in transmitting a call, we recognize the benefits of creating strong incentives for covered providers to use fewer intermediate providers in the call path and seek comment on the best means to create such incentives. If we were to retain any recording, retention, and reporting rules, should we retain or modify our existing Safe Harbor rule? In asking this question, we note that while the Safe Harbor incentivizes covered providers to adopt positive rural call completion practices, it also effectively prevents the Commission from collecting data from some of the largest covered providers.

30. If we adopt any version of the performance monitoring requirements proposed in Section III.A above, should we reduce the monitoring and certification or other obligations of covered providers that meet certain qualifications? If so, how should we reduce these obligations?

31. In any Safe Harbor regime, should we retain the three qualification requirements of our existing Safe Harbor rule? Those are that (1) the covered provider must restrict by contract any intermediate provider to which a call is directed from permitting more than one additional intermediate provider in the call path before the call reaches the terminating provider or terminating tandem; (2) any nondisclosure agreement with an intermediate provider must permit the covered provider to reveal the identity of the intermediate provider and any additional intermediate provider to the Commission and to the rural incumbent LEC(s) whose incoming long-distance calls are affected by the intermediate provider's performance; and (3) the covered provider must have a process in place to monitor the performance of its intermediate providers.

32. If we retain the qualification requirements in our existing Safe Harbor rule, should they be modified or clarified and if so, how? For example, Verizon seeks clarifications that (1) incidental or *de minimis* use of a third intermediate provider during network congestion or outages is not in conflict with the Safe Harbor; and (2) that the Safe Harbor certification applies only to traffic destined for rural incumbent LECs. We seek comment on whether we should make these or any other clarifications or modifications to the Safe Harbor if it is retained.

D. Other Potential Rules To Address Rural Call Completion

33. We seek comment on any additional measures we should take to address rural call completion problems. For example, should we adopt rules formally codifying our existing prohibitions on blocking, choking, reducing, or restricting traffic? We seek comment on our legal authority to adopt such rules, including whether there is any basis to adopt such rules for intrastate traffic. We also seek comment on what, if any, exceptions to such rules would need to be established.

34. We also seek comment on whether we should impose any requirements designed to address rural call completion issues on terminating providers or a subset thereof (*e.g.,* rural incumbent LECs). For example, Comcast previously recommended that all rural incumbent LECs be required to activate a test line in each of their end offices that originating and intermediate providers can use to conduct fully automated testing. We seek comment on the benefits and burdens of such a requirement and any other requirements for rural incumbent LECs that we should consider.

IV. Initial Regulatory Flexibility Analysis

35. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *Second Further Notice of Proposed Rulemaking* (*Second FNPRM* or *Second Further Notice*). The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *Second FNPRM.* The Commission will send a copy of the *Second FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Second FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

36. In this *Second FNPRM,* we propose changes to, and seek comment on, our rules to address ongoing problems in the completion of long-distance telephone calls to rural areas.

We are committed to ensuring that long-distance calls to *all* Americans—including rural Americans—are completed. Although we have made progress reflected by the reduced number of call completion complaints that we now receive, we can and must do better. Rural call completion problems manifest themselves in a number of ways. For example, a call may be significantly delayed, the called party's phone may never ring, or the caller may hear false ring tone or busy signals. These failures have significant public interest ramifications, causing rural businesses to lose customers, cutting families off from their relatives in rural areas, and potentially creating dangerous delays in public safety communications in such areas. While there appear to be multiple factors that cause rural call completion problems, one key factor is that a call to a rural area is often handled by numerous different providers in the call's path. In light of the complaints we continue to receive from consumers and rural carriers, we believe that rural call completion problems persist and that continued Commission action is necessary to address such problems. Additionally, we continue to believe that a key reason for rural call completion problems is that calls to rural areas are often handled by multiple intermediate providers in the call path.

37. Although we believe that we should continue to take action to address rural call completion problems, we also question the ongoing utility of our existing recording, retention, and reporting rules. In adopting those rules in the *2013 RCC Order,* the Commission sought to eliminate the problem of rural call completion by (1) improving our ability to monitor rural call completion problems, and (2) aiding enforcement action in connection with providers' call completion practices as necessary. However, as discussed in the *2017 RCC Data Report,* given the data quality issues associated with the Form 480 data collection, we cannot consistently rely on the data to accurately identify rural areas with potential rural call completion problems. In addition, these data quality issues have hindered our ability to initiate enforcement action against covered providers based solely on the data collected. Therefore, the *Second Further Notice* proposes three alternatives for proceeding with the Commission's existing recording, retention, and reporting rules. In addition, we propose to require covered providers to monitor the rural call completion performance of their intermediate providers, and to hold those intermediate providers accountable for such performance.

B. Legal Basis

38. The legal basis for any action that may be taken pursuant to the *Second FNPRM* is contained in sections 1, 2, 4(i), 201(b), 202(a), 217, 218, 220(a), 251(a), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201(b), 202(a), 217, 218, 220(a), 251(a), and 403.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

39. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rule revisions, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

40. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive small entity size standards that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 28.8 million businesses. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data published in 2012 indicate that there were 89,476 local governmental jurisdictions in the United States. We estimate that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

41. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

42. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers as defined above. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. The Commission therefore estimates that most providers of local exchange carrier service are small entities that may be affected by the rules adopted.

43. *Incumbent LECs.* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is

Wired Telecommunications Carriers as defined above. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 3,117 firms operated in that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies adopted. Three hundred and seven (307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers. Of this total, an estimated 1,006 have 1,500 or fewer employees.

44. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers, as defined above. Under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on this data, the Commission concludes that the majority of Competitive LECS, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. Also, 72 carriers have reported that they are Other Local Service Providers. Of this total, 70 have 1,500 or fewer employees. Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities.

45. We have included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

46. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers as defined above. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. U.S. Census data for 2012 indicates that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of IXCs are small entities that may be affected by our proposed rules.

47. *Local Resellers.* The SBA has developed a small business size standard for the category of Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities.

48. *Toll Resellers.* The Commission has not developed a definition for Toll Resellers. The closest NAICS Code Category is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services. Of this total, an estimated 857 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of toll resellers are small entities.

49. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable NAICS Code category is for Wired Telecommunications Carriers as defined above. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of Other Toll Carriers can be considered small. According to internally developed Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of these, an estimated 279 have 1,500 or fewer employees. Consequently, the Commission estimates that most Other Toll Carriers are small entities that may be affected by rules adopted pursuant to the Second Further Notice.

50. *Prepaid Calling Card Providers.* The SBA has developed a definition for

small businesses within the category of Telecommunications Resellers. Under that SBA definition, such a business is small if it has 1,500 or fewer employees. According to the Commission's Form 499 Filer Database, 500 companies reported that they were engaged in the provision of prepaid calling cards. The Commission does not have data regarding how many of these 500 companies have 1,500 or fewer employees. Consequently, the Commission estimates that there are 500 or fewer prepaid calling card providers that may be affected by the rules.

51. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

52. The Commission's own data—available in its Universal Licensing System—indicate that, as of October 25, 2016, there are 280 Cellular licensees that will be affected by our actions today. The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service, and Specialized Mobile Radio Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

53. *Wireless Communications Services.* This service can be used for fixed, mobile, radiolocation, and digital audio broadcasting satellite uses. The Commission defined ''small business'' for the wireless communications services (WCS) auction as an entity with average gross revenues of $40 million for each of the three preceding years, and a ''very small business'' as an entity with average gross revenues of $15 million for each of the three preceding years. The SBA has approved these definitions.

54. *Wireless Telephony.* Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. As noted, the SBA has developed a small business size standard for Wireless Telecommunications Carriers (except Satellite). Under the SBA small business size standard, a business is small if it has 1,500 or fewer employees. According to Commission data, 413 carriers reported that they were engaged in wireless telephony. Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees. Therefore, a little less than one third of these entities can be considered small.

55. *Cable and Other Subscription Programming.* This industry comprises establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (*e.g.* limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA has established a size standard for this industry stating that a business in this industry is small if it has 1,500 or fewer employees. The 2012 Economic Census indicates that 367 firms were operational for that entire year. Of this total, 357 operated with less than 1,000 employees. Accordingly we conclude that a substantial majority of firms in this industry are small under the applicable SBA size standard.

56. *Cable Companies and Systems (Rate Regulation).* The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data indicate that there are currently 4,600 active cable systems in the United States. Of this total, all but eleven cable operators nationwide are small under the 400,000-subscriber size standard. In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,600 cable systems nationwide. Of this total, 3,900 cable systems have fewer than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records. Thus, under this standard as well, we estimate that most cable systems are small entities.

57. *Cable System Operators (Telecom Act Standard).* The Communications Act also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that all but nine incumbent cable operators are small entities under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

58. *All Other Telecommunications.* The ''All Other Telecommunications'' industry is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications,'' which

consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Thus a majority of ''All Other Telecommunications'' firms potentially affected by our action can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

59. The *Second Further Notice* proposes and seeks comment on rule changes that will affect reporting, recordkeeping, and other compliance requirements. In particular, the *Second Further Notice* proposes three alternatives for proceeding with the Commission's existing rural call completion recording, retention, and reporting rules for covered providers. One proposal would modify the recording, retention, and reporting requirements. Should the Commission adopt this proposal, such action could result in increased, reduced, or otherwise altered reporting, recordkeeping, or other compliance requirements for covered providers. Another proposal would retain the recording and retention requirements but eliminate the reporting requirement. A third proposal would eliminate the recording, retention, and reporting rules. Should the Commission adopt either of these proposals, we expect such action to reduce reporting, recordkeeping, and other compliance requirements. Specifically, the proposals should have a beneficial reporting, recordkeeping, or compliance impact on small entities because many providers will be subject to fewer such burdens. The *Second Further Notice* also proposes to require covered providers to monitor the rural call completion performance of their intermediate providers, and hold those intermediate providers accountable for such performance.

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

60. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

61. The *Second Further Notice* seeks comment on three alternative proposals for proceeding with the Commission's recording, retention, and reporting requirements for covered providers. With respect to one of the alternatives (*i.e.,* modifying the recording, retention, and reporting requirements), the *Second Further Notice* expressly seeks comment on the impact of such modifications on small providers. We anticipate that two of the alternatives (*i.e.,* retaining the recording and retention requirements but eliminating the reporting requirement, or eliminating the recording, retention, and reporting requirements) would reduce compliance burdens for covered providers, and we seek comment on these alternative proposals. Additionally, the *Second Further Notice* seeks comment on whether smaller providers should be exempt from any new requirements applicable to covered providers and seeks comment on how to proceed with the existing Safe Harbor rule to further help reduce burdens on covered providers. The *Second Further Notice* also seeks comment on how to structure the proposal that covered providers monitor the performance of their intermediate providers so as to minimize burdens for small providers.

62. The *Second Further Notice* seeks comment on all of our proposals, as well as alternatives that could also address rural call completion problems while reducing burdens on small providers. In the *Second Further Notice,* we explicitly seek comment on the impact of our proposals on small providers. The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the *Second Further Notice,* in reaching its final conclusions and taking action in this proceeding.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

63. None.

V. Procedural Matters

A. Ex Parte Rules

64. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by Rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

B. Initial Regulatory Flexibility Analysis

65. Pursuant to the Regulatory Flexibility Act (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and actions considered in this *Second Further Notice of Proposed Rulemaking.* The text of the IRFA is set forth above. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comment on the *Second Further Notice of Proposed Rulemaking.* The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this *Second Further Notice of Proposed Rulemaking,* including the IRFA, to the

Chief Counsel for Advocacy of the Small Business Administration (SBA).

C. Paperwork Reduction Act

66. This document contains proposed new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

D. Contact Person

67. For further information about this proceeding, please contact Alex Espinoza, FCC Wireline Competition Bureau, Competition Policy Division, Room 5–C211, 445 12th Street SW., Washington, DC 20554, at (202) 418–0849 or *Alex.Espinoza@fcc.gov.*

VI. Ordering Clauses

68. Accordingly, *it is ordered*, pursuant to sections 1, 2, 4(i), 201(b), 202(a), 217, 218, 220(a), 251(a), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201(b), 202(a), 217, 218, 220(a), 251(a), and 403, that this *Second Further Notice of Proposed Rulemaking is adopted.*

69. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Second Further Notice of Proposed Rulemaking,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Miscellaneous rules relating to common carriers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. Amend part 64 by revising the heading of Subpart V to read as follows:

Subpart V—Rural Call Completion

■ 2. Amend § 64.2101 by removing the definitions of ''Operating company number (OCN)'' and ''Rural OCN,'' and adding a definition of ''Rural incumbent LEC'' to read as follows:

§ 64.2101 Definitions.

* * * * *

Rural incumbent LEC. The term ''rural incumbent LEC'' means an incumbent LEC that is a rural telephone company, as those terms are defined in § 51.5 of this chapter.

■ 3. Revise § 64.2103 to read as follows:

§ 64.2103 Covered Provider Rural Call Completion Practices.

For each intermediate provider with which it contracts, a covered provider shall:

(a) Monitor the intermediate provider's performance in the completion of call attempts to rural incumbent LECs from subscriber lines for which the covered provider makes the initial long-distance call path choice; and

(b) Based on the results of such monitoring, hold the intermediate provider accountable for such performance, including by removing the intermediate provider from a particular route after sustained inadequate performance.

§ 64.2105 [Removed and Reserved].

■ 4. Remove and reserve § 64.2105.

§ 64.2107 [Removed and Reserved].

■ 5. Remove and reserve § 64.2107.

§ 64.2109 [Removed and Reserved].

■ 6. Remove and reserve section 64.2109.

[FR Doc. 2017–15826 Filed 7–26–17; 8:45 am]

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Notices

Federal Register

Vol. 82, No. 143

Thursday, July 27, 2017

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 24, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 28, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E & T) Program Activity Report (Request for Additional Funds and Recordkeeping Burden).

OMB Control Number: 0584–0339.

Summary of Collection: The Balanced Budget Act of 1997 (Public Law 105–33) modified the Employment and Training (E&T) Program so that States' efforts are now focused on a particular segment of the Supplemental Nutrition Assistance Program (SNAP) population –able-bodied adults without dependents (ABAWDs).

Requests for Additional E&T Funds: 7 CFR 273.7(d)(1)(i)(D) provides that if a State agency will not expend all of the funds allocated to it for a fiscal year, FNS will reallocate unexpended funds to other State agencies during the fiscal year or the subsequent fiscal year as FNS considers appropriate and equitable. After FNS makes initial E&T allocations, under 7 CFR 273.7(d)(1)(i)(F), State agencies may request additional E&T funds if needed. FNS will reallocate available funds (*e.g.,* funds that are unallocated or funds that are allocated but will not be spent) in a fair and equitable manner.

Retention and Custody of Records. Under 7 CFR 277.12 (1) and (2), all financial records, supporting documents, statistical records, negotiated contracts, and all other records pertinent to program funds shall be maintained for three years from the date of submission of the annual financial status report or if any litigation, claim, or audit is started before the expiration of the three-year period, the applicable records shall be retained until these have been resolved.

Need and Use of the Information: FNS will review requests about their E&T programs so that the Department can monitor State performance to ensure that the program is being efficiently and economically operated. Without the information, FNS would be unable to make adjustments or allocate exemptions in accordance with the statute.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: Occasionally; Annually.

Total Burden Hours: 50.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–15804 Filed 7–26–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 24, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 28, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control

number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Importation of Tomatoes with Stems from the Republic of Korea into the United States.

OMB Control Number: 0579–0371.

Summary of Collection: Under the Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service (APHIS) regulates the importation of certain fruits and vegetables in accordance with the regulations contained in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56 through 319.56–61). Under the regulations, tomatoes with stems from the Republic of Korea may be imported into the United States under certain conditions.

Need and Use of the Information: APHIS will use the following information collection activities to collect information: Registered pest-exclusionary structure, monthly inspection of pest-exclusionary structures, records of trap placement, trapping for Bactrocera depressa, Trapping Mitigations and phytosanitary certificates with an additional declaration stating that the tomatoes were produced in accordance with the regulations.

Description of Respondents: Businesses or other for profit; Federal Government.

Number of Respondents: 3.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 57.

Animal and Plant Health Inspection Service

Title: Importation of Fresh Baby Kiwi from Chili Under a Systems Approach.

OMB Control Number: 0579–0374.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. The regulations ''Subpart-Fruit and Vegetables'' (7 CFR 319.56–1 through 319 56–58), prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are not widely distributed within the United States. The regulations allow fresh baby kiwi fruit from Chile to be imported into the continental United States subject to a system approach. The action is necessary in order to provide an alternative mitigation measure other than fumigation with methyl bromide.

Need and Use of the Information: The Animal and Plant Health Inspection Service will use the following activities to collect information: Phytosanitary Certificate, Production Site Registration, Labeling of Field Cartons or Containers, Bilateral Workplan, Low prevalence production site certification, and Phytosanitary Inspections. If the information is not collected, APHIS' ability to protect the United States from exotic insect pest would be severely compromised.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 849.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–15805 Filed 7–26–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before August 16, 2017. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 17–009. Applicant: UChicago Argonne, 9700 South Cass Avenue, Lemont, IL 60439–4873. Instrument: Electron Beams Position Processors. Manufacturer: Instrumentation Technologies, Slovenia. Intended Use: The instrument will be used to measure the precise position of the Advanced Photon Source (APS) storage ring electron beam with resolution of 50 to 100 nanometers from DC to 1000 kHz. It can also turn by turn position to the 1 micrometer level for fast 271 kHz (the turn by turn rate) beam position measurement, without which the required vertical beam stability of 400 nm will not be met. The instrument also has a daisy chain capability to accumulate and send all data from several bpm processors to the fast-orbit-feedback processor, without which data cannot be sent at 32 bpms to the local fast-orbit feedback processors at the same time. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 4, 2017.

Docket Number: 17–010. Applicant: New Mexico Institute of Mining and Technology, 801 Leroy Place, Socorro, NM 87801. Instrument: DelayLine Trolley #2 (DLT2). Manufacturer: University of Cambridge/Cavendish Lab, United Kingdom. Intended Use: The instrument will be flexure-mounted and voice-coil actuated on a motorized wheeled carriage inside each delay line pipe of the Magdalena Ridge Observatory Interferometer. The instrument's unique specifications include a wavelength of operation that covers both the visible and near infrared, between 600 nm and 2400 nm, and a limiting group-delay tracking limiting magnitude of H=14 to allow observations of extragalactic targets while tracking on the science object rather than a nearby reference star. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 1, 2017.

Docket Number: 17–011. Applicant: William Marsh Rice University, 6100 Main St., Houston, TX 77005. Instrument: 3D Laser Lithography System. Manufacturer: Nanoscribe GmbH, Germany. Intended Use: The instrument will be used to prepare materials for investigations of the mechanical, optical, electronic, and thermal properties of substrates for cell culture growth to better understand cancer propagation and tumors,

mechanical trusses with nanoscale structure to create and study light, strong composite materials and metal structures to understand and control optical properties of materials in new ways. The distinctive feature of the instrument is its computer control integrated with both sample-stage motion in three dimensions with nano-resolution, and longer-distance scanning mirror technology to cover large (hundreds of microns) distances quickly. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 8, 2017.

Docket Number: 17–012. Applicant: Lawrence Berkeley National Laboratory, One Cyclotron Road, M/S 971–PROC, Berkeley, CA 94720. Instrument: Custom undulator magnetic system mfg'd. to LBNL spec. for an accelerator research facility; (1) 1st article & (21) production units. Manufacturer: Vacuumschmelze GmbH & Co. KG, Germany. Intended Use: The instrument will be used as a core component of a free-electron-laser which produces x-rays for scientific discovery. To reach sufficiently high magnetic field values (1.3 Tesla) the instrument requires magnets with maximum field energy and poles with the highest saturation fields. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 26, 2017.

Docket Number: 17–013. Applicant: William March Rice University, 6100 Main St., Houston, TX 77005. Instrument: Professional Lab-Device electrospraying/electrospinning Unit V2.0. Manufacturer: Yflow Nanotechnology Solutions, Spain. Intended Use: The instrument will be used to prepare samples and materials for experiments. The electrospinning and electrospraying capabilities of this instrument will allow studies of the mechanical, biodegradation, optical, architectural, drug elution, biocompatibility, and cell metabolism among other such properties as materials for basic science and engineering research. The instrument is unique in its capabilities to control climate, jet diameter, micro-droplet production, fibered core-shell capsule production, core-shell capsules, and co/multi-axial designs. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 23, 2017.

Dated: July 24, 2017.

Gregory W. Campbell,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2017–15851 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–859]

Steel Concrete Reinforcing Bar From Taiwan: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (the Department) determines that imports of steel concrete reinforcing bar (rebar) from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through June 30, 2016. For information on the estimated weighted-average dumping margins of sales at LTFV, see the ''Final Determination'' section of this notice.

DATES: Applicable July 27, 2017.

FOR FURTHER INFORMATION CONTACT: Jun Jack Zhao or Kathryn Wallace, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1396 or (202) 482–6251, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 2017, the Department published the *Preliminary Determination* of this antidumping duty (AD) investigation.[1] The petitioners in this investigation are the Rebar Trade Action Coalition and its individual members.[2] The mandatory respondents in this investigation are Power Steel Co., Ltd. (Power Steel) and Lo-Toun Steel and Iron Works Co., Ltd. (Lo-Toun). Following the *Preliminary Determination,* Lo-Toun withdrew its participation as a mandatory respondent. A complete summary of the events that occurred since publication of the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the Final Issues and Decision Memorandum, which is dated concurrently with and hereby adopted by this notice.[3] The Issues and Decision Memorandum is a public document and is available electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). Access is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, Room B–8024 of the Department's main building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

The scope of the investigation covers rebar from Taiwan. The Department did not receive any scope comments and has not updated the scope of the investigation since the *Preliminary Determination.* For a complete description of the scope of this investigation, *see* Appendix I to this notice.

Analysis of Comments Received

The issues raised in the case briefs and rebuttal briefs submitted by interested parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties and responded to by the Department in the Issues and Decision Memorandum is attached at Appendix II to this notice.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), during April 2017, the Department verified the sales and cost data reported by Power Steel for use in our final determination. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by the respondent.

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[1] *See Steel Concrete Reinforcing Bar from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 82 FR 12800 (March 7, 2017) (*Preliminary Determination*).

[2] The Rebar Trade Action Coalition is comprised of Byer Steel Group, Inc., Commercial Metals Company, Gerdau Ameristeel U.S. Inc., Nucor Corporation, and Steel Dynamics, Inc.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Antidumping Duty Investigation of Steel Concrete Reinforcing Bar from Taiwan'' (Issues and Decision Memorandum).

Use of Adverse Facts Available

In making this final determination, the Department relied, in part, on facts available. As discussed in the Issues and Decision Memorandum,[4] we determine that Lo-Toun, by withdrawing its participation in the investigation, significantly impeded the investigation, submitted information that could not be verified, and failed to cooperate by not acting to the best of its ability in responding to the Department's requests for information. Therefore, we drew an adverse inference in selecting from among the facts otherwise available.[5] For further information, see the ''Use of Facts Otherwise Available and Adverse Inferences'' in the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations since the *Preliminary Determination.* These changes are discussed in Section V of the Issues and Decision Memorandum.

All-Others Rate

In accordance with section 735(c)(1)(B)(i)(I) of the Act, the Department calculated a dumping margin for the individually investigated exporters/producers of the subject merchandise. Consistent with sections 735(c)(1)(B)(i)(II) and 735(c)(5) of the Act, the Department also calculated an estimated ''all-others'' rate for exporters and producers not individually investigated. Section 735(c)(5)(A) of the Act provides that the ''all-others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding any margins that are zero or *de minimis* or any margins determined entirely under section 776 of the Act.

Because the estimated weighted-average dumping margin calculated for Lo-Toun is based entirely on facts available under section 776 of the Act, we have not utilized Lo-Toun's rate in order to calculate the all-others rate. Pursuant to section 735(c)(5), we utilized the remaining rate, which is neither zero or *de minimis* or based entirely on facts available, in order to calculate the all-others rate.

Final Determination

Pursuant to section 735 of the Act, the Department determines the estimated weighted-average dumping margins to be:

Company	Estimated weighted-average dumping margins (percent)
Power Steel Co., Ltd	3.50
Lo-Toun Steel and Iron Works Co. Ltd	32.01
All-Others	3.50

Disclosure

In accordance with 19 CFR 351.224(b), we will disclose the calculations performed within five days of any public announcement of this notice.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of rebar from Taiwan, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after March 7, 2017, the date of publication of the *Preliminary Determination.* Furthermore, the Department will instruct CBP to require a cash deposit for such entries of merchandise.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of rebar from Taiwan no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, the Department will issue an AD order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is violation subject to sanction.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: July 20, 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.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof. Subject merchandise includes deformed steel wire with bar markings (*e.g.,* mill mark, size, or grade) and which has been subjected to an elongation test.

The subject merchandise includes rebar that has been further processed in the subject country or a third country, including but not limited to cutting, grinding, galvanizing, painting, coating, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the rebar.

Specifically excluded are plain rounds (*i.e.,* nondeformed or smooth rebar). Also excluded from the scope is deformed steel wire meeting ASTM A1064/A1064M with no bar markings (*e.g.,* mill mark, size, or grade) and without being subject to an elongation test.

The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6030, 7227.90.6035, 7227.90.6040, 7228.20.1000, and 7228.60.6000.

HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

[4] *See* Issues and Decision Memorandum at 4.

[5] *See* sections 776(a) and (b) of the Act.

Appendix II

List of Topics Discussed in the Final Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Scope Comments
V. Changes Since the Preliminary Determination
VI. Use of Facts Otherwise Available and Adverse Inferences
VII. Discussion of the Issues
Comment 1: Whether a Particular Market Situation Exists With Respect to Power Steel's Billet Purchases From China
Comment 2: Whether To Apply the Department's Quarterly-Cost Methodology to Power Steel
Comment 3: Whether To Incorporate Findings From the Department's Cost Verification in the Final Determination for Power Steel
Comment 4: Whether To Rely on Adverse Facts Available for Lo-Toun's Rate
VIII. Recommendation

[FR Doc. 2017–15840 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Yale University, et al.; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC.

Docket Number: 16–027. *Applicant:* Yale University, New Haven, CT 06510. *Instrument:* Onefive Laser System Katana-08 HP. *Manufacturer:* Onefive, Switzerland. *Intended Use:* See notice at 82 FR 16796–97, April 6, 2017. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used as a depletion source to saturate STED depletion profile in samples containing both endogenously expressed fluorescent proteins as well as antibody labeled organic dyes. The experiments require a high power pulsed depletion source at a wavelength of 775 nm to saturate the depletion profile in STED microscopy to achieve resolution below the diffraction limit. The picosecond pulse profile is needed to synchronize the depletion pulse with the excitation pulse. Minimal after pulse tail and sub 100 ps pulse width are also required.

Docket Number: 17–001. *Applicant:* Barnard College, New York, NY 10027. *Instrument:* Positioner for a prototype Schwarzchild Couder Telescope (pSCT). *Manufacturer:* DESY-DeutchesElektronen-Synchrotron, Germany. *Intended Use:* See notice at 82 FR 16796–97, April 6, 2017. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used to point the pSCT at astrophysical gamma-ray sources to detect and measure optical Cherenkov light flashes produced in the Earth's atmosphere by very high energy gamma ray photons. The instrument is a unique piece constructed as part of a design project called the Cherenkov Telescope Array (CTA), which is being developed by the international astronomical community. DESY is the only company who builds an instrument of this kind.

Docket Number: 17–003. *Applicant:* Arizona State University, Tempe, AZ 85287–1504. *Instrument:* Laser-lithography system for 3-dimensional microstructuring and nanostructuring. *Manufacturer:* Nanoscribe, Germany. Intended Use: See notice at 82 FR 23191–92, May 22, 2017. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used to develop new methods of determining the atomic structure of proteins, and to make movies of molecular machines at work. It is capable of fabricating structures as small as 0.2 microns on a side, which are not limited to a planar geometry, using nozzles whose overall size is a few millimeters, with finest detail of 0.5 microns.

Docket Number: 17–004. *Applicant:* Trustees of Tufts College, Medford, MA 02155–4284. *Instrument:* Microscopy Image Acquisition Unit. *Manufacturer:* Phaseview, France. *Intended Use:* See notice at 82 FR 23191–92, May 22, 2107. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used to produce 3D images of objects in regular light microscopy, for example, biological cells, the surface of teeth, and polymers. The unique and required features include an andor camera connected to piezo driving optical objective, 3–D imaging device that uses a liquid-crystal focusing technology and so-called Ray technology to record 3–D information in one shot, and very fast mechanical noise-free recording of 3–D images of surfaces and cells.

Docket Number: 17–005. *Applicant:* Boston University, Boston, MA 02215. *Instrument:* Positioner for a prototype Schwarzchild Couder Telescope (pSCT). *Manufacturer:* DESY-DeutchesElektronen-Synchrotron, Germany. *Intended Use:* See notice at 82 FR 23191–92, May 22, 2017. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used in material science research, using a fiber laser to induce two-photon polymerization in the target material. Through sophisticated coordination of an X–Y stage and a galvo-scanner, a structure designed in a standard CAD tool can be transferred to a cube of photosensitive material in a matter of minutes. The instrument is capable of lateral feature sizes for 3D structures of less than 200 nm, and less than 150 nm for 2D structures. The instrument is able to fabricate structures up to 300 μm height with constant high resolution and quality independent of the structure height by means of a dip-in-laser lithography technique.

Docket Number: 17–006. *Applicant:* The Association of Universities for Research in Astronomy, Boulder, CO 80303. *Instrument:* M1 Cell Assembly. *Manufacturer:* Mechanical & Optical Systems, NA, Belgium. *Intended Use:* See notice at 82 FR 23191–92, May 22, 2017. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used to study the highly dynamic magnetic fields and plasmas throughout the solar atmosphere. It will provide the necessary means to support, shape and cool the DKIST primary mirror, without which the primary mirror would not

meet the stringent performance characteristics for conducting the experiments. The instrument will be able to accurately adjust the M1 Mirror optical surface by applying arbitrary Zernike correction terms to correct for telescope errors in addition to polishing errors and M1 Cell Assembly induced errors. After optics correction, the total allowed M1 Mirror optical surface figure error from all sources other than polishing residuals shall be less than 45 nm RMS after subtraction of tip tilt and focus.

Docket Number: 17–007. *Applicant:* The Association of Universities for Research in Astronomy, Boulder, CO 80303. *Instrument:* Coating and Cleaning Equipment for the Daniel K. Inouye Solar Telescope. *Manufacturer:* Advanced Mechanical & Optical Systems, NA, Belgium. *Intended Use:* See notice at 82 FR 23191–92, May 22, 2017. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used to study the highly dynamic magnetic fields and plasmas throughout the solar atmosphere. The M1 Wash Platform shall be capable of capturing washing effluent and directing it into a containment system, which shall include pumping capacity to move the effluent from the containment system into AURA supplied containers, as well as protect effluent from contaminating the bottom surface of the M1 Mirror or any other surface.

Docket Number: 17–008. *Applicant:* UChicago Argonne, Lemont, IL 60439. *Instrument:* Multiphoton 3D Lithography System. *Manufacturer:* Nanoscribe, Germany. *Intended Use:* See notice at 82 FR 23191–92, May 22, 2017. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used for rapid fabrication and prototyping of micro and nano sized parts by the means of novel technology, two-photon polymerization of UV-curable photoresists. The key and unique features of the instrument include the highest resolution (150 nanometers) among all commercially available 3D printers and ability to deposit a wide variety of materials template by transparent polymers. The high printing resolution enables sub-micron feature sizes and allows a design freedom for very complex parts with internal features otherwise impossible to produce.

Dated: July 24, 2017.

Gregory W. Campbell,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2017–15849 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Princeton University, et al. Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscope

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 16–023. Applicant: Princeton University, Princeton, NJ 08540. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 82 FR 16796–97, April 6, 2017.

Docket Number: 16–024. Applicant: The Hormel Institute, Austin, MN 55912. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: See notice at 82 FR 23191, May 22, 2017.

Docket Number: 16–025. Applicant: The Hormel Institute, Austin, MN 55912. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 82 FR 23191, May 22, 2017.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. Reasons: Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: July 24, 2017.

Gregory W. Campbell,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2017–15852 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region Permit Family of Forms

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 25, 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 Kurt Iverson, (907) 586–7228 or *kurt.iverson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

For a person to participate in Federal fisheries, the National Marine Fisheries Service (NMFS) requires a Federal Fisheries Permit (FFP), a Federal Processor Permit (FPP), or an Exempted Fishing Permit (EFP). NMFS Alaska Region created a set of commercial fishing permits that operators of vessels and managers of processors must have on board or on site when fishing, receiving, buying, or processing groundfish and non-groundfish species. The permit information provides harvest gear types; descriptions of vessels, shoreside processors, and stationary floating processors; and expected fishery activity levels. These

permits provide NMFS with a way to monitor participation in Federal fisheries.

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognizes the need for permit issuance. The requirement of a permit for marine resource users is one of the regulatory steps taken to carry out conservation and management objectives. The issuance of a permit is an essential ingredient in the management of fishery resources needed for identification of the participants, expected activity levels, and for regulatory compliance (*e.g.,* withholding of permit issuance pending collection of unpaid penalties).

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include mail and facsimile transmission.

III. Data

OMB Control Number: 0648–0206.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other profit organizations; individuals or households.

Estimated Number of Respondents: 662.

Estimated Time Per Response: Federal Fisheries Permit, 21 minutes; Federal Processor Permit, 25 minutes; and Exempted Fishing Permit, 20 hours.

Estimated Total Annual Burden Hours: 319 hours.

Estimated Total Annual Cost to Public: $864 in recordkeeping/reporting costs.

IV. Request for Comments

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

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

Dated: July 24, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–15813 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska American Fisheries Act Report

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 25, 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 Stephanie Warpinski, (907) 586–7228 or *stephanie.warpinski@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

On October 21, 1998, the President signed into law The American Fisheries Act, 16 U.S.C. 1851 (AFA). The AFA authorizes the formation of fishery cooperatives in all sectors of the Bering Sea and Aleutian Islands Management Area (BSAI) pollock fishery, grants antitrust exemptions to cooperatives in the mothership sector, and imposes operational limits on fishery cooperatives in the BSAI pollock fishery. The National Marine Fisheries Service (NMFS) issues a single pollock allocation to each cooperative, and the cooperative may make sub-allocations of pollock to each individual vessel owner in the cooperative.

With respect to the fisheries off Alaska, the AFA Program is a suite of management measures that fall into four general regulatory categories:

- Limit access into the fishing and processing sectors of the BSAI pollock fishery and that allocate pollock to such sectors (50 CFR 679.64).
- Govern the formation and operation of fishery cooperatives in the BSAI pollock fishery, including filing of cooperative contracts (50 CFR 679.61 and 679.62).
- Protection of other fisheries from spillover effects from the AFA (50 CFR 679.64).
- Govern catch measurement and monitoring in the BSAI pollock fishery, including filing of annual reports and completing and submitting inshore catcher vessel pollock cooperative catch reports (50 CFR 679.63).

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0401.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 8.

Estimated Time Per Response: AFA Annual Cooperative Report, AFA Annual Cooperative Catch Report, and AFA Cooperative Contract, 8 hours each; Incentive Plan Agreement, 50 hours; IPA Annual Report, 40 hours; and IPA appeals, 4 hours.

Estimated Total Annual Burden Hours: 366 hours.

Estimated Total Annual Cost to Public: $89 in recordkeeping/reporting costs.

IV. Request for Comments

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

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

Dated: July 24, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–15811 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska License Limitation Program (LLP) for Groundfish, Crab, and Scallops

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 25, 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 Kurt Iverson, (907) 586–7228 or *kurt.iverson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

The License Limitation Program (LLP) restricts access to the commercial groundfish fisheries, commercial crab fisheries, and commercial scallop fisheries in the Exclusive Economic Zone off Alaska except for certain areas where alternative programs exist. The intended effect of the LLP is to limit the number of participants and reduce fishing capacity in fisheries off Alaska.

For a vessel designated on an LLP license, the LLP license authorizes the type of fishing gear that may be used by the vessel, the maximum size of the vessel, an area endorsement, and whether the vessel may catch and process fish at sea or if it is limited to delivering catch without at-sea processing. LLP licenses that allow vessels to catch and process at-sea are assigned a catcher/processor endorsement. LLP licenses specify the maximum length overall (MLOA) of the vessel to which that LLP license may be assigned. The LLP may also include a species endorsement for Pacific cod in the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA).

An LLP license is required for vessels participating in directed fishing for LLP groundfish species in the BSAI or GOA, or fishing in any BSAI LLP crab fisheries. An LLP license is also required for any vessel deployed in scallop fisheries in Federal waters off Alaska (except for some diving operations).

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal are mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0334.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 79.

Estimated Time Per Response: Request to Extinguish Pacific Cod Sideboard Limits for Hook-and-Line Catcher/Processors in the Western or Central GOA, 30 minutes; Application for Transfer of Groundfish/Crab LLP License, 1 hour; Application for Transfer of Scallop LLP License, 1 hour; and Transfer appeals, 4 hours.

Estimated Total Annual Burden Hours: 130 hours.

Estimated Total Annual Cost to Public: $657 in recordkeeping/reporting costs.

IV. Request for Comments

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

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

Dated: July 24, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–15812 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Crab Arbitration

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 25, 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 Stephanie Warpinski, (907) 586–7228 or *stephanie.warpinski@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

The Crab Rationalization Program (CRP) allocates Bering Sea and Aleutian Islands (BSAI) crab resources among harvesters, processors, and coastal communities through a limited access system that balances the interests of these groups who depend on these fisheries.

The Crab Rationalization Program Arbitration System (CRPAS) is a series of steps that harvesters and processors can use to negotiate delivery and price contracts. The Arbitration System allows unaffiliated Class A individual fishing quota holders to initiate an arbitration proceeding in the event of a dispute to allow an independent third party to provide a review of harvester and processor negotiation positions and provide an independent and binding resolution to issues under dispute. To use the arbitration system, a harvester must commit deliveries to a processor and initiate a binding arbitration proceeding in advance of the season opening. The Arbitration System is designed to minimize antitrust risks for crab harvesters and processors and is intended to ensure that a reasonable price is paid for all landings.

II. Method of Collection

Methods of submittal include email, mail, and facsimile transmission.

III. Data

OMB Control Number: 0648–0516.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 2.

Estimated Time per Response: Combined Annual Arbitration Organization Report, 3 hours; Market Report, Nonbinding Price Formula, Contract Arbitrator Report, and Combined Shared Arbitration Accounting Report, 0 hours (completed by contractors).

Estimated Total Annual Burden Hours: 6 hours.

Estimated Total Annual Cost to Public: $157,701 in recordkeeping/reporting costs.

IV. Request for Comments

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

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

Dated: July 24, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–15824 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF498

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice.

SUMMARY: We, NMFS, announce receipt of a permit application (20571) to enhance the propagation and survival of species listed under the Endangered Species Act (ESA) of 1973, as amended, from the United States Fish and Wildlife Service (Service). Under permit application 20571, the Service is requesting to continue, for the next five years, hatchery and monitoring activities associated with the San Joaquin River Restoration Program (SJRRP) and the SJRRP's Salmon Conservation and Research Program. These activities of the SJRRP were previously permitted under permits 14868 and 17781. Under permit application 20571 the Service proposes to collect Central Valley spring-run Chinook salmon from Butte Creek to use as broodstock, which was not authorized by the previous permits. As part of this permit application, the Service has submitted an HGMP as an attachment to the application. This notice advises the public that the permit application and associated HGMP are available for review and comment, prior to a determination by NOAA's National Marine Fisheries Service (NMFS) on the issuance of the permit. The permit application, and attached HGMP, may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on August 28, 2017.

ADDRESSES: Written comments on the application should be submitted to the California Central Valley Office, NMFS, 650 Capitol Mall, Suite 5–100, Sacramento, CA 95814. Comments may also be submitted via fax to 916–930–3629, or by email to *Jeff.Abrams@noaa.gov* (include the permit number in the subject line of the fax or email).

FOR FURTHER INFORMATION CONTACT: Jeff Abrams, Sacramento, CA (ph.: 916–930–3614; Fax: 916–930–3629; email: *Jeff.Abrams@noaa.gov*). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened Central Valley (CV) spring-run.

Steelhead (*O. mykiss*): Threatened California Central Valley (CCV).

Authority

Enhancement permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR part 222). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; (3) are consistent with the purposes and policies of section 2 of the ESA; (4) whether the permit would further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species, taking into account the benefits anticipated to be derived on behalf of the endangered species; and additional issuance criteria [as listed at 50 CFR 222.308(c)(5)–(12)]. The authority to take listed species is subject to conditions set forth in the permit.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Permit Application Received

Permit 20571

The Service has applied for an enhancement permit under section 10(a)(1)(A) of the ESA for a period of five years that would allow take of multiple life stages of CV spring-run Chinook salmon and CCV steelhead. Hatchery activities included in the permit application would result in take of CV spring-run Chinook salmon only. Hatchery activities would be permitted pursuant to the draft final HGMP, which is attached to the permit application. Monitoring and in-river research activities, also included in the application, could result in take of both CV spring-run Chinook salmon and CCV steelhead.

The activities would occur under the auspices of the SJRRP and are related to the reintroduction of salmonids to the San Joaquin River (SJR). This Service has previously conducted reintroduction activities under 10(a)(1)(A) permits 14868 and 17781. Permit 14868, issued October 11, 2012, authorized collection of broodstock from Feather River Hatchery (FRFH) for the Interim Salmon Conservation and Research Facility (Interim Facility) and Salmon Conservation and Research Facility (SCARF), which is currently under construction. Permit 17781, issued March 21, 2014, authorized collections from FRFH for direct translocation to the SJR, the release of broodstock offspring and ancillary broodstock to the SJR, trap and haul of returning adults, and population monitoring activities. The Service is proposing to continue with previously authorized work in addition to some new activities to further reintroduction efforts.

Under the application for Permit 20571, proposed take activities for CV spring-Run Chinook salmon include: (1) Broodstock collection, (2) broodstock rearing and spawning, (3) broodstock offspring (hatchery origin) and ancillary broodstock releases, (4) release of translocated hatchery origin juveniles, and (5) trap and haul of juveniles and returning adults. Activities also include restoration area monitoring and in-river research, which could involve take of both CV spring-run Chinook salmon and CCV steelhead.

Broodstock collections, as with all hatchery activities, would occur pursuant to the attached HGMP, and include potential collections from Butte Creek (juvenile life stage), FRFH (juvenile and/or egg life stage), or/and the SJR (adult, juvenile, and/or egg life stage). The purpose of collecting individuals from Butte Creek is to help to create an SJRRP broodstock, and self-sustaining population, that is a robust representation of the genetic and phenotypic diversity of the species. As described in the HGMP, collection would be in accordance with the SJRRP genetic management goal to promote and protect genetic diversity within the reestablishing population while safeguarding against negative genetic effects to out-of-basin source and non-target populations. Details for collection by source and life stage, including quarantine and pathology testing protocols, are included in the permit application. Hatchery-produced fish and ancillary broodstock may be released at various life stages based on production targets, hatchery capacity, river conditions, and program needs. Population monitoring and evaluation may include adult monitoring by video, acoustic tracking, visual surveys, and redd and spawning surveys; juvenile monitoring may consist of various outmigrant traps, and fry emergence monitoring. For a more detailed discussion of the monitoring activities, please see the permit application package.

Public Comments Solicited

NMFS invites the public to comment on the permit application and associated HGMP during a 30 day public comment period beginning on the date of this notice. This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1529(c)). All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

Next Steps

NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a)(1)(A) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day public comment period and after NMFS has fully considered all relevant comments received. NMFS will publish notice of its final action in the **Federal Register**.

Dated: July 24, 2017.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–15803 Filed 7–26–17; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Management and Budget (''OMB'') for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before August 28, 2017.

ADDRESSES: Comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (''OIRA'') in OMB, within 30 days of the notice's publication, by either of the following methods. Please identify the comments by OMB Control No. 3038–0075.

- *By email addressed to: OIRAsubmissions@omb.eop.gov;* or
- *By mail addressed to:* Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW., Washington, DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (''CFTC'' or ''Commission'') by either of the following methods. The copies should refer to OMB Control No. 3038–0075.

- *By submission through the Commission's Web site: http://comments.cftc.gov.* Please follow the instructions for submitting comments through the Web site;
- *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; or
- *By hand delivery/courier to:* The address listed above for submission mail.

FOR FURTHER INFORMATION CONTACT: Gregory Scopino, Special Counsel, 202–418–5175, email: *gscopino@cftc.gov,* CFTC Division of Swap Dealer and Intermediary Oversight.

SUPPLEMENTARY INFORMATION:

Supporting statements. A copy of the supporting statements for the collection of information discussed herein may be obtained by visiting *http://RegInfo.gov.*

Comment instructions. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (''FOIA''), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations, 17 CFR 145.9. The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

Title: Protection of Collateral of Counterparties to Uncleared Swaps; Treatment of Securities in a Portfolio Margining Account in a Commodity Broker Bankruptcy (OMB Control No. 3038–0075). This is a request for an extension of a currently approved information collection.

Abstract: On November 6, 2013, the Commission issued final rules implementing statutory provisions pursuant to Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') and imposing requirements on swap dealers (''SD'') and major swap participants (''MSP'') with respect to the treatment of collateral posted by their counterparties to margin, guarantee, or secure uncleared swaps.[1] Additionally, the final rule includes revisions to ensure that, for purposes of subchapter IV of chapter 7 of the Bankruptcy Code, securities held in a portfolio margining account that is a futures account or a Cleared Swaps Customer Account constitute ''customer property''; and owners of such accounts constitute ''customers.''[2] Section 4s(l) of the Commodity Exchange Act (''CEA'') sets forth certain requirements concerning the rights of counterparties of SDs and MSPs with respect to the segregation of money, securities, or other property used to margin, guarantee, or otherwise secure uncleared swaps. Section 23.701 of the Commission's regulations implements part of the new statutory requirements by specifying that certain information must be provided to counterparties about the terms and conditions of segregation, including price information, to the extent that the SD or MSP has such information, and the identity of one or more independent depositories for segregated collateral. Section 23.704 implements the requirements of CEA section 4s(l)(4), which dictates that, in certain circumstances, an SD or MSP must report to the counterparty, on a quarterly basis, ''that the back office procedures of the swap dealer or major swap participant relating to margin and collateral requirements are in compliance with the agreement of the counterparties.''

As discussed above, the rules establish reporting and recordkeeping requirements that are mandated by section 4s(l) of the CEA, which states that SDs and MSPs must notify their counterparties of the right to have their initial margin segregated and to maintain the confirmations and elections related to such notices as business records. The reporting and recordkeeping requirements are necessary to implement the objectives of section 4s(1). For example, the information received by uncleared swap counterparties pursuant to § 23.701 of the Commission's regulations would alert counterparties to their statutory right, if they so choose, to have funds or property used as margin in uncleared swaps transactions with SDs and MSPs kept segregated from the property of the SD or MSP. Likewise, the information provided would further alert counterparties of the need to request such segregation if they wish to exercise this right. Similarly, the information received by uncleared swap counterparties pursuant to § 23.704 would be used to confirm that the back office procedures followed by a SD or MSP with whom they are dealing comply with the agreement of the parties. On May 12, 2017, the Commission published in the **Federal Register** a notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension. *See* 82 FR 22118 (May 12, 2017). The Commission received no relevant comments.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect the current number of registered SDs and MSPs. Accordingly, the respondent burden for this collection is estimated to be as follows:

Number of Registrants: 102.

Estimated Average Burden Hours per Registrant: 3406.

Estimated Aggregate Burden Hours: 347,412.

Frequency of Recordkeeping: As applicable.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: July 24, 2017.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2017–15857 Filed 7–26–17; 8:45 am]

BILLING CODE 6351–01–P

[1] 78 FR 66621 (Nov. 6, 2013).

[2] *Id.*

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Management and Budget (''OMB'') for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before August 28, 2017.

ADDRESSES: Comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (''OIRA'') in OMB, within 30 days of the notice's publication, by either of the following methods. Please identify the comments by OMB Control No. 3038–0091.

- *By email addressed to: OIRAsubmissions@omb.eop.gov;* or
- *By mail addressed to:* Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW., Washington, DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (''CFTC'' or ''Commission'') by either of the following methods. The copies should refer to OMB Control No. 3038–0091.

- *By submission through the Commission's Web site: http://*

comments.cftc.gov. Please follow the instructions for submitting comments through the Web site;

• *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; or

• *By hand delivery/courier to:* the address listed above for submission by mail.

FOR FURTHER INFORMATION CONTACT: Jacob Chachkin, Special Counsel, 202–418–5496, email: *jchachkin@cftc.gov;* or Joshua Beale, Special Counsel, 202–418–5446, email: *jbeale@cftc.gov,* both in the CFTC Division of Swap Dealer and Intermediary Oversight.

SUPPLEMENTARY INFORMATION:

Supporting statements. A copy of the supporting statements for the collection of information discussed herein may be obtained by visiting *http://RegInfo.gov.*

Comment instructions. All comments must be submitted in English or, if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (''FOIA''), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations, 17 CFR 145.9. The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

Title: Disclosure and Retention of Certain Information Relating to Cleared Swaps Customer Collateral (OMB Control No. 3038–0091). This is a request for an extension of a currently approved information collection.

Abstract: Part 22 of the Commission's regulations under the Commodity Exchange Act (''CEA'') establishes rules for the protection of customer collateral held by futures commission merchants (''FCM'') and derivatives clearing organizations (''DCO'') to serve as margin in cleared swaps transactions. As part of this regulatory scheme, §§ 22.2(g), 22.5(a), 22.11, 22.12, 22.16, and 22.17 impose recordkeeping and third-party disclosure requirements on FCMs and DCOs. In addition, § 22.13(c)(2) indirectly requires FCMs who post excess collateral with DCOs to perform certain computations regarding such collateral, although it is not expected to materially affect the total paperwork burden associated with Part 22.

Section 22.2(g) requires each FCM with Cleared Swaps Customer Accounts [1] to, among other things, compute daily and report to the Commission the amount of Cleared Swaps Customer Collateral [2] on deposit in such accounts, the amount of such collateral required to be on deposit in such accounts and the amount of the FCM's residual financial interest in such accounts. Section 22.5(a) requires an FCM or DCO to obtain, from each depository with which it deposits cleared swaps customer funds, a letter acknowledging that such funds belong to the Cleared Swaps Customers [3] of the FCM or DCO, and not the FCM, DCO, or any other person. Section 22.11 requires each FCM that intermediates cleared swaps for customers on or subject to the rules of a DCO, whether directly as a clearing member or indirectly through a Collecting FCM,[4] to provide the DCO or the Collecting FCM, as appropriate, with information sufficient to identify each customer of the FCM whose swaps are cleared by the FCM. Section 22.11 also requires the FCM, at least once daily, to provide the DCO or the Collecting FCM, as appropriate, with information sufficient to identify each customer's portfolio of rights and obligations arising out of cleared swaps intermediated by the FCM. Section 22.12 requires that each Collecting FCM and DCO, on a daily basis, calculate, based on information received pursuant to § 22.11 and on information generated and used in the ordinary course of business by the Collecting FCM or DCO, and record certain information about the amount of collateral required for each Cleared Swaps Customer and the sum of these amounts. Section 22.16 requires that each FCM who has Cleared Swaps Customers disclose to each of such customers the governing provisions, as established by DCO rules or customer agreements between collecting and depositing FCMs, relating to use of customer collateral, transfer, neutralization of the risks, or liquidation of cleared swaps in the event of default by a Depositing FCM [5] relating to a Cleared Swaps Customer Account. Section 22.17 requires that FCM produce a written notice of the reasons and the details concerning withdrawals from Cleared Swaps Customers Account not for the benefit of Cleared Swap Customers if such withdrawal will exceed 25% of the FCMs residual interest in such account.

The Commission believes that the information collection obligations imposed by Commission regulations in §§ 22.2(g), 22.5(a), 22.11, 22.12, 22.16, and 22.17 are essential (i) to ensuring that FCMs and DCOs develop and maintain adequate customer protections and procedures over Cleared Swap Customer funds as required by the CEA, and Commission regulations, and (ii) to the effective evaluation of these registrants' actual compliance with the CEA and Commission regulations. On April 24, 2017, the Commission published in the **Federal Register** a notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension. *See* 82 FR 18900 (April 24, 2017). The Commission received no comments.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect the current number of affected registrants. Accordingly, the respondent burden for this collection is estimated to be as follows:

Number of Registrants: 68.

Estimated Average Burden Hours per Registrant: 365.

Estimated Aggregate Burden Hours: 24,820.

Frequency of Recordkeeping: As applicable.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: July 21, 2017.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2017–15767 Filed 7–26–17; 8:45 am]

BILLING CODE 6351–01–P

[1] For the definition of Cleared Swaps Customer Account, *see* 17 CFR 22.1.

[2] *Id.*

[3] *Id.*

[4] *Id.*

[5] *Id.*

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–84]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

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

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* 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 16–84 with attached Policy Justification and Sensitivity of Technology.

Dated: July 24, 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 05 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. 16-84, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance for the Kingdom of Saudi Arabia for defense articles and services estimated to cost $662 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
4. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 16–84

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:* Kingdom of Saudi Arabia

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$482 million
Other	$180 million
Total	$662 million

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

Major Defense Equipment (MDE):

Twenty-six (26) each AN/TPQ–53(V) Radar Systems to include Solid State Phased Array Radar with KN–4083 Selective Availability Anti-Spoofing Module (SAASM) enhanced Land/Sea Inertial Navigation System (INS) and automatic leveling system

Eight hundred and forty (840), M931 Full Range Training Round, 120mm Projectiles with M781 fuzes (for live fire exercise)

Two thousand, two hundred and forty (2,240), M107, 155MM Projectiles with M557 fuzes (for live fire exercise)

Non-MDE includes:

Single Channel Ground and Airborne Radio Systems (SINCGARS) and accessories; Defense Advanced Global Positioning System (GPS) Receiver (DAGR) equipment and accessories; Miltope laptops and accessories; Medium Tactical Vehicles FMTV M1092 5-ton trucks/chassis with support and accessories; software support; support equipment; classroom simulators; government furnished equipment; technical manuals and publications; essential spares and repair parts; consumables; live fire exercise and ammunition; tools and test equipment; training; transportation; U.S. Government technical support and logistic support; contractor technical support; repair and return support; quality assurance teams; in-country

Field Service Representative (FSR) and other associated equipment and services.

(iv) *Military Department:* Army (ZAI)

(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 Annex Attached

(viii) *Date Report Delivered to Congress:* June 5, 2017

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

POLICY JUSTIFICATION

Kingdom of Saudi Arabia—AN/TPQ–53(V) Radar Systems and Related Support

The Government of the Kingdom of Saudi Arabia has requested a possible sale of twenty-six (26) AN/TPQ–53(V) Radar Systems to include Solid State Phased Array Radar with KN–4083 Selective Availability Anti-Spoofing Module (SAASM) enhanced Land/Sea Inertial Navigation System (INS) and automatic leveling system; Eight hundred and forty (840), M931, 120mm Projectiles with M781 fuzes (for live fire exercise); Two thousand, two hundred and forty (2,240), M107, 155MM Projectiles with M557 fuzes (for live fire exercise); Single Channel Ground and Airborne Radio Systems (SINCGARS) and accessories; Defense Advanced Global Positioning System (GPS) Receiver (DAGR) equipment and accessories; Miltope laptops and accessories; Medium Tactical Vehicles FMTV M1092 5-ton trucks/chassis with support and accessories; software support; support equipment; classroom simulators; government furnished equipment; technical manuals and publications; essential spares and repair parts; consumables; live fire exercise and ammunition; tools and test equipment; training; transportation; U.S. Government technical support and logistic support; contractor technical support; repair and return support; quality assurance teams; in-country Field Service Representative (FSR) and other associated equipment and services. The total estimated program cost is $662 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of an important partner which has been and continues to be a leading contributor of political stability and economic growth in the Middle East.

Saudi Arabia intends to use these radars to support its border security requirements and modernize its armed forces with a more current capability to locate and counter the source of incoming ballistic artillery, rockets, and mortars. This will contribute to Saudi Arabia's goal to update its military capability while further enhancing greater interoperability among Saudi Arabia, the United States and other allies. Saudi Arabia 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.

The Lockheed Martin Corporation, Liverpool, New York, is the principal contractor for the AN/TPQ–53 (V) Radars. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require U.S. Government or contractor representatives to travel to the Kingdom of Saudi Arabia for a period of four (4) months for in-processing/fielding, system checkout and new equipment training, as well as providing the support of two in-country FSRs for two years.

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

Transmittal No. 16–84

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 AN/TPQ–53(V) radar system is a highly mobile radar that automatically detects, classifies, tracks, and locates the point of origin of projectiles fired from mortar, artillery and rocket systems with sufficient accuracy for first round fire for effect. It mitigates close combat radar coverage gaps and replaces the AN/TPQ–36 and AN/TPQ–37 Firefinder Radars; fully supporting Brigade Combat Teams (BCT), Division Artilleries (DIVARTYs), and Field Artillery (FA) Brigades. Designed to be transported by ship, trucks, train, or aircraft, it is capable of deploying as part of the counter-rocket, artillery, and mortar system of systems to provide a sense and warn capability for fixed and semi-fixed sites. The AN/TPQ–53(V) provides a net ready system with increased range and accuracy throughout a 90 degree search sector (stare mode) as well as 360-degree coverage (rotating).

a. The Active Electronically Scanned Array (AESA) hardware design of the AN/TPQ–53(V) is UNCLASSIFIED. Foreign source systems of similar design and capability are available in advanced industrial nations such as Sweden and Israel.

b. The AN/TPQ–53(V) software gives it an enhanced capability in terms of target detection and classification in an Electronic Countermeasure (ECM) environment. Release of detailed knowledge of the software code or test data could aid an adversary trying to identify ways of countering the detection capabilities of the AN/TPQ–53(V) or improve the performance of their own radar systems. Although the detection, classification technology, and concept used in the AN/TPQ–53(V) has been utilized for more than a decade, the ability to incorporate such technology on a solid state air cooled radar would be a major technological improvement. The software is UNCLASSIFIED. The system is classified SECRET when employed in a theater of operations.

c. The Single Channel Ground and Airborne Radio System (SINCGARS) is a tactical radio providing secure jam-resistant voice and data communications of command, control, targeting, and technical information for the AN/TPQ–53(V) radar system. The spread-spectrum frequency hopping Electronic Counter-Counter Measures (ECCM) technology resident in the radio is sensitive but UNCLASSIFIED. While sensitive, the frequency-hopping algorithms used to generate the ECCM waveform are unique to the country of ownership and cannot be manipulated by potential adversaries for use or interference with other countries possessing SINCGARS technology. Should a potential adversary come into possession of one of these radios, they would have the potential to intercept operational command, control, and targeting information. This potential problem is mitigated by the fact that the customer can secure information passed over the radio network using a commercial grade security capability equivalent to an AES 256-bit encryption system whose keys are controlled by the customer country.

d. The Defense Advanced Global Positioning System (GPS) Receiver (DAGR) is a handheld GPS location device with map background displaying the user's location. Unlike commercial grade GPS receivers capable of receiving Standard Positioning Signals (SPS) from GPS satellites, the DAGR is capable of receiving Precise Positioning Signals (PPS). PPS satellite signals provide significantly more accurate location data than do SPS signals. This capability within DAGR is possible due to the Selective Availability Anti-Spoofing Module (SAASM). The SAASM is an

encrypted device permitting both receipt of PPS signals and the benefit of preventing potential adversaries from spoofing the system to display incorrect location information. The SAASM capability within the DAGR is sensitive but UNCLASSIFIED. The SAASM capabilities are sensitive due to the system's ability to access restricted PPS GPS satellite signals and to prevent spoofing. While sensitive, the ability of potential adversaries to exploit the system are limited. The SAASM chip goes through a special process of loading encryption signals and unique access codes keyed to the customer country. These processes are strictly controlled by the US Air Force. If the DAGR is compromised, the US Air Force can cut off the device access to PPS signals and the anti-spoofing capability.

e. The same SAASM capabilities resident in the DAGR are also resident in the AN/TPQ–53(V) KN–4083 Inertial Navigation System (INS). The KN–4083 is a SAASM enhanced INS capability with a 3-axis Monolithic Ring Laser Gyro allowing extremely accurate location as well as 3-axis accelerometer to provide angular information regarding the radar position (i.e. pitch, roll, and azimuth data). While inertial navigation and accelerometer capabilities are well-known, the SAASM capability within the system makes it sensitive but UNCLASSIFIED. As with the DAGR, the US Air Force can cut off access to PPS signals and anti-spoofing capabilities, minimizing impacts should a potential adversary obtain the system.

2. If a technologically advanced adversary were to obtain knowledge of the specific radar hardware and software elements, the information could be used to identify ways of countering the detection capabilities of the AN/TPQ–53(V) Radar System or improve the performance of their radar systems. Testing and identification of methods to defeat the AN/TPQ–53(V) ECCM capabilities would lead to improvements in the overall effectiveness of an adversary's system and improve their survivability.

3. A determination has been made that Saudi Arabia can provide substantially the same degree of protection for the 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.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Kingdom of Saudi Arabia.

[FR Doc. 2017–15810 Filed 7–26–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–40]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

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

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* 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 17–40 with attached Policy Justification and Sensitivity of Technology.

Dated: July 24, 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

JUL 10 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. 17-40, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost $58.2 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. 17–40

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 the Netherlands

(ii) *Total Estimated Value:*

Major Defense Equipment *	$30.0 million
Other	$28.2 million
Total	$58.2 million

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

Foreign Military Sales (FMS) case NE–B–WGC for Aircraft Survivability Equipment (ASE) for the Netherlands' AH–64D Apache helicopters, was below the congressional notification threshold at $8.2M (all non-MDE) and included a total of thirty-three (33) AN/AVR–2B laser detecting sets and communications, logistics and support equipment. The Netherlands has requested the case be amended to include the Common Missile Warning Systems (CMWS). This amendment, which will add $30M of MDE and $20M of non-MDE, will push the current case above the congressional notification threshold, requiring notification of the entire case before the amendment can be offered.

Major Defense Equipment (MDE):

Thirty-two (32) AN/AAR–57A(V)7 Common Missile Warning Systems (CMWS)

Non-MDE:

Thirty-three (33) AN/AVR–2B laser detecting sets, mission equipment, hardware and services required to implement customer unique post modifications, communications and navigation equipment, special tools and test equipment, ground support equipment, technical data, publications, MWO/ECP, technical assistance, and training, and other related elements of logistics and program support.

(iv) *Military Department:* Army (XX–B–WGC Amend 1)

(v) *Prior Related Cases, if any:* NE–B–WES

(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:* July 10, 2017

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

POLICY JUSTIFICATION

Government of the Netherlands—AN/AAR–57A(V)7 Common Missile Warning System (CMWS)

The Government of the Netherlands has requested the possible sale of thirty-two (32) AN/AAR–57A(V)7 Common Missile Warning Systems (CMWS). This would be in addition to the thirty-three (33) AN/AVR–2B laser detecting sets with various support elements included in an earlier FMS case valued at $8.2M. Also included in the amended FMS case would be mission equipment, hardware and services required to implement customer unique post modifications, communication and navigation equipment, special tools and test equipment, ground support equipment,

technical data, publications, MWO/ECP, technical assistance, and training, and other related elements of logistics and program support. The estimated total case value is $58.2 million.

This proposed sale will enhance the foreign policy and national security objectives of the United States by helping to improve the security of the Netherlands which has been, and continues to be an important force for political stability and economic progress in Europe. It is vital to the U.S. national interest to assist the Netherlands to develop and maintain a strong and ready self-defense capability.

The proposed sale will improve the Netherlands' capability to meet current and future threats and will be employed on the Netherlands' AH–64D Apache helicopters. The Netherlands will use the enhanced capability to strengthen its homeland defense, deter regional threats, and provide direct support to coalition and security cooperation operations. The Netherlands will have no difficulty absorbing these systems into its armed forces.

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

The principal contractor will be BAE Systems, Nashua, NH. There are no known offset agreements proposed in connection with this potential sale.

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

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

Transmittal No. 17–40

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 AN/AAR–57A(V)7 CMWS is the detection component of the suite of countermeasures designed to increase survivability of current generation combat aircraft and specialized special operations aircraft against the threat posed by infrared guided missiles.

2. The KIV–77, is a Common Crypto Applique for Identification Friend or Foe (IFF) that provides Mode 4/5 capability. The KIV–77 can be removed from the host and stored as an UNCLASSIFIED Controlled Cryptographic Item (CCI).

3. A determination has been made that the Government of the Netherlands 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.

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

[FR Doc. 2017–15832 Filed 7–26–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension With Changes

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: EIA has submitted an information collection request to OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension with changes of its Petroleum Marketing Program, OMB Control Number 1905–0174. The Petroleum Marketing Program collects and publishes data on the nature, structure, and efficiency of petroleum markets at national, regional, and state levels. Through integration of the program's ten surveys, EIA monitors petroleum volumes and prices as the commodity moves through various stages such as the importation of raw material, physical and financial transfer of material off extraction sites, refinement to finished products, transfer/distribution from refiners to retail outlets, and sales to ultimate consumers.

DATES: Comments regarding this proposed information collection must be received on or before August 28, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503. And to Ms. Tammy Heppner, U.S. Department of Energy, U.S. Energy Information Administration, EI–25, 1000 Independence Avenue SW., Washington, DC 20585, *tammy.heppner@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Tammy Heppner, *tammy.heppner@eia.gov, https://www.eia.gov/survey/notice/marketing2017.cfm.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1905–0174;

(2) *Information Collection Request Title:* Petroleum Marketing Program. The surveys included in this information collection request are:

- EIA–14, *Refiners' Monthly Cost Report*
- EIA–182, *Domestic Crude Oil First Purchase Report*
- EIA–782A, *Refiners'/Gas Plant Operators' Monthly Petroleum Product Sales Report*
- EIA–782C, *Monthly Report of Prime Supplier Sales of Petroleum Products Sold For Local Consumption*
- EIA–821, *Annual Fuel Oil and Kerosene Sales Report*
- EIA–856, *Monthly Foreign Crude Oil Acquisition Report*
- EIA–863, *Petroleum Product Sales Identification Survey*
- EIA–877, *Winter Heating Fuels Telephone Survey*
- EIA–878, *Motor Gasoline Price Survey*
- EIA–888, *On-Highway Diesel Fuel Price Survey*

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* The purpose of the agency's petroleum product price, supply, and market distribution information collection is to provide data pertaining to the nature, structure, and operating efficiency of petroleum markets. The surveys in this petroleum program collect volumetric and price information needed to determine supply and demand for crude oil and refined petroleum products.

These data are published by EIA on its Web site, *http://www.eia.gov,* as well as in publications such as the *Monthly Energy Review* (*http://www.eia.gov/totalenergy/data/monthly/*), *Annual Energy Review* (*http://www.eia.gov/totalenergy/data/annual/*), *Petroleum Marketing Monthly* (*http://www.eia.gov/oil_gas/petroleum/data_publications/petroleum_marketing_monthly/pmm.html*), *Weekly Petroleum Status Report* (*http://www.eia.gov/oil_gas/petroleum/data_publications/weekly_petroleum_status_report/wpsr.html*),

and the International Energy Outlook (*http://www.eia.gov/forecasts/ieo/*).

(4a) Proposed Changes to Information Collection:

Form EIA–182: Domestic Crude Oil First Purchase Report

EIA is replacing ''North Dakota Sweet'' crude stream with ''North Dakota Bakken'' crude stream. This is due to increased crude oil production of the Bakken crude steam, and will provide accurate price estimates for the domestic crude stream. ''North Dakota Sweet'' purchase information will continue to be collected in the ''Other North Dakota,'' category.

EIA–877: Winter Heating Fuels Telephone Survey

EIA is adding annual sales volumes of residential heating oil for statistical estimation purposes. The addition of the annual heating oil sales volumes improves the accuracy of price estimates because it provides a more accurate method to calculate a weighted average point-in-time price.

Form EIA–878: Motor Gasoline Price Survey

EIA is collecting annual sales volumes of motor gasoline of regular, mid, and premium grades on a triennial basis. The survey will collect this information from corporate offices of suppliers of whole sale and retail gasoline, hypermarkets, and individual station owners. EIA will use annual sales volumes of motor gasoline to determine the measure of size and weights for the outlets sampled. EIA is also updating its frame of retail gasoline outlets and reselecting a sample of retail outlets utilizing a new sample design. The new sample will replace the current sample that reports on Form EIA–878.

(5) *Annual Estimated Number of Respondents:* 10,578

(6) *Annual Estimated Number of Total Responses:* 125,490

(7) *Annual Estimated Number of Burden Hours:* 48,690

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $3,775,000. The cost of the burden hours is estimated to be $3,586,506 (48,690 burden hours times $73.66 per hour). EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S. C. 772(b) and the DOE Organization Act of 1977, Pub. L. 95–91, codified at 42 U.S.C. 7101 *et seq.*

Issued in Washington, DC, on July 24, 2017.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, Energy Information Administration.

[FR Doc. 2017–15845 Filed 7–26–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Information Collection Extension

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: EIA, pursuant to the Paperwork Reduction Act of 1995, intends to extend (with changes) for three years with the Office of Management and Budget (OMB), Form GC–859 *Nuclear Fuel Data Survey,* OMB Control Number 1901–0287. Form GC–859 *Nuclear Fuel Data Survey* collects data on spent nuclear fuel from all utilities that operate commercial nuclear reactors and from all others that possess irradiated fuel from commercial nuclear reactors. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; ways to enhance the quality, utility, and clarity of the information to be collected; and 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.

DATES: Comments regarding this proposed information collection must be received on or before September 25, 2017. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Marta Gospodarczyk, Office of Electricity, Coal, Nuclear, and Renewables Analysis, EI–34, Forrestal Building, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, or by email at *marta.gospodarczyk@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Marta Gospodarczyk at the contact information given above. Form GC–859 is available on the internet at *https://www.eia.gov/survey/#gc-859.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1901–0287.

(2) *Information Collection Request Title:* Nuclear Fuel Data Survey.

(3) *Type of Request:* Renewal.

(4) *Purpose:* The Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 *et seq.*) required that the DOE enter into Standard Contracts with all generators or owners of spent nuclear fuel and high-level radioactive waste of domestic origin. Form GC–859 (formerly Form RW–859) originated from an appendix to this Standard Contract.

Form GC–859 *Nuclear Fuel Data Survey* collects information on nuclear fuel use and spent fuel discharges from all utilities that operate commercial nuclear reactors and from all others that possess irradiated fuel from commercial nuclear reactors. The data collection provides stakeholders with detailed information concerning the spent nuclear fuel generated by the respondents (commercial utility generators of spent nuclear fuel and other owners of spent nuclear fuel within the U.S.).

Data collected from the survey are utilized by personnel from DOE Office of Nuclear Energy (NE), DOE Office of Environmental Management (EM), and the national laboratories to meet their research objectives of developing a range of options and supporting analyses that facilitate informed choices about how best to manage spent nuclear fuel (SNF).

(4a) Proposed Changes to Information Collection

- Collection of fuel manufacturer and lattice size used in Section C.1.1 of the 2013 GC–859 will be replaced by fuel assembly type codes in Section C.1.3. Fuel assembly type codes were last collected in the 2003 RW–859. Selection boxes were added to this section to reduce reporting burden. Respondents may mark the fuel assembly type code based on the reactor design, previously used fuel types, range of assembly identification numbers, and initial cycle in core. Identification of fuel assembly type provides significantly more information to analyze the spent fuel.
- Cumulative cycle burnup for each assembly is added to Section C.1.2 of the survey. Respondents may voluntarily report this data. Assembly

burnup data by cycle is used to calculate discharged fuel characteristics and obtain fundamental parameters needed for spent fuel safety analyses.

• Section C.1.4 is added to the survey to collect data on all discharged fuel that is shipped or transferred to other storage sites (since January 1, 2003). This information was last collected in the 2003 using Form RW–859 and allows the tracking of all spent nuclear fuel discharged by commercial reactors, regardless of current ownership or transit status.

• Section C.2 'Projected Assembly Discharges' is deleted since this data is no longer needed for analysis.

• Section C.3.3.1 requests information for consolidated, reconstituted, reconstructed fuel assemblies. A drop-down menu was created with these three choices of fuel assemblies.

• A note is added in Section D.3.2 'Multi-Assembly Canisters/Casks Inventory' to capture deviations from standard operating procedures related to drying, backfilling, leak testing, or pad transfer processes.

• Dry cask loading pattern maps with orientation details are added to Section D.3.3 of the survey. For each canister/cask model, respondents provide or reference a loading map that clearly indicates identifiers for basket cell locations relative to fixed drain and vent port locations. For systems stored horizontally, the map indicates which direction is up when placed in a horizontal storage module. The dry cask loading pattern data facilitates detailed as-loaded analyses and enables the quantification of realistic safety margins and conditions.

• Section E.2 'Non-fuel Components Integral to an Assembly' is deleted and the data on non-fuel components integral to an assembly should be reported in Section C.1.1.

• Schedule G is deleted. This schedule was used to collect comments. It is easier for respondents to provide comments when completing a schedule so the new form will collect comments after each section.

• A copy of Standard Contract (10 CFR 961.11) Appendix E *General Specifications* is added to the survey for the convenience of the respondents.

• The following terms have either been added or updated to match the definition prescribed by the Standard Contract; Canister, DOE Facility, Failed Fuel, Multi-Assembly Canister/Cask, Non-fuel Component Identifier, Non-standard Fuel and Reconstructed Assembly.

• DOE proposes to use Form GC–859 to collect information once every three years. Reporting once every three years reduces respondent burden by permitting all new data for the multiyear period to be reported in one report.

(5) *Annual Estimated Number of Respondents:* 125 respondents with one response each.

(6) *Annual Estimated Number of Total Responses:* The annual number of total responses is 42.

(7) *Annual Estimated Number of Burden Hours:* 3,746.7 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours. The information is maintained in the normal course of business. The cost of the burden hours is estimated to be $275,980 (3,746.7 burden hours times $73.66 per hour). EIA estimates that there are no additional costs to respondents associated with the survey other than the costs associated with the burden hours.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772(b) and the DOE Organization Act of 1977, Pub. L. 95–91, codified at 42 U.S.C. 7101 *et seq.* The Nuclear Waste Policy Act of 1982 codified at 42 U.S.C. 10222 *et seq.*

Issued in Washington, DC, on July 3, 2017.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, Energy Information Administration.

[FR Doc. 2017–15846 Filed 7–26–17; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0008; FRL–9963–51]

Pesticide Product Registration; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

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

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the EPA Registration Number of interest as shown in the body of this document by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one

complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

EPA Registration Number: 100–1471, 100–1475, 100–1478, 100–1480. *Docket ID number:* EPA–HQ–OPP–2017–0167. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Benzovindiflupyr. *Product type:* Fungicide. *Proposed use:* Grasses grown for seeds. *Contact:* RD.

EPA Registration Number: 100–1489. *Docket ID number:* EPA–HQ–OPP–2016–0610. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Chlorantraniliprole. *Product type:* Insecticide. *Proposed Use:* Greenhouses; commercial, ornamental plant nurseries. *Contact:* RD.

EPA Registration Number or File Symbol: 100–RARO. *Docket ID number:* EPA–HQ–OPP–2017–0173. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300 Greensboro, NC 27419. *Active ingredient:* Thiamethoxam. *Product type:* Insecticide. *Proposed Use:* Termiticide. *Contact:* RD.

EPA Registration Numbers: 279–3149, 279–3220, 279–3370. *Docket ID number:* EPA–HQ–OPP–2017–0072. *Applicant:* FMC Corporation, 2929 Walnut Street, NW., Philadelphia, PA 19104. *Active ingredient:* Sulfentrazone. *Product type:* Herbicide. *Proposed use:* Peppermint, spearmint, chia, teff, a crop group expansion for the stalk and stem vegetable subgroup 22A, and crop group conversions for the brassica vegetable, head and stem group 5–16, the brassica leafy greens subgroup 4/16B, and the tree nut group 14–12. *Contact:* RD.

EPA Registration Number: 55146–97, 55149–99. *Docket ID number:* EPA–HQ–OPP–2017–0089. *Applicant:* Nufarm Americas Inc., 4020 Aerial Center Parkway, Suite 101, Morrisville, NC 27545. *Active ingredient:* Oxytetracycline. *Product type:* Bactericide/Fungicide. *Proposed use:* Cherry sweet; Cherry, tart. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: June 6, 2017.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–15750 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9965–22–OW]

Notice of Open Meeting of the Environmental Financial Advisory Board (EFAB)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: The EPA's Environmental Financial Advisory Board (EFAB) will hold a public meeting on August 22–23, 2017. EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities.

The purpose of this meeting is to hear from informed speakers on environmental finance issues, proposed legislation, and EPA priorities; to discuss activities, progress, and preliminary recommendations with regard to current EFAB work projects; and to consider requests for assistance from EPA program offices. Environmental finance discussions and presentations are expected on, but not limited to, the following topics: Decentralized wastewater systems; lead risk reduction; public-private partnerships; domestic recycling programs; water infrastructure financing and environmental justice; water quality restoration in the Chesapeake Bay Watershed; Rural Alaska Waste Backhaul Service Program; and drinking water and clean water state revolving fund (SRF) funding to address lead fixture replacement projects. The meeting is open to the public; however, seating is limited. All members of the public who wish to attend the meeting must register, in advance, no later than Monday, August 7, 2017.

DATES: The full board meeting will be held Tuesday, August 22, 2017 from 1:30 p.m.–5:00 p.m., and Wednesday, August 23, 2017 from 9:00 a.m.–5:00 p.m.

ADDRESSES: Marriott Kansas City Overland Park, 10800 Metcalf Avenue, Overland Park, KS 66210.

FOR FURTHER INFORMATION CONTACT: For information on access or services for individuals with disabilities, or to request accommodations for a disability, please contact Sandra Williams at (202) 564–4999 or *williams.sandra@epa.gov,* at least 10 days prior to the meeting to allow as much time as possible to process your request.

Dated: July 11, 2017.

Sheila Frace,

Acting Director, Office of Wastewater Management, Office of Water.

[FR Doc. 2017–15723 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0141; FRL–9963–92]

Certain New Chemicals or Significant New Uses; Statements of Findings for May 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from May 1, 2017 to May 31, 2017.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Greg Schweer, Chemical Control Divison (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 202–564–8469; email address: *schweer.greg@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY

14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0141, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from May 1, 2017 to May 31, 2017.

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

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Web site link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA Case Number: P–16–0588; *Chemical identity:* Alkyl methacrylate, polymer with alkyl acrylate and polyesters; polymer exemption flag (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-61.*

EPA Case Number: P–16–0303; *Chemical identity:* Alkyl methyacrylate polymer with styrene, amino acrylate and acrylic acid, ammonium salt; polymer exemption flag (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-60.*

EPA Case Number: P–17–0237–0238; *Chemical identity:* (P–17–0237): 1,6,10-Dodecatriene, 7,11-dimethyl-3-methylene-, (6E)-, homopolymer, hydrogenated, 2-hydroxyethyl-terminated (CASRN: 2007163–33–7). (P–17–0238): 1,6,10-Dodecatriene, 7,11-dimethyl-3-methylene-, (6E)-, homopolymer, 2-hydroxypropyl-terminated, hydrogenated (CASRN: 1912453–88–3); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-59.*

EPA Case Number: P–17–0256; *Chemical identity:* Carbopolycyclic dicarboxylic acid, dialkyl ester, polymer with dialkyl carbomonocyclic diester, dialkyl substituted carbomonocyclic diester alkali metal salt and alkanediol; polymer exemption flag (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-58.*

EPA Case Number: P–17–0207; *Chemical identity:* 2-alkenoic acid, 2 alkyl, 2 alkyl ester, polymer with alkyl alkenoate, carbomonocyle, alkyl alkenoate and alkyl alkenoate, alkyl peroxide initiated; polymer exemption flag (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-*

control-act-tsca/tsca-section-5a3c-determination-57.

EPA Case Number: P–17–0246; *Chemical identity:* Polycarbonate polyol (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-56.*

EPA Case Number: P–16–0578; *Chemical identity:* Alkenoic acid, alkyester, polymer with N-(dialkyl-oxoalkyl)-alkenamide, alkenylbenzene, alkyl alkenoate and alkenoic acid; polymer exemption flag (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-55.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 20, 2017.

Greg Schweer,

Chief, New Chemicals Management Branch, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–15735 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9965–33–Region 9]

525 South Flower Street, Burbank, California; Notice of Proposed CERCLA Administrative Settlement Agreement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), notice is hereby given of a proposed administrative settlement with Jim Schnieders, in his capacity as Trustee of the Irma King Trust, to resolve the trust's civil liability for response costs related to the San Fernando Valley Area 2 Superfund Site (the Site). EPA enters into the settlement pursuant to Section 122(h)(1) of CERCLA. The settlement requires the Irma King Trust to pay $30,000 to resolve its liability pursuant to Section 107(a) of CERCLA for past and future response costs that EPA has incurred or will incur at the Site. The settlement includes a covenant not to sue pursuant to Sections 106 or 107(a) of CERCLA. For thirty (30) days following the date of publication of this Notice in the **Federal Register**, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate the proposed settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Pursuant to Section 122(i) of CERCLA, EPA will receive written comments relating to this proposed settlement for thirty (30) days following the date of publication of this Notice in the **Federal Register**.

ADDRESSES: The proposed settlement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Tessa Berman, EPA Region IX, 75 Hawthorne Street, ORC–3, San Francisco, CA 94105, telephone number 415–972–3472. Comments should reference 525 South Flower Street, Burbank, California and should be addressed to Ms. Berman at the above address.

FOR FURTHER INFORMATION CONTACT: Tessa Berman, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972–3472; fax: (417) 947–3570; email: *berman.tessa@epa.gov.*

Dated: July 5, 2017.

Enrique Manzanilla,

Director, Superfund Division, U.S. EPA, Region IX.

[FR Doc. 2017–15734 Filed 7–26–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1028]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 25, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–1028.

Title: International Signaling Point Code (ISPC).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 20 respondents; 20 responses.

Estimated Time per Response: 0.333 hours (20 minutes).

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 154(i)–(j), 201–205, 211, 214, 219–220, 303(r), and 403.

Total Annual Burden: 7 hours.

Annual Cost Burden: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60-day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

An International Signaling Point Code (ISPC) is a unique, seven-digit code synonymously used to identify the signaling network of each international carrier. The ISPC has a unique format that is used at the international level for signaling message routing and identification of signaling points. The Commission receives ISPC applications from international carriers on the electronic, Internet-based International Bureau Filing System (IBFS). After receipt of the ISPC application, the Commission assigns the ISPC code to each applicant (international carrier) free of charge on a first-come, first-served basis. The collection of this information is required to assign a unique identification code to each international carrier and to facilitate communication among international carriers by their use of the ISPC code on the shared signaling network. The Commission informs the International Telecommunications Union (ITU) of its assignment of ISPCs to international carriers on an ongoing basis.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–15827 Filed 7–26–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting to discuss progress on and issues involving its work program.

DATES: Tuesday, September 19, 2017, 12:30 p.m. to 4 p.m., Washington, DC.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Walter Johnston, Chief, Electromagnetic Compatibility Division, 202–418–0807; *Walter.Johnston@FCC.gov.*

SUPPLEMENTARY INFORMATION: At the September 19th meeting, the FCC Technological Advisory Council will discuss progress on and issues involving its work program agreed to at its initial meeting on June 8, 2017. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. Meetings are also broadcast live with open captioning over the Internet from the FCC Live Web page at *http://www.fcc.gov/live/.* The public may submit written comments before the meeting to: Walter Johnston, the FCC's Designated Federal Officer for Technological Advisory Council by email: *Walter.Johnston@fcc.gov* or U.S. Postal Service Mail (Walter Johnston, Federal Communications Commission, Room 2–A665, 445 12th Street SW., Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted, but may not be possible to fill.

Federal Communications Commission.

Julius P. Knapp,

Chief, Office of Engineering and Technology.

[FR Doc. 2017–15831 Filed 7–26–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1039]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 28, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@*

fcc.gov and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–1039.

Title: Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act—Review Process, WT Docket No. 03–128.

Form No.: FCC Form 620 and 621, TCNS E-filing.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 70,152 respondents and 70,152 responses.

Estimated Time per Response: 1–5 hours.

Frequency of Response: Recordkeeping requirement; on occasion reporting requirement; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 1, 4(i), 303(q), 303(r), 309(a), 309(j) and 319 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303(q), 303(r), 309(a), 309(j) and 319, sections 101(d)(6) and 106 of the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C. 470a(d)(6) and 470f, and section 800.14(b) of the rules of the Advisory Council on Historic Preservation, 36 CFR 800.14(b).

Total Annual Burden: 97,929 hours.

Annual Cost Burden: $13,087,425.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: FCC staff, State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO) and the Advisory Council of Historic Preservation (ACHP) use the data to take such action as may be necessary to ascertain whether a proposed action may affect sites of cultural significance to tribal nations and historic properties that are listed or eligible for listing on the National Register as directed by section 106 of the National Historic Preservation Act (NHPA) and the Commission's rules.

FCC Form 620, New Tower (NT) Submission Packet is to be completed by or on behalf of applicants to construct new antenna support structures by or for the use of licensees of the FCC. The form is to be submitted to the State Historic Preservation Office (''SHPO'') or to the Tribal Historic Preservation Office (''THPO''), as appropriate, and the Commission before any construction or other installation activities on the site begins. Failure to provide the form and complete the review process under section 106 of the NHPA prior to beginning construction may violate section 110(k) of the NHPA and the Commission's rules.

FCC Form 621, Collocation (CO) Submission Packet is to be completed by or on behalf of applicants who wish to collocate an antenna or antennas on an existing communications tower or non-tower structure by or for the use of licensees of the FCC. The form is to be submitted to the State historic Preservation Office (''SHPO'') or to the Tribal Historic Preservation Office (''THPO''), as appropriate, and the Commission before any construction or other installation activities on the site begins. Failure to provide the form and complete the review process under section 106 of the NHPA prior to beginning construction or other installation activities may violate section 110(k) of the NHPA and the Commission's rules.

The Tower Construction Notification System (TCNS) is used by or on behalf of Applicants proposing to construct new antenna support structures, and some collocations, to ensure that Tribal Nations have the requisite opportunity to participate in review prior to construction. To facilitate this coordination, Tribal Nations have designated areas of geographic preference, and they receive automated notifications based on the site coordinates provided in the filing. Applicants complete TCNS before filing a 620 or 621 and all the relevant data is pre-populated on the 620 and 621 when the forms are filed electronically.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–15828 Filed 7–26–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064–0092; –0149 & –0182)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995. On May 17, 2017, the FDIC requested comment for 60 days on a proposal to renew the information collections described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request

to approve the renewal of these collections, and again invites comment on this renewal.

DATES: Comments must be submitted on or before August 28, 2017.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Counsel, MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, (202–898–3767), Counsel, MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collections of Information

1. *Title:* Community Reinvestment Act.

OMB Number: 3064–0092.

Form Number: None.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

Source and type of burden	Description	Estimated number of respondents	Average estimated time per response	Total estimated annual burden (hours)
345.25(b) *Reporting*	*Request for designation as a wholesale or limited purpose bank*—Banks requesting this designation shall file a request in writing with the FDIC at least 3 months prior to the proposed effective date of the designation.	1	4	4
345.27 *Reporting*	*Strategic plan*—Applies to banks electing to submit strategic plans to the FDIC for approval.	7	400	2,800
345.42(b)(1) *Reporting*	*Small business/small farm loan data*—Large banks shall and Small banks may report annually in machine readable form the aggregate number and amount of certain loans.	* 393	8	3,144
345.42(b)(2) *Reporting*	*Community development loan data*—Large banks shall and Small banks may report annually, in machine readable form, the aggregate number and aggregate amount of community development loans originated or purchased.	* 393	13	5,109
345.42(b)(3) *Reporting*	*Home mortgage loans*—Large banks, if subject to reporting under part 203 (Home Mortgage Disclosure (HMDA)), shall, and Small banks may report the location of each home mortgage loan application, origination, or purchase outside the MSA in which the bank has a home/branch office.	* 393	253	99,429
345.42(d) *Reporting*	*Data on affiliate lending*—Banks that elect to have the FDIC consider loans by an affiliate, for purposes of the lending or community development test or an approved strategic plan, shall collect, maintain and report the data that the bank would have collected, maintained, and reported pursuant to § 345.42(a), (b), and (c) had the loans been originated or purchased by the bank. For home mortgage loans, the bank shall also be prepared to identify the home mortgage loans reported under HMDA.	200	38	7,600
345.42(e) *Reporting*	*Data on lending by a consortium or a third party*—Banks that elect to have the FDIC consider community development loans by a consortium or a third party, for purposes of the lending or community development tests or an approved strategic plan, shall report for those loans the data that the bank would have reported under § 345.42(b)(2) had the loans been originated or purchased by the bank.	75	17	1,275
345.42(g) *Reporting*	*Assessment area data*—Large banks shall and Small banks may collect and report to the FDIC a list for each assessment area showing the geographies within the area.	* 393	2	786
Total Reporting				120,147
345.42(a) *Recordkeeping*	*Small business/small farm loan register*—Large banks shall and Small banks may collect and maintain certain date in machine-readable form.	* 393	219	86,067
345.42(c) *Recordkeeping*	*Optional consumer loan data*—All banks may collect and maintain in machine readable form certain data for consumer loans originated or purchased by a bank for consideration under the lending test..	75	326	24,450
345.42(c)(2) *Recordkeeping*	*Other loan data*—All banks optionally may provide other information concerning their lending performance, including additional loan distribution data.	100	25	2,500
Total Recordkeeping				113,017

Source and type of burden	Description	Estimated number of respondents	Average estimated time per response	Total estimated annual burden (hours)
345.41(a) 345.43(a); (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6); (a)(7); (b)(1); (b)(2); (b)(3); (b)(4); (b)(5); (c); (d) *Disclosure.*	*Content and availability of public file*—All banks shall maintain a public file that contains certain required information.	3,971	10	39,710
Total Disclosure				39,710
Total Estimated Annual Burden.				272,874

*The number of Large Banks reporting decreased from 253 to 243. However, 150 Small Banks are *voluntarily* collecting and reporting data, and the number of respondents has been adjusted to reflect this.

General Description of Collection: The Community Reinvestment Act regulation requires the FDIC to assess the record of banks and thrifts in helping meet the credit needs of their entire communities, including low- and moderate-income neighborhoods, consistent with safe and sound operations; and to take this record into account in evaluating applications for mergers, branches, and certain other corporate activities.

There is no change in the method or substance of the collection. The overall increase in burden hours is a result of an increase in the number of Small Banks electing to voluntarily respond in certain categories. The increase is also, in small part, due to an adjustment in the agency's estimate of the time required to submit strategic plan applications from 275 hours per respondent to 400 hours per respondent.

2. *Title:* Affiliate Marketing Consumer Opt-Out Notices.

OMB Number: 3064–0149.

Form Number: None.

Affected Public: Insured state nonmember banks, state savings associations that have affiliates and consumers that have a relationship with the foregoing.

Burden Estimate:

Type of burden	Estimated number of respondents	Estimated time per response	Frequency of response	Total estimated annual burden (hours)
Implementation	[1] 8	18 hours	1	144
Ongoing	[2] 990	2 hours	1	1,980
Consumer Opt-Out	[3] 857,027	5 minutes	1	71,419
Total Estimated Annual Burden				73,543

[1] According to data from the Federal Reserve's National Information Center (NIC), there were 3,063 FDIC supervised institutions with an affiliate as of March 31st, 2017. This is an increase of 23 institutions from March 31st, 2014, which had 3,040 institutions with affiliates. Based on the research and NIC data, it is reasonable to estimate that the population of institutions with affiliates will continue to grow by approximately 23 institutions over the next three years. Thus, FDIC anticipates approximately 8 institutions per year will have an implementation burden.

[2] The number of respondents facing ongoing burden remains unchanged at 990.

[3] The FDIC estimates that 95.4% of the 990 banks impacted by this information collection are community banks having an average of 12,098 consumers and the remaining 4.6% are non-community (larger) banks having an average of 124,745 consumers. The FDIC estimates that 5% of the 17,140,540 estimated consumers at these 990 institutions (857,027 consumers) elect to Opt-Out of affiliate marketing information sharing.

General Description of Collection: Section 214 of the FACT Act requires financial institutions that wish to share information about consumers with their affiliates, to inform such consumers that they have the opportunity to opt out of such marketing solicitations. The disclosure notices and consumer responses thereto comprise the elements of this collection of information.

There is no change in the method or substance of this information collection. There has been a net increase in the estimated total annual burden primarily because of an upward adjustment in the agency's estimate of the number of consumers at FDIC-supervised institutions that elect to opt-out of affiliate marketing information sharing. The increase in burden due to the adjustment in the estimated number of consumers affected was offset by the fact that most banks have completed the implementation phase of the information collection; the estimated ongoing time per response for most affected institutions decreasing from 18 hours at implementation to 2 hours ongoing.

3. *Title:* Retail Foreign Exchange Transactions.

OMB Number: 3064–0182.

Form Number: None.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

Type of burden	Number of respondents	Estimated time per response	Frequency of response	Total estimated annual burden (hours)
Reporting	1	16	On Occasion	16

Type of burden	Number of respondents	Estimated time per response	Frequency of response	Total estimated annual burden (hours)
Recordkeeping	1	166	On Occasion	166
Disclosure	1	1,332	On Occasion	1,332
Total Estimated Annual Burden				1,514

General Description of Collection: This information collection implements section 742(c)(2) of the Dodd-Frank Act (7 U.S.C. 2(c)(2)(E) and FDIC regulations governing retail foreign exchange transactions as set forth at 12 CFR part 349, subpart B. The regulation allows banking organizations under FDIC supervision to engage in off-exchange transactions in foreign currency with retail customers provided they comply with various reporting, recordkeeping and third-party disclosure requirements specified in the rule. If an institution elects to conduct such transactions, compliance with the information collection is mandatory.

Reporting Requirements—Part 349, subpart B requires that, prior to initiating a retail foreign exchange business; a banking institution must provide the FDIC with a notice certifying that the institution has written policies and procedures, and risk measurement and management systems and controls in place to ensure that retail foreign exchange transactions are conducted in a safe and sound manner. The institution must also provide information about it intends to manage customer due diligence, new product approvals and haircuts applied to noncash margin.

Recordkeeping Requirements—Part 349 subpart B requires that institutions engaging in retail foreign exchange transactions keep full, complete and systematic records of account, financial ledger, transaction, memorandum orders and post execution allocations of bunched orders. In addition, institutions are required to maintain records regarding their ratio of profitable accounts, possible violations of law, records of noncash margin and monthly statements and confirmations issued.

Disclosure Requirements—The regulation requires that, before opening an account that will engage in retail foreign exchange transactions, a banking institution must obtain from each retail foreign exchange customer an acknowledgement of receipt and understanding of a written disclosure specified in the rule and of disclosures about the banking institution's fees and other charges and of its profitable accounts ratio. The institution must also provide monthly statements to each retail foreign exchange customer and must send confirmation statements following every transaction. The customer dispute resolution provisions of the regulation require certain endorsements, acknowledgements and signature language as well as the timely provision of a list of persons qualified to handle a customer's request for arbitration.

There is no change in the method or substance of the collection. At present no FDIC-supervised institution is engaging in activities that would make them subject to the information collection requirements. FDIC originally estimated that 3 institutions would be impacted by the rule. The agency is reducing the estimated number of respondents to one (1) as a placeholder in case an institution elects to engage in covered activities in the future. There has been no change in the frequency of response or in the estimated number of hours required to respond. Because of the reduction in the estimated number of respondents from three (3) to one (1), the estimated annual burden has decreased.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, 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 collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 21st day of July, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–15711 Filed 7–26–17; 8:45 am]

BILLING CODE 6714–01–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 23, 2017.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Ozarks Heritage Financial Group, Inc., Gainesville, Missouri;* and its top tier holding company Century Bancshares, Inc., Gainesville, Missouri, to acquire 100 percent of the voting shares of Financial Enterprises, Inc., Clinton, Missouri, and thereby indirectly acquire First National Bank of Clinton, Clinton, Missouri.

Board of Governors of the Federal Reserve System, July 24, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–15871 Filed 7–26–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 11, 2017.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *China Merchants Group Limited, Hong Kong Special Administrative Region, the People's Republic of China;* to engage de novo in extending credit and servicing loans and the leasing of personal property through CIMC Leasing USA Inc., Oakbrook Terrace, Illinois, pursuant to sections 225.28(b)(1) and 225.28(b)(3) of Regulation Y.

Board of Governors of the Federal Reserve System, July 24, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–15872 Filed 7–26–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Nonsurgical Treatments for Urinary Incontinence in Adult Women: A Systematic Review Update

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for Supplemental Evidence and Data Submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of *Nonsurgical Treatments for Urinary Incontinence in Adult Women: A Systematic Review Update,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: Submission Deadline on or before August 28, 2017.

ADDRESSES:

Email submissions: SEADS@epc-src.org.

Print submissions: Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, P.O. Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW., U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna, Telephone: 503–220–8262 ext. 51723 or Email: *SEADS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Nonsurgical Treatments for Urinary Incontinence in Adult Women: A Systematic Review Update.* AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Nonsurgical Treatments for Urinary Incontinence in Adult Women: A Systematic Review Update,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://effectivehealthcare.ahrq.gov/index.cfm/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productid=2479.*

This is to notify the public that the EPC Program would find the following information on *Nonsurgical Treatments for Urinary Incontinence in Adult Women: A Systematic Review Update* helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* please provide a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- A list of ongoing studies that your organization has sponsored for this indication. In the list, please provide the ClinicalTrials.gov trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *https://www.effectivehealthcare.ahrq.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

The Key Questions

Key Question (KQ) 1

What are the benefits and harms of nonpharmacological treatments of UI in women, and how do they compare with each other?

I. How do nonpharmacological treatments affect UI, UI severity and frequency, and quality of life when compared with no active treatment?
II. What are the harms from nonpharmacological treatments when compared with no active treatment?
III. What is the comparative effectiveness of nonpharmacological treatments when compared with each other?
IV. What are the comparative harms from nonpharmacological treatments when compared with each other?
V. Which patient characteristics, including age, type of UI, severity of UI, baseline diseases that affect UI, adherence to treatment recommendations, and comorbidities, modify the effects of nonpharmacological treatments on patient outcomes, including continence, quality of life, and harms?

KQ 2

What are the benefits and harms of pharmacological treatments of UI in women, and how do they compare with each other?

I. How do pharmacological treatments affect UI, UI severity and frequency, and quality of life when compared with no active treatment?
II. What are the harms from pharmacological treatments when compared with no active treatment?
III. What is the comparative effectiveness of pharmacological treatments when compared with each other?
IV. What are the comparative harms from pharmacological treatments when compared with each other?
V. Which patient characteristics, including age, type of UI, severity of UI, baseline diseases that affect UI, adherence to treatment recommendations, and comorbidities, modify the effects of the pharmacological treatments on patient outcomes, including continence, quality of life, and harms?

KQ 3

What are the comparative benefits and harms of nonpharmacological versus pharmacological treatments of UI in women?

I. What is the comparative effectiveness of nonpharmacological treatments when compared with pharmacological treatments?
II. What are the comparative harms of nonpharmacological treatments when compared with pharmacological treatments?
III. Which patient characteristics, including age, type of UI, severity of UI, baseline diseases that affect UI, adherence to treatment recommendations, and comorbidities, modify the relative effectiveness of nonpharmacological and pharmacological treatments on patient outcomes, including continence, quality of life, and harms?

KQ 4

What are the benefits and harms of combined nonpharmacological and pharmacological treatment of UI in women?

I. How do combined nonpharmacological and pharmacological treatments affect UI, UI severity and frequency, and quality of life when compared with no active treatment?
II. What are the harms from combined nonpharmacological and pharmacological treatments when compared with no active treatment?
III. What is the comparative effectiveness of combined nonpharmacological and pharmacological treatments when compared with nonpharmacological treatment alone?
IV. What is the comparative effectiveness of combined nonpharmacological and pharmacological treatments when compared with pharmacological treatment alone?
V. What is the comparative effectiveness of combined nonpharmacological and pharmacological treatments when compared with other combined nonpharmacological and pharmacological treatments?
VI. What are the comparative harms from combined nonpharmacological and pharmacological treatments when compared with nonpharmacological treatment alone, pharmacological treatment alone, or other combined treatments?
VII. Which patient characteristics, including age, type of UI, severity of UI, baseline diseases that affect UI, adherence to treatment recommendations, and comorbidities, modify the effects of combined nonpharmacological and pharmacological treatments on patient outcomes, including continence, quality of life, and harms?

PICOTS (Populations, Interventions, Comparators, Outcomes, Timing, Settings)

Populations

Inclusion

Adult and elderly (as defined by authors) women with symptoms of UI (as defined by authors).

Subpopulations

I. Women athletes and those engaging in high-impact physical activities
II. Older women (whether ''elderly'' or just older than a younger analyzed subgroup, as defined by authors)
III. Women in the military or veterans
IV. Racial and ethnic minorities

Exclusion

If >10% of study participants are children or adolescents, men, pregnant women, institutionalized or hospitalized participants, have UI caused by neurological disease or dual fecal and urinary incontinence.

Intervention/Exposure

Inclusion

Nonpharmacological interventions: Health education about UI; behavioral therapy, including ''lifestyle'' interventions (*e.g.,* dietary modifications, weight loss, fluid restriction), bladder training; biofeedback; pelvic floor muscle training and other physical therapy; vaginal cones/weights, bladder supports (*e.g.,* Impressa®); therapeutic pessaries; electrical stimulation (*e.g.,* posterior tibial nerve stimulation, sacral neuromodulation, intravaginal electrical stimulation); magnetic stimulation; urethral plugs and patches; urethral bulking, including transurethral or periurethral injections.

Pharmacological interventions: Estrogen preparations (topical estrogen); antimuscarinics (*e.g.,* oxybutynin

chloride, trospium chloride, darifenacin, solifenacin succinate, fesoterodine, tolterodine, propiverine); calcium channel blockers (*e.g.,* nimodipine); botulinum toxin injections; TRPV1 antagonists (*e.g.,* resiniferatoxin); antidepressants (*e.g.,* tricyclics, SSRI, SNRI); beta-3 adeno-receptor agonists (*e.g.,* mirabegron).

Combinations of eligible nonpharmacological and pharmacological interventions.

Exclusion

Interventions not available in the United States and surgical treatments.

Comparator

Inclusion

Other eligible nonpharmacological interventions, other eligible pharmacological interventions, other eligible combination interventions, no active treatment or placebo.

Exclusion

Noneligible interventions, including surgery.

Outcomes

Inclusion

Measures of UI: Pad tests and other measures of leakage volumes; incontinence counts/frequency (*e.g.,* by diary), including urgency UI counts/frequency and stress UI counts/frequency; physical examination (*e.g.,* cough stress test); complete remission, improvement (partial remission), worsening, no change; subjective bladder control; patient satisfaction with intervention; need to use protection.

Quality of life and related questionnaires: Generic, validated; UI-specific, validated.

Other patient-centered outcomes, based on the findings of the contextual question (what defines a successful outcome).

Adverse events.

Exclusion

Bladder and pelvic tests that do not measure UI specifically or are used for diagnostic purposes (*e.g.,* urodynamic testing, pelvic muscle strength); urination measures that do not measure UI specifically (*e.g.,* total voids [that include nonincontinence voids], catheterization, postvoid residuals, urinary retention, perceived micturition difficulty).

Timing

Inclusion

Minimum 4 weeks follow up (since the start of treatment).

Exclusion

None.

Settings

Inclusion

Interventions provided in primary care or specialized clinic or equivalent by any healthcare provider; participants are community-dwelling.

Exclusion

Surgical, institutionalized, or in-hospital settings.

Country setting.

Inclusion

Any geographic area.

Exclusion

None.

Study Designs

Inclusion

For effectiveness outcomes: Randomized controlled trials (RCTs), with no minimum sample size, including pooled individual patient data from RCTs; nonrandomized comparative studies that used strategies to reduce bias (*e.g.,* adjustment, stratification, matching, or propensity scores), N≥50 women per group (N≥100 women total).

For harms outcomes: RCTs, with no minimum sample size; nonrandomized longitudinal comparative studies (regardless of strategies to reduce bias), including registries or large databases, N≥50 women per group (N≥100 women total); single arm longitudinal studies, including registries, large databases, and large case series N≥100 women; case-control studies (where cases are selected based on presence of harm), N≥50 female cases and ≥50 female controls (N≥100 women total).

All outcomes: Published, peer-reviewed articles or unpublished data from the Food and Drug Administration (FDA) or from the Web site *ClinicalTrials.gov.*

Exclusion

For effectiveness outcomes: Single group, case-control, and case report/series studies; nonrandomized comparative studies with only crude or unadjusted data.

Publication language.

Inclusion

Any.

Exclusion

Unable to read or translate.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–15799 Filed 7–26–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*The AHRQ Safety Program for Improving Antibiotic Use.*''

This proposed information collection was previously published in the **Federal Register** on May 5, 2017, and allowed 60 days for public comment. AHRQ did not receive any substantive comments. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by August 28, 2017.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. Antibiotics can have serious adverse effects including *Clostridium difficile* infections, organ dysfunction, allergic reactions, and the development of antibiotic resistance on both a patient level and population level. This project will assist acute care, long-term care and ambulatory care settings across the United States in adopting and implementing antibiotic stewardship

programs, which are coordinated efforts to improve the use of antibiotics by promoting the selection of the optimal antibiotic regimen, dose, route of administration, and duration of therapy.

More specifically, this project has the following goals:

- Identify best practices in the delivery of antibiotic stewardship in the acute care, long-term care and ambulatory care settings.
- Adapt the Comprehensive Unit-Based Safety Program (CUSP) model to enhance antibiotic stewardship efforts in the health care settings.
- Assess the adoption of CUSP for antibiotic stewardship and evaluate the effectiveness of the intervention in the participating health care systems.
- Develop a bundle of technical and adaptive interventions and associated tools and educational materials designed to support enhanced antibiotic stewardship efforts.
- Provide technical assistance and training to health care organizations nationwide, using a phased approach, to implement effective antibiotic stewardship programs and interventions.
- Improve communication and teamwork between health care workers surrounding antibiotic decision-making.
- Improve communication between health care workers and patients/families surrounding antibiotic decision-making.

This study is being conducted by AHRQ through its contractor Johns Hopkins University, with subcontracted partner NORC. The *AHRQ Safety Program for Improving Antibiotic Use* is being undertaken pursuant to AHRQ's mission to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health systems practices, including the prevention of diseases and other health conditions. 42 U.S.C. 299.

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

(1) *Structural Assessments:* A brief (five to seven questions), online Structural Assessment Tool will be administered in all settings at baseline (pre-intervention) and at the end of the intervention period to obtain general information about facilities and existing stewardship infrastructure and changes in stewardship infrastructure and interventions as a result of the AHRQ Safety Program.

(2) *Team Antibiotic Review Form:* The Stewardship Team will conduct monthly reviews of at least 10 patients who received antibiotics and fill out an assessment tool in conjunction with frontline staff to determine if the ''four moments of antibiotic decision-making'' are being considered by providers. The four moments are (1) Is an infection present requiring antibiotics? (2) Were appropriate cultures ordered and best initial choice of antibiotics made? (3) (after at least 24 hours) Are changes in antibiotic orders appropriate? (4) What duration of therapy is appropriate?

(3) The AHRQ Surveys on Patient Safety Culture will be administered to all participating staff at the beginning and end of the intervention. Each survey asks questions about patient safety issues, medical errors, and event reporting in the respective settings.

a. The Hospital Survey on Patient Safety Culture will be utilized to evaluate safety culture for acute care hospitals.

b. The Nursing Home Survey on Patient Safety Culture will be administered in long term care.

c. The Medical Office Survey on Patient Safety Culture will be administered in ambulatory care centers.

(4) *Semi-Structured Qualitative Interviews:* In-person and/or telephone discussions will be held before and after implementation with stewardship champions/organizational leaders, physicians, pharmacists, nurse practitioners, physician assistants, nurses, certified nursing assistants and others deemed relevant, to learn about the facilitators and barriers to a successful antibiotic stewardship program. Specific areas of interest include stakeholder perceptions of implementation process and outcomes, including successes and challenges with carrying out project tasks and perceived utility of the project; staff roles, engagement and support; and antibiotic prescribing etiquette & culture (*i.e.,* social norms and local cultural factors that contribute to prescribing behavior at the facility/unit-level).

(5) *Electronic Health Record (EHR) Data:* Unit-level antibiotic usage and clinical outcomes will be extracted from the EHRs of participating health care facilities and used to assess the impact of the AHRQ Safety Program for Improving Antibiotic Use.

Estimated Annual Respondent Burden

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
1. Structural Assessment	500	2	0.2	200
2. Team Antibiotic Review Form	333	90	0.2	5,994
3. Surveys on Patient Safety Culture (SOPS)				
a. HSOPS	4,167	2	.5	4,167
b. NHSOPS	4,167	2	.5	4,167
c. MOSOPS	4,167	2	.5	4,167
4. Semi-structured qualitative interviews (Physicians—line 1; Other Health Practitioners—line 2	30	2	1	60
	60	2	1	120
5. EHR data	500	12	.5	3,000
Total	13,924	N/A	N/A	21,875

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate* ($)	Total cost burden ($)
1. Structural Assessment	500	200	[a] 98.83	19,766
2. Team Antibiotic Review Form	333	5,994	[a] 98.83	592,387
3. SOPS				
a. HSOPS	4,167	4,167	[b] 27.87	116,134
b. NHSOPS	4,167	4,167	[b] 27.87	116,134
c. MOSOPS	4,167	4,167	[b] 27.87	116,134
4. Semi-structured qualitative interviews (Physicians—line 1; Other Health Practitioners—line 2	30	60	[a] 98.83	5,930
	60	120	[b] 27.87	3,344
5. EHR data	500	3,000	[b] 27.87	83,610
Total	13,924	21,875	N/A	1,053,439

National Compensation Survey: Occupational wages in the United States May 2016 ''U.S. Department of Labor, Bureau of Labor Statistics:'' *http://www.bls.gov/oes/current/oes_stru.htm*

[a] Based on the mean wages for *29–1069 Physicians and Surgeons, All Other*

[b] Based on the mean wages for *29–9099 Miscellaneous Health Practitioners and Technical Workers: Healthcare Practitioners and Technical Workers, All Other*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–15796 Filed 7–26–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*Implementation of TeamSTEPPS in Primary Care Settings (ITS–PC).*'' This proposed information collection was previously published in the **Federal Register** on May 5, 2017 and allowed 60 days for public comment. No substantive comments were received.

DATES: Comments on this notice must be received by August 28, 2017.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

''*Implementation of TeamSTEPPS in Primary Care Settings (ITS–PC)*''

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. As part of its effort to fulfill its mission, AHRQ, in collaboration with the Department of Defense's (DoD) Tricare Management Activity, developed TeamSTEPPS® (Team Strategies and Tools for Enhancing Performance and Patient Safety) to provide an evidence-based suite of tools and strategies for training teamwork-based patient safety to health care professionals. TeamSTEPPS includes multiple toolkits which are all tied to, or are variants of, the core curriculum. In addition to the core curriculum, TeamSTEPPS resources have been developed for primary care, rapid response systems, long-term care, and patients with limited English proficiency.

The main objective of the TeamSTEPPS program is to improve patient safety by training health care staff in various teamwork, communication, and patient safety concepts, tools, and techniques and ultimately helping to build national capacity for supporting teamwork-based patient safety efforts in health care organizations.

Created in 2007, AHRQ's National Implementation Program has trained Master Trainers who have stimulated the use and adoption of TeamSTEPPS in health care delivery systems. These individuals were trained using the TeamSTEPPS core curriculum at regional training centers across the U.S. AHRQ has also provided technical

assistance and consultation on implementing TeamSTEPPS and has developed user networks, various educational venues and other channels of learning for continued support and the improvement of teamwork in health care. Since the inception of the National Implementation Program, AHRQ has trained more than 8,000 participants to serve as TeamSTEPPS Master Trainers.

Most of the participants in these training programs come from hospital settings, because the TeamSTEPPS core curriculum is most aligned with that context. Given the success of the National Implementation Program in hospital settings, AHRQ launched an effort to provide TeamSTEPPS training to primary care health professionals using the TeamSTEPPS in Primary Care version of the curriculum, which is now referred to as ''TeamSTEPPS for Office-Based Care.''

Under this new initiative, primary care practice facilitators will be trained through online instruction. Upon completion of the course, these individuals will be Master Trainers who will train the staff at primary care practices and implement or support the implementation of TeamSTEPPS tools and strategies in primary care practices.

As part of this initiative, AHRQ seeks to conduct an evaluation of the TeamSTEPPS for Office-Based Care training program. This evaluation seeks to understand the effectiveness of the TeamSTEPPS for Office-Based Care training and how trained practice facilitators implement TeamSTEPPS in primary care practices.

This research has the following goals:

(1) Conduct a formative assessment of the TeamSTEPPS for Office-Based Care training program to determine what revisions and improvement should be made to the training and how it is delivered, and

(2) Identify how trained participants use and implement the TeamSTEPPS tools and resources in primary care settings.

This study is being conducted by AHRQ through its contractor, the Health Research & Educational Trust and its subcontractor, IMPAQ International, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

This is a continuation of data collection for the purpose of conducting an evaluation of the TeamSTEPPS for Office-Based Care training program. The evaluation is formative in nature as AHRQ seeks information to improve the delivery of the online training.

To conduct the evaluation, the *TeamSTEPPS for Office-Based Care Post-Training Survey* will be administered to all individuals who complete the TeamSTEPPS for Office-Based Care training six months after training.

The *TeamSTEPPS for Office-Based Care Post-Training Survey* will be administered via the Web to participants.

In order to reduce respondent burden, the training participant questionnaire will be administered via the Web. Participant information acquired by HRET and its partner Reingold, Inc. when participants enroll in the TeamSTEPPS for Office-Based Care training program will be used to develop the distribution lists. Each potential respondent will receive up to five email communications to encourage participation (*i.e.,* an advance notice of the questionnaire, an initial invitation to complete the questionnaire, and three follow-up emails to remind respondents to complete the questionnaire).

Using an online system for data collection, rather than administering a paper-based questionnaire, will make completing and submitting the questionnaire less time consuming for respondents. Any skip patterns included in the questionnaire (*i.e.,* questions that are appropriate only for a subset of the respondents) will be automatically programmed into the Web-based form of the questionnaire, thereby eliminating any confusion during questionnaire completion. In addition, the contractors can also ensure that important items are not inadvertently skipped or ignored by setting software requirements to ensure proper completion of questionnaires based on specific respondent selections.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent's time to participate in the study. The *TeamSTEPPS for Office-Based Care Post-Training Survey* will be completed by approximately 600 individuals per year. We estimate that each respondent will require 20 minutes to complete the survey. The total annualized burden is estimated to be 200 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to participate in the study. The total cost burden is estimated to be $24,944.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
TeamSTEPPS for Office-Based Care Post-Training Survey	600	1	20/60	200
Total	600	NA	NA	200

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
TeamSTEPPS for Office-Based Care Post-Training Survey	600	200	$96.54	$19,308
Total	600	200	96.54	19,308

* Based on the mean hourly wage for Family and General Practitioners (29–1062) presented in the National Compensation Survey: Occupational Wages in the United States, May 2016, U.S. Department of Labor, Bureau of Labor Statistics (*https://www.bls.gov/oes/current/oes_nat.htm*).

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–15798 Filed 7–26–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects

Title: Federal Case Registry (FCR)

OMB No.: 0970–0421.

Description: Established within the Federal Parent Locator Service (FPLS) on October 1, 1998, the Federal Case Registry (FCR) is a database that contains basic case and participant data from each of the State Case Registries (SCRs). The SCRs are central registries of child support cases and orders in each state.

The FCR is a national database that includes all child support cases handled by state child support agencies (referred to as IV–D cases), and all support orders established or modified on or after October 1, 1998 (referred to as non-IV–D orders). It assists states in locating parties that live in different states to establish, modify, or enforce child support obligations; establish paternity; enforce state law regarding parental kidnapping; and establish or enforce child custody or visitation determinations.

When a state sends the FCR information about persons in a new case or child support order, this new information is automatically compared to existing person information in the FCR. If matches are found, the FPLS notifies all appropriate state child support enforcement agencies of the record match. In this way, a state will know if another state has a case or support order with participants in common with it, and can take appropriate action.

The information collection activities pertaining to the FCR are authorized by: (1) 42 U.S.C. 653(h), requiring the establishment of the Federal Case Registry (FCR) within the Federal Parent Locator Service (FPLS). (2) 42 U.S.C. 654A(e), requiring State child support agencies to include a State Case Registry (SCR) in the state's automated system. (3) 42 U.S.C. 654A(f)(1), requiring states to conduct information comparison activities between the SCR and the FCR.

Respondents: State Child Support Agencies.

ANNUAL BURDEN ESTIMATES

Information collection title	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Federal Case Registry	54	[1] 151	2 minutes [2]	272
Total				272

[1] Number of responses per respondent is based on the assumption that half of the states submit weekly (52 responses) and half submit daily (250 responses).

[2] Estimated transmission time is 2 minutes. For the hourly calculation, use 2/60.

Estimated Total Annual Burden Hours: 272.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attention Reports Clearance Officer. All requests should be identified by the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 2017–15822 Filed 7–26–17; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Office of the Commissioner; Statement of Organization, Functions, and Delegations of Authority

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Office of the Medical Products and Tobacco (OMPT), has modified its structure. This new organizational structure was approved by the Secretary of Health and Human Services on December 22, 2016, and became effective on that date.

FOR FURTHER INFORMATION CONTACT:

Rachel Sherman, M.D., Deputy Commissioner for Medical Products and Tobacco, Office of Medical Products and Tobacco, Food and Drug Administration, White Oak Bldg. 1, HFD–40, Room 2307, Silver Spring, Maryland, 20993. Phone: 240–402–4474.

SUPPLEMENTARY INFORMATION:

I. Introduction

Part D, Chapter D–B, (Food and Drug Administration), the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970; 60 FR 56606, November 9, 1995; 64 FR 36361, July 6, 1999; 72 FR 50112, August 30, 2007; 74 FR 41713, August 18, 2009; and 76 FR 45270, July 28, 2011) is amended to reflect the reorganization of the Office of Medical Products and Tobacco.

This reorganization establishes the Oncology Center of Excellence (OCE) to optimize an integrated cross-center regulatory approach and enhance the coordination of medical product development in oncology. Located within OMPT, OCE will work closely with the directors of the centers, the Center for Biologics Evaluation and Research (CBER), the Center for Drug Evaluation and Research (CDER), the Center for Devices and Radiological Health (CDRH), and all FDA staff involved in oncology efforts. The OCE will be responsible, in accordance with an Inter-Center Agreement between OCE, CBER, CDER, and CDRH, for the clinical portion of medical oncology and malignant hematology applications involving drugs, biologics, and devices. Other functions of the OCE include: Harmonization of cancer-specific regulatory approaches; coordination of oncology-specific regulatory science initiatives and outreach; implementation of cross-center oncology-focused meetings; stakeholder engagement to the external community of other government agencies, industry, academia, professional societies, and patient advocacy groups; and communication with international regulatory agencies.

The Food and Drug Administration (FDA), Office of Medical Products and Tobacco (OMPT), has been restructured as follows:

DKK. Organization. The Office of Medical Products and Tobacco is headed by the Deputy Commissioner for Medical Products and Tobacco and includes the following organizational units and FDA Centers that, under the current structure, officially report to OMPT:

Office of Medical Products and Tobacco (DKK)
Office of Special Medical Products (DKKA)
Office of Pediatric Therapeutics (DKKAA)
Office of Orphan Products Development (DKKAB)
Office of Combination Products (DKKAD)
Center for Biologics Evaluation and Research (DKKB)
Center for Tobacco Products (DKKI)
Center for Drug Evaluation and Research (DKKN)
Center for Devices and Radiological Health (DKKW)
Oncology Center of Excellence (DKKX)

II. Delegations of Authority

Pending further delegation, directives, or orders by the Commissioner of Food and Drugs, all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

III. Electronic Access

This reorganization is reflected in FDA's Staff Manual Guide (SMG). Persons interested in seeing the complete Staff Manual Guide can find it on FDA's Web site at: *http://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/default.htm.*

Authority: 44 U.S.C. 3101.

Dated: July 17, 2017.

Thomas E. Price,

Secretary of Health and Human Services.

[FR Doc. 2017–15443 Filed 7–26–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the ''Schedule of Certified Interest Rates with Range of Maturities'' unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 10⅛%, as fixed by the Secretary of the Treasury, is certified for the quarter ended June 30, 2017. This rate is based on the Interest Rates for Specific Legislation, ''National Health Services Corps Scholarship Program (42 U.S.C. 254o(b)(1)(A))'' and ''National Research Service Award Program (42 U.S.C. 288(c)(4)(B)).'' This interest rate will be applied to overdue debt until the Department of Health and Human Services publishes a revision.

Dated: July 13, 2017.

David C. Horn,

Director, Office of Financial Policy and Reporting.

[FR Doc. 2017–15854 Filed 7–26–17; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Nonhuman Primate (NHP) Core Functional Genomics Laboratory for AIDS Vaccine Research and Development.

Date: August 31, 2017.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Chelsea D. Boyd, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852–9834, 240–669–2081, *chelsea.boyd@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 21, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–15757 Filed 7–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: September 12–13, 2017.

Open: September 12, 2017, 1:00 p.m. to 4:20 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health, Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Closed: September 13, 2017, 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Marguerite Littleton Kearney, Ph.D., R.N., FAAN, Director, Division of Extramural Science Programs, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, Room 708, Bethesda, MD 20892–4870, 301–402–7932, *marguerite.kearnet@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://www.National Advisory Council for Nursing Research/National Institute of Nursing Research,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: July 21, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–15760 Filed 7–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: August 8, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jane K. Battles, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Room 3F30B, Rockville, MD 20852, 240–669–5029, *battlesja@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grant (R34).

Date: August 8, 2017.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jane K. Battles, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Room 3F30B, Rockville, MD 20852, 240–669–5029, *battlesja@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 21, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–15759 Filed 7–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given for the meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention National Advisory Council (CSAP NAC) on August 10, 2017.

The Council was established to advise the Secretary, Department of Health and

Human Services (HHS); the Deputy Assistant Secretary for Mental Health and Substance Use, SAMHSA; and Center Director, CSAP concerning matters relating to the activities carried out by and through the Center and the policies respecting such activities. The meeting will be open to the public and will include the discussion of the substance use prevention workforce and the changing landscape of prevention. The meeting will also include updates on CSAP program developments.

The meeting will be held in Rockville, Maryland. Attendance by the public will be limited to the space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before one week prior to the meeting. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before one week prior to the meeting. Five minutes maximum will be allotted for each presentation.

To attend onsite, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Committees' Web site, *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with the CSAP Council's Designated Federal Officer (see contact information below).

Substantive program information may be obtained after the meeting by accessing the SAMHSA Committee Web site, *http://nac.samhsa.gov/,* or by contacting the Designated Federal Officer.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

Date/Time/Type: August 10, 2017, from 9:30 a.m. to 4:30 p.m. EDT: (OPEN).

Place: SAMHSA, 5600 Fishers Lane, Room 5N76 (lobby level), Rockville, MD 20852, Adobe Connect webcast: *https://samhsa-csap.adobeconnect.com/nac/.*

Contact: Matthew J. Aumen, Designated Federal Officer, SAMHSA CSAP NAC, 5600 Fishers Lane, Rockville, MD 20852, Telephone: 240–276–2440, Fax: 301–480–8480, Email: *matthew.aumen@samhsa.hhs.gov.*

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2017–15784 Filed 7–26–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0111]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0064

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0064, Plan Approval and Records for Subdivision and Stability Regulations—Title 46 CFR Subchapter S without change. Our ICR describe the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 25, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0111] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2017–0111], and must be received by September 25, 2017.

Submitting Comments

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. 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.

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).

Information Collection Request

Title: Plan Approval and Records for Subdivision and Stability Regulations—Title 46 CFR Subchapter S.

OMB Control Number: 1625–0064.

Summary: The regulations require owners, operators, or masters of certain inspected vessels to obtain and/or post various documents as part of the Coast Guard commercial vessel safety program.

Need: Title 46 U.S.C. 3306 authorizes the Coast Guard to prescribe rules for the safety of certain vessels. Title 46 CFR Subchapter S contains the rules regarding subdivision and stability.

Forms: Not applicable.

Respondents: Owners, operators, or masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 10,639 hours to 7,870 hours a year due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 18, 2017.

Marilyn Scott-Perez,

Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2017–15800 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0126]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0082

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0082, Navigation Safety Information and Emergency Instructions for Certain Towing Vessels without change. Our ICR describe the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 25, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0126] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2017–0126], and must be received by September 25, 2017.

Submitting Comments

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. 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.

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).

Information Collection Request

Title: Navigation Safety Information and Emergency Instructions for Certain Towing Vessels.

OMB Control Number: 1625–0082.

Summary: Navigation safety regulations in 33 CFR part 164 help assure that the mariner piloting a towing vessel has adequate equipment, charts, maps, and other publications. For inspected towing vessels, under 46 CFR 199.80 a muster list and emergency instructions provide effective plans and references for crew to follow in an emergency situation.

Need: The purpose of the regulations is to improve the safety of towing vessels and the crews that operate them.

Forms: Not applicable.

Respondents: Owners, operators and masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 345,620 hours to 369,980 hours a year due to an increase in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 18, 2017.

Marilyn Scott-Perez,

Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2017–15801 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0158]

Information Collection Request to Office of Management and Budget; OMB; Control Number: 1625–0017

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0017, Various International Agreement Safety Certificates and Documents; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 25, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0158] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2017–0158], and must be received by September 25, 2017.

Submitting Comments

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. 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.

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).

Information Collection Request

Title: Various International Agreement Safety Certificates and Documents.

OMB Control Number: 1625–0017.

Summary: These Coast Guard issued forms are used as evidence of compliance with the International Convention for Safety of Life at Sea, 1974 (SOLAS) by certain U.S. vessels on international voyages. Without the proper certificates or documents, a U.S. vessel could be detained in a foreign port.

Need: SOLAS applies to all mechanically propelled cargo vessels of 500 or more gross tons (GT), and to all mechanically propelled passenger vessels carrying more than 12 passengers that engage in international voyages. SOLAS and title 46 CFR 2.01–25 list certificates and documents that may be issued to vessels.

Forms: CG–967, Exemption Certificate; CG–968, Passenger Ship Safety Certificate; CG–968A, Record of Equipment for the Passenger Ship Safety Certificate (Form P); CG–969, Notice of Completion of Examination for Safety Certificate; CG–3347, Cargo Ship Safety Equipment Certificate; CG–3347B, Record of Equipment for the Cargo Ship Safety Equipment Certificate (Form E); CG–4359, Cargo Ship Safety Construction Certificate; CG–4360, International Ship Security Certificate; CG–4361, Interim International Ship Security Certificate; CG–5643, Safety Management Certificate; CG–5679, High-Speed Craft Safety Certificate; CG–5679A, Record of Equipment for High-Speed Craft Safety Certificate; CG–5680, Permit to Operate High-Speed Craft; CG–6038, Continuous Synopsis Record (CSR) Document Number __for the ship with IMO Number: __; CG–6038A, Amendments to the Continuous Synopsis Record (CSR) Document Number __for the ship with IMO Number:__.

Respondents: Owners and operators of SOLAS vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 94 hours to 90 hours a year due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 18, 2017.

Marilyn Scott-Perez,

U.S. Coast Guard, Chief, Office of Information Management.

[FR Doc. 2017–15802 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0107]

Agency Information Collection Activities: Application for Waiver of Passport and/or Visa

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than September 25, 2017) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0107 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*). Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Waiver of Passport and/or Visa.

OMB Number: 1651–0107.

Form Number: DHS Form I–193.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected on Form I–193.

Type of Review: Extension (without change).

Abstract: The data collected on DHS Form I–193, Application for Waiver of Passport and/or Visa, is used by CBP to determine an applicant's identity, alienage, and claim to legal status in the United States, and eligibility to enter the United States. DHS Form I–193 is an application submitted by a nonimmigrant alien seeking admission to the United States requesting a waiver of passport and/or visa requirements due to an unforeseen emergency. It is also an application submitted by an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad requesting a waiver of documentary requirements for good cause. The waiver of the documentary requirements and the information collected on DHS Form I–193 is authorized by Sections 212(a)(7), 212(d)(4), and 212(k) of the Immigration and Nationality Act, as amended, and 8 CFR 103.7(b)(1)(i)(Q), 211.1(b)(3), and 212.1(g). This form is accessible at *https://www.uscis.gov/i-193.*

Affected Public: Individuals.

Estimated Number of Respondents: 25,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 4,150.

Dated: July 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–15815 Filed 7–26–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0004]

Agency Information Collection Activities: Application for Exportation of Articles Under Special Bond

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office

of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 20901) on May 4, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Exportation of Articles Under Special Bond.

OMB Number: 1651–0004.

Form Number: CBP Form 3495.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 3495, *Application for Exportation of Articles Under Special Bond,* is an application for exportation of articles entered under temporary bond pursuant to 19 U.S.C. 1202, Chapter 98, subchapter XIII, Harmonized Tariff Schedule of the United States, and 19 CFR 10.38. CBP Form 3495 is used by importers to notify CBP that the importer intends to export goods that were subject to a duty exemption based on a temporary stay in this country. It also serves as a permit to export in order to satisfy the importer's obligation to export the same goods and thereby get a duty exemption. This form is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=3495&=Apply.*

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 30.

Estimated Total Annual Responses: 15,000.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 2,000.

Dated: July 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–15818 Filed 7–26–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0073]

Agency Information Collection Activities: Notice of Detention

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*). This proposed information collection was previously published in the **Federal Register** (82 FR 20902) on May 4, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be

summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Notice of Detention.

OMB Number: 1651–0073.

Form Number: None.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Customs and Border Protection (CBP) may detain merchandise when it has reasonable suspicion that the subject merchandise may be inadmissible but requires more information to make a positive determination. If CBP decides to detain merchandise, a Notice of Detention is sent to the importer or to the importer's broker/agent no later than 5 business days from the date of examination stating that merchandise has been detained, the reason for the detention, and the anticipated length of the detention. The recipient of this notice may respond by providing information to CBP in order to facilitate the determination for admissibility, or may ask for an extension of time to bring the merchandise into compliance. The information provided assists CBP in making a determination whether to seize, deny entry of, or release detained goods into the commerce. Notice of Detention is authorized by 19 U.S.C. 1499 and provided for in 19 CFR 151.16, 133.21, 133.25, and 133.43.

Estimated Number of Respondents: 1,350.

Estimated Number of Total Annual Responses: 1,350.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 2,700.

Dated: July 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–15817 Filed 7–26–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0030]

Agency Information Collection Activities: Declaration of Unaccompanied Articles

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information collection was previously published in the **Federal Register** (82 FR 20901) on May 4, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Declaration of Unaccompanied Articles.

OMB Number: 1651–0030.

Form Number: CBP Form 255.

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or the information being collected.

Type of Review: Extension (without change).

Affected Public: Individuals.

Abstract: CBP Form 255, Declaration of Unaccompanied Articles, is completed by travelers arriving in the United States with a parcel or container which is to be sent from an insular possession at a later date. It is the only means whereby the CBP officer, when the person arrives, can apply the exemptions or five percent flat rate of duty to all of the traveler's purchases.

A person purchasing articles in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States receives a sales slip, invoice, or other evidence of purchase which is presented to the CBP officer along with CBP Form 255, which is prepared in triplicate. The CBP officer verifies the information, indicates on

the form whether the article or articles were free of duty, or dutiable at the flat rate. Two copies of the form are returned to the traveler, who sends one form to the vendor. Upon receipt of the form the vendor places it in an envelope, affixed to the outside of the package, and clearly marks the package ''Unaccompanied Tourist Shipment,'' and sends the package to the traveler, generally via mail, although it could be sent by other means. If sent through the mail, the package would be examined by CBP and forwarded to the Postal Service for delivery. Any duties due would be collected by the mail carrier. If the shipment arrives other than through the mail, the traveler would be notified by the carrier when the article arrives. Entry would be made by the carrier or the traveler at the customhouse. Any duties due would be collected at that time.

CBP Form 255 is authorized by 19 U.S.C. 1202 (Chapter 98, Subchapters IV and XVI) and provided for by 19 CFR 145.12, 145.43, 148.110, 148.113, 148.114, 148.115 and 148.116. A sample of this form may be viewed at: *https://www.cbp.gov/newsroom/publications/forms?title=255&=Apply.*

Estimated Number of Respondents: 7,500.

Estimated Number of Responses: 15,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 1,250.

Dated: July 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–15820 Filed 7–26–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0037]

Agency Information Collection Activities: Entry of Articles for Exhibition

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information collection was previously published in the **Federal Register** (82 FR 20371) on May 1, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry of Articles for Exhibition.

OMB Number: 1651–0037.

Form Number: None.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Goods entered for exhibit at fairs, or for constructing, installing, or maintaining foreign exhibits at a fair, may be free of duty under 19 U.S.C. 1752. In order to substantiate that goods qualify for duty-free treatment, the consignee of the merchandise must provide information to CBP about the imported goods, which is specified in 19 CFR 147.11(c).

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent: 50.

Estimated Number of Total Annual Responses: 2,500.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 832.

Dated: July 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–15819 Filed 7–26–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0136]

Agency Information Collection Activities: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than September 25, 2017 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0136 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 1651–0136.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours.

Type of Review: Extension (without change).

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Affected Public: Individuals and businesses.

Type of Collection: Comment cards.

Estimated Number of Respondents: 10,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 10,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 500 hours.

Type of Collection: Customer Surveys.

Estimated Number of Respondents: 50,000.

Estimated Numbers of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 50,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 12,500.

Dated: July 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–15814 Filed 7–26–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0018]

Agency Information Collection Activities: Ship's Store Declaration

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border

Protection 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 information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than August 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*). This proposed information collection was previously published in the **Federal Register** (## FR ####) on Month ##, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Ship's Stores Declaration.

OMB Number: 1651–0018.

Form Number: CBP Form 1303.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours. There is no change to the information collected or CBP Form 1303.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 1303, Ship's Stores Declaration, is used by the carriers to declare articles to be retained on board the vessel, such as sea stores, ship's stores (*e.g.,* alcohol and tobacco products), controlled narcotic drugs or bunker fuel in a format that can be readily audited and checked by CBP. This form collects information about the ship, the ports of arrival and departure, and the articles on the ship. CBP Form 1303 form is provided for by 19 CFR 4.7, 4.7a, 4.81, 4.85 and 4.87 and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201303.pdf.*

Estimated Number of Respondents: 8,000.

Estimated Number of Responses per Respondent: 13.

Estimated Number of Total Annual Responses: 104,000.

Estimated Total Annual Burden Hours: 26,000.

Dated: July 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–15821 Filed 7–26–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Notice of Request for Revision to and Extension of a Currently Approved Information Collection for the Chemical Facility Anti-Terrorism Standards (CFATS)

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-Day notice and request for comments; revision of information collection request: 1670–0014.

SUMMARY: The Department of Homeland Security (DHS or the Department), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP), Infrastructure Security Compliance Division (ISCD) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS previously published this information collection request (ICR), in the **Federal Register**, on Monday, April 10, 2017 at 82 FR 17270 for a 60-day public comment period. No comments was/were received by DHS. To access and review all documents related to this information collection, please visit the Federal eRulemaking Portal site at *http://www.regulations.gov* and enter Docket Number DHS–2017–0014 in the search box. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until August 28, 2017. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806. All submissions must include the agency name and OMB Control Number 1670–0014.

Comments that include trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI),[1]

[1] For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at *http://www.dhs.gov/xlibrary/assets/chemsec_cvi_proceduresmanual.pdf.*

Sensitive Security Information (SSI),[2] or Protected Critical Infrastructure Information (PCII)[3] should not be submitted to the public regulatory docket. Please submit such comments separately from other comments in response to this notice. Comments containing trade secrets, confidential commercial or financial information, CVI, SSI, or PCII should be appropriately marked and packaged in accordance with applicable requirements and submitted by mail to the DHS/NPPD/IP/ISCD CFATS Program Manager at the Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0610, Arlington, VA 20528–0610. Comments must be identified by OMB Control Number 2017–0014. The Department will forward all comments received by the submission deadline to the OMB Desk Officer.

FOR FURTHER INFORMATION CONTACT: CFATS Program Manager, 866–323–2957, *cfats@dhs.gov.*

SUPPLEMENTARY INFORMATION: DHS Proposed Revisions for this Collection are Summarized Below:

- This request contains a name change for two previously approved instruments to clarify the functional purpose of both instruments. Specifically, ''Request for a Technical Consultation'' has been changed to ''Compliance Assistance'' and ''Notification of New Top-Screen'' has been changed to ''Top-Screen Update.'' No other revisions to the instrument names are proposed.
- The ''Request for Redetermination'' instrument provides a variety of possible reasons that facilities may select to support the justification for a redetermination request. The Department proposes to amend this instrument to allow facilities to select from a list of possible reasons to support a request for redetermination. No other revisions to this instrument or other instruments are proposed.
- This request proposes the addition of a new instrument titled ''Declaration of Reporting Status'' which allows a chemical facility to notify the Department that it is not required to register in CSAT or submit a Top-Screen (TS).

OMB is particularly interested in written comments from the public 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. Address how the agency might 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

The Department continues to rely on the analysis and resulting burden estimates provided in the 60-day notice for the instruments included in this ICR.

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division.

Title: Chemical Facility Anti-Terrorism Standards (CFATS).

OMB Number: 1670–0014.

Instrument: Request for Redetermination.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 625 respondents.

Estimated Time per Respondent: 0.25 hours.

Total Burden Hours: 156.25 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $10,581.25.

Instrument: Request for an Extension.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 730 respondents.

Estimated Time per Respondent: 0.08 hours.

Total Burden Hours: 58.40 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $3,954.85.

Instrument: Top-Screen Update.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 1250 respondents.

Estimated Time per Respondent: 0.08 hour.

Total Burden Hours: 150 hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $10,158.00.

Instrument: Compliance Assistance.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 455 respondents.

Estimated Time per Respondent: 0.08 hours.

Total Burden Hours: 54.60 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $3,697.51.

Instrument: Declaration of Reporting Status.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 480 respondents.

Estimated Time per Respondent: 0.25 hours.

Total Burden Hours: 120 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $8,126.40.

Authority: 6 U.S.C. 621–629.

Dated: July 20, 2017.

David Epperson,

Chief Information Officer.

[FR Doc. 2017–15745 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0031]

The President's National Infrastructure Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Committee management; notice of an open Federal Advisory Committee meeting.

SUMMARY: The President's National Infrastructure Advisory Council (NIAC) will meet Tuesday, August 22, 2017, in Washington, DC.

DATES: The NIAC will meet on Tuesday, August 22, 2017 9:00 a.m.–12:00 p.m. Eastern Standard Time (EST).

[2] For more information about SSI see 49 CFR part 1520 and the SSI Program Web page at *http://www.tsa.gov.*

[3] For more information about PCII see 6 CFR part 29 and the PCII Program Web page at *http://www.dhs.gov/protected-critical-infrastructure-information-pcii-program.*

ADDRESSES: Eisenhower Executive Office Building, Washington, DC. Due to limited seating, requests to attend in person will be accepted and processed in the order in which they are received. The meeting's proceedings will also be available via Webcast at *www.whitehouse.gov/live,* for those who cannot attend in person. Individuals who intend to participate in the meeting will need to register by sending an email to *NIAC@hq.dhs.gov* by 5:00 p.m. EST on Wednesday, August 16, 2017. For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, please contact *NIAC@hq.dhs.gov* as soon as possible.

Members of the public are invited to provide comment on the issues to be considered by the committee as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated briefing materials to be discussed at the meeting will be available at *www.dhs.gov/niac* for review on Friday, August 11, 2017. Comments may be submitted at any time and must be identified by docket number DHS–2017–0031.

Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow ''submitting written comments'' instructions.
- *Email: NIAC@hq.dhs.gov.* Include the docket number DHS–2017–0031 in the subject line of the message.
- *Fax:* (703) 235–9707, ATTN: Deidre Gallop-Anderson.
- *Mail:* Designated Federal Officer, National Infrastructure Advisory Council, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane, Mail Stop 0612, Arlington, VA 20598–0612.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Written comments will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket and comments received by the NIAC, please go to *www.regulations.gov* and enter docket number DHS–2017–0031.

A public comment period will be held during the meeting from 2:15 p.m.–2:35 p.m. Speakers who wish to participate in the public comment period must register in advance and can do so by emailing *NIAC@hq.dhs.gov* by no later than Wednesday, August 16, 2017, at 5:00 p.m. EST. Speakers are requested to limit their comments to three minutes. Please note that the public comment period may end before the time indicated, following the last call for comments.

FOR FURTHER INFORMATION CONTACT: Ginger Norris, NIAC Designated Federal Officer, Department of Homeland Security, (202) 441–5885 (telephone) or *ginger.norris@hq.dhs.gov* (email).

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix (Pub. L. 92–463). The NIAC shall provide the President, through the Secretary of Homeland Security, with advice on the security and resilience of the Nation's critical infrastructure sectors.

Agenda: The council will meet in an open meeting on August 22, 2017, to receive remarks from DHS leadership and other senior Government officials regarding the Government's current cybersecurity initiatives priorities. Additionally, the council will deliberate and vote on recommendations for their current NIAC Cyber Security Study as tasked in support of Executive Order 13636 *Improving Critical Infrastructure Cybersecurity.*

Dated: July 20, 2017.

Deirdre Gallop-Anderson,

Alternate Designated Federal Officer for the National Infrastructure Advisory Council.

[FR Doc. 2017–15747 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Notice of Request for Revision to and Extension of a Currently Approved Information Collection for Chemical-Terrorism Vulnerability Information (CVI)

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-Day notice and request for comments; revision of Information Collection Request: 1670–0015.

Authority: 6 U.S.C. 621–629.

SUMMARY: The Department of Homeland Security (DHS or the Department), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP), Infrastructure Security Compliance Division (ISCD), will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS previously published this ICR in the **Federal Register** on April 19, 2017 at 82 FR 18466 and allowed for a 60-day public comment period. DHS received one comment during the 60-day public comment period. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until August 28, 2017. This process is conducted in accordance with 5 CFR 1320.8.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments must be addressed to the OMB Desk Officer, Department of Homeland Security, National Protection and Programs Directorate via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806. All submissions must include the agency name and OMB Control Number 1670–0015.

Comments that include trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI),[1] Sensitive Security Information (SSI),[2] or Protected Critical Infrastructure Information (PCII)[3] should not be submitted to the public regulatory docket. Please submit such comments separately from other comments in response to this notice. Comments containing trade secrets, confidential commercial or financial information, CVI, SSI, or PCII should be appropriately marked and packaged in accordance with applicable requirements and submitted by mail to the DHS/NPPD/IP/ISCD CFATS Program Manager at the Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0610, Arlington, VA 20528–0610. Comments must be identified by OMB Control Number 1670–0015. The Department will forward all comments received by the submission deadline to the OMB Desk Officer.

FOR FURTHER INFORMATION CONTACT: CFATS Program Manager, 866–323–2957, *cfats@dhs.gov.*

SUPPLEMENTARY INFORMATION: This information collection notice was previously published in the **Federal Register** at 82 FR 18466 (April 19, 2017) and provided a 60-day public comment

[1] For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at *http://www.dhs.gov/xlibrary/assets/chemsec_cvi_proceduresmanual.pdf.*

[2] For more information about SSI see 49 CFR part 1520 and the SSI Program Web page at *http://www.tsa.gov.*

[3] For more information about PCII see 6 CFR part 29 and the PCII Program Web page at*http://www.dhs.gov/protected-critical-infrastructure-information-pcii-program.*

period. DHS received 1 comment in response to the 60-day notice. To access and review all documents related to this information collection, please visit the Federal eRulemaking Portal site at *http://www.regulations.gov* and enter Docket Number DHS–2017–0015 in the search box.

DHS Proposed Revisions for This Collection Are Summarized Below

- Removal of the following instruments: (1) ''Determination of CVI''; (2) Determination of a ''Need to Know'' by a Public Official''; (3) ''Disclosure of CVI Information; (4) Notification of Emergency or Exigent Circumstances''; and (5) ''Tracking Log for CVI Received'' from this collection. As required by 5 CFR 1320.5, the Department reevaluated the continued need for each instrument in this collection. This evaluation resulted in a finding these instruments have been used and collected rarely within the last 3 years.
- DHS also proposes to extend this collection with revisions to reduce the estimated burden for the remaining instrument in this collection. DHS proposes a reduction of the number of respondents for the CVI Authorization instrument from 30,000 to 20,000. This estimate is based on historical data and the anticipated impact of the Department's revision of its Chemical Security Assessment Tool (CSAT) and enhancement of its risk tiering methodology for the CFATS program. See 81 FR 47001 (Jul. 20, 2016).

Response to Comment Received During 60-Day Comment Period

Comment: The one comment received concerning the 60-day PRA notice for this proposed information collection raised a concern that guidance provided in the DHS ''Safeguarding Information Designated as Chemical-Terrorism Vulnerability Information (CVI)'' manual (''CVI Procedural Manual'') and the CFATS regulation (at 6 CFR 27.400(d)(7)) appear to require collection of information using three instruments identified by DHS for removal. The Commenter also asserted that the investigatory exception under 44 U.S.C. 3518(c) does not justify the Department's collection of information as part of these three instruments without an OMB-approved information collection request. Based on these reasons, the comment suggested retaining the ''Disclosure of CVI Information,'' ''Notification of Emergency or Exigent Circumstances,'' and ''Tracking Log for CVI Received'' instruments in this information collection with adjusted burden levels.

Response: The Department's proposal to remove five instruments from this collection, including the three identified by the commenter, is based mainly on an evaluation of the historical usage of those instruments. As noted in DHS's 60-day notice, ''these instruments have historically been used rarely.'' 82 FR 18467. More specifically, DHS's review indicated that at no time has the Department collected information under any of these five instruments on ten or more occasions during any given calendar year. Additionally, the Department expects that this historical pattern would continue during the next three years if the instruments were to be retained. Consequently, none of the instruments proposed for removal qualify as a ''collection of information'' subject to the requirements of the Paperwork Reduction Act (see 44 U.S.C. 3502(3)(A)(i)). Also, if this proposed information collection is approved, DHS would only collect the information currently covered by the three instruments identified by the commenter as part of an administrative action or investigation, which would exempt these instruments from the requirements of the Paperwork Reduction Act (if they were not also exempt for other reasons).

In addition, removal of the five instruments proposed is consistent with DHS guidance provided in the DHS CVI Procedural Manual and the requirements specified in 6 CFR 27.400. Per the specific marking on the footer of each page, the DHS CVI Procedural Manual ''does not create or confer any new rights or obligations on any person or entity or otherwise operate to bind the public.'' Rather, the DHS CVI Procedural Manual describes and encourages the public's use of best practices for complying with the regulatory requirements associated with maintaining, safeguarding, and disclosing CVI set out in 6 CFR 27.400. DHS developed some of the instruments in this collection as part of these best practices, but their use is not mandatory. If this proposed collection is approved, the Department will consider updating its guidance materials to clarify this aspect of the CVI Program.

To the extent that reporting certain information to the Department is required by 6 CFR 27.400(d)(7), that reporting requirement will remain in effect. However, as described in the paragraph above detailing historical usage of the instruments proposed for removal from this collection, DHS expects to receive fewer than ten such reports per year and the Department would likely seek unique pieces of information related to each unauthorized release of CVI, not standard pieces of information.

OMB is particularly interested in written comments from the public 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. Address how the agency might 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

The Department continues to rely on the analysis and resulting burden estimates provided in the 60-day notice for the instruments included in this ICR.

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division.

Title: CFATS Chemical-terrorism Vulnerability Information.

OMB Number: 1670–0015.

Instrument: Chemical-terrorism Vulnerability Information Authorization.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 20,000 respondents (rounded estimate).

Estimated Time per Respondent: 0.50 hours.

Total Burden Hours: 10,000 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $677,200.

Dated: July 20, 2017.

David Epperson,

Chief Information Officer.

[FR Doc. 2017–15742 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0024]

Privacy Act of 1974; System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of New Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is establishing a new Department of Homeland Security system of records titled, ''Department of Homeland Security/ALL–039 Foreign Access Management System of Records.'' This system of records allows the Department of Homeland Security to collect and maintain records on foreign nationals who request physical or information technology system access to the Department of Homeland Security and other U.S. Government partner agencies for which the Department of Homeland Security provides screening support. These individuals may include dual citizens and lawful permanent residents representing foreign interests; lawful permanent residents providing construction and contractual services for the Department of Homeland Security and other U.S. Government partner agencies; foreign visitors to fusion centers or tribal, territorial, state, and local government homeland security programs; and reported foreign contacts of Department of Homeland Security and other U.S. Government employees outside the scope of the employee's official activities required for personnel security purposes.

Additionally, the Department of Homeland Security is issuing a Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act, elsewhere in the **Federal Register**. This newly established system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before August 28, 2017. This new system will be effective upon publication. Routine uses will be effective August 28, 2017.

ADDRESSES: You may submit comments, identified by docket number DHS–2017–0024 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

FOR FURTHER INFORMATION CONTACT: For general and privacy-related questions, please contact: Jonathan R. Cantor, (202) 343–1717, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) is establishing a new DHS system of records titled, ''DHS/ALL–039 Foreign Access Management System of Records.''

DHS is publishing this system of records notice to provide transparency on how DHS collects, uses, maintains, and disseminates information relating to foreign nationals who seek access to DHS and partner U.S. Government (USG) agency personnel, information, facilities, programs, research, studies, and information technology (IT) systems. The DHS Office of the Chief Security Officer (OCSO)/Center for International Safety & Security (CISS) Foreign Access Management (FAM) program uses the Foreign Access Management System (FAMS) to manage the risk assessment process for foreign nationals requesting access to DHS and partner agencies. DHS is responsible for conducting screening of all foreign nationals and foreign entities seeking access to DHS personnel, information, facilities, programs, and IT systems, including: Dual U.S. citizens and lawful permanent residents (LPR) representing foreign interests; and foreign contacts and foreign visitors reported by DHS. This SORN also covers the screening of LPRs who provide construction or contractual services (*e.g.,* food services, janitorial services) to the U.S. Government, and DHS or USG federal employees that sponsor foreign national access to USG facilities or report foreign contacts who have met and/or befriended such contacts and visitors outside the scope of the employee's official duties.

As part of a government-wide pilot, DHS will also conduct foreign access management screening activities for federal agencies other than DHS participating in the pilot. DHS may also screen foreign visitors to fusion centers or tribal, territorial, state, and local government homeland security programs.

Lastly, DHS uses FAMS records to screen foreign contacts of DHS employees outside the scope of the employee's official activities. DHS and other USG employees and contractors with access to Sensitive Compartmented Information or other special program access have a responsibility to report all foreign contacts that are of a close, continuing personal association and any contacts with known or suspected intelligence officers from any country. Reporting of contact with foreign nationals is not intended to inhibit or discourage contact with foreign nationals. Rather, it permits the Government to manage and assess the risk posed by certain foreign individuals who seek to exploit personal relationships for purposes of collecting classified or sensitive information.

Foreign nationals accessing DHS or a partner USG agency in any of the capacities listed above undergo DHS screening. In addition, foreign nationals may be screened as a result of foreign contact reporting for personnel security purposes. The foreign national screening process consists of both internal and external identity checks. The OCSO/CISS validates the foreign national identifying information provided.

DHS shares vetting, as well as any security anomalies or derogatory information identified through the vetting process, with DHS components and partner USG agencies. DHS will maintain information on any security incidents or suspicious activities recorded during the foreign national's access to DHS or partner USG agencies. The information is shared by secure means commensurate with the classification of the information to be shared.

Consistent with DHS's information sharing mission, information stored in the DHS/ALL–039 Foreign Access Management System of Records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice. However, to limit the scope of sharing with foreign partners, DHS will consider a foreign entity's ability to safeguard personally identifiable information (PII), and its commitment to and history of safeguarding such information, when determining whether to share records containing PII.

Additionally, DHS is issuing a Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act elsewhere in the **Federal Register**. This newly established system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, and similarly, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/ALL–039 Foreign Access Management System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS)/ALL–039 Foreign Access Management System of Records.

SECURITY CLASSIFICATION:

Unclassified, Sensitive, For Official Use Only, and Classified.

SYSTEM LOCATION:

Records are maintained at the Department of Homeland Security Headquarters in Washington, DC and field offices. Electronic records are stored in the Integrated Security Management System (ISMS) as well as in a classified network database.

SYSTEM MANAGER(S):

Director, Center for International Safety & Security, Office of the Chief Security Officer, Department of Homeland Security, Washington, DC 20528.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 40 U.S.C. 1315; 40 U.S.C. 11331; the Economy Act of 1932, *as amended;* the Counterintelligence Enhancement Act of 2002; the Intelligence Reform and Terrorism Prevention Act; E.O. 12977; E.O. 13286; E.O. 13549; Presidential Policy Directive/PPD–21, ''Critical Infrastructure Security and Resilience'' (February 12, 2013); DCI Directive 6/4, ''Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information (SCI)'' (July 2, 1998); and Presidential Decision Directive (PDD)/NSC–12, ''Security Awareness and Reporting of Foreign Contacts'' (August 5, 1993).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to perform screening for foreign nationals seeking access to DHS and partner USG agency personnel, information, facilities, programs, research, studies, and IT systems. This system is also used to screen foreign contacts and foreign visitors reported by DHS and partner USG agency employees who have met and/or befriended such contacts and visitors outside the scope of the employee's official duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Foreign nationals and foreign entities seeking access to USG personnel, information, facilities, programs, research, studies, and IT systems, including: Dual U.S. citizens and lawful permanent residents (LPR) representing foreign interests; and foreign contacts and foreign visitors reported by DHS. These include, when requested, foreign visitors to fusion centers or tribal, territorial, state, and local government homeland security programs, and foreign contacts of USG employees who have met or befriended such contacts and visitors outside the scope of the employee's official duties. Further, DHS or USG federal employees that sponsor foreign national access to USG or report foreign contacts outside the scope of their normal employment duties. Finally, LPRs providing construction or contractual services (*e.g.,* food services, janitorial services)

CATEGORIES OF RECORDS IN THE SYSTEM:

For foreign nationals:

- Full name;
- Alias(es);
- Gender;
- Date of birth;
- Place of birth;
- City/country of residence;
- Country of citizenship;
- Passport information (country of issue, number, expiration date);
- Passport copy;
- Photograph;
- Address;
- Telephone number(s);
- Email Address(es);
- Country sponsoring the visit;
- Stated reason for the visit;
- DHS component sponsoring the visit;
- Diplomatic identification information;
- Organization represented, title, or position held;
- Actual employment information (including job title and employer contact information);
- Visa information (type, number, expiration date, and issuance location);
- Foreign Access Management System number;
- Alien registration number; and
- Potential anomalous or derogatory information identified as part of screening and vetting results.

For USG federal employees:

- Full name;
- Title;
- Organization and component;
- Phone number; and
- Email address.

RECORD SOURCE CATEGORIES:

DHS obtains information directly from the federal employee sponsor, and the DHS or USG employee providing the information to DHS for screening. DHS also obtains information from the other DHS and federal systems for vetting purposes, including:

- U.S. Customs and Border Protection (CBP) Advance Passenger Information System (APIS): DHS/CBP–005 APIS, 80 FR 13407 (March 13, 2015);
- CBP Arrival and Departure Information System (ADIS): DHS/CBP–021 ADIS, 80 FR 72081 (November 18, 2015);
- CBP Automated Targeting System (ATS): DHS/CBP–006 ATS, 77 FR 30297 (May 22, 2012);
- CBP TECS: DHS/CBP–011 TECS, 73 FR 77778 (December 19, 2008).
- U.S. Immigration and Customs Enforcement (ICE) Criminal Arrest Records and Immigration Enforcement Records (CARIER): DHS/ICE–011 CARIER, 81 FR 72080 (October 19, 2016); and
- ICE Student and Exchange Visitor Information System (SEVIS): DHS/ICE–001 SEVIS, 75 FR 412 (January 5, 2010).
- National Protection and Programs Directorate (NPPD) Office of Biometric Identity Management (OBIM) Automated Biometric Identification System (IDENT): DHS/US–VISIT–004 DHS IDENT, 72 FR 31080 (June 5, 2007);
- U.S. Citizen and Immigration Services (USCIS) Alien File, Index, and National File Tracking System (A-File): DHS/USCIS/ICE/CBP–001 A-File, 78 FR 69864 (November 21, 2013);
- USCIS Benefits Information System (BIS): DHS/USCIS–007 BIS, 81 FR 72069 (October 19, 2016);

DHS also obtains information from intelligence community classified systems for screening and vetting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS determines that information from this system of records is reasonably necessary and otherwise compatible with the purpose of collection to assist another federal recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach; or

2. DHS suspects or has confirmed that there has been a breach of this system of records; and (a) DHS has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals, harm to DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (b) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To federal and foreign government intelligence or counterterrorism agencies or components when DHS becomes aware of an indication of a threat or potential threat to national or international security, or when such use is to conduct national intelligence and security investigations or assist in anti-terrorism efforts and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

I. To federal government intelligence or counterterrorism agencies or components to facilitate CISS screening checks.

J. To other federal agencies to assist in their determination of whether to grant a requesting foreign national with access to that federal agency.

K. To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, when DHS is aware of a need to use relevant data for purposes of testing new technology.

L. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by foreign contact or USG employee name, or other personal identifiers listed in the categories of records, above.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with NARA-approved retention schedule N1–563–09–1, DHS retains information collected on foreign visitors for screening in FAMS and in the C–LAN access database for twenty years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act, and those of the Judicial Redress Act if applicable. However, DHS will consider individual requests to determine whether or not information may be released. Thus, individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and Chief Freedom of Information Act (FOIA) Officer, whose contact information can be found at

http://www.dhs.gov/foia under ''Contacts Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief FOIA Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about you may be available under the Freedom of Information Act.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief FOIA Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered JRA records, see ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). When this system receives a record from another system exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

HISTORY:

This is a new system of records and DHS has not published any prior notices that apply to these records.

Dated: July 20, 2017.

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2017–15749 Filed 7–26–17; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/ A0A501010.999900 253G]

Indian Gaming; Approval of an Amendment to a Tribal-State Class III Gaming Compact in the State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Squaxin Island Tribe of the Squaxin Island Reservation and State of Washington negotiated the Fifth Amendment to the Tribal State Compact for the Class III Gaming between the Squaxin Island Tribe and the State of Washington governing Class III gaming; this notice announces approval of the Agreement to Amend Compact.

DATES: This notice is applicable as of July 27, 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 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.* All Tribal-State Class III compacts, including amendments, are subject to review and approval by the Secretary under 25 CFR 293.4. The Fifth Amendment to the Tribal State Compact for the Class III Gaming between the Squaxin Island Tribe and the State of Washington revises the definition section, allows for an additional gaming facility, and increases the number of gaming stations and wager limits. Patrons 18–21 years of age are prohibited from alcohol purchase or consumption. Primary responsibilities for conducting background investigations are identified. The Tribe will establish a Problem Gambling Program. The Fifth Amendment to the Tribal State Compact for the Class III Gaming between the Squaxin Island Tribe and the State of Washington is approved. *See* 25 U.S.C. 2710(d)(8)(A).

Dated: July 17, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017–15641 Filed 7–26–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Application for Withdrawal and Opportunity for Public Comment; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting that the Secretary of the Interior withdraw 39.60 acres for a 20-year term to protect the integrity of the historic and cultural resources at the Schwartz & Leff Administrative Site located along the North Fork of the Salmon River in the Klamath National Forest. This notice segregates the land from location and entry under the United States mining laws for up to two years while the application is being processed. This notice also gives the public an opportunity to comment on the withdrawal application and to request a public meeting.

DATES: Comments and public meeting requests must be received by October 25, 2017.

ADDRESSES: Comments and public meeting requests should be sent to the Salmon Scott River Ranger District, 11263 North Highway 3, Fort Jones, CA 96032–9702, Attn: Gay Baxter; or by email at *gbaxter@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Easley, BLM California State Office, 916–978–4673, *eeasley@blm.gov;*

Zarreen Ali, USFS Region 5 Regional Office, 707–562–8964; or Gay Baxter, USFS Klamath National Forest Salmon Scott River Ranger District, 530–468–1210. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact any of the above individuals. The Service is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The USFS has filed an application requesting that the Secretary of the Interior withdraw, subject to valid existing rights, the National Forest System land described below from location and entry under the United States mining laws (30 U.S.C. ch. 2), for the protection of the cultural and historic resources within the Schwartz & Leff Administrative Site.

Humboldt Meridian

Klamath National Forest

T. 10 N., R. 8 E.,
M.S. 6686 EXCEPT that portion within Tract 44 of said T. 10 N., R. 8 E., Humboldt Meridian

The area described contains 39.60 acres in Siskiyou County.

The lands described above are National Forest System lands; the Secretary shall make a withdrawal only with the consent of the head of the department or agency administering these lands. The use of a right-of-way, interagency agreement, or cooperative agreement would not adequately constrain non-discretionary uses and would not provide adequate protection of the Federal investment in the improvements located on the lands. There are no suitable alternative sites with equal or greater benefit to the government. Conversely, there are alternative sites that will remain open to mineral entry that hold greater mineral potential than this location.

No additional water rights will be needed to fulfill the purpose of the requested withdrawal.

For a period until October 25, 2017, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the USFS office at the address listed above. Notice is also hereby given that the opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the USFS office at the address listed above by October 25, 2017.

If it is determined that a public meeting will be held, a notice will be published to announce the time and place in the **Federal Register** at least 30 days before the scheduled date of the meeting.

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. Individuals who submit written comments may request confidentiality by asking us in their comment to withhold personal identifying information from public review. We cannot, however, guarantee that we will be able to do so.

For a period until July 29, 2019, subject to valid existing rights, the National Forest System lands described in this notice will be segregated from location and entry under the United States mining laws, unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary land uses that may be permitted during the temporary segregation period include licenses, permits, rights of way, and disposal of vegetative resources other than under the mining laws.

Authority: 43 CFR 2300.

Genivieve Rasmussen,

Acting Deputy State Director, Natural Resources.

[FR Doc. 2017–15778 Filed 7–26–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRSS–EQD–SSB–2107–23782; PPWONRADE3, PPMRSNR1Y.NM000; OMB Control Number 1024–0216]

Agency Information Collection Activities: NPS Visitor Survey Card

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service) are asking the Office of Management and Budget (OMB) to approve the Information Collection Request (ICR) described below. As required by the Paperwork Reduction Act of 1995 and as a part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other federal agencies to comment on this ICR. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

DATES: To ensure that we are able to consider your comments on this ICR, we must receive them by August 28, 2017.

ADDRESSES: Please send your comments on the ICR to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, to *OIRA_Submission@omb.eop.gov* (email) or 202–395–5806 (fax); and identify your submission as ''1024–0216''. Please also send a copy of your comments to Phadrea Ponds, Information Collection Coordinator, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525 (mail); or *phadrea_ponds@nps.gov* (email). Please include ''1024–0216'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Bret Meldrum, Chief Social Science Program, at (970) 267–7295 or *bret_meldrum@nps.gov* (email). You may also access this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Park Service (NPS) is requesting to renew a previously approved collection (OMB Control Number: 1024–0216 which is required to provide an understanding of visitor satisfaction and an understanding of the park and agency's performance related to The Government Performance and Results Act (GPRA) NPS Goals IIa1 (visitor satisfaction) and IIb1 (visitor understanding and appreciation). The Visitor Survey Card (VSC) was developed to measure each park unit's performance related to these two goals. The Visitor Survey Card contains eight questions regarding visitor evaluations of service and facility quality, awareness of park significance, and basic demographic information. Each year, all NPS units nationwide (approximately 332) are required to collect data using the Visitor Survey Card. Data and information collected through the VSC are used to measure and report performance related to a broad list of GPRA Goals and to provide feedback used by Superintendents and other managers to develop performance improvement plans.

II. Data

OMB Control Number: 1024–0216.

Title: National Park Service Visitor Survey Card.

Service Form Number(s): None.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Park Visitors; Members of the general public.

Respondent's Obligation: Voluntary.

Frequency of Collection: One-time.

Activity	Annual number of respondents	Number of responses each *	Completion time per response * (minute)	Annual burden hours *
Initial Contact	130,000	1	1	2,167
Completed VSC	65,000	1	3	3,250
Non-response Survey	6,500	1	1	108
Total				5,525

* Rounded.

Estimated Annual Non-hour Burden Cost: None.

III. Comments

On January 10, 2017, we published a **Federal Register** notice (82 FR 3024) announcing that we would submit this ICR to OMB for approval. Public comments were solicited for 60 days ending March 13, 2017. We did not receive any comments in response to that notice.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Comments that you submit in response to this notice are a matter of public record. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

IV. Authorities

The authorities for this action are: The Government Performance and Results Modernization Act of 2010 (GPRA) (31 U.S.C. 1101 § 1115), the National Park Service Protection Interpretation and research in System (54 U.S.C. 100701); National Park Service Protection Research Mandate (54 U.S.C. 100702); National Environmental Policy Act of as amended in 1982 (Sec 102 [42 U.S.C. 4332A]).

Tim Goddard,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2017–15785 Filed 7–26–17; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23703; 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 July 1, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 11, 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 July 1, 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:

In the interest of preservation, a **Shortened** comment period has been requested for the following resource(s):

MASSACHUSETTS

Suffolk County

Quincy Grammar School (Chinese Immigrants and Chinese Americans in the City of Boston MPS), 88–90 Tyler St., Boston, MP100001458, Comment period: 3 days

Nominations Submitted by Federal Preservation Officers: The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

GEORGIA

Union County

Nottely Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), Nottely Dam Rd., Blairsville, MP100001455

KENTUCKY

Livingston County

Kentucky Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 640 Kentucky Dam Rd., Grand Rivers vicinity, MP100001456

NORTH CAROLINA

Cherokee County

Apalachia Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System,

1933–1979 MPS), Apalachia Dam Rd., Murphy, MP100001459

Hiwassee Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 600 Powerhouse Rd., Murphy, MP100001460

Clay County

Chatuge Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 221 Old Ranger Rd., Hayesville, MP100001461

Graham County

Fontana Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 1011 Fontana Dam Rd., Fontana Dam, MP100001462

TENNESSEE

Carter County

Watauga Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 774 Wilbur Dam Rd., Elizabethton, MP100001463

Coffee County

Normandy Dam Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), Frank Hiles Rd. E of Coffee-Bedford County Line, Normandy, MP100001464

Franklin County

Tims Ford Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 461 Powerhouse Rd., Winchester, MP100001465

Hamilton County

Chickamauga Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 5400 Lake Resort Dr., Chattanooga, MP100001466

Hardin County

Pickwick Landing Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 850 Carolina Ln., Counce, MP100001467

Jefferson County

Cherokee Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 450 Powerhouse Rd., Rutledge, MP100001468

Loudon County

Fort Loudon Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 1280 City Park Dr., Lenoir City, MP100001469

Melton Hill Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 2009 Grubb Rd., Lenoir City, MP100001470

Tellico Dam Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), c/o 1280 City Park Dr., Lenoir City, MP100001471

Marion County

Nickajack Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 3490 TVA Rd., Jasper, MP100001472

Polk County

Ocoee No. 3 Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 1988 US 64, Benton, MP100001473

Rhea County

Watts Barr Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 6868 Watts Bar Hwy., Spring City, MP100001474

Sevier County

Douglas Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 850 Powerhouse Way, Dandridge, MP100001475

Sullivan County

Boone Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 301 Boone Dam Rd., Kingsport, MP100001476

Fort Patrick Henry Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), Rt. 1 Box 2385, Kingsport, MP100001477

South Holston Hydroelectric Project, (Tennessee Valley Authority Hydroelectric System, 1933–1979 MPS), 918 South View Rd., Bristol, MP100001478

Authority: 60.13 of 36 CFR part 60.

Dated: July 5, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program and Keeper, National Register of Historic Places.

[FR Doc. 2017–15781 Filed 7–26–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On July 20, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Columbia in the lawsuit entitled *United States* v. *Harley-Davidson, Inc., et al.,* Civil Action No. 1:16–cv–01687.

The United States' Complaint, filed on August 18, 2016, Dkt. Nos. 1, 4, alleges that Harley-Davidson, Inc. (and three related companies) manufactured and sold over 339,392 after-market devices (known as ''Super Tuners'' and used with Harley-Davidson motorcycles) in violation of the Clean Air Act prohibition on the manufacture or sale of devices that defeat the functioning of the motorcycles' certified emissions control system. The Complaint also alleges, relatedly, that Defendants violated the provision of the Act that prohibits any person from removing or rendering inoperative a motor vehicle's certified emissions control system and from causing such ''tampering.'' Finally, the Complaint alleges that Defendants manufactured and sold more than 12,000 motorcycles from model years 2006, 2007, and 2008 that were not certified by EPA as required by the Clean Air Act.

The Consent Decree requires Defendants to stop selling the illegal tuners in the United States by August 23, 2016. Defendants will also offer to buy back all such tuners in stock at Harley-Davidson dealerships across the country and destroy them. The Decree requires Defendants to obtain an Executive Order from the California Air Resources Board (CARB) for any tuners Defendants sell in the United States in the future. These Executive Orders (EOs) will demonstrate that the CARB-certified tuners do not cause Defendants' motorcycles to exceed the EPA-certified emissions limits. Defendants must also conduct tests on motorcycles that have been tuned with the EO-certified tuners and provide the results to EPA to ensure that their motorcycles remain in compliance with EPA emissions requirements. In addition, for any uncertified Super Tuners that Defendants sell outside the United States in the future, they must label them as not for use in the United States.

Under the Consent Decree, Defendants must also ensure that all of their future motorcycle models intended for sale in the United States are certified by EPA.

Finally, Defendants will pay a civil penalty of $12 million.

The Consent Decree lodged with the Court on July 20 is identical to a Consent Decree lodged with this Court on August 18, 2016, Dkt. 2, except that the Consent Decree lodged on July 20 (and on which comment is now being sought) does not include the requirement in the original Consent Decree for Defendants to ''fund a program'' (described in Appendix A of the original Consent Decree) that required Defendants to pay a third-party organization to mitigate emissions of hydrocarbons and oxides of nitrogen in the northeastern United States by replacing old, higher polluting woodstoves with emissions-certified woodstoves (''mitigation project''). As explained briefly below, certain new developments led the United States and Defendants to agree to revise the Consent Decree in this manner.

On June 5, 2017, the Attorney General issued a policy, *Prohibition on Settlement Payments to Third Parties,* which prohibits a settlement that ''directs or provides for a payment or loan to any non-governmental person or

entity that is not a party to the dispute[,]'' unless it is ''an otherwise lawful payment . . . that . . . directly remedies the harm that is sought to be redressed, including, for example, harm to the environment. . . .'' This policy became effective upon issuance and applies to, among other things, consent decrees entered into on behalf of the United States. The original Consent Decree would have required Defendants to pay a non-governmental third-party organization to carry out the mitigation project. Questions exist as to whether this mitigation project is consistent with the new policy.

The United States and Defendants also became aware that the U.S. Government Accountability Office (''GAO'') is developing a legal opinion regarding the original Consent Decree, focusing on the mitigation project. On February 6, 2017, the United States received a letter from counsel for Harley-Davidson asking the United States to delay moving to enter the Consent Decree until GAO completed its evaluation. The United States has been informed by GAO that development of its legal opinion would likely not be concluded for many more months. The mitigation project was also the subject of public comment during the notice and comment period.

In light of these facts, the United States and Harley-Davidson attempted to negotiate a substitute mitigation project, but were unable to reach timely agreement on a suitable alternative. The United States is mindful of the length of time this settlement has already been pending and, in the interest of moving forward with the important relief secured by the Consent Decree, has sought and received Defendants' approval to modify the Decree to remove the mitigation project.

The United States has decided on balance that proceeding now with the substitute Consent Decree is in the public interest.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Harley-Davidson, Inc., et al.,* D.J. Ref. No. 90–5–2–1–11333. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611 Washington, DC 20044–7611.

Please enclose a check or money order for $9.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Karen Dworkin,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–15780 Filed 7–26–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

On July 18, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Central District of California, in the lawsuit entitled *City of Colton* v. *American Promotional Events, Inc., et al., Civil Action No. CV 09–01864 PSG* [Consolidated with Case Nos. CV 09–6630 PSG (SSx), CV 09–06632 PSG (SSx), CV 09–07501 PSG (SSx), CV 09–07508 PSG (SSx), CV 10–824 PSG (SSx) and CV 05–01479 PSG (SSx)].

In this action, the United States filed a complaint under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Action (''CERCLA''), 42 U.S.C. 9607, seeking to recover response costs incurred in connection with the formerly named B.F. Goodrich Superfund Site, which was subsequently renamed the Rockets, Fireworks, and Flares Superfund Site (''RFF Site''). The proposed consent decree (''Wong Consent Decree'') requires the Estate of Wong (''Estate'') to pay five million nine hundred thousand dollars ($5.9 million) to be allocated as established by the consent decree between the United States and Goodrich Corporation (''Goodrich Consent Decree'') approved by the Court on July 2, 2013 (Dkt. No. 1821). In return, the Goodrich Consent Decree provides, among other things, certain covenants not to sue pursuant to CERCLA and Section 7003 of Resource Conservation and Recovery Act, 42 U.S.C. 6973.

The publication of this notice opens a period for public comment on the Wong Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *City of Colton* v. *American Promotional Events, Inc., et al., D.J. Ref. No. 90–11–2–09952.* All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC. 20044–7611

Under Section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the Wong Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $12.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–15861 Filed 7–26–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Notice of Reinstatement, Shapiro, DiCaro & Barak, LLP

AGENCY: Office of Federal Contract Compliance Programs, U.S. Department of Labor.

ACTION: Notice of reinstatement, Shapiro, DiCaro & Barak, LLP.

SUMMARY: This notice advises that, Shapiro, DiCaro & Barak, LLP has been reinstated as an eligible bidder on Federal contracts and subcontracts. For further information, contact Debra Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW., Room C3325, Washington, DC 20210. Telephone: (202) 693–0104 (voice) or (202) 693–1337 (TTY) (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: Shapiro, DiCaro & Barak, LLP, is as of this date, reinstated as an eligible bidder on Federal and federally assisted contracts and subcontracts.

Dated: July 19, 2017, Washington, DC.

Debra A. Carr,

Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs.

[FR Doc. 2017–15878 Filed 7–26–17; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Workforce Innovation and Opportunity Act Joint Quarterly Narrative Progress Report

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Workforce Innovation and Opportunity Act Joint Quarterly Narrative Progress Report,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 28, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201706-1205-004* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Workforce Innovation and Opportunity Act (WIOA) Joint Quarterly Narrative Progress Report, previously called the Employment and Training Data Validation Requirement, information collection. This revision will allow the ETA to support reporting, recordkeeping, and program evaluation requirements for the following grant programs: H–1B grant programs (started July 1, 2016 or later), National Dislocated Worker Grants, National Farmworker Jobs Program, Reentry Employment Opportunities youth and adult grant programs, Senior Community Service Employment Program, and YouthBuild. The revised collection consists of a streamlined quarterly narrative report template to be used across all listed grant programs. WIOA section 185 authorizes this information collection. *See* 29 U.S.C. 3245.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0448. The current approval is scheduled to expire on July 31, 2017; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 16, 2016 (81 FR 91200).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0448. The OMB is particularly interested in comments that:

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

Agency: DOL–ETA.

Title of Collection: WIOA Joint Quarterly Narrative Progress Report.

OMB Control Number: 1205–0448.

Affected Public: State, Local, and Tribal Governments; Private Sector—businesses or other for-profits and not-for-profit entities.

Total Estimated Number of Respondents: 752.

Total Estimated Number of Responses: 3,008.

Total Estimated Annual Time Burden: 30,080 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: July 21, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–15777 Filed 7–26–17; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of North America, Inc.: Application for Expansion of Recognition and Application for Reduction in Scope of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV Rheinland of North America, Inc. (TUVRNA), for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application. Additionally, TUVRNA requests the removal of a test standard from its scope of recognition.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before August 11, 2017.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

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

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2007–0042, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3653, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 10:00 a.m.–3:00 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2007–0042). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before August 11, 2017 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that TUV Rheinland of North America, Inc., is applying for expansion of its current recognition as an NRTL. TUVRNA requests the addition of one test standard to its NRTL scope of recognition. TUVRNA is further requesting the removal of a recognized test standard from its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL, including TUVRNA, which details the NRTL's scope of recognition. These pages are available from the OSHA Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVRNA currently has five facilities (sites) recognized by OSHA for product testing and certification, with its

headquarters located at: TUV Rheinland of North America, Inc., 12 Commerce Road, Newtown, Connecticut 06470. A complete list of TUVRNA's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/tuv.html.*

II. General Background on the Application

TUVRNA submitted an application, dated September 30, 2015 (OSHA–2007–0042–0022), to expand its recognition to include one additional test standard. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists the appropriate test standard found in TUVRNA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 2202	Electric Vehicle (EV) Charging System Equipment.

Additionally, TUVRNA submitted an application on April 7, 2017 (OSHA–2007–0042–0025) to reduce their scope of recognition by one test standard. Table 2 below lists the recognized test standard that TUVRNA would like to remove from their scope of recognition.

TABLE 2—PROPOSED APPROPRIATE TEST STANDARD FOR REMOVAL FROM TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 913	Standard for Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, III Division 1, Hazardous (Classified) Location.

III. Preliminary Findings on the Applications

TUVRNA submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file, and comparability analysis, indicate that TUVRNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of this one test standard for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of TUVRNA's application. Further, TUVRNA submitted an acceptable request to remove a recognized test standard from their NRTL scope of recognition.

OSHA welcomes public comment as to whether TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. Additionally, OSHA requests comments on the application to remove one test standard from TUVRNA's NRTL scope of recognition. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Room N–3653, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2007–0042.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to grant TUVRNA's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

IV. Authority and Signature

Thomas M. Galassi, Acting Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on July 19, 2017.

Thomas M. Galassi,

Acting Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–15877 Filed 7–26–17; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–058]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: We are providing public notice that we have submitted to OMB for approval the information collection described in this notice. We invite you to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: OMB must receive written comments at the address below on or before August 28, 2017.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, desk officer for NARA, by mail to Office of Management and Budget; New Executive Office Building; Washington, DC 20503; fax to 202–395–5167; or by email to *Nicholas_A._Fraser@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information or copies of the proposed information collection and supporting statement to Tamee Fechhelm by phone at 301–837–1694 or by fax at 301–837–0319.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite comment on proposed information collections. We published a notice of proposed collection for this information collection on May 24, 2017 (82 FR 23840); and we received no comments. We have therefore submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for NARA to properly perform its functions; (b) our estimate of the burden of the proposed information collection and its accuracy; (c) ways we could enhance the quality, utility, and clarity of the information NARA collects; (d) ways we could minimize the burden on respondents of

collecting the information, including through information technology; and (e) whether the collection affects small businesses. In this notice, we solicit comments concerning the following information collection:

Title: Presidential Library Facilities.

OMB number: 3095–0036.

Agency form number: None.

Type of review: Regular.

Affected public: Presidential library foundations or other entities proposing to transfer a Presidential library facility to NARA.

Estimated number of respondents: 1.

Estimated time per response: 40 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 40 hours.

Abstract: The information collection is required for NARA to meet its obligations under 44 U.S.C. 2112(a)(3) to submit a report to Congress before accepting a new Presidential library facility. The report contains information that can be furnished only by the foundation or other entity responsible for building the facility and establishing the library endowment.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2017–15792 Filed 7–26–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Closing the Temporary Corporate Credit Union Stabilization Fund and Setting the Share Insurance Fund Normal Operating Level

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The NCUA Board (Board) is considering closing the Temporary Corporate Credit Union Stabilization Fund (Stabilization Fund) in 2017, prior to its scheduled closing date in June 2021. Closing the Stabilization Fund and distributing all assets, property, and funds to the National Credit Union Share Insurance Fund (Share Insurance Fund) will increase the Share Insurance Fund's equity ratio and allow for the return to insured credit unions of any equity above the normal operating level. The return of excess equity would be accomplished through a distribution from the Share Insurance Fund in conformance with the Federal Credit Union Act (the Act). However, given the nature of certain assets and liabilities of the Stabilization Fund, the Share Insurance Fund's assumption of these assets and liabilities will introduce additional risk of volatility to the Share Insurance Fund's equity ratio. Therefore, the Share Insurance Fund would need to hold sufficient equity to cover potential changes in the value of its claims on the failed corporate credit union asset management estates. In addition, the Share Insurance Fund needs to have enough equity to cover other risks to the equity ratio, such as losses on insured credit unions, under the same macroeconomic conditions that create volatility in the asset management estate values. To ensure the Share Insurance Fund has sufficient equity to absorb these risks, the Board proposes to raise the normal operating level to 1.39 percent.

This notice provides a discussion of the reasons the Board is proposing to close the Stabilization Fund in 2017 and the basis used to determine the normal operating level necessary to account for the additional risk to the Share Insurance Fund. In addition, the notice sets forth a new policy by which the Board would set the normal operating level. The Board solicits comments on each of these proposed actions.

DATES: Comments must be received on or before September 5, 2017 to be assured of consideration.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *NCUA Web site: https://www.ncua.gov/about/pages/board-comments.aspx*
- *Email:* Address to *boardcomments@ncua.gov.* Include ''[Your name]—Comments on Stabilization Fund Closure'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerald Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public Inspection: You can view all public comments on NCUA's Web site at *https://www.ncua.gov/about/pages/board-comments.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA's headquarters at 1775 Duke Street, Alexandria, VA 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6360 or send an email to *EIMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Anthony Cappetta, Supervisory Financial Analyst, at 1775 Duke Street, Alexandria, VA 22314, or telephone: (703) 518–1592.

SUPPLEMENTARY INFORMATION:

I. Stabilization Fund Background
II. Legal Matters
III. Closing the Stabilization Fund
IV. The Normal Operating Level
V. Request for Comment

I. Stabilization Fund Background

Public Law 111–22, *Helping Families Save Their Homes Act of 2009* (Helping Families Act), signed into law by the President on May 20, 2009 created the Temporary Corporate Credit Union Stabilization Fund. Congress provided NCUA with this temporary fund to accrue the losses of the corporate credit union system and assess insured credit unions for such losses over time. This prevented insured credit unions from bearing a significant burden for losses associated with the failure of five corporate credit unions within a short period. Without creation of the Stabilization Fund, these corporate credit union losses would have been borne by the Share Insurance Fund. The magnitude of losses would have exhausted the Share Insurance Fund's retained earnings and significantly impaired credit unions' one percent contributed capital deposit.[1] The deposit impairment, along with premiums that would have been necessary to restore the Share Insurance Fund's equity ratio, would have resulted in a significant, immediate cost to credit unions at a time when their earnings and capital were already under stress due to the Great Recession.[2] In June 2009, the Board formally approved use of the Stabilization Fund for accounting for the costs of the Corporate System Resolution Program.[3] Since then, all of these costs have been accounted for in the financial statements of the Stabilization Fund.

The Act specifies that the Stabilization Fund will terminate 90 days after the seven-year anniversary of its first borrowing from the U.S. Treasury.[4] The first borrowing occurred

[1] Prior to reassignment of these costs to the Stabilization Fund, the capitalization deposit impairment would have been 89 basis points.

[2] Because the contributed capital deposit is reflected as an asset on the financial statements of insured credit unions, under accounting rules any impairment results in an immediate expense to credit unions.

[3] For more details on the corporate system resolution program, please see the NCUA Corporate System Resolution Costs *Web page* (*https://www.ncua.gov/regulation-supervision/Pages/corporate-system-resolution.aspx).*

[4] 12 U.S.C. 1790e(h).

on June 25, 2009, making the original closing date September 27, 2016. However, the Act provided the Board, with the concurrence of the Secretary of the U.S. Treasury, authority to extend the closing date of the Stabilization Fund. In June 2010, the Board voted to extend the life of the Stabilization Fund and on September 24, 2010, NCUA received concurrence from the Secretary of the U.S. Treasury to extend the closing date to June 30, 2021.

In March 2009, the Board conserved U.S. Central Federal Credit Union and Western Corporate Credit Union. In September 2010, the Board conserved three additional corporate credit unions and publicly announced the Corporate System Resolution Program. The Board placed the five corporate credit unions into liquidation in the fourth quarter of 2010. The Board, as Liquidating Agent, administers the assets and liabilities of the five failed corporate credit unions in separate legal entities, referred to as asset management estates.

The Corporate System Resolution Program included providing short-term and long-term funding to resolve a portfolio of residential mortgage-backed securities, commercial mortgage-backed securities, other asset-backed securities, and corporate bonds (collectively referred to as the Legacy Assets) held by the liquidated corporate credit unions. Under the Corporate System Resolution Program, NCUA created a re-securitization program where NCUA issued a series of NCUA Guaranteed Notes (NGNs). The sale of NGNs to investors has provided long-term funding for the Legacy Assets. The NGNs are guaranteed by NCUA in its Agency capacity, backed by the full faith and credit of the United States. While the accounting for obligations associated with the NGNs occurs through the Stabilization Fund, the guaranty is not specific to the Stabilization Fund. All NCUA agency funds for which payments on the NGN guarantees is a permitted use, including the Share Insurance Fund, are potential sources for guaranty obligations prior to any recourse to the U.S. Treasury.

During its life, the Stabilization Fund provides the primary funding necessary for NCUA's guarantees on the NGNs and to complete the resolution of the corporate credit union asset management estates. The majority of this funding has been from two primary sources: Borrowings of $5.1 billion (peak outstanding balance) on NCUA's $6 billion line of credit with the U.S. Treasury and $4.8 billion in Stabilization Fund assessments paid by insured credit unions.

In 2010, when NCUA announced the Corporate System Resolution Program, the outstanding principal balance of the Legacy Assets totaled over $40 billion—about four times the size of the Share Insurance Fund. The initial outstanding balance of guaranteed notes backed by the Legacy Assets and sold to investors through the NGN program in 2010 and 2011 totaled approximately $28 billion—almost three times the size of the Share Insurance Fund at that time. As of March 2017, the outstanding principal balance of the Legacy Assets and the outstanding balance of the guaranteed notes back by them have declined to $12.7 billion and $7.5 billion, respectively. Both of these balances are less than the current size of the Share Insurance Fund, which is $13.2 billion in total assets as of March 31, 2017.

The projected range of lifetime Legacy Asset defaults was $13.2 billion to $16.4 billion as of December 2011. As of March 2017, the projected range of lifetime Legacy Asset defaults has declined to $9.9 billion to $10.3 billion. In addition, NCUA's pursuit of legal recoveries in its capacity as Liquidating Agent against various third parties in connection with the Legacy Assets has resulted in net recoveries of approximately $3.8 billion after fees and expenses.[5] Improved projected performance of the Legacy Assets and legal recoveries are the primary reasons the Stabilization Fund's net position has increased from negative $7.5 billion as of December 2010 to a positive $1.6 billion as of March 2017.

It is now possible for the remaining obligations of the Corporate System Resolution Program to be borne by the Share Insurance Fund without inordinate risk, provided additional equity is maintained while the exposure to remaining resolution program obligations exist. As a result, the Board believes the purpose of the Stabilization Fund has been fulfilled.[6] Therefore, the Board proposes to close the Stabilization Fund in 2017. Closing the Stabilization Fund at this time would increase the equity ratio of the Share Insurance Fund and require NCUA to distribute any resulting equity above the normal operating level to insured credit unions.[7] The Board is simultaneously publishing a separate proposal to update § 741.4 of NCUA's Rules and Regulations regarding the method for Share Insurance Fund distributions to insured credit unions.

II. Legal Matters

The Act sets forth the purpose, permissible expenditures, borrowing and repayment authorities, assessment authority, investment authority, and procedures for closing the Stabilization Fund.[8] The statute specifically prescribes the conditions for closing the Stabilization Fund and distributing its holdings.[9] The Board has the authority under the Act to close the Stabilization Fund at its discretion at any time when it has no deficit, which then requires that all of its assets and funds be distributed to the Share Insurance Fund.[10] The Stabilization Fund's financial statements have reflected a positive net position since June 30, 2014. Therefore, there are currently no statutory barriers for the Board in regards to closing the Stabilization Fund in 2017. Once the Stabilization Fund is closed, there is no statutory authority that permits NCUA to re-open it for any reason.

The Board is aware of industry opinions that the Act may permit a distribution to insured credit unions directly from the Stabilization Fund. The Board does not believe this is permissible for the following reasons.

NCUA's authority to use Stabilization Fund money arises from the reference to 12 U.S.C. 1783(a) in the legislation that created the Stabilization Fund.[11] Specifically, the legislation provides that ''[m]oney in the Stabilization Fund shall be available upon requisition by the Board . . . for making payments for the purposes described in § 1783(a) of this title.'' [12] Except with respect to administrative payments, the legislation limits this authority to the context of a ''conservatorship, liquidation, or threatened conservatorship or liquidation, of a corporate credit union.'' [13] Under section 1783(a),

[5] NCUA does not include potential future legal recoveries in loss projections, as they are inherently inestimable. For a list of legal recoveries to date, see NCUA's Legal Recoveries Web site (*https://www.ncua.gov/regulation-supervision/Pages/corporate-system-resolution/legal-recoveries.aspx*).

[6] Worthy of note, if the Stabilization Fund is closed in 2017, it would have been in operation about one year longer than the original seven years provided for in the Act.

[7] The potential return of excess equity would be in the form of a distribution to insured credit unions from the Share Insurance Fund as provided for in the Act. Stakeholders should not confuse this with potential recoveries on depleted member capital. Until senior obligations of each particular estate can be satisfied, there will not be distributions for any recoveries on depleted member capital.

[8] 12 U.S.C. 1790e.

[9] 12 U.S.C. 1790e(h).

[10] 12 U.S.C. 1790e(g), (h).

[11] 12 U.S.C. 1790e(b).

[12] 12 U.S.C. 1790e(b)(1).

[13] *Id.*

permissible uses include payments of insurance under section 1787 of the title, for providing assistance and making expenditures under section 1788 of the title in connection with the liquidation or threatened liquidation of insured credit unions, and for such administrative and other expenses incurred in carrying out the purposes of the subchapter as the Board may determine to be proper.

Here, a distribution, such as an assessment rebate, does not plainly meet any of those criteria, assuming an appropriate nexus to a corporate credit union conservatorship or liquidation could be established in each instance. First, a distribution to insured credit unions from the Stabilization Fund, by its namesake alone, would not be a payment of insurance under section 1787. Further, a distribution could not be in the form of assistance under section 1788, since it would not go to credit unions for the assistance purposes described in section 1788. Finally, a distribution is not an ''administrative expense'' or ''other expense'' in the context of the Act.

While the general definition of an expense can be quite broad,[14] section 1782(c)(3) of the Act expressly governs distributions to insured credit unions. Distributions under section 1782(c)(3) are not included as an authority that Congress granted for the Stabilization Fund, particularly since Congress expressly tied Stabilization Fund authority to section 1783(a), to the exclusion of any other section. On the contrary, the Stabilization Fund legislation references section 1782(c)(3) only with respect to distributions flowing *into* the Stabilization Fund, in any circumstances where U.S. Treasury borrowings remain outstanding.[15]

In the only other circumstance where the legislation references a distribution in any manner, it is in reference to the Stabilization Fund's closing.[16] In that circumstance, the Act limits a distribution of all ''funds, property or other assets remaining in the Stabilization Fund'' to one recipient: The Share Insurance Fund.[17] For these reasons, the Board believes the Stabilization Fund must be closed before a distribution of excess funds to insured credit unions can occur for purposes other than those described in section 1783(a).

III. Closing the Stabilization Fund

A. Accounting and Financial Reporting

The financial statements of the Stabilization Fund and the Share Insurance Fund are presented under standards promulgated by the Federal Accounting Standards Advisory Board (FASAB). These financial statements are presented and audited by calendar year. With the closing of the Stabilization Fund, NCUA intends to prepare final financial statements for the Stabilization Fund as of September 30, 2017. These financial statements would be audited by NCUA's Office of the Inspector General.

Per applicable accounting standards, the assets and liabilities of the Stabilization Fund will be distributed to the Share Insurance Fund at September 30, 2017 values. This transfer will increase the net position of the Share Insurance Fund, resulting in an increase to the equity ratio. As required by applicable accounting standards, certain budgetary accounts will also transfer and be shown in the Statement of Budgetary Resources. NCUA determined the applicable accounting standards in consultation with an independent accounting firm.

The post-closure financial statements and note disclosures for the Share Insurance Fund will continue to provide the same level of detail about the receivables from the corporate asset management estates and the related fiduciary activities. That is, the detailed note disclosures in the Stabilization Fund's financial statements will now be in the note disclosures of the Share Insurance Fund's financial statements. NCUA does not envision any changes to the accounting for the asset management estates. The accounting for each asset management estate has and will remain distinct, which is a requisite in fulfilling the Board's responsibility as Liquidating Agent.

For illustrative purposes, Table 1 depicts the March 31, 2017 Share Insurance Fund balance sheet (unaudited), the March 31, 2017 Stabilization Fund balance sheet (unaudited), and the pro-forma Share Insurance Fund balance sheet (unaudited) as if the Stabilization Fund were closed on that day.[18]

TABLE 1—SHARE INSURANCE FUND AND STABILIZATION FUND BALANCE SHEETS, PRE- AND POST-CLOSURE, AS OF MARCH 31, 2017

[Dollars in millions]

	Share insurance fund (pre-closure)	Stabilization fund (pre-closure)	Share insurance fund (post-closure)
Assets			
Fund Balance with Treasury & Investments	$12,766.2	$700.4	$13,466.6
Notes Receivable, Net	8.7	.....	8.7
Capitalization Deposits Receivable	316.5	.....	316.5
Receivable from Asset Management Estates, Net (NPCU)	51.3	.....	51.3
Receivable from Asset Management Estates, Net (CCU)	.....	876.3	876.3
Accrued Interest and Other Assets	61.2	2.7	63.9
Total Assets	13,203.9	1,579.4	14,783.3
Liabilities and Net Position			
Accounts Payable and Other Liabilities	26.0	1.1	27.1
Borrowings from U.S. Treasury	.....	.....	.....
Insurance and Guarantee Program Liabilities	245.6	.....	245.6
Net Position—Contributed Capital Deposits	10,285.8	.....	10,258.8

[14] Black's Law Dictionary characterizes an expense as ''[a]n expenditure of money, time, labor or resources to accomplish a result.'' Black's Law Dictionary 617 (8th ed. 2004).

[15] 12 U.S.C. 1790e(e).

[16] 12 U.S.C. 1790e(h).

[17] *Id.* Within 90 days following the seventh anniversary of the initial Stabilization Fund advance, or earlier at the Board's discretion, the Board shall distribute any funds, property, or other assets remaining in the Stabilization Fund to the Insurance Fund and shall close the Stabilization Fund.

[18] The impact on the post-closure Share Insurance Fund financial statements will be based on actual results at the time the Stabilization Fund is closed and the presentation may vary somewhat due to the specific application of accounting standards on individual line items.

TABLE 1—SHARE INSURANCE FUND AND STABILIZATION FUND BALANCE SHEETS, PRE- AND POST-CLOSURE, AS OF MARCH 31, 2017—Continued

[Dollars in millions]

	Share insurance fund (pre-closure)	Stabilization fund (pre-closure)	Share insurance fund (post-closure)
Net Position—Cumulative Results of Operations	2,646.5	1,578.3	4,224.8
Total Liabilities and Net Position	13,203.9	1,579.4	14,783.3
Total Net Position	12,932.3	1,578.3	14,510.6

Subsequent to March 31, 2017, and prior to the end of the year, there are several items that have been or are expected to be recognized that will ultimately affect the net position of the Share Insurance Fund. Table 2 includes these additional items and the effect on the projected net position as of December 31, 2017.

TABLE 2—BREAKDOWN OF PROJECTED NET POSITION COMPONENTS BY DECEMBER 31, 2017

[Dollars in thousands]

Component	Amount (in millions)
March 31, 2017 Pro-Forma Net Position (Post-Closure)—From Table 1 Above	$14,511
Plus: Legal Recoveries that Increase the Value of the Receivable from the AMEs	310
Plus: Estimated Recovery on U.S. Central Capital Note [19]	[20] 500–800
Plus: Share Insurance Fund Net Income 2017q2–2017q4 [21]	(26)
Plus: Adjustment to 1% Contributed Capital Deposit [22]	383
Equals: Adjusted Net Position (Post-Closure), as of 12/31/17	15,678–15,978

B. Effect on Share Insurance Fund Equity Ratio and Distributions

TheShare Insurance Fund equity ratio is defined in the Act as the ratio of the amount of Fund capitalization, including insured credit unions' 1 percent capitalization deposits and the retained earnings balance of the Fund (net of direct liabilities of the fund and contingent liabilities for which no provision has been made) to the aggregate amount of insured shares in all insured credit unions.[23] It serves as a measure of the Share Insurance Fund's overall strength and ability to absorb losses. In general, the Act requires the Board to manage the Share Insurance Fund's equity ratio within a range of 1.20 percent to 1.50 percent.

The closure of the Stabilization Fund would increase the Share Insurance Fund's net position. This would result in an increase to the Share Insurance Fund's equity ratio. Table 3 shows the estimated equity ratio of the Share Insurance Fund as of December 31, 2017 as if the Stabilization Fund were closed.

TABLE 3—PROJECTED SHARE INSURANCE FUND EQUITY RATIO AS OF DECEMBER 31, 2017

[Dollars in thousands]

Component	Amount (in millions)
Adjusted Net Position Post Closure—From Table 2 Above	$15,678–$15,978
Less: Gain(Loss) on Investments [24]	($66)
Equals: Equity Ratio Numerator	$15,744–$16,044
Equity Ratio Denominator: Projected Insured Shares as of December 31, 2017 [25]	$1,089,500
Projected Calendar Yearend 2017 Equity Ratio [26]	1.45%–1.47%

The Share Insurance Fund's calendar yearend equity ratio is part of the statutory basis to determine whether NCUA must make a distribution to insured credit unions.[27] The Act states ''the Board shall effect a pro rata distribution to insured credit unions after each calendar year if, as of the end of that calendar year—

[19] The estimated recovery includes U.S. Central's portion of the recent legal recoveries.

[20] This estimated range only reflects what is projected to be recognizable by December 31, 2017 under applicable accounting rules, which mainly includes the portion of the U.S. Central capital note for which there is cash available for repayment.

[21] Assuming current yield on investments, insurance losses equal to the five-year average, and operating expenses based on the currently approved NCUA budget.

[22] Based on share growth of 3.71 percent in the first quarter 2017 and the historical share of adjusted contributed capital deposit adjustments collected in October each year.

[23] 12 U.S.C. 1782(h)(2).

[24] Actual gain(loss) on investments as of March 31, 2017 and could be materially different as of December 31, 2017.

[25] Based on 5.8 percent annual insured share growth, which is the three-year average insured share growth for the industry.

[26] This does not account for extraordinary losses and/or failures in credit unions, abnormally high insured-share growth, or a significant downturn in economic conditions, including declining interest rates.

[27] The equity ratio is also part of the statutory basis for determining whether a premium or Share Insurance Fund restoration plan is necessary.

• Any loans to the Fund from the Federal Government, and any interest on those loans, have been repaid;

• The Fund's equity ratio exceeds the normal operating level; and

• The Fund's available assets ratio exceeds 1.0 percent.'' [28]

As of October 24, 2016, all NCUA borrowings from the Federal Government had been repaid. The Share Insurance Fund's available asset ratio is 1.21 percent as of March 31, 2017, well above the 1.0 percent minimum and is projected to remain above 1.0 percent.[29]

To the extent the equity ratio exceeds the normal operating level as of calendar yearend 2017, a distribution would be paid to insured credit unions in accordance with the Act and § 741.4 of NCUA regulations. The distribution in total would equal the dollar amount of equity in excess of the normal operating level. For additional information on how the pro rata distribution would be made, see the July 2017 Notice of Proposed Rulemaking on this subject.

IV. The Normal Operating Level

Per the Act, the normal operating level is an equity ratio set by the Board and may not be less than 1.20 percent and not more than 1.50 percent.[30] As noted above, if the calendar yearend equity ratio exceeds the normal operating level, NCUA is required to make a pro rata distribution to insured credit unions. The Board has historically set the normal operating level as the target equity ratio for the Share Insurance Fund.

The current normal operating level is 1.30 percent, set by the Board in 2007 based on the Board-approved methodology in place at that time. When establishing the 1.30 percent normal operating level in 2007, the Board affirmed that the Share Insurance Fund would maintain a counter-cyclical posture. In practice, this means the Share Insurance Fund's equity should be built up during periods of economic prosperity and allowed to decline during periods of economic adversity. A counter-cyclical posture allows NCUA to maintain the Share Insurance Fund at a level that is sufficient for it to remain viable even during economic stress conditions without having to charge a premium when credit unions can least afford it.

With the proposed closing of the Stabilization Fund, the Board considered whether the current normal operating level of 1.30 percent would be sufficient to cover all of the Share Insurance Fund's resulting exposures. To determine this, NCUA modeled the losses that would be expected under a moderate and a severe recession.[31] For the two recession scenarios, the agency modeled the:

• Impact on the equity ratio of the estimated decline in the value of the Share Insurance Fund's claims on the liquidated corporate credit unions' asset management estates—which would be driven by a reduction in the value of the Legacy Assets.

• Performance of the Share Insurance Fund based on the three primary factors that currently affect the Share Insurance Fund's equity ratio: Insured share growth, yield on investments, and insurance losses.

The Share Insurance Fund was modeled over a five-year period and the Legacy Assets were modeled over their remaining life.[32] NCUA used the applicable variables describing economic developments for the Adverse and Severely Adverse economic scenarios from the Federal Reserve Board's 2017 annual stress test supervisory scenarios.[33] In the Adverse scenario, the U.S. economy experiences a moderate recession, and asset prices decline. This scenario is characterized by weakening economic activity, including higher unemployment, falling short-term interest rates, long-term interest rates that slowly rise, a steadily rising unemployment rate, and sustained declines in housing prices. The Severely Adverse scenario is characterized by a severe global recession that is accompanied by a period of heightened stress in corporate loan markets and commercial real estate markets. In this scenario, the unemployment rate spikes, short-term interest rates fall to near zero, long-term interest rates fall initially then increase slightly, and housing prices decline substantially. Further details on how these scenarios were applied to model the value of the claims on the corporate asset management estates and the performance of the Share Insurance Fund are provided below.

A. Determining Equity Needed To Cover Potential Declines in the Value of Claims on the Corporate Credit Union Asset Management Estates

At NCUA's request, BlackRock incorporated the Adverse and Severely Adverse macroeconomic scenarios into its proprietary models to project cash flows for all of the Legacy Assets.[34] In both the Adverse and Severely Adverse macroeconomic scenarios, the value of the Legacy Assets declines.

Credit spreads indicative of Adverse and Severely Adverse market conditions are applied to the forward interest rate curve to arrive at a discount rate to calculate the present value of the Legacy Asset cash flows, as shown in Table 4. For the Adverse scenario, credit spreads similar to the period of the U.S. credit rating downgrade in August 2011 were used. For the Severely Adverse scenario, credit spreads similar to the peak of the Great Recession in 2009 were used.

[28] 12 U.S.C. 1782(c)(3). This section is also subject to 12 U.S.C. 1790e(e).

[29] After closure, NCUA estimates the Share Insurance Fund would hold $4 billion in surplus funds over the 1.0 percent minimum ratio. NCUA currently projects $2.8 billion in guaranty payments on the NGNs after 2017. However, the current estimate for the funding needs net of related cash flows is approximately $1 billion.

[30] 12 U.S.C. 1782(h)(4).

[31] In estimating the equity ratio under various economic stress scenarios, NCUA must make estimates and assumptions that affect the model output. Actual results could differ from NCUA's estimates; however, the agency evaluates the reasonableness of such estimates when analyzing the model output. The base scenario for modeling the performance of the Share Insurance Fund is a moderate economic expansion through the projection period with Treasury rates assumed to rise steadily across the maturity spectrum, the unemployment rate remains low and housing prices rise slightly.

[32] A five-year horizon (beginning at yearend 2017) was used to cover the cycle of an economic downturn and the life of the NGN program.

[33] *Supervisory Scenarios for Annual Stress Test Required under the Dodd-Frank Act Stress Testing Rules and the Capital Plan Rule,* February 10, 2017 (*https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20170203a5.pdf*).

[34] The NGNs remaining after yearend 2017 do not mature until 2020 and 2021. Because these NGNs do not have a call feature (other than a clean-up call provision when the Legacy Asset balances are 10 percent or less or their balances when transferred to the NGNs, which NCUA does not expect to be triggered), they cannot be retired early.

TABLE 4—DISCOUNTED LEGACY ASSET CASH FLOWS

[Dollars in billions]

	Scenario			Differences from base	
	Base	Adverse	Severely adverse	Adverse	Severely adverse
Total	$10.3	$8.3	$7.3	($2.0)	($3.0)

The projected Legacy Asset cash flows are aggregated by NGN and run through the applicable NGN waterfall to determine their related projected cash flows. As shown in Table 5, the NGN-related cash flows include guaranty fees paid to NCUA, guaranty payments made by NCUA to NGN investors for principal and interest shortfalls, guaranty reimbursements made to NCUA for any guaranty payments made, and any residual cash flows left after all of these payments have been made. The present value of the NGN cash flows is determined by the same discounting approach discussed above.

TABLE 5—DISCOUNTED NGN CASH FLOWS

[Dollars in billions]

Cash flow	Scenario			Differences from base	
	Base	Adverse	Severely adverse	Adverse	Severely adverse
Guaranty Fees	$0.1	$0.1	$0.1	$0.0	$0.0
Guaranty Payments	(3.2)	(4.0)	(4.4)	(0.8)	(1.2)
Guaranty Reimbursements	3.0	3.3	3.5	0.3	0.5
Residuals	3.5	2.1	1.3	(1.4)	(2.2)
Total	3.4	1.5	0.5	(1.9)	(2.9)

NCUA then applied the un-securitized projected Legacy Asset cash flows and NGN cash flows to the applicable asset management estates based on the payout priorities in NCUA regulations.[35] This results in an estimate of the change in the net receivable from asset management estates due to NCUA, as well as changes in NCUA's projected recovery on the U.S. Central capital note.[36] For each asset management estate, the impact of the stress scenarios will differ depending on the specific circumstances of the estate. While the decreases in Legacy Asset and NGN cash flows under the Adverse and Severely Adverse scenarios are approximately $2 billion and $3 billion, respectively, the net impact on the value of NCUA's claims—and ultimately the equity ratio—is different, primarily due to how these funds flow through the payout priorities applicable to each asset management estate. This is shown in Table 6.

TABLE 6—NET RECEIVABLE TO NCUA PLUS U.S. CENTRAL CAPITAL NOTE RECOVERY

[Dollars in billions]

Estate	Scenario			Differences from base	
	Base	Adverse	Severely adverse	Adverse	Severely adverse
U.S. Central[37]	$0.9	$0.9	$0.5	$0.0	($0.4)
WesCorp	0.9	0.5	0.3	(0.4)	(0.6)
Members	0.2	0.2	0.1	0.0	(0.1)
Southwest	0.0	0.0	0.0	0.0	0.0
Constitution	0.0	0.0	0.0	0.0	0.0
Total	2.0	1.6	0.9	(0.4)	(1.1)

Under the Adverse scenario, NCUA projects a decline in value of its receivables from asset management estates, net of approximately $400 million, which would equate to a 4-basis point reduction in the Share Insurance Fund's equity ratio. Under the Severely Adverse scenario, the potential decline in value is approximately $1.1 billion or 11 basis points.[38]

[35] Payout priorities are outlined in 12 CFR 709.5.

[36] For more information on the U.S. Central capital note, see NCUA's costs and assessments Q&A (*https://www.ncua.gov/Resources/Documents/QA-Corporate-Resolution-Costs-and-Assessments.pdf*).

[37] These numbers represent both the $0.1 billion of net receivable due to NCUA and the $0.8 billion expected to be recognized for the U.S. Central capital note. While NCUA believes the full $1 billion capital note will be collected, $0.8 billion represents NCUA's estimate of the recognizable value under accounting rules at yearend 2017.

[38] There are four asset management estates projected to have recoveries for investors in depleted capital instruments of the failed corporates. Depleted capital recoveries would decrease by approximately $1.5 billion and $1.7 billion under the Adverse and Severely Adverse scenarios, respectively. This estimate accounts for any depleted member capital claims the other four asset management estates have against the U.S. Central asset management estate. However, all five estates are currently expected to have outstanding

Continued

B. Determining Equity Needed To Cover Other Risks to the Equity Ratio of the Share Insurance Fund[39]

NCUA uses the relevant variables from the economic scenarios outlined above to project the values of the three primary drivers of the Share Insurance Fund: Insured share growth, insurance losses, and yield on investments. NCUA developed regression equations that relate the historical movements of economic variables to movements in two of the primary drivers of the Share Insurance Fund equity ratio: Insurance losses and growth in insured shares. The equations translate the economic conditions in the Adverse and Severely Adverse scenarios into projections of the level of losses and insured share growth. The equations are relatively straightforward and translate economic developments into Share Insurance Fund drivers in a commonsense way using historical data that extends back to the early-to-mid 1990s. For example, the equation for share growth relates annual growth in total shares (inflation-adjusted) from 1991 to 2016 to the unemployment rate, the change in the average annual unemployment rate, the change in the average annual three-month Treasury bill, and the year-to-year growth in real disposable income. In the equation, a rise in unemployment first raises share growth, but continued high unemployment eventually leads to lower growth. Faster income growth tends to lead to faster share growth, and a rising interest rate tends to reduce share growth.

For the insurance loss equation, NCUA projects the portion of shares accounted for by CAMEL 4 and 5 rated federally insured credit unions using data from 1996 to 2016 for the unemployment rate and house price growth.[40] As expected, a higher unemployment rate tends to increase insurance losses, as does falling house prices. Then, the dollar value of losses is projected as a constant percentage of the portion of shares in CAMEL 4 and 5 rated institutions.

To determine the yield on the Share Insurance Fund investment portfolio, interest rate inputs are taken directly from the Adverse and Severely Adverse stress scenarios. These inputs are applied to the Share Insurance Fund's investment portfolio assuming a seven-year ladder.[41] Table 7 outlines the resulting inputs used each year of the projections for the key drivers to forecast the equity ratio under the various stress scenarios.[42]

TABLE 7—PROJECTED INPUTS FOR THE PRIMARY DRIVERS OF THE EQUITY RATIO[43]

	Base	Adverse	Severely adverse
Insured Share Growth	2017: 5.10%	2017: 6.60%	2017: 6.92%
	2018: 5.30%	2018: 6.30%	2018: 6.20%
	2019: 5.50%	2019: 4.20%	2019: 2.34%
	2020: 5.60%	2020: 3.70%	2020: 1.66%
	2021: 6.00%	2021: 3.90%	2021: 2.48%
	2022: 5.70%	2022: 4.67%	2022: 3.90%
Insurance Losses (in millions)	2017: $52.1	2017: $142.0	2017: $216.0
	2018: $58.1	2018: $311.2	2018: $532.0
	2019: $52.4	2019: $257.8	2019: $425.4
	2020: $60.2	2020: $202.8	2020: $292.4
	2021: $78.1	2021: $164.2	2021: $230.4
	2022: $76.7	2022: $188.6	2022: $269.6
Yield on Investment Portfolio	2017: 1.64%	2017: 1.56%	2017: 1.48%
	2018: 1.92%	2018: 1.73%	2018: 1.49%
	2019: 2.16%	2019: 1.84%	2019: 1.47%
	2020: 2.40%	2020: 1.93%	2020: 1.47%
	2021: 2.57%	2021: 2.00%	2021: 1.46%
	2022: 2.74%	2022: 2.05%	2022: 1.51%

As shown above, insured share growth rises initially as consumers move funds into safer, federally insured savings instruments—a pattern that is highly correlated to economic downturns. After an initial surge, growth in insured shares slows reflecting worsening economic conditions. Toward the end of the stress scenarios, growth begins to increase reflecting some rebound in the overall economy. Insurance losses peak at the beginning of the economic stress and then decline and stabilize over the following years. Overnight rates drop to 10 basis points for the entire period and the yield on investments drops over the first three years, and then increases as the economy begins to recover.

The results of each stress scenario, expressed as the calendar yearend Share Insurance Fund equity ratio, are included in Table 8 (based on the current equity ratio of 1.26 percent).[44]

senior creditor obligations, including to the Stabilization Fund (or Share Insurance Fund after closure) via the guaranty provided on the NGNs until 2021. Thus, until senior creditor obligations can be satisfied with certainty—that is repaid or fully funded, including for contingencies—it would be inappropriate for NCUA to make payments to the subordinated depleted capital claimants.

[39] The performance of the Share Insurance Fund described here does not include the losses discussed above related to the claims on the corporate credit union asset management estates. The Share Insurance Fund performance is modeled here based on the current financial position, without factoring in the potential Stabilization Fund closure.

[40] See Letter to Credit Unions 07–CU–12 *CAMEL Rating System* for more information on NCUA's CAMEL rating system.

[41] The interest rate inputs used were provided by Macroeconomic Advisers, LLC (April 2017). These inputs were used for two reasons: (1) The Federal Reserve scenarios do not provide the yield on the seven-year Treasury note, which NCUA uses in the stress scenarios. Macroeconomic Advisers uses its proprietary model to extend the Federal Reserve scenarios to a wider array of economic variables, including the full yield curve. (2) Macroeconomic Advisers advances the beginning of the Federal Reserve scenarios to the second quarter of 2017, rather than beginning in the first quarter. This was necessary because, when conducing analysis of the Share Insurance Fund, first quarter data was already known. Macroeconomic Advisers scenarios match the Federal Reserve scenarios for variables provided by the Federal Reserve, but the timing is advanced on quarter into the future relative to the published Federal Reserve scenarios, so that the Adverse and Severely Adverse shocks begin in the second quarter of 2017. Using these scenarios allows NCUA to implement the full effects of the downturn scenarios developed by the Federal Reserve.

[42] These are stress scenarios and do not represent forecasts of likely outcomes. Federal Reserve stress scenarios provide data through the first quarter of 2020. These scenarios are extended through 2021 by Macroeconomic Advisers, LLC using a proprietary model. NCUA assumes that values for the economic variables in 2022 are the same as they were in 2021 (for variables that are rates or growth rates).

[43] NCUA used the current budget growth of 4.1 percent in each scenario as the operating expense input.

[44] Using the figures in Table 1 and Table 3 above, the calendar yearend equity ratio of the Share

TABLE 8—PROJECTED EQUITY RATIO UNDER VARIOUS ECONOMIC STRESSES [45]

	2017q1 (%)	2017 (%)	2018 (%)	2019 (%)	2020 (%)	2021 (%)	2022 (%)
Baseline	1.26	1.26	1.24	1.24	1.23	1.23	1.23
Adverse	1.26	1.25	1.21	1.18	1.16	1.15	1.14
Severely Adverse	1.26	1.24	1.18	1.13	1.11	1.09	1.06

Neither the Adverse nor the Severely Adverse scenario causes the equity ratio of the Share Insurance Fund to fall below 1.00 percent, the level at which credit union's contributed capital deposit would begin to be impaired.[46] However, by yearend 2019, under both the Adverse and Severely Adverse scenarios, the equity ratio falls below 1.20 percent—the statutory trigger for either assessing premiums or developing a Share Insurance Fund restoration plan. Under the Adverse and Severely Adverse scenarios, for the equity ratio to not fall below 1.20 percent during the full projection timeframe, the equity ratio at yearend 2017 would have to be 1.33 percent and 1.41 percent, respectively.[47] However, the actual results could vary from these projections based on a variety of factors, including:

- Projected declines in the equity ratio, even under no economic stress.
- Extraordinary losses and/or failures in credit unions that are not market related, such as those from fraud or other asset ''bubbles''.
- Unusual or abnormally high insured share growth materially different from the historical correlation.
- Economic conditions that involve greater volatility in one or more market indicators as compared to the stress scenarios modeled.

C. Approach for Setting the Normal Operating Level

The Board has the responsibility to be prudent in managing the Share Insurance Fund. In addition to maintaining public confidence in federal share insurance, it is important that NCUA maintain a strong Share Insurance Fund for the mutual benefit of the credit union community and the taxpayers. The Board believes that the Share Insurance Fund should be able to withstand a moderate recession without the equity ratio falling below 1.20 percent. This approach is consistent with the Act's minimum equity level for the Share Insurance Fund set by Congress. Additionally, it allows NCUA to maintain a counter-cyclical posture, which helps to ensure that credit unions will not need to impair their contributed capital deposit or pay premiums when they can least afford it. The Board does not believe it should set the normal operating level at a point where mandatory premiums or development of a Fund restoration plan would be necessary in a moderate recession.[48]

The Board also considered the amount of equity necessary for the Share Insurance Fund to withstand a severe global recession without having the equity ratio fall below 1.20 percent. While the Severely Adverse stress scenario is more conservative, the Board believes managing to the Adverse scenario provides a good balance between maintaining sufficient equity in the Share Insurance Fund and keeping money at work in the credit union community.

Based on the analyses above, Table 9 shows the calculation of what the equity ratio needs to be to withstand a moderate and a severe recession without falling below 1.20 percent.

TABLE 9—EQUITY RATIO NEEDED TO WITHSTAND AN ECONOMIC STRESS BY RISK

	Adverse stress scenario (%)	Severely adverse stress scenario (%)
Equity for Share Insurance Fund Stress	[49] 1.33	1.41
Equity for Claims on AMEs (see Table 6)	0.04	0.11
Projected Equity Ratio Decline in 2018 and 2019 (based on current performance trends) [50]	0.02	0.02
Total	1.39	[51] 1.54

To withstand a moderate recession without the equity ratio falling below 1.20 percent, the Share Insurance Fund's equity ratio needs to be high enough to withstand the following:

- A 13 basis point decline in the equity ratio due to the impact on the

Insurance Fund is projected to be 1.23 percent, if the Stabilization Fund is not closed in 2017.

[45] These scenarios do not account for any substantial increase in NCUA's operating budget or increases in the loss rate of CAMEL 4 and 5 rated credit unions, both of which may increase in times of economic stress.

[46] Credit unions' one percent contributed capital deposits are included in the numerator of the equity ratio and are available to absorb losses of the Share Insurance Fund. However, because the contributed capital deposits are recorded both as equity to the Share Insurance Fund and as assets to credit unions, if NCUA were to use any part of this capital to absorb losses, credit unions would have to write-down (expense) this asset. At the same time, credit unions would be required to deposit additional funds to adjust their contributions back to a full one percent of their insured shares.

[47] Similar results are obtained if the Share Insurance Fund is stressed over two years using the highest observed stress factors during the last ten years.

[48] The Board believes its authority to establish a Fund restoration plan in lieu of mandatory premiums should only be used for severe, unexpected circumstances. While the Board can develop a restoration plan to restore the Share Insurance Fund to 1.20 percent within eight years (or longer in extraordinary circumstances), this could necessitate one or more relatively large premiums. Further, it could erode public confidence in federal share insurance.

[49] The 2007 Board-approved policy would also result in a recommended normal operating level above 1.30 percent. To date, the Board has maintained the normal operating level at 1.30 percent, which has allowed NCUA to use the excess equity to help repay outstanding U.S. Treasury borrowings.

[50] The equity ratio has been declining over the last several years and is expected to continue to decline because of the low yield on Share Insurance Fund investments and strong insured share growth. For additional information on the methodology used to project the equity ratio using current trends, refer to the information provided at the November 2016 Open Board Meeting (*https://www.ncua.gov/About/Documents/Agenda%20Items/AG20161117Item5a.pdf*).

[51] This exceeds the statutory maximum normal operating level of 1.50 percent.

three primary drivers of the Share Insurance Fund's performance.

• A 4 basis point decline in the value of the Share Insurance Fund's claim on the corporate credit union asset management estates.

• A 2 basis point decline in the equity ratio expected to occur prior to when the remaining NGNs begin to mature in 2020 and remaining exposure to the Legacy Assets can begin to be reduced. This helps ensure the 4 basis points of additional equity to account for the potential decline in value of the claims on the asset management estates is maintained in the Share Insurance Fund until Legacy Assets can be sold.[52]

Therefore, the Board proposes to set the normal operating level at 1.39 percent. Based on the yearend equity ratio projections of 1.45 percent to 1.47 percent from Table 3, this would result in an estimated initial Share Insurance Fund distribution of 6 to 8 basis points (approximately $600 to $800 million) paid in 2018.[53]

Policy for Setting the Normal Operating Level

The Board retains the authority to reassess and set the normal operating level periodically, in particular when there are changes in the risks to the Share Insurance Fund's equity ratio, such as maturity of the NGNs. Based on the approach discussed above, the Board proposes to replace its current policy for setting the normal operating level with the following.[54]

Periodically, NCUA will review the equity needs of the Share Insurance Fund and provide this analysis to stakeholders. Board action is only necessary when this review determines that a change in the normal operating level is warranted. Any change to the normal operating level of more than 1 basis point shall be made only after a public announcement of the proposed adjustment and opportunity for comment. In soliciting comment, NCUA will issue a report including data supporting the proposal.

The Board's main objectives in setting the normal operating level are to:

• Retain public confidence in federal share insurance,

• Prevent impairment of the one percent contributed capital deposit, and

• Ensure the Share Insurance Fund can withstand a moderate recession without the equity ratio declining below 1.20 percent over a five-year period.

V. Request for Comment

The Board seeks comments on the proposed closure of the Stabilization Fund in 2017 and the related approach for setting the normal operating level of the Share Insurance Fund. Commenters are also encouraged to discuss any other relevant issues they believe the Board should consider with respect to this matter. In particular, the Board is interested in comments on whether to:

• Close the Stabilization Fund in 2017, close it at some future date, or wait until it is currently scheduled to close in 2021.

• Set the normal operating level based on the Share Insurance Fund's ability to withstand a moderate recession. Or, should the Share Insurance Fund be able to withstand a severe recession.

• Base the approach to setting the normal operating level on preventing the equity ratio from declining below 1.20 percent, or some other higher minimum level.

Commenters are encouraged to provide the specific basis for their comments and, to the extent feasible, documentation to support any recommendations.

By the National Credit Union Administration Board on July 20, 2017.

Gerard S. Poliquin,

Secretary of the Board.

[FR Doc. 2017–15686 Filed 7–26–17; 8:45 am]

BILLING CODE 7535–01–P

[52] The Board must consider retaining this equity now, because as the equity ratio declines, the Board would be unable to replenish the equity through premium assessments as long as the equity ratio remains above 1.30 percent, per the Act. 12 U.S.C. 1782(c)(2)(B).

[53] The 4 basis points of equity included for covering losses on the Share Insurance Fund's claims against the corporate asset management estates, along with any recognition permitted on the outstanding balance of the $1 billion U.S. Central capital note (an estimated range of 2 to 5 basis points of equity), may be available for a future Share Insurance Fund distribution—provided it is not consumed by an increase in future legacy asset losses from an economic downturn or other losses and factors affecting the equity ratio. Future distributions also depend on any subsequent changes the Board might make to the normal operating level.

[54] The current policy was approved at the December 3, 2007 NCUA Board meeting open to the public.

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2008–0441]

South Carolina Electric & Gas Company, South Carolina Public Service Authority; Virgil C. Summer Nuclear Station, Units 2 and 3, Inspections, Tests, Analyses, and Acceptance Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Determination of the successful completion of inspections, tests, and analyses.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3.

DATES: The determination of the successful completion of inspections, tests, and analyses for VCSNS Units 2 and 3 is effective July 27, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0441 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–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Billy Gleaves, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5848; email: *Bill.Gleaves@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Licensee Notification of Completion of ITAAC

South Carolina Electric & Gas (SCE&G), on behalf of itself and the South Carolina Public Service

Authority, (both hereafter called the licensee) has submitted inspections, tests, analyses, and acceptance criteria (ITAAC) closure notifications (ICNs) under § 52.99(c)(1) of title 10 of the *Code of Federal Regulations* (10 CFR), informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses, and that the acceptance criteria are met for:

VCSNS, Unit 2 ITAAC

2.1.02.08d.vii (38), 2.2.01.06d.i (105), 2.5.02.07b (535), 2.5.02.07e (538), 3.2.00.01a (739), 3.2.00.01b (740), and 3.2.00.01c.i (741)

VCSNS, Unit 3 ITAAC

2.2.01.06d.i (105), 2.5.02.07b (535), 2.5.02.07e (538), 3.2.00.01a (739), 3.2.00.01b (740), and 3.2.00.01c.i (741)

The ITAAC for VCSNS, Unit 2 are in Appendix C of the VCSNS, Unit 2 combined license (ADAMS Accession No. ML14100A092). The ITAAC for VCSNS, Unit 3 are in Appendix C of VCSNS, Unit 3 combined license (ADAMS Accession No. ML14100A101).

II. NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the specified inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met. The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF) for each ITAAC. The VEF is a form that represents the NRC staff's structured process for reviewing ICNs. Each ICN presents a narrative description of how the ITAAC was completed. The NRC's ICN review process involves a determination on whether, among other things: (1) Each ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) each ICN provides sufficient information to demonstrate that the acceptance criteria of the ITAAC are met; and (3) any NRC inspections for the ITAAC have been completed and any ITAAC findings associated with that ITAAC have been closed.

The NRC staff's determination of the successful completion of these ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If the NRC staff receives new information that suggests the NRC staff's determination on any of these ITAAC is incorrect, then the NRC staff will determine whether to reopen that ITAAC (including withdrawing the NRC staff's determination on that ITAAC). The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for these ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of these ITAAC will be reflected on the NRC's Web site at *http://www.nrc.gov/reactors/new-reactors/oversight/itaac.html.*

This notice fulfills the NRC staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests and analyses.

Virgil C. Summer Nuclear Station Unit 2, Docket No. 5200027

A complete list of the review status for VCSNS, Unit 2 ITAAC, including the submission date and ADAMS Accession Number for each ICN received, the ADAMS Accession Number for each VEF, and the ADAMS Accession Numbers for the inspection reports associated with these specific ITAAC, can be found on the NRC's Web site at *http://www.nrc.gov/reactors/new-reactors/new-licensing-files/sum2-icnsr.pdf.*

Virgil C. Summer Nuclear Station Unit 3, Docket No. 5200028

A complete list of the review status for VCSNS, Unit 3 ITAAC, including the submission date and ADAMS Accession Number for each ICN received, the ADAMS Accession Number for each VEF, and the ADAMS Accession Numbers for the inspection reports associated with these specific ITAAC, can be found on the NRC's Web site at *http://www.nrc.gov/reactors/new-reactors/new-licensing-files/sum3-icnsr.pdf.*

Dated at Rockville, Maryland, this 18th day of July 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–15753 Filed 7–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414; NRC–2017–0104]

Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Duke Energy Carolinas, LLC (Duke Energy) to withdraw its application dated December 15, 2016, for proposed amendments to Renewed Facility Operating License Nos. NPF–35 and NPF–52. In that submitted, Duke Energy proposed to adopt multiple Technical Specifications Task Force (TSTF) Travelers that would have modified Technical Specification (TS) 3.4.12, ''Low Temperature Overpressure Protection (LTOP) System,'' to increase the time allowed for swapping charging pumps to one hour. The portion related to TSTF–285–A, Revision 1, ''Charging Pump Swap LTOP Allowance,'' is being withdrawn.

DATES: July 27, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0104 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–2017–0104. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael Mahoney, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone 301–415–3857, email: *Michael.Mahoney@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has granted the request of Duke Energy Carolinas, LLC (the licensee) to withdraw its application dated December 15, 2016 (ADAMS Accession No. ML16350A422), for proposed amendments to Renewed Facility Operating License No. NPF–35 and NPF–52 for the Catawba Nuclear Station, Unit Nos. 1 and 2, located in York County, South Carolina.

The submittal dated December 15, 2016, proposed to adopt multiple Technical Specifications Task Force (TSTF) Travelers that would have modified Technical Specification (TS) 3.4.12, ''Low Temperature Overpressure Protection (LTOP) System,'' to increase the time allowed for swapping charging pumps to one hour. The portion related to TSTF–285–A, Revision 1, ''Charging Pump Swap LTOP Allowance,'' is being withdrawn. The licensee's application was noticed previously in the **Federal Register** on April 25, 2017 (82 FR 19099). The licensee provided a request to withdraw the application by letter dated on June 29, 2017 (ADAMS Accession No. ML17180A154).

Dated at Rockville, Maryland, this 19th day of July 2017.

For the Nuclear Regulatory Commission.

Michael Mahoney,

Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–15758 Filed 7–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant, Units 3 and 4; Inspections, Tests, Analyses, and Acceptance Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Determination of the successful completion of inspections, tests, and analyses.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for the Vogtle Electric Generating Plant (VEGP), Units 3 and 4.

DATES: The determination of the successful completion of inspections, tests, and analyses for VEGP, Units 3 and 4 is effective July 27, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 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–2008–0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Licensee Notification of Completion of ITAAC

Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC., MEAG Power SPVJ, LLC., MEAG Power SPVP, LLC., and the City of Dalton, Georgia, (hereafter called the licensee) has submitted inspections, tests, analyses, and acceptance criteria (ITAAC) closure notifications (ICNs) under § 52.99(c)(1) of title 10 of the *Code of Federal Regulations* (10 CFR), informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses, and that the acceptance criteria are met for:

VEGP, Unit 3 ITAAC

2.1.01.06.ii (7), 2.1.03.09a.i (81), 2.2.01.06d.i (105), 2.2.03.09b (204), 2.3.05.02.ii (341), 2.5.02.07b (535), and 3.2.00.01c.i (741)

VEGP, Unit 4 ITAAC

2.1.01.06.ii (7), 2.1.03.09a.i (81), 2.2.01.06d.i (105), 2.2.03.09b (204), 2.3.05.02.ii (341), 2.5.02.07b (535), and 3.2.00.01c.i (741)

The ITAAC for VEGP, Unit 3 are in Appendix C of the VEGP, Unit 3 combined license (ADAMS Accession No. ML14100A106). The ITAAC for VEGP, Unit 4 are in Appendix C of VEGP, Unit 4 combined license (ADAMS Accession No. ML14100A135).

II. NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the specified inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met. The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF) for each ITAAC. The VEF is a form that represents the NRC staff's structured process for reviewing ICNs. Each ICN presents a narrative description of how the ITAAC was completed. The NRC's ICN review process involves a determination on whether, among other things: (1) each ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) each ICN provides sufficient information to demonstrate that the acceptance criteria of the ITAAC are met; and (3) any NRC inspections for the ITAAC have been completed and any ITAAC findings associated with that ITAAC have been closed.

The NRC staff's determination of the successful completion of these ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If the NRC staff receives new information that suggests the NRC staff's determination on any of these ITAAC is incorrect, then the NRC staff will determine whether to reopen that ITAAC (including

withdrawing the NRC staff's determination on that ITAAC). The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for these ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of these ITAAC will be reflected on the NRC's Web site at *http://www.nrc.gov/reactors/new-reactors/oversight/itaac.html*.

This notice fulfills the NRC staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests and analyses.

Vogtle Electric Generating Plant Unit 3, Docket No. 5200025

A complete list of the review status for VEGP, Unit 3 ITAAC, including the submission date and ADAMS Accession Number for each ICN received, the ADAMS Accession Number for each VEF, and the ADAMS Accession Numbers for the inspection reports associated with these specific ITAAC, can be found on the NRC's Web site at *http://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog3-icnsr.pdf*.

Vogtle Electric Generating Plant Unit 4, Docket No. 5200026

A complete list of the review status for VEGP Unit 4 ITAAC, including the submission date and ADAMS Accession Number for each ICN received, the ADAMS Accession Number for each VEF, and the ADAMS Accession Numbers for the inspection reports associated with these specific ITAAC, can be found on the NRC's Web site at *http://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog4-icnsr.pdf*.

Dated at Rockville, Maryland, this 18th day of July 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–15754 Filed 7–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–454, 50–455, 50–456, 50–457; NRC–2017–0167]

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2, and Byron Station, Unit Nos. 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: 10 CFR 2.206 request; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is giving notice that by petition dated February 8, 2017, Barry Quigley (the petitioner) has requested that the NRC take action with regard to Braidwood Station, Units 1 and 2, and Byron Station, Unit Nos. 1 and 2. The petitioner's requests are included in the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: July 27, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0167 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–2017–0167. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Joel S. Wiebe, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6606, email: *Joel.Wiebe@nrc.gov.*

SUPPLEMENTARY INFORMATION: On February 8, 2017, the petitioner requested that the NRC take action with regard to Braidwood Station, Units 1 and 2, and Byron Station, Unit Nos. 1 and 2 (ADAMS Accession No. ML17061A127). The petitioner requested: (1) Issue a violation under part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), appendix B, Criterion III, Design Control for deficiencies in the analysis of record (AOR) for the main steam isolation valve (MSIV) room pressurization following a high energy line break (HELB), (2) Issue a violation under 10 CFR part 50, appendix B, Criterion XVI, Corrective Action, for failure to update the AOR in a timely manner, (3) Require Exelon (the licensee) to show that the consequences of the secondary missiles resulting from MSIV room pressurization do not have adverse consequences, (4) Issue a demand for information under 10 CFR 2.204, ''Demand for information,'' to compare and contrast the behavior of Exelon management described in the petition with the NRC's policy statement on the attributes of a safety-conscious work environment, and (5) Use Exelon's response to number 4, above, on which to determine whether to issue a ''chilling effects'' letter.

As the basis for this request, the petitioner states that: (1) Break enthalpies used in the MSIV room pressurization AOR are actually the thermodynamic internal energy of the steam, not the enthalpy. Since in the range of interest, the internal energy is about 13 percent less than the enthalpy, the energy flow to the areas of concern is non-conservative. Steam flow from secondary piping is neglected; (2) Corrective actions to resolve an issue in the AOR are long overdue (8 years) and improperly tracked; (3) A proposed revision to the AOR shows that the MSIV room roof slabs will be ejected by the high pressures in the MSIV rooms becoming potential missiles; and (4) Management dismissed information in the Updated Final Safety Evaluation Report (UFSAR) that supported the concerns about the AOR as ''excessive detail'' and directed personnel to remove the information. Management dismissed UFSAR internal inconsistency related to the ''Break Exclusion Zone'' without discussion or review and stated that the information supporting the concern could be deleted as an UFSAR cleanup item. Recently, there was an operability concern where engineering management maintained a

position of operability in the face of conflicting information. The information that engineering management relied on to support operability was demonstrably irrelevant.

The request, except for the petitioner's item 3, which does not request enforcement action, is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioner met with the Petition Review Board (PRB) on April 13, 2017, to discuss the petition; the transcript of that meeting is an additional supplement to the petition (ADAMS Accession No. ML17111A774). On June 12, 2017, the petition manager informed the petitioner that the PRB accepted the petition items 1, 2, 4, and 5 for review under 10 CFR 2.206.

Dated at Rockville, Maryland, this 20th day of July, 2017.

For the Nuclear Regulatory Commission.

Brian E. Holian,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–15859 Filed 7–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company; Vogtle Electric Generating Plant, Units 3 and 4; Ventilation System Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Southern Nuclear Operating Company (SNC) to withdraw its application dated December 9, 2016, for a proposed amendment and exemption to Combined Licenses (COL), NPF–91 and NPF–92 for the Vogtle Electric Generating Plant Units 3 and 4, respectively. The proposed amendment would have revised the COLs concerning the design details of the containment recirculation cooling system (VCS) and radiologically controlled area ventilation system (VAS). SNC submitted the withdrawal request in a letter dated June 28, 2017.

DATES: July 27, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 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–2008–0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated December 9, 2016, and is available in ADAMS under Accession No. ML16344A411.
- *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: Ruth C. Reyes, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3249; email: *Ruth.Reyes@nrc.gov*.

SUPPLEMENTARY INFORMATION: The NRC has granted the request of SNC (the licensee) to withdraw its December 9, 2016, application (ADAMS Accession No. ML16344A411) for proposed amendment and exemption to COL NPF–91 and NPF–92 for the Vogtle Electric Generating Plant Units 3 and 4, respectively, located in Burke County, Georgia.

The proposed amendment would have changed plant-specific Tier 1 (and COL Appendix C) Tables 2.7.5–1, 2.7.5–2, and 2.7.7–3 and associated Updated Final Safety Analysis Report text, tables, and figures related to: (1) Modifying the configuration of the containment recirculation fan coil unit assemblies of the VCS, and revising the values for the various design parameters affected by this re-configuration, (2) adding a fourth pressure differential indicator to the radiologically controlled area ventilation system to be located in the auxiliary building component cooling system valve room, and (3) reducing the total ventilation flow provided through the VAS fuel handling area ventilation subsystem as a result of a reduction in heat loads in the areas serviced by the VAS.

This proposed amendment request was noticed in the **Federal Register** (82 FR 13662) dated March 14, 2017.

Dated at Rockville, Maryland, this 18th day of July 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–15756 Filed 7–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0127]

Information Collection: Licenses and Radiation Safety Requirements for Irradiators

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Licenses and Radiation Safety Requirements for Irradiators.''

DATES: Submit comments by September 25, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0127. 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:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, 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: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0127 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–2017–0127.
- *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 supporting statement for 10 CFR part 36 ''Licenses and Radiation Safety Requirements for Irradiators'' (3150–0158) is available in ADAMS under Accession No. ML17080A086.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2017–0127 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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

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

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection: 10 CFR part 36 ''Licenses and Radiation Safety Requirements for Irradiators''.*
2. *OMB approval number: 3150–0158.*
3. *Type of submission: Extension.*
4. *The form number, if applicable: N/A.*
5. *How often the collection is required or requested: Applications for new licenses and amendments may be submitted at any time (on occasion). Applications for renewal are submitted every 10 years. Reports are submitted as events occur.*
6. *Who will be required or asked to respond: Applicant for and holders of specific licenses authorizing the use of licensed radioactive material for irradiators.*
7. *The estimated number of annual responses: 2,389.*
8. *The estimated number of annual respondents: 70.*
9. *The estimated number of hours needed annually to comply with the information collection requirement or request: 42,612.*
10. *Abstract: Part 39 of Title 10 of the Code of Federal Regulations (10 CFR), establishes radiation safety requirements for the use of radioactive material for irradiators. The information in the applications, reports and records is used by the NRC staff to ensure that the health and safety of the public is protected and that the licensee possession and use of source or byproduct material is in compliance with license and regulatory requirements.*

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 20th day of July 2017.

For the U.S. Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–15769 Filed 7–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–040 and 52–041; NRC–2009–0337]

Florida Power and Light Company; Turkey Point, Units 6 and 7

AGENCY: Nuclear Regulatory Commission.

ACTION: Combined license application; revised notice of hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding the application of Florida Power and Light Company (FPL) for combined licenses (COLs) to construct and operate two additional units (Units 6 and 7) at the Turkey Point site in Miami-Dade County, Florida. This mandatory hearing will concern safety and environmental matters relating to the requested COLs.

DATES: The hearing will be held on October 5, 2017, beginning at 9:00 a.m. Eastern Standard Time. For the schedule for submitting pre-filed

documents and deadlines affecting Interested Government Participants, see Section V of the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID 52–040 and 52–041 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: NRC's Electronic Hearing Docket: You may obtain publicly available documents related to this hearing online at *http://www.nrc.gov/about-nrc/regulatory/adjudicatory.html.*

• *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 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: Denise McGovern, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: (301) 415–0681; email: *Denise.McGovern@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Commission hereby gives notice that, pursuant to Section 189a of the Atomic Energy Act of 1954, as amended (the Act), it will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding FPL's June 30, 2009, application for COLs under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), to construct and operate two additional units (Units 6 and 7) at the Turkey Point site in Miami-Dade County, Florida (*http://www.nrc.gov/reactors/new-reactors/col/turkey-point.html*). The Commission had previously scheduled this hearing for February 9, 2017.[1] This mandatory hearing will concern safety and environmental matters relating to the requested COLs, as more fully described below. Participants in the hearing are not to address any contested issues in their written filings or oral presentations.

II. Evidentiary Uncontested Hearing

The Commission will conduct this hearing beginning at 9:00 a.m. Eastern Standard Time on October 5, 2017, at the U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The hearing on these issues will continue on subsequent days, if necessary.

III. Presiding Officer

The Commission is the presiding officer for this proceeding.

IV. Matters to be Considered

The matter at issue in this proceeding is whether the review of the application by the Commission's staff has been adequate to support the findings found in 10 CFR 52.97 and 10 CFR 51.107. Those findings that must be made for each COL are as follows:

Issues Pursuant to the Atomic Energy Act of 1954, as Amended

The Commission will determine whether (1) the applicable standards and requirements of the Act and the Commission's regulations have been met; (2) any required notifications to other agencies or bodies have been duly made; (3) there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of the Act, and the Commission's regulations; (4) the applicant is technically and financially qualified to engage in the activities authorized; and (5) issuance of the license will not be inimical to the common defense and security or the health and safety of the public.

Issues Pursuant to the National Environmental Policy Act (NEPA) of 1969, as Amended

The Commission will (1) determine whether the requirements of Sections 102(2)(A), (C), and (E) of NEPA and the applicable regulations in 10 CFR part 51 have been met; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; (3) determine, after weighing the environmental, economic, technical, and other benefits against environmental and other costs, and considering reasonable alternatives, whether the combined licenses should be issued, denied, or appropriately conditioned to protect environmental values; and (4) determine whether the NEPA review conducted by the NRC staff has been adequate.

V. Schedule for Submittal of Pre-Filed Documents

No later than September 14, 2017, unless the Commission directs otherwise, the NRC staff and the applicant shall submit a list of its anticipated witnesses for the hearing.

No later than September 14, 2017, unless the Commission directs otherwise, the applicant shall submit its pre-filed written testimony. The NRC staff previously submitted its testimony on December 2, 2016.

The Commission may issue written questions to the applicant or the NRC staff before the hearing. If such questions are issued, an order containing such questions will be issued no later than September 1, 2017. Responses to such questions are due September 14, 2017, unless the Commission directs otherwise.

VI. Interested Government Participants

No later than August 30, 2017, any interested State, local government body, or affected, Federally-recognized Indian Tribe may file with the Commission a statement of any issues or questions to which the State, local government body, or Indian Tribe wishes the Commission to give particular attention as part of the uncontested hearing process. Such statement may be accompanied by any supporting documentation that the State, local government body, or Indian Tribe sees fit to provide. Any statements and supporting documentation (if any) received by the Commission using the agency's E-filing system [2] by the deadline indicated above will be made part of the record of the proceeding. The Commission will use such statements and documents as appropriate to inform its pre-hearing questions to the NRC staff and applicant, its inquiries at the oral hearing and its decision following the hearing. The Commission may also

[1] *See* 81 FR 89,995 (Dec. 13, 2016).

[2] The process for accessing and using the agency's E-filing system is described in the June 18, 2010, notice of hearing that was issued by the Commission for this proceeding. See Florida Power and Light Company; Combined License Application for the Turkey Point Units 6 and 7; Notice of Hearing, Opportunity To Petition for Leave To Intervene and Associated Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation (75 FR 34777). Participants who are unable to use the electronic information exchange (EIE), or who will have difficulty complying with EIE requirements in the time frame provided for submission of written statements, may provide their statements by electronic mail to *hearingdocket@nrc.gov.*

request, prior to September 1, 2017, that one or more particular States, local government bodies, or Indian Tribes send one representative each to the evidentiary hearing to answer Commission questions and/or make a statement for the purpose of assisting the Commission's exploration of one or more of the issues raised by the State, local government body, or Indian Tribe in the pre-hearing filings described above. The decision of whether to request the presence of a representative of a State, local government body, or Indian Tribe at the evidentiary hearing to make a statement and/or answer Commission questions is solely at the Commission's discretion. The Commission's request will specify the issue or issues that the representative should be prepared to address.

States, local governments, or Indian Tribes should be aware that this evidentiary hearing is separate and distinct from the NRC's contested hearing process. Issues within the scope of contentions that have been admitted or contested issues pending before the Atomic Safety and Licensing Board or the Commission in a contested proceeding for a COL application are outside the scope of the uncontested proceeding for that COL application. In addition, although States, local governments, or Indian Tribes participating as described above may take any position they wish, or no position at all, with respect to issues regarding the COL application or the NRC staff's associated environmental review that do fall within the scope of the uncontested proceeding (*i.e.,* issues that are not within the scope of admitted contentions or pending contested issues), they should be aware that many of the procedures and rights applicable to the NRC's contested hearing process due to the inherently adversarial nature of such proceedings are not available with respect to this uncontested hearing. Participation in the NRC's contested hearing process is governed by 10 CFR 2.309 (for persons or entities, including States, local governments, or Indian Tribes, seeking to file contentions of their own) and 10 CFR 2.315(c) (for interested States, local governments, and Indian Tribes seeking to participate with respect to contentions filed by others). Participation in this uncontested hearing does not affect the right of a State, local government, or Indian Tribe to participate in the separate contested hearing process.

Dated at Rockville, Maryland, this 20th day of July, 2017.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2017–15752 Filed 7–26–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81186; File No. SR–ICC–2017–006]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to ICC's End-of-Day Price Discovery Policies and Procedures

July 21, 2017.

I. Introduction

On May 25, 2017, ICE Clear Credit LLC (''ICC'' or ''ICE Clear Credit'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICC–2017–006) to amend ICC's End-of-Day Price Discovery Policies and Procedures (''Pricing Policy'') to implement an automated bid-offer width scaling methodology as part of its end-of-day pricing process. The proposed rule change was published for comment in the **Federal Register** on June 15, 2017.[3] The Commission did not receive comments regarding the proposed changes. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

Bid-offer width (''BOW'') is one input in ICC's end-of-day price discovery process used to determine end-of-day price levels for ICC's cleared products. ICC derives the BOW used in its end-of-day price discovery process for each clearing-eligible instrument from BOW information supplied by its Clearing Participants. Currently, ICC determines the end-of-day BOW for index products by comparing BOW data received from Clearing Participants to three pre-defined BOWs. The three pre-defined BOWs are progressively larger, such that the smallest BOW (''Regime 1'') is associated with normal market conditions; the next largest BOW (''Regime 2'') is associated with market conditions experiencing some measure of volatility; and the largest BOW (''Regime 3'') is associated with more extreme market conditions. ICC selects as the end-of-day BOW (''EOD BOW) for an index product the pre-defined BOW that is most representative of the BOWs obtained from Clearing Participants based on ICC's methodology. For single-name instruments, ICC determines the EOD BOW by using intraday BOW data received from Clearing Participants and then applies various scaling factors to arrive at an EOD BOW based on ICC's methodology. The EOD BOWs are used for mark-to-market and risk management purposes.

As currently constituted, ICC's procedures allow its Risk Department to override the EOD BOW based on the Risk Department's review and monitoring of market conditions. ICC represents that during periods of high market volatility, a significant number of BOW adjustments may need to be made, and that, if needed, such adjustments are determined and input manually.[4] ICC believes that this manual intervention, which takes place in a short time period, is a potential source of operational risk.[5]

In order to reduce this operational risk, ICC proposes to replace the manual BOW adjustment process in the Pricing Policy with an algorithm that will automatically execute the widening of selected BOWs based on the dispersion of intraday mid-level quotes, an indicator of the day's volatility.

To effectuate this automatic BOW-widening process, ICC proposed to introduce a new metric, a ''Variability Level,'' designed to measure the movement of intraday bid-offer mid-levels relative to the existing pre-defined BOWs described above. Under the proposed changes, where the intraday BOW mid-level falls above or below the prior day's end-of-day level by more than one pre-defined BOW, the Variability Level will be determined by a formula that takes the maximum deviation of the time series of intraday BOW mid-levels from the prior day's end-of-day level and divides it by the pre-defined BOW. Where the intraday BOW mid-level falls within one pre-defined BOW of the prior day's end-of-day level, the Variability Level would be set to 1.0, if the range of intraday mid-levels is less than the pre-defined BOW. If the range is greater than the pre-defined BOW, the Variability Level would be set to 1.2. Variability Levels

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–80895 (June 9, 2017), 82 FR 27539 (June 15, 2017) (SR–ICC–2017–006) (''Notice'').

[4] Notice, 82 FR at 27540.

[5] *Id.*

are calculated for the on-the-run instrument in each index family.[6]

Once Variability Levels are calculated, ICC proposed to convert Variability Levels into Variability Bands, which correspond to a range of Variability Levels. Once Variability Levels and Variability Bands have been determined, ICC proposed to create market groups and assign each index instrument to one of these market groups. For example, the CDX.NA.IG and CDX.NA.HY would be assigned to the North American group. After assigning each index instrument to a market group, ICC would use the largest Variability Band of any instrument within a market group as the Variability Band for that market group as a whole. ICC refers to this Variability Band as the ''Market-Proxy Variability Band.'' [7] The proposed automated BOW algorithm would then adjust the EOD BOW (Regime 1, 2, or 3) for the market group as a whole by one regime (moving from Regime 1 to Regime 2, or from Regime 2 to Regime 3) or two regimes (from Regime 1 to Regime 3), with higher Market-Proxy Variability Bands resulting in a two-regime adjustment, and smaller Market-Proxy Variability Bands resulting in a one-regime adjustment, or no adjustment.[8]

For single-name instruments, ICC proposes to introduce a new scaling factor that would be applied, along with other scaling factors used in the current process, to the EOD BOW, as calculated based on BOW data received from participants. The Variability Scaling Factor for single-name instruments would depend on the Market-Proxy Variability Band for the market to which each single-name instrument is assigned. A higher Market-Proxy Variability Band will result in a larger scaling factor being applied.[9]

In addition to proposing to automate the process for increasing selected BOWs, ICC also proposed to remove a footnote from its Pricing Policy that set forth details of an intraday filtering algorithm that was planned but never implemented. Also, ICC proposed to correct inaccurate references in the Pricing Policy.[10]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a propose rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[11] Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.[12] Rule 17Ad–22(d)(4) requires, in relevant part, that a registered clearing agency shall establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify sources of operational risk and minimize them through the development of appropriate systems, controls, and procedures; and implement systems that are reliable, resilient and secure, and have adequate, scalable capacity.[13]

The Commission finds that the proposed rule change, which modifies ICC's Pricing Policy to implement an automated process for widening the EOD BOW for index and single-name instruments is consistent with Section 17A of the Act and Rule 17Ad–22 thereunder. By automating the process for widening the EOD BOWs when necessary, the Commission believes that ICC will likely reduce the risk of error or delay in the end-of-day pricing process in connection with a potentially significant number of adjustments to BOWs that would need to be made manually and in a short period of time absent the proposed changes. Since the end-of-day BOW is an input in ICC's end-of-day price discovery process, the Commission believes that the proposed rule changes will likely enhance the speed and accuracy of that process, thereby promoting the prompt clearance and settlement of derivative agreements, contracts and transactions, consistent with Section 17A(b)(3)(F) of the Act.

For similar reasons, the Commission finds that the proposed rule changes are also consistent with Rule 17Ad–22(d)(4) in that they are designed to reduce operational risk. Specifically, the proposed rule changes are intended to reduce ICC's operational risk in the end-of-day pricing process by establishing an automated process that will more quickly implement the widening of BOWs, if appropriate, based on a set of well-defined criteria. As a result, the risk of error that accompanies manual observation of market conditions and manual input of a potentially significant amount of adjustments in a small period of time during volatile market conditions is significantly reduced. Therefore, the Commission finds that the proposed rule changes are consistent with the requirements of Rule 17Ad–22(d)(4) that the registered clearing agencies establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify sources of operational risk and minimize them through the development of appropriate systems, controls, and procedures; and implement systems that are reliable, resilient and secure, and have adequate, scalable capacity.

IV. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR–ICC–2017–006) be, and hereby is, approved.[14]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–15774 Filed 7–26–17; 8:45 am]

BILLING CODE 8011–01–P

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] *Id.* at 27540–41.

[11] 15 U.S.C. 78s(b)(2)(C).

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 17 CFR 240.17Ad–22(d)(4).

[14] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81183; File No. SR–MIAX–2017–33]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Options Rule 404, Series of Option Contracts Open for Trading

July 21, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 18, 2017, Miami International Securities Exchange, LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Rule 404, Series of Option Contracts Open for Trading, Interpretations and Policies .10, to include the iShares S&P 500 Index ETF (''IVV'') in the list of Exchange-Traded Funds (''ETFs'') that are eligible for $1 strike price intervals.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 404, Series of Option Contracts Open for Trading, to modify the strike setting regime for IVV options by including IVV in the list of ETFs that are eligible for $1 strike price intervals under Interpretations and Policies .10. The Exchange notes that this is a competitive filing based on an immediately effective filing recently submitted by the Chicago Board Options Exchange, Incorporated (''CBOE'').[3]

Specifically, the Exchange proposes to modify the interval setting regime for IVV options to allow $1 strike price intervals above $200. The Exchange believes that the proposed rule change would make IVV options easier for investors and traders to use and more tailored to their investment needs. Additionally, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on units of the Standard & Poor's Depository Receipts Trust (''SPY''),[4] which is an ETF that is identical in all material respects to the IVV ETF.

The SPY and IVV ETFs are identical in all material respects. The SPY and IVV ETFs are designed to roughly track the performance of the S&P 500 Index with the price of SPY and IVV designed to roughly approximate 1/10th of the price of the S&P 500 Index. Accordingly, SPY and IVV strike prices having a multiplier of $100 reflect a value roughly equal to 1/10th of the value of the S&P 500 Index. For example, if the S&P 500 Index is at 1972.56, SPY and IVV options might have a value of approximately 197.26 with a notional value of $19,726. In general, SPY and IVV options provide retail investors and traders with the benefit of trading the broad market in a manageably sized contract. As options with an ETF underlying, SPY and IVV options are listed in the same manner as equity options under the Rules.

However, under current Interpretation and Policies .05 to Rule 404, the interval between strike prices in series of options on Index-Linked Securities,[5] as defined in Rule 402(k)(1), will be $1 or greater where the strike price is $200 or less and $5 or greater where the strike price is greater than $200. In addition, under Exchange Rule 404, Interpretation and Policies .02(e),

> *Strike Price Interval.* The strike price interval for Short Term Option series may be $0.50 or greater for option classes that trade in $1 strike price intervals and are in the Short Term Option Series Program. If the class does not trade in $1 strike price intervals, the strike price interval for Short Term Option series may be $0.50 or greater where the strike price is less than $100 and $1.00 or greater where the strike price is between $100 and $150, and $2.50 or greater for strike prices greater than $150. A non-Short Term Option Series that is included in a class that has been selected to participate in the Short Term Option Series Program is referred to as a ''Related non-Short Term Option.'' Notwithstanding any other provision regarding strike prices in this rule, Related non-Short Term Option series shall be opened during the month prior to expiration in the same manner as permitted in Rule 404, Interpretations and Policies .02 and in the same strike price intervals for the Short Term Option Series permitted in this Rule 404, Interpretations and Policies .02(e).

The Exchange's proposal seeks to narrow the strike price intervals to $1 for IVV options above $200, in effect matching the strike setting regime for strike intervals in IVV options below $200 and matching the strike setting regime applied to SPY options.

Currently, the S&P 500 Index is above 2000. The S&P 500 Index is widely regarded as the best single gauge of large cap U.S. equities and is widely quoted as an indicator of stock prices and investor confidence in the securities market. As a result, individual investors often use S&P 500 Index-related products to diversify their portfolios and benefit from market trends. Accordingly, the Exchange believes that offering a wider range of S&P 500 Index-based option strikes affords traders and investors important hedging and trading opportunities. The Exchange believes that not having the proposed $1 strike price intervals above $200 in IVV significantly constricts investors' hedging and trading possibilities.

The Exchange proposes to amend Interpretations and Policies .10 to Rule 404 to allow IVV options to trade in $1 increments above a strike price of $200. Specifically, the Exchange proposes to amend Interpretations and Policies .10 to state that, ''[n]otwithstanding any other provision regarding the interval of strike prices of series of options on Exchange-Traded Fund Shares in this rule, the interval of strike prices on SPDR S&P 500 ETF (''SPY''), iShares S&P 500 Index ETF (''IVV''), and the SPDR Dow Jones Industrial Average ETF (''DIA'') options will be $1 or greater.'' The Exchange believes that by having smaller strike intervals in IVV, investors would have more efficient hedging and trading opportunities due to the lower $1 interval ascension. The proposed $1 intervals, particularly above the $200 strike price, will result in having at-the-money series based upon the underlying moving less than 1%. The Exchange believes that the proposed strike setting regime is in line with the slower movements of broad-based indices. Furthermore, the proposed $1 intervals would allow option trading strategies (such as, for example, risk reduction/hedging strategies using IVV weekly options), to remain viable. Considering the fact that $1 intervals already exist below the $200 price point and that IVV is above the $200 level, the Exchange believes that continuing to maintain the artificial $200 level (above which intervals increase 500% to $5), would have a negative effect on investing, trading and hedging opportunities, and volume. The Exchange believes that the investing, trading, and hedging opportunities available with IVV options far outweighs any potential negative impact of allowing IVV options to trade in more finely tailored intervals above the $200 price point.

[3] *See* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048).

[4] *See* Exchange Rule 404.10.

[5] The Exchange notes that IVV is treated as an Index-Linked Security under current Exchange rules.

The proposed strike setting regime would permit strikes to be set to more closely reflect values in the underlying S&P 500 Index and allow investors and traders to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying. Under the current rule, where the next higher available series would be $5 away above a $200 strike price, the ability to roll such positions is effectively negated. Accordingly, to move a position from a $200 strike to a $205 strike under the current rule, an investor would need for the underlying product to move 2.5%, and would not be able to execute a roll up until such a large movement occurred. With the proposed rule change, however, the investor would be in a significantly safer position of being able to roll his open options position from a $200 to a $201 strike price, which is only a 0.5% move for the underlying. The proposed rule change will allow the Exchange to better respond to customer demand for IVV strike prices more precisely aligned with current S&P 500 Index values. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by providing investors the flexibility to more closely tailor their investment and hedging decisions using IVV options.

By allowing series of IVV options to be listed in $1 intervals between strike prices over $200, the proposal will moderately augment the potential total number of option series available on the Exchange. However, the Exchange believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange also believes that Members [6] will not have a capacity issue due to the proposed rule change. In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity.

In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[7] which is an ETF that is identical in all material respects to the IVV ETF.

2. Statutory Basis

MIAX believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will allow investors to more easily use IVV options. Moreover, the proposed rule change would allow investors to better trade and hedge positions in IVV options where the strike price is greater than $200, and ensure that IVV options investors are not at a disadvantage simply because of the strike price.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The rule change proposal allows the Exchange to respond to customer demand to allow IVV options to trade in $1 intervals above a $200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality.

As noted above, some ETF options trade in wider $5 intervals above a $200 strike price, whereby options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the arbitrary $200 strike price above which options intervals increase by 500%. This proposal remedies this situation by establishing an exception to the current interval regime for IVV options to allow such options to trade in $1 or greater intervals at all strike prices.

The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with the rules of other exchanges.[11]

With regard to the impact of this proposal on system capacity, the Exchange believes it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its Members will not have a capacity issue as a result of this proposal.

In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[12] which is an ETF that is identical in all material respects to the IVV ETF.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that IVV options investors and traders will significantly benefit from the availability of finer strike price intervals above a $200 price point. In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[13] which is an ETF that is identical in all material respects to the IVV ETF. Thus, applying the same strike setting regime to SPY and IVV options will help level the playing field for options on similar, competing ETFs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

[6] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] *See* Exchange Rule 404.10.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] *See* Nasdaq Phlx Rule 1012.05(a)(iv)(C) and CBOE Rule 5.5.08(b).

[12] *See* Exchange Rule 404.10.

[13] *Id.*

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) [15] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may 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 Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will immediately provide investors with additional flexibility in trading and hedging positions in IVV options on the Exchange. The Commission also notes that the proposed rule change is consistent with the strike price intervals in IVV options that is permitted on other exchanges and thus raises no new novel or substantive issues.[18] Accordingly, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2017–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2017–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2017–33, and should be submitted on or before August 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–15771 Filed 7–26–17; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See supra* note 11.

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–094; OMB Control No. 3235–0085]

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 17a–11

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'') has submitted to the Office of Management and Budget a request for approval of extension of the previously approved collection of information provided for in Rule 17a–11 (17 CFR 240.17a–11) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

In response to an operational crisis in the securities industry between 1967 and 1970, the Commission adopted Rule 17a–11 under the Exchange Act on July 11, 1971. Rule 17a–11 requires broker-dealers that are experiencing financial or operational difficulties to provide notice to the Commission, the broker-dealer's designated examining authority (''DEA''), and the Commodity Futures Trading Commission (''CFTC'') if the broker-dealer is registered with the CFTC as a futures commission merchant. Rule 17a–11 is an integral part of the Commission's financial responsibility program which enables the Commission, a broker-dealer's DEA, and the CFTC to increase surveillance of a broker-dealer experiencing difficulties and to obtain any additional information necessary to gauge the broker-dealer's financial or operational condition.

Rule 17a–11 also requires over-the-counter (''OTC'') derivatives dealers and broker-dealers that are permitted to compute net capital pursuant to Appendix E to Exchange Act Rule 15c3–1 to notify the Commission when their tentative net capital drops below certain levels.

To ensure the provision of these types of notices to the Commission, Rule 17a–11 requires every national securities exchange or national securities association to notify the Commission when it learns that a member broker-dealer has failed to send a notice or transmit a report required under the Rule.

Compliance with the Rule is mandatory. The Commission will generally not publish or make available to any person notices or reports received pursuant to Rule 17a–11. The Commission believes that information obtained under Rule 17a–11 relates to a condition report prepared for the use of the Commission, other federal governmental authorities, and securities industry self-regulatory organizations responsible for the regulation or supervision of financial institutions.

The Commission expects to receive 253 notices from broker-dealers whose capital declines below certain specified levels or who are otherwise experiencing financial or operational problems and ten notices each year from national securities exchange or national securities association notifying it that a member broker-dealer has failed to send the Commission a notice or transmit a report required under the Rule. The Commission expects that it will take approximately one hour to prepare and transmit each notice.

Rule 17a–11 also requires broker-dealers engaged in securities lending or repurchase activities to either: (1) File a notice with the Commission and their DEA whenever the total money payable against all securities loaned, subject to a reverse repurchase agreement or the contract value of all securities borrowed or subject to a repurchase agreement, exceeds 2,500% of tentative net capital; or, alternatively, (2) report monthly their securities lending and repurchase activities to their DEA in a form acceptable to their DEA.

The Commission estimates that, annually, six broker-dealers will submit the monthly stock loan/borrow report. The Commission estimates each firm will spend, on average, approximately one hour per month (or twelve hours per year) of employee resources to prepare and send the report or to prepare the information for the FOCUS report (as required by the firm's DEA, if applicable). Therefore, the Commission estimates the total annual reporting burden arising from this section of the amendment will be approximately 72 hours.[1]

Therefore, the total annual reporting burden associated with Rule 17a–11 is approximately 335 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 current 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 21, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–15779 Filed 7–26–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 6 broker-dealers × 12 hours per year = 72 hours.

[2] 253 + 10 + 72.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81184; File No. SR–PEARL–2017–32]

Self-Regulatory Organizations; MIAX PEARL, LLC ; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 404, Series of Option Contracts Open for Trading

July 21, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 11, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 404, Series of Option Contracts Open for Trading, Interpretations and Policies .10, to include the iShares S&P 500 Index ETF (''IVV'') in the list of Exchange-Traded Funds (''ETFs'') that are eligible for $1 strike price intervals.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 404, Series of Option Contracts Open for Trading, to modify the strike setting regime for IVV options by including IVV in the list of ETFs that are eligible for $1 strike price intervals under Interpretations and Policies .10. The Exchange notes that this is a competitive filing based on an immediately effective filing recently submitted by the Chicago Board Options Exchange, Incorporated (''CBOE'').[3]

Specifically, the Exchange proposes to modify the interval setting regime for IVV options to allow $1 strike price intervals above $200. The Exchange believes that the proposed rule change would make IVV options easier for investors and traders to use and more tailored to their investment needs. Additionally, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on units of the Standard & Poor's

[3] *See* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048).

Depository Receipts Trust (''SPY''),[4] which is an ETF that is identical in all material respects to the IVV ETF.

The SPY and IVV ETFs are identical in all material respects. The SPY and IVV ETFs are designed to roughly track the performance of the S&P 500 Index with the price of SPY and IVV designed to roughly approximate 1/10th of the price of the S&P 500 Index. Accordingly, SPY and IVV strike prices—having a multiplier of $100—reflect a value roughly equal to 1/10th of the value of the S&P 500 Index. For example, if the S&P 500 Index is at 1972.56, SPY and IVV options might have a value of approximately 197.26 with a notional value of $19,726. In general, SPY and IVV options provide retail investors and traders with the benefit of trading the broad market in a manageably sized contract. As options with an ETF underlying, SPY and IVV options are listed in the same manner as equity options under the Rules.

However, under current Interpretation and Policies .05 to Rule 404, the interval between strike prices in series of options on Index-Linked Securities,[5] as defined in Rule 402(k)(1), will be $1 or greater where the strike price is $200 or less and $5 or greater where the strike price is greater than $200. In addition, under Exchange Rule 404, Interpretation and Policies .02(e),

Strike Price Interval. The strike price interval for Short Term Option series may be $0.50 or greater for option classes that trade in $1 strike price intervals and are in the Short Term Option Series Program. If the class does not trade in $1 strike price intervals, the strike price interval for Short Term Option series may be $0.50 or greater where the strike price is less than $100 and $1.00 or greater where the strike price is between $100 and $150, and $2.50 or greater for strike prices greater than $150. A non-Short Term Option Series that is included in a class that has been selected to participate in the Short Term Option Series Program is referred to as a ''Related non-Short Term Option.'' Notwithstanding any other provision regarding strike prices in this rule, Related non-Short Term Option series shall be opened during the month prior to expiration in the same manner as permitted in Rule 404, Interpretations and Policies .02 and in the same strike price intervals for the Short Term Option Series permitted in this Rule 404, Interpretations and Policies .02(e).

The Exchange's proposal seeks to narrow the strike price intervals to $1 for IVV options above $200, in effect matching the strike setting regime for strike intervals in IVV options below $200 and matching the strike setting regime applied to SPY options.

Currently, the S&P 500 Index is above 2000. The S&P 500 Index is widely regarded as the best single gauge of large cap U.S. equities and is widely quoted as an indicator of stock prices and investor confidence in the securities market. As a result, individual investors often use S&P 500 Index-related products to diversify their portfolios and benefit from market trends. Accordingly, the Exchange believes that offering a wider range of S&P 500 Index-based option strikes affords traders and investors important hedging and trading opportunities. The Exchange believes that not having the proposed $1 strike price intervals above $200 in IVV significantly constricts investors' hedging and trading possibilities.

The Exchange proposes to amend Interpretations and Policies .10 to Rule 404 to allow IVV options to trade in $1 increments above a strike price of $200. Specifically, the Exchange proposes to amend Interpretations and Policies .10 to state that, ''[n]otwithstanding any other provision regarding the interval of strike prices of series of options on Exchange-Traded Fund Shares in this rule, the interval of strike prices on SPDR S&P 500 ETF (''SPY''), iShares S&P 500 Index ETF (''IVV''), and the SPDR Dow Jones Industrial Average ETF (''DIA'') options will be $1 or greater.'' The Exchange believes that by having smaller strike intervals in IVV, investors would have more efficient hedging and trading opportunities due to the lower $1 interval ascension. The proposed $1 intervals, particularly above the $200 strike price, will result in having at-the-money series based upon the underlying moving less than 1%. The Exchange believes that the proposed strike setting regime is in line with the slower movements of broad-based indices. Furthermore, the proposed $1 intervals would allow option trading strategies (such as, for example, risk reduction/hedging strategies using IVV weekly options), to remain viable. Considering the fact that $1 intervals already exist below the $200 price point and that IVV is above the $200 level, the Exchange believes that continuing to maintain the artificial $200 level (above which intervals increase 500% to $5), would have a negative effect on investing, trading and hedging opportunities, and volume. The Exchange believes that the investing, trading, and hedging opportunities available with IVV options far outweighs any potential negative impact of allowing IVV options to trade in more finely tailored intervals above the $200 price point.

The proposed strike setting regime would permit strikes to be set to more closely reflect values in the underlying S&P 500 Index and allow investors and traders to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying. Under the current rule, where the next higher available series would be $5 away above a $200 strike price, the ability to roll such positions is effectively negated. Accordingly, to move a position from a $200 strike to a $205 strike under the current rule, an investor would need for the underlying product to move 2.5%, and would not be able to execute a roll up until such a large movement occurred. With the proposed rule change, however, the investor would be in a significantly safer position of being able to roll his open options position from a $200 to a $201 strike price, which is only a 0.5% move for the underlying. The proposed rule change will allow the Exchange to better respond to customer demand for IVV strike prices more precisely aligned with current S&P 500 Index values. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by providing investors the flexibility to more closely tailor their investment and hedging decisions using IVV options.

By allowing series of IVV options to be listed in $1 intervals between strike prices over $200, the proposal will moderately augment the potential total number of option series available on the Exchange. However, the Exchange believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange also believes that Members[6] will not have a capacity issue due to the proposed rule change. In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity.

In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[7] which is an ETF that is identical in all material respects to the IVV ETF.

2. Statutory Basis

MIAX PEARL believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the

[4] *See* Exchange Rule 404.10.

[5] The Exchange notes that IVV is treated as an Index-Linked Security under current Exchange rules.

[6] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] *See* Exchange Rule 404.10.

''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will allow investors to more easily use IVV options. Moreover, the proposed rule change would allow investors to better trade and hedge positions in IVV options where the strike price is greater than $200, and ensure that IVV options investors are not at a disadvantage simply because of the strike price.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The rule change proposal allows the Exchange to respond to customer demand to allow IVV options to trade in $1 intervals above a $200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality.

As noted above, some ETF options trade in wider $5 intervals above a $200 strike price, whereby options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the arbitrary $200 strike price above which options intervals increase by 500%. This proposal remedies this situation by establishing an exception to the current interval regime for IVV options to allow such options to trade in $1 or greater intervals at all strike prices.

The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with the rules of other exchanges.[11]

With regard to the impact of this proposal on system capacity, the Exchange believes it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its Members will not have a capacity issue as a result of this proposal.

In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[12] which is an ETF that is identical in all material respects to the IVV ETF.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that IVV options investors and traders will significantly benefit from the availability of finer strike price intervals above a $200 price point. In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[13] which is an ETF that is identical in all material respects to the IVV ETF. Thus, applying the same strike setting regime to SPY and IVV options will help level the playing field for options on similar, competing ETFs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6)[15] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may 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 Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will immediately provide investors with additional flexibility in trading and hedging positions in IVV options on the Exchange. The Commission also notes that the proposed rule change is consistent with the strike price intervals in IVV options that is permitted on other exchanges and thus raises no new novel or substantive issues.[18] Accordingly, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] *See* Nasdaq Phlx Rule 1012.05(a)(iv)(C) and CBOE Rule 5.5.08(b).

[12] *See* Exchange Rule 404.10

[13] *Id.*

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See supra* note 11.

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–PEARL–2017–32 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–PEARL–2017–32. 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–PEARL–2017–32, and should be submitted on or before August 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–15772 Filed 7–26–17; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81189; File No. 4–698]

Joint Industry Plan; Order of Summary Abrogation of Amendment No. 2 to the National Market System Plan Governing the Consolidated Audit Trail by Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE Arca, Inc., NYSE MKT LLC and NYSE National, Inc.

July 21, 2017.

I. Introduction

Notice is hereby given that the Securities and Exchange Commission (''Commission''), pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] is summarily abrogating Amendment No. 2 to the National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan'' or ''Plan'').

On May 23, 2017[3] participants of the CAT NMS Plan (''Participants'')[4] filed with the Commission a proposal to amend the Plan (''Amendment No. 2''),[5] pursuant to Section 11A of the Act,[6] and Rule 608 thereunder.[7] The Amendment, which was effective upon filing pursuant to Rule 608(b)(3)(i) of Regulation NMS,[8] sets forth the Consolidated Audit Trail (''CAT'') fees to be paid by the Participants.

II. Description of the Amendment

Prior to filing Amendment No. 2, the Participants filed the CAT NMS Plan with the Commission,[9] pursuant to Section 11A of the Act[10] and Rule 608 of Regulation NMS thereunder,[11] to create, implement and maintain the CAT. The Plan was published for comment in the **Federal Register** on May 17, 2016,[12] and approved by the Commission, as modified, on November 15, 2016.[13] Under the CAT NMS Plan, the Operating Committee of a newly formed company—CAT NMS, LLC (the ''Company''), of which each Participant is a member—has the discretion to establish funding for the Company to operate the CAT, including establishing fees that the Participants and Industry Members will pay (''CAT Fees'').[14]

The Plan specified that, in establishing the funding of the Company, the Operating Committee shall establish ''a tiered fee structure in which the fees charged to: (i) CAT Reporters that are Execution Venues, including ATSs, are based upon the level of market share; (ii) Industry Members' non-ATS activities are based upon message traffic; and (iii) the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The Participants initially submitted the amendment on May 9, 2017, but subsequently withdrew the amendment and refiled the current submission on May 23, 2017.

[4] The Participants are: Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE Arca, Inc., NYSE MKT LLC and NYSE National, Inc.

[5] *See* Letter from Michael Simon, Chair, CAT NMS Plan Operating Committee, to Brent J. Fields, Secretary, Commission, dated May 22, 2017 (''Letter''). *See also* Securities Exchange Act Release No. 80930 (June 14, 2017), 82 FR 28180 (June 20, 2017) (''Notice''), *available at https://www.sec.gov/rules/sro/nms/2017/34-80930.pdf.*

[6] 15 U.S.C. 78k–1.

[7] 17 CFR 242.608.

[8] 17 CFR 242.608(b)(3)(i).

[9] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 23, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[10] 15 U.S.C. 78k–1.

[11] 17 CFR 242.608.

[12] Securities Exchange Act Release No. 77724 (April 27, 2016), 81 FR 30614 (May 17, 2016) (''CAT NMS Plan Notice'').

[13] Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016) (''Approval Order'').

[14] Section 11.1(b) of the CAT NMS Plan.

affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members).'' [15] Under the Plan, such fees are to be implemented in accordance with various funding principles, including an ''allocation of the Company's related costs among Participants and Industry Members that is consistent with the [ ] Act taking into account . . . distinctions in the securities trading operations of Participants and Industry Members and their relative impact upon the Company resources and operations'' and the ''avoid[ance of] any disincentives such as placing an inappropriate burden on competition and reduction in market quality.'' [16]

The Participants submitted this Amendment No. 2 to the Plan to establish the CAT Fees to be charged to themselves, as Execution Venues.[17] In addition, the Participants submitted proposed rule changes to adopt fees to be charged to Industry Members, including Industry Members that are Execution Venue ATSs (''Industry Member Fee Filings''), which are described below.[18] The text of the Industry Member Fee Filings is substantially similar to Amendment No. 2. On June 30, 2017, the Commission temporarily suspended the Industry Member Fee Filings and instituted proceedings to determine whether those filings should be approved or disapproved.[19]

The Plan specifies that, in establishing the funding of the Company, the Operating Committee shall establish ''a tiered fee structure in which the fees charged to: (i) CAT Reporters that are Execution Venues, including ATSs, are based upon the level of market share; (ii) Industry Members' non-ATS activities are based upon message traffic; and (iii) the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members.'' [20] Under the Plan, such fees are to be implemented in accordance with various funding principles, including an ''allocation of the Company's related costs among Participants and Industry Members that is consistent with the [ ] Act'' and the ''avoid[ance of] any disincentives such as placing an inappropriate burden on competition and reduction in market quality.'' [21]

To establish the CAT Fees permitted by the Plan, the Participants submitted Amendment No. 2. As noted above, Amendment No. 2 adopted fees applicable to the Participants, as Execution Venues, which are described below.[22]

A. Execution Venue Tiers [23]

1. NMS Stocks and OTC Equity Securities

Amendment No. 2 establishes fixed fees to be paid by Execution Venues [24] depending on the market share of that Execution Venue in NMS Stocks and OTC Equity Securities. Market share for Execution Venues will be calculated by share volume, except the market share for a national securities association that has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange in NMS Stocks or OTC Equity Securities will be calculated based on share volume of trades reported, excluding the share volume reported to such national securities association by an Execution Venue.[25]

Under Amendment No. 2, each Equity Execution Venue will be ranked by market share and assigned to one of two tiers that have been predefined by percentages (the ''Equity Execution Venue Percentages'').[26] The Participants noted that the percentage of costs recovered by each Equity Execution Venue tier will be determined by predefined percentage allocations (the ''Equity Execution Venue Recovery Allocation'').[27]

The following table sets forth the specific Equity Execution Venue Percentages and Equity Execution Recovery Allocations: [28]

Equity execution venue tier	Percentage of equity execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	25.00	26.00	6.50
Tier 2	75.00	49.00	12.25

[15] Section 11.2(c) of the CAT NMS Plan. *See* Article XI of the CAT NMS Plan for additional detail; *see also, e.g.,* Notice, *supra* note 5, at 28181–28183 for additional description of the CAT NMS Plan requirements.

[16] *See* Section 11.2(b) and (e) of the CAT NMS Plan.

[17] *See* Letter, *supra* note 5. *See also* Notice, *supra* note 5. Section 1.1 of the CAT NMS Plan defines ''Execution Venue'' as ''a Participant or an [ATS] (as defined in Rule 300 of Regulation ATS) that operates pursuant to Rule 301 of Regulation ATS (excluding any such ATS that does not execute orders).''

[18] For additional details regarding these fees, *see, e.g.,* Securities Exchange Act Release Nos. 80675 (May 15, 2017), 82 FR 23100 (May 19, 2017) (SR–MIAX–2017–18); 80676 (May 15, 2017), 82 FR 23083 (May 19, 2017) (SR–PEARL–2017–20); 80697 (May 16, 2017), 82 FR 23398 (May 22, 2017) (SR–BX–2017–023); 80691 (May 16, 2017), 82 FR 23344 (May 22, 2017) (SR–CHX–2017–08); 80692 (May 16, 2017), 82 FR 23325 (May 22, 2017) (SR–IEX–2017–16); 80696 (May 16, 2017), 82 FR 23439 (May 22, 2017) (SR–NASDAQ–2017–046); 80693 (May 16, 2017), 82 FR 23363 (May 22, 2017) (SR–NYSE–2017–22); 80698 (May 16, 2017), 82 FR 23457 (May 22, 2017) (SR–NYSEArca–2017–52); 80694 (May 16, 2017), 82 FR 23416 (May 22, 2017) (SR–NYSEMKT–2017–26); 80710 (May 17, 2017), 82 FR 23639 (May 23, 2017) (SR–FINRA–2017–011); 80721 (May 18, 2017), 82 FR 23864 (May 24, 2017) (SR–BOX–2017–16); 80713 (May 18, 2017), 82 FR 23956 (May 24, 2017) (SR–GEMX–2017–17); 80715 (May 18, 2017), 82 FR 23895 (May 24, 2017) (SR–ISE–2017–45); 80726 (May 18, 2017), 82 FR 23915 (May 24, 2017) (SR–MRX–2017–04); 80725 (May 18, 2017), 82 FR 23935 (May 24, 2017) (SR–PHLX–2017–37); 80786 (May 26, 2017), 82 FR 25474 (June 1, 2017) (SR–C2–2017–017); 80785 (May 26, 2017), 82 FR 25404 (June 1, 2017) (SR–CBOE–2017–040); 80784 (May 26, 2017), 82 FR 25448 (June 1, 2017) (SR–BatsEDGA–2017–13); 80809 (May 30, 2017), 82 FR 25837 (June 5, 2017) (SR–BatsBYX–2017–11); 80822 (May 31, 2017), 82 FR 26148 (June 6, 2017) (SR-BatsBZX–2017–38); and 80821 (May 31, 2017), 82 FR 26177 (June 6, 2017) (SR–BatsEDGX–2017–22).

[19] *See* Securities Exchange Act Release No. 81067 (June 30, 2017), 82 FR 31656 (July 7, 2017).

[20] Section 11.2(c) of the CAT NMS Plan. *See* Article XI of the CAT NMS Plan for additional detail; *see also, e.g.,* Notice, *supra* note 5, at 28181–28183 for additional description of the CAT NMS Plan requirements.

[21] *See* Section 11.2(c) and (e) of the CAT NMS Plan.

[22] For additional details regarding these fees, *see, e.g.,* Notice, *supra* note 5.

[23] Amendment No. 2 establishes different tiers for Equity and Options Execution Venues.

[24] *See supra* note 17. For purposes of determining the CAT Fees for ATSs, the Participants categorized ATSs (excluding ATSs that do not execute orders) as Execution Venues. The Commission notes that the CAT Fees for Execution Venue ATSs were proposed in the Industry Member Fee Filings and that Amendment No. 2 addresses fees applicable to the Participants, as Execution Venues.

[25] Section 11.3(a)(i) of the CAT NMS Plan; *see also, e.g.,* Notice, *supra* note 5, at 28186.

[26] *See, e.g.,* Notice, *supra* note 5, at 28186.

[27] *See, e.g., id.*

[28] *See, e.g., id.*

Equity execution venue tier	Percentage of equity execution venues	Percentage of execution venue recovery	Percentage of total recovery
Total	100	75	18.75

2. Listed Options

Amendment No. 2 establishes fixed fees to be paid by Execution Venues depending on the Listed Options market share of that Execution Venue. Market share for Execution Venues will be calculated by contract volume.[29] Under Amendment No. 2, each Options Execution Venue will be ranked by market share and assigned to one of two tiers that have been predefined by percentages (the ''Options Execution Venue Percentages'').[30] The Participants noted that the percentage of costs recovered by each Options Execution Venue tier will be determined by predefined percentage allocations (the ''Options Execution Venue Recovery Allocation'').[31]

The following table sets forth the specific Options Execution Venue Percentages and Options Execution Venue Recovery Allocations:[32]

Options execution venue tier	Percentage of options execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	75.00	20.00	5.00
Tier 2	25.00	5.00	1.25
Total	100	25	6.25

3. Tier Assignments

The Participants stated that market share for Execution Venues will be sourced from data reported to the CAT System after the commencement of CAT reporting.[33] Prior to the commencement of CAT reporting, the Participants stated that market share for Execution Venues will be sourced from publicly-available market data, including data made publicly available by Bats and FINRA.[34]

B. Industry Member Tiers

Amendment No. 2 describes the fixed fees to be established by the Industry Member Fee Filings to be payable by Industry Members, based on message traffic.[35] Each Industry Member (other than Execution Venue ATSs [36]) will be ranked by message traffic and assigned to one of nine tiers that have been predefined by percentages (the ''Industry Member Percentages'').[37] The Participants noted that the percentage of costs recovered by each Industry Member tier will be determined by predefined percentage allocations (the ''Industry Member Recovery Allocation'').[38]

The following table sets forth the specific Industry Member Percentages and Industry Member Recovery Allocations:[39]

Industry member tier	Percentage of industry members	Percentage of industry member recovery	Percentage of total recovery
Tier 1	0.500	8.50	6.38
Tier 2	2.500	35.00	26.25
Tier 3	2.125	21.25	15.94
Tier 4	4.625	15.75	11.81
Tier 5	3.625	7.75	5.81
Tier 6	4.000	5.25	3.94
Tier 7	17.500	4.50	3.38
Tier 8	20.125	1.50	1.13
Tier 9	45.000	0.50	0.38
Total	100	100	75

The Participants explained that, prior to the start of CAT reporting, ''message traffic'' will be comprised of historical equity and equity options orders, cancels and quotes provided by each exchange and FINRA over the previous three months.[40] The Participants stated

[29] Section 11.3(a)(ii) of the CAT NMS Plan; *see also, e.g.,* Notice, *supra* note 5, at 28187.

[30] *See, e.g.,* Notice, *supra* note 5, at 28187.

[31] *See, e.g., id.*

[32] *See, e.g., id.*

[33] *See, e.g., id.* at 28188.

[34] *See, e.g., id.*

[35] The CAT NMS Plan provides that the CAT Fees payable by Industry Members shall include message traffic generated by: (i) An ATS that does not execute orders that is sponsored by an Industry Member and (ii) routing orders to and from any ATS sponsored by an Industry Member. *See* Section 11.3(b) of the CAT NMS Plan. The Participants noted, however, that Industry Member fees will not be applicable to an ATS that qualifies as an Execution Venue. *See, e.g.,* Notice, *supra* note 5, at 28183.

[36] The Participants defined ''Execution Venue ATSs'' as alternative trading systems that execute transactions in Eligible Securities. *See, e.g.,* Notice, *supra* note 5, at 28181.

[37] *See, e.g., id.* at 2810328183.

[38] *See, e.g., id.*

[39] *See, e.g., id.* at 28184–5.

[40] *See, e.g., id.* at 28185. The Commission approved exemptive relief allowing options market-maker quotes to be reported to the Central Repository by the relevant Options Exchange in lieu of requiring that such reporting be done by both the Options Exchange and the options market-maker. *See* Securities Exchange Act Release No. 77265 (March 1, 2017), 81 FR 11856 (March 7, 2016). The Participants stated that this exemption applies to

Continued

that prior to the start of CAT reporting, (1) orders will be comprised of the total number of equity and equity options orders received and originated by a member of an exchange or FINRA over the previous three-month period, as well as order routes and executions originated by a member of FINRA, (2) cancels will be comprised of the total number of equity and equity option cancels received and originated by a member of an exchange or FINRA over a three-month period, and (3) quotes will be comprised of information readily available to the exchanges and FINRA, such as the total number of historical equity and equity options quotes received and originated by a member of an exchange or FINRA over the prior three-month period.[41] After an Industry Member begins reporting to the CAT, the Participants noted that ''message traffic'' will be calculated based on the Industry Member's Reportable Events.[42]

C. Allocation of Costs

In determining the cost allocation between Industry Members (other than Execution Venue ATSs) and Execution Venues, the Participants stated that the Operating Committee decided that 75% of total costs recovered will be allocated to Industry Members (other than Execution Venue ATSs) and 25% will be allocated to Execution Venues.[43] In determining the cost allocation between Equity Execution Venues and Options Execution Venues, the Participants stated that the Operating Committee further determined to allocate 75% of Execution Venue costs recovered to Equity Execution Venues and 25% to Options Execution Venues.[44]

D. Fee Levels

The Participants explained that the sum of the CAT Fees is designed to recover the total costs of building and operating the CAT. They stated that the Operating Committee has estimated overall CAT costs—including development and operational costs, third-party support costs (including historic legal fees, consulting fees, and audit fees), insurance costs, and operational reserve costs—to be $50,700,000 in total for the year beginning November 21, 2016.[45] The Participants stated that, based on the estimated costs and the calculations for the funding model, the Operating Committee determined to impose the following fees.

For Equity Execution Venues: [46]

Tier	Monthly CAT fee	Quarterly CAT fee	CAT fees paid annually
1	$21,125	$63,375	$253,500
2	12,940	38,820	155,280

For Options Execution Venues: [47]

Tier	Monthly CAT fee	Quarterly CAT fee	CAT Fees paid annually
1	$19,205	$57,615	$230,460
2	13,204	39,612	158,448

For Industry Members (other than Execution Venue ATSs): [48]

Tier	Monthly CAT fee	Quarterly CAT fee	CAT fees paid annually
1	$33,668	$101,004	$404,016
2	27,051	81,153	324,612
3	19,239	57,717	230,868
4	6,655	19,965	79,860
5	4,163	12,489	49,956
6	2,560	7,680	30,720
7	501	1,503	6,012
8	145	435	1,740
9	22	66	264

E. Initial and Periodic Tier Reassignments

The Operating Committee will assign fee tiers every three months based on market share or message traffic, as applicable, from the prior three months.[49] For the initial tier assignments, the Participants stated that the Company will calculate the relevant tier for each CAT Reporter using the prior three months of data.[50] The Participants explained the Company

options market-maker quotes for CAT reporting purposes only. Therefore, the Participants indicated that options market-maker quotes will be included in the calculation of total message traffic for options market-makers. *See, e.g.,* Notice, *supra* note 5, at 28185 n.29.

[41] *See, e.g., id.* at 28185.

[42] *See, e.g., id.* If an Industry Member (other than an Execution Venue ATS) has no orders, cancels or quotes prior to the commencement of CAT reporting, or no Reportable Events after CAT reporting commences, the Participants stated that the Industry Member would not have a CAT Fee obligation. *See, e.g., id.* at n. 31.

[43] *See, e.g., id.* at 28188.

[44] *See, e.g., id.*

[45] *See, e.g., id.* The Participants further noted that CAT-related costs incurred prior to November 21, 2016 will be addressed via a separate filing. *See, e.g., id.* at n.34.

[46] *See, e.g., id.* at 28189.

[47] *See, e.g., id.*

[48] *See, e.g., id.*

[49] *See, e.g., id.* at 28194.

[50] *See, e.g., id.* The Participants indicated that such data will be comprised of historical equity and equity options orders, cancels, and quotes provided by the Participants over the previous three-month period. *See, e.g., id.; see also* notes 40–42 *supra* and accompanying text.

will calculate subsequent tier assignments using the three months of data prior to the relevant tri-monthly date.[51] The Participants noted that any movement of CAT Reporters between tiers will not change the criteria for each tier or the fee amount corresponding to each tier.[52] According to the Participants, a CAT Reporter's assigned tier will depend not only on its own message traffic or market share, but also on the message traffic or market share across all CAT Reporters.[53]

F. Changes to Fee Levels and Tiers

The Participants noted that Section 11.3(d) of the CAT NMS Plan states that ''[t]he Operating Committee shall review such fee schedule on at least an annual basis and shall make any changes to such fee schedule that it deems appropriate.'' [54] The Participants stated that, as part of such reviews, the Operating Committee will review the distribution of Industry Members and Execution Venues across tiers and make any updates to the percentage of CAT Reporters allocated to each tier as may be necessary.[55] In addition, the Participants asserted that such reviews would consider the estimated ongoing CAT costs and the level of the operating reserve, in order to adjust CAT Fees as appropriate.[56] The Participants further stated that any changes to the number of tiers in the funding model or the fees assigned to each tier will be filed with the Commission pursuant to Rule 608 of the Act and become effective in accordance with the requirements of Rule 608.[57]

Pursuant to Rule 608(b)(3)(i) under Regulation NMS,[58] the Participants designated Amendment No. 2 as establishing or changing a fee or other charge collected on their behalf in connection with access to, or use of, the facilities contemplated by the Plan. As a result, Amendment No. 2 was effective upon filing with the Commission. On June 14, 2017, the Commission issued notice of Amendment No. 2.[59]

III. Summary of Comments and Participants' Response

While no comments were received on Amendment No. 2 to the CAT NMS Plan, the Commission received a number of comment letters on the Industry Member Fee Filings, and a response to such comments from the Participants. Because the text of the Industry Member Fee Filings is substantially similar to this Amendment No. 2, the Commission believes the comment letters are relevant to this Order and has summarized the comments on the Industry Member Fee Filings below.[60]

Necessity of the CAT

One commenter asks whether the CAT is a ''worthwhile endeavor,'' [61] arguing that the CAT is largely duplicative of existing electronic audit trails, and suggesting that the goals of the CAT can be accomplished at a fraction of the cost set forth in the filings.[62] The commenter also believes that the CAT is not justified in terms of costs and benefits and warns that any costs assessed to broker-dealers will ultimately be passed on to investors.[63] Similarly, another commenter believes that fees imposed on broker-dealers are likely to be passed through to investors, effectively limiting investor choice in execution venues.[64]

In response to the comment questioning the utility of the CAT, the Participants explain that they are obligated to build the CAT by Rule 613.[65] Further, the Participants state that the CAT NMS Plan requires them to eliminate existing systems and rules made duplicative by the CAT and that they have already filed proposals to accomplish this for certain such systems and rules.[66] The Participants add that the CAT is intended to replace the current audit trails (which vary in data and scope, among other ways) with a single, comprehensive audit trail.[67]

Funding Authority

One commenter challenges the imposition of a CAT Fee on Industry Members, arguing that the Participants have not provided justification for imposing such a fee and that the Industry Members should not be obligated to pay any costs or expenses other than the direct costs to build and operate the CAT.[68] Two commenters note that broker-dealers already pay the Participants a significant amount in regulatory funding, and argue that costs other than the direct costs to build and operate the CAT (such as insurance and consulting) should be borne by the Participants as the costs they incur to do business as self-regulatory organizations, as well as any costs incurred before the approval of the CAT NMS Plan.[69]

In their response, the Participants state that Rule 613 of Regulation NMS (''Rule 613'') [70] contemplates broker-dealers contributing to the funding of CAT.[71] Because the CAT improves

[51] *See, e.g.,* Notice, *supra* note 5, at 28194.

[52] *See, e.g., id.*

[53] *See, e.g., id.*

[54] *See, e.g., id.*

[55] *See, e.g., id.*

[56] *See, e.g., id.* The Participants further noted that any surplus of the Company's revenues over its expenses will be included within the operational reserve to offset future fees. *See, e.g., id.*

[57] *See, e.g., id.*

[58] 17 CFR 242.608(b)(3)(i).

[59] *See supra* note 5.

[60] Since the Industry Member Fee Filings were designed to adopt fees to be charged to Industry Members to fund CAT, the Commission considered all comments received regardless of the comment file to which they were submitted. *See* Letter from Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, to Brent J. Fields, Secretary, Commission (dated June 6, 2017) (''SIFMA Letter''), *available at: https://www.sec.gov/comments/sr-batsbzx-2017-38/batsbzx201738-1788188-153228.pdf;* Letter from Patricia L. Cerny and Steven O'Malley, Compliance Consultants, to Brent J. Fields, Secretary, Commission (dated June 12, 2017) (''Cerny & O'Malley Letter''), *available at: https://www.sec.gov/comments/sr-cboe-2017-040/cboe2017040-1799253-153675.pdf;* Letter from Daniel Zinn, General Counsel, OTC Markets Group Inc., to Eduardo A. Aleman, Assistant Secretary, Commission (dated June 13, 2017) (''OTC Markets Letter''), *available at: https://www.sec.gov/comments/sr-finra-2017-011/finra2017011-1801717-153703.pdf; Letter from Joanna Mallers, Secretary, FIA Principal Traders Group, to Brent J. Fields, Secretary, Commission (dated June 22, 2017) (''FIA Letter''), available at: https://www.sec.gov/comments/sr-cboe-2017–040/cboe2017040-1819670–154195.pdf; Letter from Stuart J. Kaswell, Executive Vice President and Managing Director, General Counsel, Managed Funds Association, to Brent J. Fields, Secretary, Commission (dated June 23, 2017) (''MFA Letter''), available at: https://www.sec.gov/comments/sr-finra-2017-011/finra2017011-1822454-154283.pdf; and Letter from Suzanne H. Shatto, Investor, to Commission (dated June 27, 2017) (''Shatto Letter''), available at: https://www.sec.gov/comments/sr-batsedgx-2017-22/batsedgx201722-154443.pdf.* The Commission also received a comment letter which is not pertinent to the Industry Member Fee Filings and Amendment No. 2. *See* Letter from Christina Crouch, Smart Ltd., to Brent J. Fields, Secretary, Commission (dated June 5, 2017) (''Smart Letter''), *available at: https://www.sec.gov/comments/sr-batsbzx-2017-38/batsbzx201738-1785545-153152.htm.* The Commission also has received a letter from the Participants responding to the comments received. *See* Letter from CAT NMS Plan Participants to Brent J. Fields, Secretary, Commission (dated June 29, 2017) (''Response from Participants''), *available at https://www.sec.gov/comments/sr-batsbyx-2017-11/batsbyx201711-1832632-154584.pdf.*

[61] *See* FIA Letter, *supra* note 60, at 2.

[62] *See id. See also* Cerny & O'Malley Letter, *supra* note 60, at 4 (suggesting that the CAT will not capture any new violative activity not currently disclosed under current surveillance practices).

[63] *See* FIA Letter, *supra* note 60, at 2.

[64] *See* MFA Letter, *supra* note 60, at 2.

[65] *See* Response from Participants, *supra* note 60, at 17.

[66] *See id.* at 18. As an example of such a filing, the Participants cite to Securities Exchange Act Release No. 80783 (May 26, 2017), 82 FR 25423 (June 1, 2017) (SR–FINRA–2017–013), wherein FINRA proposes to eliminate the Order Audit Trail System. *See* Response from Participants, *supra* note 60, at 18 n.103.

[67] *See* Response from Participants, *supra* note 60, at 18.

[68] *See* SIFMA Letter, *supra* note 60, at 2–4.

[69] *See* FIA Letter, *supra* note 60, at 2–3; *see also* SIFMA Letter, *supra* note 60, at 3–4.

[70] 17 CFR 242.613.

[71] *See* Response from Participants, *supra* note 60, at 3.

regulatory oversight of the securities markets, the Participants believe that it would be equitable to require broker-dealers and Participants to fund the CAT.[72] The Participants further believe that Rule 613 and the Approval Order[73] support their recovery of costs related to the creation, implementation and maintenance of the CAT NMS Plan, such as third-party support costs, the operational reserve and insurance costs, through the CAT Fee.[74]

Industry Member Input

Three commenters argue that the funding decisions would have benefited from greater involvement from Industry Members.[75] Two commenters assert that the Participants' development of the funding model should have involved collaboration with the broker-dealer community.[76] One commenter opines that if broker-dealers had been involved in the development of the funding model, such participation would have been helpful in understanding why market participants are subject to CAT fees and the rationale for the proposed fee structure.[77] Another commenter believes that the proposed fees lack substantive input from the Industry Members.[78] The third commenter recommends that the CAT NMS Plan Operating Committee include market participant representatives with respect to funding and data security, to enhance transparency and mitigate potential conflicts of interest.[79]

In response to the comment that the funding model should have been the result of greater industry collaboration, the Participants assert that market participants were given the opportunity to comment on the funding model through the CAT NMS Plan Notice[80] and that, in developing the funding model, the Participants considered the input of members of the industry through the ''Development Advisory Group'' that was formed to provide industry feedback on the development of the CAT NMS Plan.[81] Further, the Participants assert that the proposed fees provide the opportunity for public comment on the fees.[82]

Conflicts of Interest

Three commenters raise concerns about Participant conflicts of interest in setting the CAT fees.[83] One commenter argues that, through the Industry Member Fee Filings, the Participants are imposing unreasonable fees on their competitors, the Industry Members, who, as members of the Participants, have no recourse but to pay the fees or risk regulatory action.[84] This commenter states that 88% of the total costs of building and operating the CAT are allocated to broker-dealers and ATSs under the proposed fees, suggesting the Participants decided to allocate nearly all of the costs of CAT to their competitors.[85] Accordingly, the commenter recommends that an independent third party should have established the proposed CAT Fees to prevent the Participants from setting fees to their benefit.[86]

Another commenter argues that the Participants have a clear conflict of interest when setting their own cost allocation.[87] This commenter states that the not-for-profit structure of the Company is essential to the CAT NMS Plan, seeks assurance that the Company has filed for business league status and, if so, asks whether the application has been approved.[88] The third commenter believes the process to establish the CAT fees does not address the Participants' potential conflicts of interest related to their commercial interests.[89]

In their response, the Participants explain that it is unnecessary to require an independent third party to establish the CAT Fees, in part because the funding of the CAT is designed to protect against any conflicts of interest in the Participants' ability to set fees, through the operation of the CAT on a break-even basis (such that any fees collected would be used toward CAT costs and an appropriate reserve, and that surpluses would offset fees in future payment).[90] The Participants also refer to the application of the Company to be organized as a tax-exempt business league, which would require that no part of the Company's net earnings can inure to the benefit of the Participants and that the Company is not organized for profit.[91] Additionally, the Participants note that the obligation to create, develop and maintain the CAT is their own responsibility, so they must have the ability to establish reliable funding and not an independent third party.[92]

In response to the comment asking about the status of the Company's application to be organized as a tax-exempt business league, the Participants state that the Company filed its IRS application on May 5, 2017, and that the application is currently pending. The Participants explain that if the IRS does not approve the application, the Company will operate as set forth in the Plan, but may be required to pay taxes. They believe that it is premature to include a tax contingency plan in the proposals.[93]

Allocation of Fees

Several commenters raise concerns about the proposed allocation of CAT fees.[94] One commenter argues that the Industry Member Fee Filings are not an equitable allocation of reasonable fees under Section 6(b)(4) or Section 15A(b)(5) of the Act.[95] This commenter notes that the proposed fees allocate approximately 88% of the total costs of building and operating the CAT to broker-dealers and ATSs[96] and questions the ''comparability'' justification provided by the Participants for allocating 75% of the total CAT costs to Industry Members, stating that the proposed fees are not comparable at the highest tiers.[97] Similarly, another commenter opines that the 75%/25% allocation of the CAT costs is inequitable, explaining that the Participants will be able to realize cost savings from the retirement of regulatory reporting processes.[98] A third commenter notes that it is unable to understand the justification for the 75% allocation to broker-dealers,[99] and the fourth commenter believes that the Participants are disproportionately imposing fees on Industry Members,

[72] *See id.* at 4.

[73] *See supra* note 13.

[74] *See* Response from Participants, *supra* note 60, at 7–8.

[75] *See* SIFMA Letter; FIA Letter; MFA Letter, *supra* note 60.

[76] *See* SIFMA Letter, *supra* note 60, at 2–3; *see* FIA Letter, *supra* note 60, at 2 (stating ''we struggle to understand how excluding other market participants and taking input only from the Plan Participants is anything but prejudicial'').

[77] *See* FIA Letter, *supra* note 60, at 2.

[78] *See* SIFMA Letter, *supra* note 60, at 2–3.

[79] *See* MFA Letter, *supra* note 60, at 2.

[80] *See supra* note 12.

[81] *See* Response from Participants, *supra* note 60, at 2–3.

[82] *See id.* at 2.

[83] *See* SIFMA Letter, FIA Letter, MFA Letter, *supra* note 60.

[84] *See* SIFMA Letter, *supra* note 60, at 2–3.

[85] *See id.* at 2–3.

[86] *See id.*

[87] *See* FIA Letter, *supra* note 60, at 2.

[88] *See id.* at 3. This commenter raises concerns about the impact on the costs and allocations if the Company's application to become a business league is not approved by the Internal Revenue Service (''IRS''). *Id.*

[89] *See* MFA Letter, *supra* note 60, at 2.

[90] *See* Response from Participants, *supra* note 60, at 11.

[91] *See id.*

[92] *See id.* at 11–12.

[93] *See id.* at 11, 18.

[94] *See* SIFMA Letter; Cerny & O'Malley Letter, FIA Letter; MFA Letter, *supra* note 60.

[95] *See* SIFMA Letter, *supra* note 60, at 3.

[96] *See id.* at 3 n.4.

[97] *See id.* at 3.

[98] *See* Cerny & O'Malley Letter, *supra* note 60, at 2.

[99] *See* FIA Letter, *supra* note 60, at 3.

which could put Industry Members at a competitive disadvantage.[100]

In response to comments regarding the allocation of CAT costs, the Participants first state that the 88% figure cited in the first commenter's letter is the cost broker-dealers will incur directly to comply with the reporting requirements of the CAT, not the CAT Fees.[101] The Participants also note that this is an aggregate number and reflects the fact that there are 75 times more Industry Members that would report to the CAT than Participants.[102]

In addition, the Participants explain that the Operating Committee believed that the 75%/25% division of total CAT costs between Industry Members and Execution Venues maintained the greatest level of comparability, considering affiliations among or between CAT Reporters.[103] The Participants state that although the Tier 1 and 2 fees for Industry Members would be higher than those for Execution Venues, the fees paid by Execution Venue complexes would be higher than those paid by Industry Member complexes.[104] The Participants also note that the cost allocation takes into account that there are approximately 25 times more Industry Members that would report to the CAT than Execution Venues.[105]

Tiering Methodology

Two commenters believe that the proposed tiering methodology is inequitable and unreasonable.[106] Both commenters raise concerns that the tiers will be applied inequitably because Industry Members will be assessed fees based on their message traffic (the biggest cost component of the CAT), while Participants will be assessed fees on their market share.[107] One of the commenters notes that, although the Participants proposed nine tiers for Industry Members, they have only proposed two tiers for Execution Venues,[108] ''claiming that additional tiers would have resulted in significantly higher fees for Tier 1 [E]xecution [V]enues and diminish comparability between [E]xecution [V]enues and Industry Members.'' [109] Both commenters believe the result will ''maximize costs for broker-dealers and minimize costs for Plan Participants.'' [110] One of the commenters also questions why it makes sense to charge a fixed fee for all market participants within a single tier, and whether the fixed-fee tiers set forth therein could create incentives for market participants to limit their quoting and trading activities as their trading volumes approach higher tiers.[111]

In response to the comments that the tiering methodology is inequitable and unreasonable because Participants will be assessed fees based on market share, rather than message traffic, the Participants explain that charging broker-dealers based on message traffic is the most equitable means to establish their fees because message traffic is a significant cost driver of CAT. Accordingly, the Participants believe that it is appropriate to use message traffic to assign fee tiers to broker-dealers.[112] The Participants state that charging Execution Venues based on message traffic, on the other hand, will result in large and small Execution Venues paying comparable fees as both types of Execution Venues produce similar amounts of message traffic.[113] The Participants believe such a result would be inequitable; therefore, they decided to base fees for Execution Venues and broker-dealers on different criteria.[114]

In response to a commenter's concern that the Participants only established two tiers for themselves, the Participants state that the CAT NMS Plan permits them to establish only two tiers and that two tiers were sufficient to distinguish between the Execution Venues.[115] The Participants state that adding more tiers will significantly increase fees for Tier 1 and Tier 2 Execution Venues with the result of fees for Tier 1 Execution Venues being much higher than fees for Tier 1 Industry Members.[116] In turn, the Participants believe that such a result will violate Section 11.2(c) of the CAT NMS Plan, which states that, in establishing the funding of the Company, the Operating Committee shall seek to establish a tiered fee structure in which the fees charged to the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members).[117]

In response to the comment asking why it makes sense to charge a fixed fee for all market participants within a single tier and questioning the results of fixed-fee tiering, the Participants explain that the proposed approach ''helps ensure that fees are equitably allocated among similarly situated CAT Reporters, thereby lessening the impact of CAT fees on smaller firms,'' [118] and provides predictability of payment obligations.[119] The Participants also state that the fixed-fee approach provides elasticity to take into account any changes in message traffic levels through the use of predefined fixed percentages instead of fixed volume thresholds, and would not likely cause CAT Reporters to change their behavior (and impact liquidity) to avoid being placed in a higher tier.[120]

Options Market-Maker Fees

One commenter believes that the proposed fees will be unsustainable for small options market-makers.[121] The commenter explains that because the nature of their business requires the generation of quotes, the proposed assessment of fees based on message traffic will place small options market-makers in the top Industry Member fee tiers, ''[a]lthough this category of broker-dealer is relatively small in terms of net worth . . . .'' [122] The commenter notes

[100] *See* MFA Letter, *supra* note 60, at 2.

[101] *See* Response from Participants, *supra* note 60, at 5.

[102] *See id.*

[103] *See id.* at 15.

[104] *See id.* The Participants note that ''the proposed funding model estimates total fees for associated Participant complexes that are in several cases nearly two to three times larger than the single largest broker-dealer complex.'' *See id.* at 6.

[105] *See id.* at 15.

[106] *See* SIFMA Letter; FIA Letter, *supra* note 60.

[107] *See* FIA Letter, *supra* note 60, at 3; SIFMA Letter, *supra* note 60, at 4 (stating ''the Plan Participants proposals inexplicably propose a tiering mechanism for themselves that is based on not their relative impact to the CAT system, but instead on their relative market share'').

[108] *See* SIFMA Letter, *supra* note 60, at 4.

[109] *See id.*

[110] *See* FIA Letter, *supra* note 60, at 3; *see also* SIFMA Letter, *supra* note 60, at 4.

[111] *See* FIA Letter, *supra* note 60, at 3.

[112] *See* Response from Participants, *supra* note 60, at 6.

[113] *See id.* at 6.

[114] *See id.* The Participants also explain that, while ATSs have varying levels of message traffic, they operate similarly to exchanges and therefore were categorized as Execution Venues. *See id.* at 6–7.

[115] *See id.* at 13. The Participants also state that, unlike for Industry Members, the data for Execution Venues ''did not suggest a break point(s) for the markets with less than 1% market share that would indicate an appropriate threshold for creating a new tier or tiers.'' *Id.*

[116] *See id.* at 14.

[117] *See id.*; Section 11.2(c) of the CAT NMS Plan.

[118] *See* Response from Participants, *supra* note 60, at 14.

[119] *See id.*

[120] *See id.*

[121] *See* Cerny & O'Malley Letter, *supra* note 60, at 1. The commenter notes that options market-makers have an obligation to quote ''hundreds of thousands of options series'' and that this fact was acknowledged by the Commission, which exempted them from submitting their quotes to the Central Repository. *See id.* at 3; *see also* note 40 *supra.*

[122] *See* Cerny & O'Malley Letter, *supra* note 60, at 1.

that the top three tier fees for Industry Members are comparable to the largest equity Execution Venues, which it states is neither equitable nor fair.[123] The commenter also believes that smaller broker-dealers, such as options market-makers and other electronic trading firms, will be in the top fee tiers, while larger ''full-service'' firms that produce fewer electronic messages would be in the lower fee tiers.[124] The commenter argues that this result is not equitable or fair to smaller market participants.[125]

Additionally, the commenter believes that charging Industry Members on the basis of message traffic will disproportionately impact options market-makers because, unlike for equities, message traffic would include options strikes and series.[126] Further, the commenter notes that options market-makers have continuous quoting obligations imposed by the exchanges, and consequently, expected increases in the options classes listed by the exchanges will increase CAT fees for options market-makers.[127] The commenter adds that the proposed fees may impact the ability of small options market-makers to provide liquidity and that such Industry Members may choose to leave the market-making business in order to avoid quoting requirements.[128]

In their response, the Participants explain that since message traffic is a major cost component for CAT, they believe it is an appropriate basis for assigning Industry Member fee tiers.[129] The Participants note that options market-makers will produce a large amount of message traffic to be processed by the CAT, so the Participants intend to charge them CAT fees.[130]

ATS Fees

One commenter objects to the proposed fees for ATSs, which are the same fees as Participants under the Industry Member Fee Filings, as unreasonable, because it believes the fees would result a significant burden on small ATSs and a barrier to entry for new ATSs that would not similarly apply to the Participants.[131]

Another commenter objects to the Industry Member Fee Filings' treatment of smaller Equity Execution Venues (such as low volume ATSs), opining that such treatment is unfair and anti-competitive.[132] The commenter also argues that smaller Execution Venues that were assigned to the second fee tier would be required to pay two-thirds of the fees allocated to ''the enormous NYSE or Nasdaq exchanges.'' [133] This commenter suggests adding at least one tier for small ATSs executing in the aggregate less than 1% of NMS stocks (based on trade volume), as well as for ATSs executing OTC Equity securities, and allocating approximately 1.5% of the total costs assigned to all Execution Venues to that tier.[134]

In response to the comment noting that charging ATSs the same CAT fees as Execution Venues would result in a significant burden on smaller ATSs and act as a barrier to entry, the Participants reiterate that two fee tiers for Execution Venues were appropriate because adding tiers would ''compromise the comparability of fees between Execution Venues and Industry Members with the most CAT-related activity. . . [C]reating additional tiers could have unintended consequences on the funding model such as creating greater discrepancies between the tiers.'' [135] The Participants also explain that they decided to treat Execution Venues and ATSs in the same way because of the similarities of their business models and estimated burden on CAT.[136]

In response to the comment recommending the addition of a tier for small ATSs executing in the aggregate less than 1% of NMS stocks, the Participants explain that two fee tiers for Execution Venues were appropriate because adding tiers would ''compromise the comparability of fees between Execution Venues and Industry Members with the most CAT-related activity.'' [137] The Participants also state that they considered adding more than two tiers of Execution Venue fees, but that doing so would result greatly increase the fees imposed on Tier 1 Equity Execution Venues and ''diminish comparability between Execution Venues and Industry Members in a manner that would be difficult to justify under the funding model.'' [138]

OTC Equity Securities Execution Venues

One commenter objects to the Industry Member Fee Filings' treatment of Execution Venues for OTC Equity securities, opining that it is unfair and anti-competitive.[139] The commenter particularly objects to the assignment of OTC Link ATS to the first fee tier of Execution Venues with large Execution Venues for NMS Stocks.[140] The commenter states that OTC Link ATS was placed in the first CAT fee tier because fee tier assignments are inappropriately based on market share calculated from share volume.[141] The commenter states that the number of trades in OTC Equity Securities is relatively small,[142] as opposed to share volume ''due to the disproportionately large number of shares being traded on the OTC equity market as compared to the NMS market . . . .'' [143] The commenter explains that many OTC Equity Securities are priced at less than one dollar—and a significant number at less than one penny—and that low-priced shares tend to trade in larger quantities.[144] Because the fee tiers are based on market share calculated from share volume, the commenter points out that OTC Link ATS has the greatest market share of all of the Execution Venues in both NMS Stocks and OTC Equity Securities at 29.90% and accordingly was assigned to the same fee tier as exchanges that the commenter claims have approximately 20 times greater trading revenues than OTC Link ATS.[145] The commenter believes that this unfairly burdens the market for OTC Equity Securities.[146] The commenter recommends placing Execution Venues for OTC Equity Securities in separate tiers from large Execution Venues for NMS Stocks and allocating costs to tiers based on number of trades to align tiers with CAT usage and costs.[147] Specifically, the commenter believes that there should be

[123] *See id.* at 3.

[124] *See id.* at 4.

[125] *See id.*

[126] *See id.* at 2.

[127] *See id.* at 3.

[128] *See id.* at 3, 4, 5.

[129] *See* Response from Participants, *supra* note 60, at 6, 17.

[130] *See id.* at 17 n.96; *see also* note 40, *supra.*

[131] *See* SIFMA Letter, *supra* note 60, at 4. SIFMA states that Tier 2 Execution Venues will produce significantly more reports to CAT than Tier 2 ATSs, but points out that Tier 2 Execution Venues and Tier 2 ATSs will be subject to the same CAT Fees. *See id.*

[132] *See* OTC Markets Letter, *supra* note 60, at 1–2.

[133] *See id.* at 9.

[134] *See id.*

[135] *See* Response from Participants, *supra* note 60, at 16.

[136] *See id.* at 6–7.

[137] *See id.* at 16.

[138] *See id.*

[139] *See* OTC Markets Letter, *supra* note 60, at 1–2.

[140] *See id.* at 1, 3, 5.

[141] *See id.* at 6–8. The commenter states that ''[s]hare volume is an inappropriate method for determining market share, because the costs of operating the CAT are not correlated with the number of shares traded in any particular Execution Venue. Instead, CAT's costs are impacted by the number of orders and executions.'' *See id.* at 6. The commenter recommends using the number of trades in lieu of share volume, or dollar volume instead of share volume, for determining market share. *See id.* at 7–8.

[142] *See id.* at 4.

[143] *See id.* at 7.

[144] *See id.*

[145] *See id.* at 3.

[146] *See id.*

[147] *See id.* at 8.

separate tiers for the Execution Venues for OTC Equity Securities with approximately 0.5% of the total costs assigned to all Execution Venues allocated to that tier, or at least one additional tier for small ATSs executing in the aggregate less than 1% of NMS stocks (based on trade volume) and OTC Equity securities with approximately 1.5% of the total costs assigned to all Execution Venues allocated to that tier.[148]

In their response, the Participants state that the CAT NMS Plan provides for the use of share volume to calculate market share for Execution Venues that execute transactions in NMS Stocks or OTC Equity Securities.[149] The Participants explain that two fee tiers for Execution Venues were appropriate because adding tiers would ''compromise the comparability of fees between Execution Venues and Industry Members with the most CAT-related activity'' [150] and that they considered adding more than two tiers of Execution Venue fees, but that doing so would result greatly increase the fees imposed on Tier 1 Equity Execution Venues and ''diminish comparability between Execution Venues and Industry Members in a manner that would be difficult to justify under the funding model.'' [151] The Participants believe that the CAT Fees do not impose an unnecessary or inappropriate burden on competition on OTC Equity Securities Execution Venues in light of the potential negative impact of increasing the number of fee tiers applicable to Execution Venues and the decision to use market share, as calculated by share volume, as the basis for Execution Venue CAT Fees.[152]

IV. Discussion

Pursuant to Section 11A of the Act [153] and Rule 608(b)(3)(iii) of Regulation NMS thereunder,[154] at any time within 60 days of the filing of any such amendment, the Commission may summarily abrogate the amendment and require that the amendment be re-filed in accordance with paragraph (a)(1) of Rule 608 [155] and reviewed in accordance with paragraph (b)(2) of Rule 608,[156] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act. Concerns have been raised regarding Amendment No. 2 and the Commission believes that the justifications provided by the Participants are not sufficient for the Commission to determine whether Amendment No. 2 is consistent with the Act. Accordingly, the Commission believes that the procedures provided by Rule 608(b)(2) [157] will provide a more appropriate mechanism for determining whether Amendment No. 2 is consistent with the Act.

The Commission believes that Amendment No. 2 raises questions as to whether the allocation of the total CAT costs recovered between and among Industry Members and Execution Venues is reasonable, equitable, and not unfairly discriminatory under Section 6 and Section 15A of the Act. Moreover, the Commission does not believe that the Participants have provided an adequate justification to support a determination that the allocation of 75% of total CAT costs recovered to Industry Members (other than Execution Venue ATSs) and 25% to Execution Venues is equitable and not unfairly discriminatory or that the fees will not result in an undue or inappropriate burden on competition. The Commission also does not believe that the Participants have adequately explained that the CAT Fees are consistent with the funding principles set forth in the CAT NMS Plan, which require that the allocation of ''costs among Participants and Industry Members . . . is consistent with the [ ] Act taking into account . . . distinctions in the securities trading operations of Participants and Industry Members and their relative impact upon the Company resources and operations'' [158] and required that such fees ''avoid any disincentives such as placing an inappropriate burden on competition and a reduction in market quality.''

Further, the Commission believes that Amendment No. 2 raises questions as to whether the determination to place Execution Venues for OTC Equity Securities in the same tier structure as Execution Venues for NMS Stocks will result in an undue or inappropriate burden on competition under Section 6 and Section 15A. Specifically, the decision to group Execution Venues for OTC Equity Securities and NMS Stocks in one tier structure raises questions about the effect on competition, recognizing that the application of share volume may lead to different outcomes as applied to OTC Equity Securities and NMS Stocks. Similarly, the decision to place Execution Venues representing less than 1% of NMS market share in the same tier structure as other Equity Execution Venues raises questions about burdens on competition. The Commission believes that the Participants have not provided adequate justification to support a conclusion that their tier structure will not result in an undue or inappropriate burden on competition.

V. Conclusion

For the reasons discussed above, the Commission believes that the procedures provided by Rule 608(b)(2) of Regulation NMS [159] will provide a more appropriate mechanism for determining whether Amendment No. 2 is consistent with the Act. Therefore, the Commission finds that it is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act, to abrogate Amendment No. 2.

It is therefore ordered, pursuant to Section 11A of the Act,[160] and Rule 608 thereunder,[161] that Amendment No. 2 to the CAT NMS Plan be, and hereby is, summarily abrogated. If the Participants choose to re-file Amendment No. 2, they must do so pursuant to Section 11A of the Act and Amendment No. 2 must be re-filed in accordance with paragraph (a)(1) of Rule 608 of Regulation NMS [162] for review in accordance with paragraph (b)(2) of Rule 608 of Regulation NMS.[163]

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

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[148] *See id.* at 9.

[149] *See* Response from Participants, *supra* note 60, at 16.

[150] *See id.*

[151] *See id.*

[152] *See id.*

[153] 15 U.S.C. 78k–1.

[154] 17 CFR 242.608.

[155] 17 CFR 242.608(a)(1).

[156] 17 CFR 242.608(b)(2).

[157] 17 CFR 242.608(b)(2).

[158] Section 11.2(b) of the CAT NMS Plan.

[159] 17 CFR 242.608(b)(2).

[160] 15 U.S.C. 78k–1.

[161] 17 CFR 242.608.

[162] 17 CFR 242.608(a)(1).

[163] 17 CFR 242.608(b)(2).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81188; File No. SR–NASDAQ–2017–061]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Amend Exchange Rules 4702 and 4754 To Enhance the Nasdaq Closing Cross

July 21, 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 July 13, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4702 (Order Types) and Rule 4754 (Nasdaq Closing Cross) to enhance the Nasdaq Closing Cross by permitting members to submit LOC Orders until immediately prior to 3:55 p.m. ET subject to certain conditions, and to make other changes related to Closing Cross/Extended Hours Orders.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 4702 (Order Types) and Rule 4754 (Nasdaq Closing Cross) to enhance the Nasdaq Closing Cross by permitting members to submit Limit On Close (''LOC'') Orders [3] after the current 3:50 p.m. ET cutoff, and to make other changes related to Closing Cross/Extended Hours Orders. As proposed, LOC Orders entered after the current 3:50 p.m. ET cutoff and immediately prior to 3:55 p.m. ET will be accepted to participate in the Nasdaq Closing Cross provided that certain conditions are met. The Nasdaq Closing Cross is the process for determining the price at which orders shall be executed at the close and for executing those orders.[4] The Exchange believes that permitting members to enter LOC Orders later in the trading day will encourage additional participation in the Nasdaq Closing Cross, thereby reducing Imbalances,[5] and increasing the quality of the cross. Furthermore, the Exchange believes that the other changes related to Closing Cross/Extended Hours Orders will align the Exchange's on-close order handling with member expectations and the characteristics of those order types.

Background

The Nasdaq Closing Cross provides a transparent auction process that determines a single price for the close. The price determined by the Nasdaq Closing Cross is also the Nasdaq Official Closing Price for stocks that participate in the cross. Members can submit LOC Orders, Market On Close (''MOC'') Orders,[6] and Imbalance Only (''IO'') Orders [7] that are available to participate in the Closing Cross along with other Close Eligible Interest.[8] Today, MOC and LOC Orders may be entered, cancelled, and/or modified between 4:00 a.m. ET and immediately prior to 3:50 p.m. ET. IO Orders may be entered between 4:00 a.m. ET until the time of execution of the Nasdaq Closing Cross, but may not be cancelled or modified at or after 3:50 p.m. ET (with limited exceptions to correct a legitimate error), and members can also enter other Close Eligible Interest on the continuous book up until the time of the cross. At 3:50 p.m. ET, the Exchange stops accepting MOC and LOC Orders and begins disseminating an Order Imbalance Indicator [9] that contains information about the Closing Cross, including the Current Reference Price,[10] the number of paired shares at that price, the size and side of any Imbalance, Near and Far Clearing Prices,[11] and a market buy or market sell indicator.[12] [13] At 4:00 p.m. ET, the Exchange will execute the Nasdaq Closing Cross at a price determined in accordance with Rule 4754(b)(2),[14] and disseminate the executions via the consolidated tape.[15] To ensure the best experience for market

[3] A ''Limit On Close Order'' or ''LOC Order'' is an Order Type entered with a price that may be executed only in the Nasdaq Closing Cross, and only if the price determined by the Nasdaq Closing Cross is equal to or better than the price at which the LOC Order was entered. *See* Rule 4702(b)(12).

[4] *See* Rule 4754(a)(6).

[5] ''Imbalance'' means the number of shares of buy or sell MOC or LOC Orders that cannot be matched with other MOC or LOC, or IO Order shares at a particular price at any given time. *See* Rule 4754(a)(2). The definition above includes rule corrections made in this proposed rule change.

[6] A ''Market On Close Order'' or ''MOC Order'' is an Order Type entered without a price that may be executed only during the Nasdaq Closing Cross. *See* Rule 4702(b)(11).

[7] An ''Imbalance Only Order'' or ''IO Order'' is an Order entered with a price that may be executed only in the Nasdaq Closing Cross and only against MOC Orders or LOC Orders. *See* Rule 4702(b)(13).

[8] ''Close Eligible Interest'' means any quotation or any order that may be entered into the system and designated with a time-in-force of SDAY, SGTC, MDAY, MGTC, SHEX, or GTMC. *See* 4754(a)(1).

[9] ''Order Imbalance Indicator'' means a message disseminated by electronic means containing information about MOC, LOC, IO, and Close Eligible Interest and the price at which those orders would execute at the time of dissemination.

[10] ''Current Reference Price'' means: (i) The single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of MOC, LOC, and IO orders can be paired. (ii) If more than one price exists under subparagraph (i), the Current Reference Price shall mean the price that minimizes any Imbalance. (iii) If more than one price exists under subparagraph (ii), the Current Reference Price shall mean the entered price at which shares will remain unexecuted in the cross. (iv) If more than one price exists under subparagraph (iii), the Current Reference Price shall mean the price that minimizes the distance from the bid-ask midpoint of the inside quotation prevailing at the time of the order imbalance indicator dissemination. *See* Rule 4754(a)(7)(A). The definition above includes rule corrections made in this proposed rule change.

[11] The Near Clearing Price and Far Clearing Price are indicative prices at which the Nasdaq Closing Cross would occur if it were to occur at that time. Specifically, the ''Far Clearing Price'' is the price at which MOC, LOC, and IO Orders would execute, and the ''Near Clearing Price'' is the price at which MOC, LOC, IO, and Close Eligible Interest would execute. *See* Rule 4754(a)(7)(E)(i)–(ii).

[12] An indicator for ''market buy'' or ''market sell'' is disseminated if marketable buy (sell) shares would remain unexecuted above (below) the Near Clearing Price or Far Clearing Price. *See* Rule 4754(a)(7)(E)(iii).

[13] *See* Rules 4754(a)(7), (b)(1). The Exchange disseminates the Order Imbalance Indicator every 5 seconds beginning at 3:50 p.m. ET until market close.

[14] *See* Rule 4754(b)(2). Orders and quotes executed in the Nasdaq Closing Cross are allocated based on the priority described in Rule 4754(b)(3).

[15] *See* Rule 4754(b)(4).

participants that trade in the Nasdaq Closing Cross, or use the Nasdaq Official Closing Price determined by the cross, the Exchange now proposes to introduce functionality that permits members to enter LOC Orders between the current 3:50 p.m. ET cutoff and immediately prior to 3:55 p.m. ET. The proposed functionality is described in detail in the following sections of the proposed rule change.

Acceptance of LOC Orders

The Nasdaq Closing Cross was designed to create a robust close that allows for efficient price discovery through a transparent auction process. To permit additional interest to participate in the Nasdaq Closing Cross, and increase the quality of the cross, the Exchange proposes to allow LOC Orders to be entered until immediately prior to 3:55 p.m. ET in certain circumstances. Specifically, the Exchange proposes to allow LOC Orders to be entered between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET if there is a Current Reference Price in the first Order Imbalance Indicator disseminated at or after 3:50 p.m. ET (''First Reference Price'').[16] The presence of a First Reference Price indicates that there is matched buy and sell interest that is eligible to participate in the Nasdaq Closing Cross. When there is matched interest available to participate in the close, the Exchange believes that allowing members to continue to enter LOC Orders after the current 3:50 p.m. ET cutoff will facilitate a more efficient closing auction by allowing additional priced interest to participate in the close. When there is no First Reference Price, there is no matched buy and sell interest that is eligible to participate in the Nasdaq Closing Cross, and therefore no need to continue to accept LOC Orders. The Exchange believes that it is appropriate to allow members to enter LOC Orders later in the trading day where market conditions suggest that allowing additional interest to participate may serve to reduce Imbalances and increase the quality of the Nasdaq Closing Cross.

Re-Pricing of LOC Orders

While all LOC Orders must be entered with a limit price, the Exchange proposes to re-price LOC Orders entered after the current 3:50 p.m. ET cutoff to the less aggressive of the order's limit price or the First Reference Price in order to prevent these orders from having a significant impact on the price established by the Nasdaq Closing Cross. Specifically, an LOC Order entered between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET will be accepted at its limit price, unless its limit price is higher (lower) than the First Reference Price for an LOC Order to buy (sell), in which case the LOC Order will be re-priced to the First Reference Price; provided that if the First Reference Price is not at a permissible minimum increment of $0.01 or $0.0001, as applicable, the First Reference Price will be rounded (i) to the nearest permitted minimum increment (with midpoint prices being rounded up) if there is no imbalance, (ii) up if there is a buy imbalance, or (iii) down if there is a sell imbalance.[17] The Exchange proposes to use the First Reference Price to price these LOC Orders because they are designed to reduce Imbalances without having a significant impact on the price of the cross. For this reason, the Exchange will also only re-price these LOC Orders using the First Reference Price even when there is a newer Current Reference Price available, as re-pricing based on updated prices may decrease stability of the cross price, which is counter to the intent of this proposed rule change.

Alternative Closing Procedures

In addition to the Nasdaq Closing Cross described above, the Exchange operates an LULD Closing Cross and Primary Contingency Procedures that provide alternative processes for executing closing trades on Nasdaq.[18] The LULD Closing Cross is employed when a Trading Pause pursuant to Rule 4120(a)(12) is triggered at or after 3:50 p.m. ET and before 4:00 p.m. ET.[19] The Exchange proposes to specify in its rules that MOC, LOC, and IO Orders intended for the Nasdaq Closing Cross entered into the system and placed on the book prior to the Trading Pause will remain on the book to participate in the LULD Closing Cross. With this change, LOC Orders that are now available to be entered after the current 3:50 p.m. ET cutoff will be able to participate in the LULD Closing Cross. When the Exchange is conducting an LULD Closing Cross, LOC Orders would be eligible to be entered until the earlier of the Trading Pause and immediately prior to 3:55 p.m. ET.[20] In addition, the rule will be amended to correctly state that all IO Orders that are entered prior to the Trading Pause will participate in the LULD Closing Cross, instead of only those IO Orders entered prior to 3:50 p.m. ET, which is consistent with current functionality.[21] The Exchange's intent has always been to include all MOC, LOC, and IO Orders that are entered and accepted in the LULD Closing Cross. Similarly, the Exchange's rules also provide for Primary Contingency Procedures in the event that a disruption occurs that prevents the execution of the Nasdaq Closing Cross. In such instances, the Exchange segregates MOC and LOC Orders entered prior to 3:50 p.m. ET and IO Orders entered prior to 4:00 p.m. ET for participation in the Contingency Closing Cross. Since members will be able to submit LOC Orders up to immediately prior to 3:55 p.m. ET, the Exchange proposes to amend its rule for Primary Contingency Procedures to provide that LOC Orders entered prior to 3:55 p.m. ET are eligible to participate. Finally, to ensure a fair and orderly market, the Exchange employs certain Auxiliary Procedures when significant trading volume is expected at the close of market hours. Although the Exchange is not proposing any substantive changes to its Auxiliary Procedures, it is correcting an incorrect cross reference in that rule. In particular, Rule 4754(b)(5)(D) provides that the

[16] If there is no First Reference Price a value of zero will be disseminated in the first Order Imbalance Indicator. A value other than zero in this message indicates that there is a First Reference Price.

[17] The Exchange proposes to use natural rounding when there is no imbalance. When there is an imbalance the Exchange will round such that more offsetting interest can participate. Thus, where there is a buy imbalance the Exchange will round the First Reference Price up to allow more sell interest to participate, and when there is a sell imbalance the Exchange will round the First Reference Price down to allow more buy interest to participate. For example, if there is a sell imbalance, a First Reference Price of $10.015 would be rounded down to $10.01. Re-pricing based on a price of $10.01 would allow additional buy orders to offset the sell imbalance at that price when they may be excluded at a price of $10.02.

[18] The Exchange also employs Secondary Contingency Procedures, which are available if both the standard procedures and the Primary Contingency Procedures are unavailable. The Exchange is not proposing any changes to the Secondary Contingency Procedures as these procedures do not involve the execution of closing trades on Nasdaq. *See* Rule 4754(b)(8).

[19] A recently approved but not yet operative proposed rule change amends this section to provide that the LULD Closing Cross is employed when a Trading Pause pursuant to Rule 4120(a)(12) *exists* at or after 3:50 p.m. ET and before 4:00 p.m. ET. *See* Securities Exchange Act Release No. 79876 (January 25, 2017), 82 FR 8888 (January 31, 2017) (SR–NASDAQ–2016–131). The discussion in this proposed rule change is based on currently implemented functionality.

[20] The Exchange also proposes to remove a reference in Rule 4754(b)(6)(C)(iii) that states that MOC or LOC Orders ''may not be submitted after 3:50.'' This conforming change is being made because members will now be permitted to submit LOC orders that would participate in the LULD Closing Cross if entered prior to the earlier of the Trading Pause and immediately prior to 3:55 p.m. ET as discussed in this filing.

[21] MOC Orders entered after 3:50 p.m. ET will continue to be rejected, and therefore would not be eligible for the LULD Closing Cross. *See* Rule 4702(b)(11)(A).

Exchange can adjust the threshold value set forth in subparagraph (c)(2)(D) to no greater than 20 percent when Auxiliary Procedures are employed. The Exchange proposes to correct this cross reference, which should instead point to subparagraph (b)(2)(E), which provides that if the Nasdaq Closing Cross price is outside benchmarks established by Nasdaq by a threshold amount, the cross will occur at the price within those thresholds that best satisfies to [sic] other conditions of the rule.

Closing Cross/Extended Hours Orders

The Exchange also proposes to make two changes with respect to Closing Cross/Extended Hours Orders: (1) To clarify handling of certain order types that are not eligible to participate in the Nasdaq Closing Cross as Closing Cross/Extended Hours Orders, and to add Market Maker Peg Orders to that list; and (2) to remove language regarding conversion of Closing Cross/Extended Hours Orders entered between 3:50 p.m. ET and the time of the Nasdaq Closing Cross. A Closing Cross/Extended Hours Order is an order that is flagged to participate in the Nasdaq Closing Cross and entered with a time-in-force that continues after the cross. Such orders are typically treated as LOC Orders for participation in the Nasdaq Closing Cross and then operate pursuant to their order type and attributes.

Today, Rule 4702(b)(12)(B) states that, following the Nasdaq Closing Cross, a Closing Cross/Extended Hours Order may not operate as a Post-Only Order, Midpoint Peg Post-Only Order, Supplemental Order, Retail Order, or RPI Order. As written, this rule could be interpreted as implying that a member could enter these order types with an on-close instruction and would participate in the Nasdaq Closing Cross and thereafter not be eligible for extended hours trading. In fact, although these orders are eligible to participate in the Nasdaq Closing Cross when entered on the continuous book, Post-Only Orders, Midpoint Peg Post-Only Orders, Supplemental Orders, and Retail Orders, cannot be entered with a flag designating an on-close instruction, and therefore cannot operate as a Closing Cross/Extended Hours Order. Furthermore, RPI Orders are not currently offered on the Exchange. The Exchange therefore proposes to clarify the rule so that it is more transparent to members that a Post-Only Order, Midpoint Peg Post-Only Order, Supplemental Order, or Retail Order, may not operate as a Closing Cross/Extend Hours Order. In addition, the rule states that, in the case of a Market Maker Peg Order entered prior to 3:50 p.m. ET that is also designated to participate in the Nasdaq Closing Cross, the price of the Order for purposes of operating as an LOC Order will be established on entry and will not thereafter be pegged until after the completion of the Nasdaq Closing Cross. While this is consistent with current system behavior, the Exchange no longer believes that Market Maker Peg Orders should be eligible to be entered with a flag designating an on-close instruction, and thereby designated as Closing Cross/Extended Hours Orders, similar to the other order types mentioned above. Furthermore, members do not typically enter these orders with such an instruction. The Exchange therefore proposes to specify that a Market Maker Peg Order may not operate as a Closing Cross/Extended Hours Order.

Rule 4702(b)(12)(B) also states that a Closing Cross/Extended Hours Order that is entered between 3:50 p.m. ET and the time of the Nasdaq Closing Cross is (i) rejected if it has been assigned a Pegging Attribute, (ii) treated as an IO Order and then entered into the System after the completion of the Nasdaq Closing Cross if entered through RASH, QIX, or FIX but not assigned a Pegging Attribute, and (iii) treated as an IO Order and cancelled after the Nasdaq Closing Cross if entered through OUCH or FLITE. The Exchange now believes that members would be better served by functionality that does not convert these Closing Cross/Extended Hours Orders to IO Orders and therefore proposes to remove the language in (ii) and (iii) above from its rules.[22] The Exchange believes that this change is more consistent with member's expectations when entering orders that are expected to trade as LOC Orders but would be converted to IO Orders in the system today. A Closing Cross/Extended Hours Order that is entered between 3:50 p.m. ET and the time of the Nasdaq Closing Cross will continue to be rejected pursuant to (i) above if it has been assigned a Pegging Attribute.

Order Imbalance Indicator

As described in other parts of this filing, the Exchange disseminates an Order Imbalance Indicator beginning at 3:50 p.m. ET that includes several data elements to provide information about the Nasdaq Closing Cross to market participants. These data elements include the Current Reference Price and the number of shares that are paired at the Current Reference Price. Currently, the rule states that the Current Reference Price is based on the single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of MOC, LOC, IO and Close Eligible Interest can be paired (with certain tie-breakers if multiple prices meet this criterion). In addition, the rule states that the paired shares data element indicates the number of shares represented by MOC, LOC, IO and Close Eligible Interest that are paired at the Current Reference Price. The Exchange notes, however, that the Order Imbalance Indicator has never included Close Eligible Interest in determining the Current Reference Price or the number of paired shares at that price. The Exchange therefore proposes to amend this rule to state that the Exchange will disseminate a Current Reference Price based on the single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of MOC, LOC, and IO orders can be paired, and a paired share count based on the number of shares represented by MOC, LOC, and IO Orders that are paired at the Current Reference Price. With these changes, Rule 4754(a)(7)(B) will correctly reflect the information disseminated to market participants. In addition, the Exchange notes that Rule 4752(a)(2)(B) contains a similar error in including Open Eligible Interest in the Current Reference Price calculation and paired share count for the Nasdaq Opening Cross. The Exchange therefore proposes to correct that rule as well. With these changes, Rule 4752(a)(2)(B) will correctly indicate that the Exchange will disseminate a Current Reference Price based on the single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of MOO, LOO, OIO, and Early Market Hours orders can be paired, and a paired share count based on the number of shares represented by MOO, LOO, OIO, and Early Market Hours orders that are paired at the Current Reference Price.

Finally, the Order Imbalance Indicator includes the size of any Imbalance. Currently, Imbalance is defined in Rule 4754(a)(2) as ''the number of shares of buy or sell MOC or LOC Orders that cannot be matched with other MOC or LOC, Close Eligible Interest or IO Order shares at a particular price at any given time.'' Although the rule states that

[22] As an additional conforming change, the Exchange is also amending a reference in Rule 4702(b)(12)(B) that states that ''[a]ll other LOC Orders and Closing Cross/Extended Hours Orders entered at or after 3:50 p.m. ET will be rejected'' to reflect the proposed time period for entering LOC Orders, which will now be until immediately prior to 3:55 p.m. ET.

Close Eligible Interest is used when determining an Imbalance, in practice, similar to the Current Reference Price calculation and paired share count described above, the Imbalance calculation has never included Close Eligible Interest. The Exchange therefore proposes to remove the incorrect reference to Close Eligible Interest in the rule. As proposed, Imbalance will be correctly defined as ''the number of shares of buy or sell MOC or LOC Orders that cannot be matched with other MOC or LOC, or IO Order shares at a particular price at any given time.'' In addition, the Exchange notes that Rule 4752(a)(1) contains a similar error in including Open Eligible Interest in the Imbalance calculation for the Nasdaq Opening Cross. The Exchange therefore proposes to correct that rule as well. With this change, Rule 4752(a)(1) will correctly define an Imbalance for the Nasdaq Opening Cross as ''the number of shares of buy or sell MOO, LOO or Early Market Hours orders that may not be matched with other MOO, LOO, Early Market Hours, or OIO order shares at a particular price at any given time.''

Implementation

The Exchange proposes to launch the functionality described in this proposed rule change in either Q3 or Q4 2017 pursuant to a symbol-by-symbol rollout. The Exchange will announce the implementation date of this functionality and the symbol rollout in an Equity Trader Alert issued to members prior to the launch date.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5) of the Act,[24] in particular, in that it is designed 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 the introduction of the proposed LOC Order functionality will remove impediments to and perfect the mechanism of a free and open market as this proposed change is designed to increase the quality of the Nasdaq Closing Cross. The Nasdaq Closing Cross provides an industry-leading, transparent price discovery process that aggregates a large pool of liquidity, across a variety of order types, in a single venue. The Exchange believes that increasing participation in the Nasdaq Closing Cross by offering the proposed LOC Order enhancement will further promote price discovery and participation at the close by allowing additional priced interest to be submitted for the close. In addition to providing a mechanism for members to execute closing interest, the Nasdaq Closing Cross also generates a closing price that is used widely throughout the industry for a variety of purposes including index and mutual fund valuations. The Exchange therefore believes that it is important to ensure that the Nasdaq Closing Cross provides the best possible experience for members and investors that rely on the cross and the closing prices it generates.

Allowing members to enter LOC Orders later in the trading day will enhance the Nasdaq Closing Cross by increasing participation, and reducing the frequency of Imbalances that may increase volatility of the closing cross price. Currently, members that have interest to execute at the closing price have more limited options in submitting that interest after 3:50 p.m. ET when the time window for entering MOC and LOC Orders has closed. Specifically, these members must either submit IO Orders, which do not trade if there is no Imbalance and do not maintain price priority since they are continuously re-priced to the best bid or offer, or must submit regular orders to the continuous book, where they may execute before the cross begins. Member feedback has indicated that a longer period for the entry of LOC Orders would be beneficial for firms that participate in the close. The proposed functionality would allow firms to maintain price standing when providing liquidity intended for the Nasdaq Closing Cross, allowing potentially better trading outcomes for firms, and thereby encouraging additional interest to participate in the cross. The proposed rule change is therefore likely to improve price discovery and the stability of the Nasdaq Closing Cross to the benefit of all market participants. The Exchange believes that the proposed 3:55 p.m. ET cutoff for submitting LOC Orders appropriately balances the need for members to submit interest for the Nasdaq Closing Cross later in the trading day with the need for a stable cross.

Since the proposed functionality is designed to reduce Imbalances and create a more efficient cross, the Exchange will only accept these orders where there is a First Reference Price. As previously explained, the presence of a First Reference Price indicates that there is matched interest that is eligible to participate in the Nasdaq Closing Cross. The Exchange believes that this is when it is most helpful to allow additional interest intended for the cross as new LOC Orders can be used to decrease Imbalances and facilitate a more efficient closing auction to the benefit of members and investors. The proposed functionality has been designed to reduce Imbalances that may exist during the closing process, and is not intended to create Imbalances where there is no interest that is eligible to participate in the cross. Thus, the Exchange believes that accepting LOC Orders between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET only when there is a First Reference Price is consistent with the protection of investors and the public interest. The Exchange believes that it is appropriate to allow members to enter LOC Orders until immediately prior to 3:55 p.m. ET where market conditions suggest that allowing additional interest to participate may serve to reduce Imbalances and increase the quality of the Nasdaq Closing Cross. Furthermore, if members wish to have their LOC Orders participate in the Nasdaq Closing Cross regardless of whether there is a First Reference Price they can continue to enter that interest prior to 3:50 p.m. ET.

To ensure more price stability in the Nasdaq Closing Cross, the Exchange is also proposing to re-price LOC Orders entered after 3:50 p.m. ET to the First Reference Price in circumstances where the order's limit price is more aggressive than the First Reference Price. The Exchange believes that re-pricing LOC Orders entered after the regular cutoff is consistent with just and equitable principles of trade because the proposed functionality is designed to reduce Imbalances without having a significant impact on the price determined by the cross. At the time it is disseminated, the First Reference Price represents the price, bounded by the continuous market, where the maximum number of on-close shares can be paired. The Exchange believes that it is appropriate to re-price to this price, provided that it is within the order's limit price. This will allow orders to coalesce around this price, creating additional liquidity, and potentially reducing Imbalances. Furthermore, to the extent that members do not want their LOC Orders re-priced, they can continue to submit LOC Orders before the 3:50 p.m. cutoff. Thus, the Exchange believes that it is consistent with the protection of investors and the public interest to re-price LOC Orders

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

entered after 3:50 p.m. ET such that they contribute to available interest eligible to participate in the cross, without the potential to significantly increase volatility in the closing cross price.

The Exchange also believes that it is consistent with the public interest and the protection of investors to allow LOC Orders entered after the regular 3:50 p.m. ET cutoff to participate in the LULD Closing Cross and Primary Contingency Procedures. The LULD Closing Cross is employed by the Exchange when a Trading Pause is triggered at or after 3:50 p.m. ET and before 4:00 p.m. ET, and today includes LOC Orders submitted prior to the current 3:50 p.m. ET cutoff. With the proposed changes to allow members to submit LOC Orders later in the trading day, LOC Orders entered after the regular 3:50 p.m. ET cutoff will also be permitted to trade in the LULD Closing Cross provided that they have been entered into the system and placed on the book prior to the pause.[25] IO Orders that are entered prior to the Trading Pause are also eligible to trade in the LULD Closing Cross today, and the changes being made to that section reflect this. The Exchange believes that the changes with respect to IO Orders are consistent with public interest and protection of investors as this change is being made to avoid member confusion about what interest is eligible for the LULD Closing Cross in the event that this procedure is used by the Exchange. Similarly, the Primary Contingency Procedures are employed when a disruption occurs that prevents the execution of the Nasdaq Closing Cross, and today also includes LOC Orders entered prior to 3:50 p.m. ET. Since LOC Orders may now be accepted later in the trading day, those orders will now also be allowed to participate in the Primary Contingency Procedures. The Exchange believes that allowing these later LOC Orders to participate in the LULD Closing Cross and Primary Contingency Procedures will promote just and equitable principles of trade and perfect the mechanism of a free and open market. Finally, with respect to the changes for Auxiliary Procedures, the Exchange notes that it is only changing an incorrect cross reference, which will benefit members by ensuring that the Exchange's rulebook is accurate. No substantive changes are being made to this provision.

The Exchange also believes that the proposed changes related to Closing Cross/Extended Hours Orders are consistent with the protection of investors and the public interest. With respect to handling of Market Maker Peg Orders entered with an on-close instruction, the Exchange believes that the proposed functionality, which is to reject the order, is more consistent with member expectations. The Exchange does not believe that members want functionality that allows Market Maker Peg Orders to be entered with a flag designating an on-close instruction and which would therefore operate as Closing Cross/Extended Hours Orders. Furthermore, this is consistent with the Exchange's review of this order type, which indicates that members enter this combination very rarely. Market Maker Peg Orders were designed to assist members in meeting their quoting obligations and not as a means of submitting interest flagged with an on-close instruction. The Exchange also believes that the other changes to this rule to clarify that a Post-Only Order, Midpoint Peg Post-Only Order, Supplemental Order, or Retail Order, may not operate as a Closing Cross/Extend Hours Order will benefit members by increasing transparency with respect to order handling. No changes are being made to the trading system to implement this change; this change merely clarifies current functionality offered on the Exchange. Finally, with respect to Closing Cross/Extended Hours Orders entered between 3:50 p.m. ET and the time of the Nasdaq Closing Cross, the Exchange believes that it is consistent with the public interest and the protection of investors to no longer offer functionality that converts these orders to IO Orders. With the proposed changes for LOC Orders, members will be able to enter LOC Orders up until 3:55 p.m. ET instead of the current 3:50 p.m. ET cutoff. After 3:55 p.m. ET, the Exchange believes that members would rather have their Closing Cross/Extended Hours Orders rejected like other LOC Orders rather than treated as IO Orders, which do not trade if there is no Imbalance and do not maintain price priority since they are continuously re-priced to the best bid or offer. The Exchange therefore believes that the proposed change is designed to promote just and equitable principles of trade.

Finally, the Exchange believes that the proposed changes related to the information disseminated in the Order Imbalance Indicator for both the closing and opening processes is consistent with the public interest and the protection of investors because these changes more accurately reflect the information currently disseminated. Today, the Order Imbalance Indicator for the Nasdaq Closing Cross does not include Close Eligible Interest in its calculation of the Current Reference Price or the paired share count. Similarly, the Order Imbalance Indicator for the Nasdaq Opening Cross does not include Open Eligible Interest for either of those data elements. In each case, the Exchange believes that it is more appropriate to exclude Close or Open Eligible Interest from the Current Reference Price calculation and paired share count disseminated to market participants as these orders may be executed in the continuous market before the closing or opening auction commences. The Exchange believes that updating its rule to accurately reflect the information disseminated to market participants will increase transparency surrounding these processes, and is therefore designed to promote just and equitable principles of trade. In addition, with respect to the definition of Imbalance, the Exchange notes that, similar to the Current Reference Price and paired share count, the Imbalance calculation does not include Close Eligible Interest for the Nasdaq Closing Cross or Open Eligible Interest for the Nasdaq Opening Cross. For the same reasons described above, the Exchange believes that it is appropriate to not include interest that could be executed in the continuous market prior to the closing or opening auction in the Imbalance calculation. The Exchange believes that updating these rules will increase transparency to the benefit of members and other market participants, and is therefore designed to promote just and equitable principles of trade.

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 Exchange is enhancing the Nasdaq Closing Cross to benefit members and investors, and does not believe that the proposed rule change would impose any significant burden on competition. Today, the Nasdaq Closing Cross provides a transparent auction process for executing member interest at the close. The proposed rule change is designed to allow additional interest to participate in the Nasdaq Closing Cross, and thereby provide a more efficient process for executing closing interest, and enhancing price discovery during

[25] As noted previously in this filing, the Exchange is also removing a reference in Rule 4754(b)(6)(C)(iii) that states that MOC or LOC Orders ''may not be submitted after 3:50'' because members will now be permitted to submit LOC orders that would participate in the LULD Closing Cross if entered prior to the earlier of the Trading Pause and immediately prior to 3:55 p.m. ET.

the close. The Exchange believes that proposed functionality will enhance the experience for members that trade in the Nasdaq Closing Cross and the various market participants that use the prices discovered by the cross, and is evidence of the strong competition in the equities industry, where exchanges must continually improve their offerings to stay competitive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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–NASDAQ–2017–061 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–2017–061. 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–2017–061 and should be submitted on or before August 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–15775 Filed 7–26–17; 8:45 am]

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[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81185; File No. SR–NYSEArca–2017–78]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a Change in the Size of a Creation Unit Applicable to Shares of the PIMCO Low Duration Active Exchange-Traded Fund

July 21, 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 14, 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 reflect a change in the size of a Creation Unit applicable to shares of the PIMCO Low Duration Active Exchange-Traded Fund from 50,000 Shares to at least 20,000 Shares. The Fund is currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600. 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 Commission has approved a proposed rule change relating to listing and trading on the Exchange of shares (''Shares'') of the PIMCO Low Duration Active Exchange-Traded Fund (''Fund'') under NYSE Arca Equities Rule 8.600,[4] which governs the listing and trading of Managed Fund Shares.[5] The Shares are

[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. 70774 (October 30, 2013), 78 FR 66396 (November 5, 2013) (SR–NYSEArca–2013–106) (notice of filing of proposed rule change relating to listing and trading of Shares of the Fund on the Exchange) (''Prior Notice''); 71125 (December 18, 2013), 78 FR 77743 (December 24, 2013) (SR–NYSEArca–2013–106) (order approving listing and trading of Shares of the Fund on the Exchange) (''Prior Order''). *See also* Securities Exchange Act Release No. 73331 (October 9, 2014), 79 FR 62213 (October 16, 2014) (SR–NYSEArca–2014–104) (order approving proposed rule change relating to use of derivatives by the Fund) (together with the Prior Order, ''Prior Releases'').

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity

Continued

offered by PIMCO ETF Trust (the ''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[6] The investment manager to the Fund is Pacific Investment Management Company LLC (''PIMCO'' or the ''Adviser''). The Fund's Shares are currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600.[7]

According to the Registration Statement and the Prior Releases, Shares of the Fund that trade in the secondary market are created at net asset value (''NAV'') by Authorized Participants only in block-size Creation Units of 50,000 Shares or multiples thereof.

The Exchange proposes to reflect a change in the size of a Creation Unit from 50,000 Shares to at least 20,000 Shares.[8] The size of a Creation Unit will be subject to change. The Exchange believes that the change to the size of a Creation Unit will not adversely impact investors or Exchange trading. A reduction in the size of a Creation Unit may provide potential benefits to investors by facilitating additional creation and redemption activity in the Shares, thereby potentially resulting in increased secondary market trading activity, tighter bid/ask spreads and narrower premiums or discounts to NAV.[9]

The Adviser represents that the proposed change to reduce the size of a Creation Unit, as described above, is consistent with the Fund's investment objective, and will further assist the Adviser to achieve such investment objective. Except for the change noted above, all other representations made in the Prior Releases remain unchanged.[10] The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

The Adviser represents that the investment objective of the Fund is not changing.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[11] that an exchange have rules that are 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, in general, to protect investors and the public interest.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Exchange believes that the change to the size of a Creation Unit to at least 20,000 Shares will not adversely impact investors or Exchange trading. In addition, a reduction in the size of a Creation Unit may provide potential benefits to investors by facilitating additional creation and redemption activity in the Shares, thereby potentially resulting in increased secondary market trading activity, tighter bid/ask spreads and narrower premiums or discounts to NAV.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange believes the proposed rule change, because of the potential increase in secondary market trading activity that may result from a decrease in the Creation Unit size for Shares of the Fund, will enhance competition among issues of exchange-traded funds that invest in fixed income securities.

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[12] and Rule 19b–4(f)(6) thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–78 on the subject line.

that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). On October 28, 2016, the Trust filed with the Commission the most recent post-effective amendment to its registration statement under the Securities Act of 1933 (15 U.S.C. 77a) (''1933 Act'') and under the 1940 Act relating to the Fund (File Nos. 333–155395 and 811–22250) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. A change to the name of the Fund from PIMCO Low Duration Exchange-Traded Fund to PIMCO Low Duration Active Exchange-Traded Fund was reflected in such amendment to the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 28993 (November 10, 2009) (File No. 812–13571) (''Exemptive Order'').

[7] The Trust implemented a change in the name of the Fund from PIMCO Low Duration Exchange-Traded Fund to PIMCO Low Duration Active Exchange-Traded Fund on October 31, 2014.

[8] The change to size of a Creation Unit will be effective upon filing with the Commission of an amendment to the Trust's Registration Statement on Form N–1A, and shareholders will be notified of such change by means of such amendment.

[9] The Exchange notes that the Commission has approved the listing and trading of other issues of Managed Fund Shares that have applied a minimum Creation Unit size of 25,000 shares or greater. *See, e.g.,* Securities Exchange Act Release No. 74595 (March 27, 2015), 80 FR 17795 (April 2, 2015) (SR–NYSEArca–2015–04) order approving listing and trading of shares of the Innovator IBD 50 Fund under NYSE Arca Equities Rule 8.600).

[10] *See* note 4, *supra.* All terms referenced but not defined herein are defined in the Prior Releases.

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 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.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–78. 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–NYSEArca–2017–78, and should be submitted on or before August 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–15773 Filed 7–26–17; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before September 25, 2017.

ADDRESSES: Send all comments to Gina Beyer, Supervisory Administrative Specialist, Office of Disaster Assistance, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gina Beyer, Supervisory Administrative Specialist, Disaster Assistance, *gina.beyer@sba.gov,* 202–205–6458, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The requested information is submitted by small businesses or not-for-profit organizations who seek federal financial assistance (loans) to help in their recovery from declared disaster. SBA uses the information to determine the eligibility and creditworthiness of these loan applicants.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

(1) *Title:* Disaster Business Application.

Description of Respondents: Disaster Recovery Victims.

Form Number: SBA Forms 5 and 1368.

Total Estimated Annual Responses: 4,570.

Total Estimated Annual Hour Burden: 10,688.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–15787 Filed 7–26–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before September 25, 2017.

ADDRESSES: Send all comments to Gina Beyer, Supervisory Administrative Specialist, Office of Disaster Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gina Beyer, Supervisory Administrative Specialist, Disaster Assistance, *gina.beyer@sba.gov* 202–205–6458, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The requested information is submitted by homeowners or renters when applying for federal financial assistance (loans) to help in their recovery from a declared disaster. SBA uses the information to determine the creditworthiness of these loan applicants, as well as their eligibility for financial assistance.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

(1) Title: Disaster Home Loan Application.

Description of Respondents: Disaster Recovery Victims.

Form Number: SBA Form 5C.

Total Estimated Annual Responses: 34,273.

Total Estimated Annual Hour Burden: 42,841.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–15788 Filed 7–26–17; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2017–0039]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections, and one new information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202–395–6974, *Email address: OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, *Attn:* Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–966–2830, *Email address: OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2017–0039].

SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than August 28, 2017. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Promoting Opportunity Demonstration—0960–NEW. Section 823 of the Bipartisan Budget Act of 2015 requires SSA to carry out the Promoting Opportunity Demonstration (POD) to test a new benefit offset formula for Social Security Disability Insurance (SSDI) beneficiaries. Therefore, SSA is undertaking POD, a demonstration to evaluate the affect the new policy will have on SSDI beneficiaries and their families in several critical areas: (1) Employment, (2) benefits, (3) earnings, and (4) income (earnings plus benefits). Under current law, Social Security beneficiaries lose their SSDI benefit if they have earnings or work activity above the threshold of Substantial Gainful Activity (SGA). The POD evaluation will draw on previous lessons from related work incentive experiences, especially SSA's Benefit Offset National Demonstration (BOND), 0960–0785, which tested a different offset formula. POD tests a different policy than BOND in two important ways: (1) A lower threshold at which point the offset is applied—increasing the likelihood of reducing benefit expenditures relative to current law expenditures; and (2) A more immediate adjustment to the benefits—to increase the salience and clarity of the offset policy for beneficiaries. The POD will test a benefit offset that will reduce benefits by $1 for every $2 in participants' earnings above the POD threshold, gradually reducing benefits as earnings increase. The POD threshold will equal the greater of (1) an inflation-adjusted trial work period level ($840 in 2017); or (2) the amount of the participant's itemized impairment-related work expenses up to SGA. The new rules we will test in POD also simplify work incentives and we intend them to promote employment and reduce dependency on benefits.

The design for POD will include implementation and evaluation activities designed to answer seven central research questions:

- What are the impacts of the two POD benefit designs on beneficiaries' earnings, SSDI benefits, and total earnings and benefit income?
- Is POD attractive to beneficiaries? Do they remain engaged over time?
- How were the POD offset policies implemented, and what operational, systemic, or contextual factors facilitated or posed challenges to administering the offset?
- How successful were POD and SSA in making timely benefit adjustments, and what factors affected timeliness positively or negatively?
- How do the impacts of the POD offset policies vary with beneficiary characteristics?
- What are the costs and benefits of the POD benefit designs relative to current law, and what are the implications for the SSDI trust fund?
- What are the implications of the POD findings for national policy proposals that would include a SSDI benefit offset?

The public survey data collections have four components—a process analysis, a participation analysis, an impact analysis, and a cost-benefit analysis. The data collections are the primary source for data to measure the effects of the benefit offset on SSDI beneficiaries' work efforts and earnings. Ultimately, these data will benefit researchers, policy analysts, policy makers, SSA, and the state vocational rehabilitation agencies in a wide range of program areas. There are four targeted outcomes for SSDI beneficiaries under POD: (1) Increased employment and earnings; (2) decreased benefits payments; (3) increased total income; and (4) impacts on other related outcomes (for example, health status and quality of life). Additionally, four outcomes of interest for system changes include: (1) Reduction in overpayments; (2) enhanced program integrity; (3) stronger culture of self-sufficiency; and (4) improved SSDI trust fund balance. Respondents are SSDI beneficiaries, who will provide written consent before agreeing to participate in the study and before we randomly assign them to one of the study treatment groups.

Type of Request: Request for a new information collection.

Note: The burden in the chart below differs from the burden SSA reported in our last published notice for this collection (April 18, 2017, at 82 FR 18335). The number of burden hours decreased because we removed questions from the information collection, resulting in a lower response time and an accompanying decrease in burden hours.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Total annual burden (hours)
Informed Consent Form	16,500	1	16,500	10	2,750

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Total annual burden (hours)
Baseline Survey	16,500	1	16,500	20	5,500
12-Month Follow Up Survey	6,000	1	6,000	28	2,800
24-Month Follow Up Survey	12,000	1	12,000	23	4,600
Interviews with Site Staff	40	4	160	66	176
Onsite Audit of Sample of Case Files	8	2	16	20	5
Semi-Structured Interviews with Treatment Group Subjects	144	1	144	60	144
Monthly Earnings and Impairment-Related Expenses Reporting Form (paper)	1,820	12	21,840	10	3,640
Monthly Earnings and Impairment-Related Expenses Reporting Form (Internet)	780	12	9,360	5	780
End of Year Reporting Form (paper)	945	1	945	15	236
End of Year Reporting Form (Internet)	405	1	405	10	68
Totals	55,142		83,870		20,699

2. SSI Notice of Interim Assistance Reimbursement (IAR)—0960–0546. Section 1631(g) of the Social Security Act (Act) authorizes SSA to reimburse an IAR agency from an individual's retroactive Supplemental Security Income (SSI) payment for assistance the IAR agency gave the individual for meeting basic needs while an SSI claim was pending or SSI payments were suspended or terminated. The State or local agency needs an IAR agreement with SSA to participate in the IAR program. The individual receiving the IAR payment signs an authorization form with an IAR agency to allow SSA to repay the IAR agency for funds paid in advance prior to SSA's determination on the individual's claim. The authorization represents the individual's intent to file for SSI, if they did not file an application prior to SSA receiving the authorization. Agencies who wish to enter into an IAR agreement with SSA need to meet the following requirements:

- Reporting Requirements—Each IAR agency agrees to:
  - (a) Notify SSA of receipt of an authorization for initial claims or cases they are appealing, and (b) submit a copy of that authorization either through a manual or electronic process;
  - (c) inform SSA of the amount of reimbursement;
  - (d) submit a written request for dispute resolution on a determination;
  - (e) notify SSA of interim assistance paid (using the SSA–8125 or the SSA–L8125–F6);
  - (f) inform SSA of any deceased claimants who participate in the IAR program and;
  - (g) review and sign an agreement with SSA.
- Recordkeeping Requirements (h & i)—The IAR agencies agree to retain all notices, agreement, authorizations, and accounting forms for the period defined in the IAR agreement for the purposes of SSA verifying transactions covered under the agreement.
- Third Party Disclosure Requirements (j)—Each participating IAR agency agrees to send written notices from the IAR agency to the recipient regarding payment amounts and appeal rights.
- Periodic Review of Agency Accounting Process (k–m)—The IAR agency makes the IAR accounting records of paid cases available for SSA review and verification. SSA conducts reviews either onsite or through the mail of the authorization forms, notices to the claimant and accounting forms. Upon completion of the review, SSA provides a written report of findings to the IAR agency director.

The respondents are State IAR officers.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)
Reporting Requirements					
(a) State notification of receipt of authorization (Electronic Process).	11	Once per SSI claimant	97,330	1	1,622
(b) State submission of copy of authorization (Manual Process).	27	Once per SSI claimant	68,405	3	3,420
(c) State submission of amount of IA paid to recipients (using eIAR).	38	Once per SSI claimant	101,352	8	13,514
(d) State request for determination—dispute resolution.	(1)	As needed	2	30	1
(e) State computation of reimbursement due form SSA using paper Form SSA–L8125–F6.	38	Once per SSI claimant	1,524	30	762
(f) State notification to SSA of deceased claimant.	20	As needed when SSI claimant dies while claim is pending.	40	15	10
(g) State reviewing/signing of IAR Agreement.	38	Once during life of the IAR agreement.	38	[2] 12	456

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)
Recordkeeping Requirements					
(h) Maintenance of authorization forms.	38	One form per SSI claimant	[3] 165,735	3	8,287
(i) Maintenance of accounting forms and notices.	38	One form per SSI claimant	101,352	3	5,068
Third Party Disclosure Requirements					
(j) Written notice from State to recipient regarding amount of payment.	38	Once per SSI claimant	101,352	7	11,824
Periodic Review of Agency Accounting Process					
(k) Retrieve and consolidate authorization and accounting forms.	12	One set of forms per SSI claimant for review by SSA once every 2 to 3 years.	12	3	36
(l) Participate in periodic review	12	For review by SSA once every 2 to 3 years.	12	16	192
(m) Correct administrative and accounting discrepancies.	6	To correct errors discovered by SSA in periodic review.	6	4	24
Total Administrative Burden					
Totals	38		639,160		45,216

[1] Average of about 2 States per year.
[2] Hours.
[3] Includes both denied and approved SSI claims.

3. A Social Security Benefits Application—20 CFR 404.310–404.311, 404.315–404.322, 404.330–404.333, 404.601–404.603, and 404.1501–404.1512—0960–0618. Title II of the Social Security Act provides retirement, survivors, and disability benefits to members of the public who meet the required eligibility criteria and file the appropriate application. This collection comprises the various application methods for each type of benefits. SSA uses the information we gather through the multiple information collection tools in this information collection request to determine applicants' eligibility for specific Social Security benefits, as well as the amount of the benefits. Individuals filing for disability benefits can, and in some instances SSA may require them to, file applications under both Title II, Social Security disability benefits, and Title XVI, SSI payments. We refer to disability applications filed under both titles as ''concurrent applications.'' This collection comprises the various application methods for each type of benefits. These methods include the following modalities: Paper forms (Forms SSA–1, SSA–2, and SSA–16); Modernized Claims System (MCS) screens for in-person interview applications; and Internet-based iClaim and iAppointment applications. SSA uses the information we collect through these modalities to determine: (1) The applicants' eligibility for the above-mentioned Social Security benefits and (2) the amount of the benefits. The respondents are applicants for retirement, survivors, and disability benefits under Title II of the Act.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA				
Paper version/SSA–1	1,811	1	11	332
Interview/MCS	1,438,058	1	10	239,676
Medicare Only SSA–1 Paper form (abbreviate)	173	1	7	20
Medicare Only—Interview/MCS	204,380	1	7	23,844
Totals	1,644,422			263,872
SSA–2				
Paper version/SSA–2	972	1	15	243
Interview/MCS	447,610	1	14	104,442
Totals	448,582			104,685
SSA–16				
Paper version/SSA–16	40,346	1	20	13,449

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Interview/MCS	1,159,121	1	19	367,055
Totals	1,199,467			380,504
iClaim				
iClaim 3rd Party	350,519	1	15	87,630
iClaim Applicant after 3rd Party Completion	350,519	1	5	29,210
First Party iClaim—Domestic Applicant	2,283,301	1	15	570,825
First Party iClaim—Foreign Applicant	11,373	1	18	3,412
Medicare-only iClaim	797,709	1	10	132,952
Totals	3,793,421			824,029
iAppointment Burden Information				
iAppointment	17,621	1	10	2,937
Grand Total	7,103,513			1,576,027

Dated: July 21, 2017.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2017–15761 Filed 7–26–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2003–14223; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0082; FMCSA–2010–0201; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0057; FMCSA–2012–0337; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2014–0005; FMCSA–2014–0297; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305]

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 82 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 April 21, 2017, FMCSA published a notice announcing its decision to renew exemptions for 82 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 18818). The public comment period ended on May 22, 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 May 7, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the

following 43 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 78256; 66 FR 16311; 68 FR 10301; 68 FR 13360; 68 FR 19596; 69 FR 64806; 70 FR 2701; 70 FR 2705; 70 FR 12265; 70 FR 16886; 70 FR 16887; 72 FR 1056; 72 FR 5489; 72 FR 11425; 72 FR 12666; 72 FR 18726; 72 FR 25831; 73 FR 76440; 74 FR 7097; 74 FR 8842; 74 FR 11988; 74 FR 11991; 74 FR 15584; 74 FR 15586; 74 FR 21427; 75 FR 25917; 75 FR 39727; 75 FR 80887; 76 FR 7894; 76 FR 9856; 76 FR 12216; 76 FR 15361; 76 FR 20076; 76 FR 20078; 76 FR 21796; 77 FR 52388; 77 FR 70534; 78 FR 9772; 78 FR 10251; 78 FR 12815; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 18667; 78 FR 20379; 78 FR 22596; 78 FR 22602; 79 FR 27681; 79 FR 38649; 79 FR 51642; 79 FR 63211; 80 FR 2471; 80 FR 2473; 80 FR 3308; 80 FR 6162; 80 FR 12248; 80 FR 12254; 80 FR 12547; 80 FR 14220; 80 FR 14223; 80 FR 15863; 80 FR 16500; 80 FR 16502; 80 FR 18693; 80 FR 20562; 80 FR 29152; 80 FR 33011):

Neal S. Anderson (MN)
Joseph L. Beverly (FL)
Rex A. Botsford (MI)
Rickie L. Brown (MS)
Roger C. Carson (IN)
Gregory L. Cooper (PA)
Kenneth D. Craig (VA)
Douglas S. Dalling (GA)
Terry J. Dare (IN)
William A. Donovan (WA)
Breck L. Falcon (LA)
John D. Fortino (NY)
Joe T. Gage (AR)
William D. Holt (AZ)
Shane M. Holum (WA)
Mark C. Jeffrey (MT)
Christopher J. Kane (VT)
Purvis W. Kills Enemy At Night (SD)
Roosevelt Lawson (AL)
Scottie W. Lewis (GA)
Eugene R. Lydick (VA)
Emanuel N. Malone (VA)
Roberto E. Martinez (WA)
David S. Mayo (VA)
Anthony R. Melton (SC)
Joe L. Meredith, Jr. (VA)
John W. Montgomery (MA)
Travis W. Neiwert (ID)
Thomas G. Normington (WY)
Mark A. Omps (WV)
Richard D. Pontious (OH)
Daniel A. Rau (NJ)
Kevin L. Riddle (FL)
James L. Rooney (WA)
Gary W. Shelton, Jr. (FL)
James A. Smith (WA)
Benjamin Stone (VA)
Clarence L. Swann, Jr. (AL)
Bill J. Thierolf (NE)
Michael G. Trueblood (IL)
Sean E. Twohig (NY)
Donald A. Uplinger II (OH)
Steven M. Vujicic (IL)

The drivers were included in one of the following docket Nos: FMCSA–2000–8398; FMCSA–2003–14223; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0082; FMCSA–2010–0372; FMCSA–2011–0010; FMCSA–2012–0337; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2014–0005; FMCSA–2014–0297; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305. Their exemptions are effective as of May 7, 2017, and will expire on May 7, 2019.

As of May 13, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (72 FR 12666; 72 FR 25831; 74 FR 7097; 74 FR 15584; 74 FR 15586; 75 FR 25919; 75 FR 39729; 75 FR 54958; 75 FR 70078; 75 FR 77942; 76 FR 5425; 76 FR 9856; 76 FR 17481; 76 FR 20076; 76 FR 21796; 76 FR 28125; 77 FR 36338; 78 FR 18667; 78 FR 22596; 78 FR 24300; 80 FR 18696):

Toby L. Carson (TN)
Vincent C. Durazzo, Jr. (CT)
Randy M. Lane (PA)
Michael O. Regentik (MI)
Alvaro F. Rodriguez (TX)
Esequiel Rodriguez, Jr. (TX)
George K. Sizemore (NC)
Donald E. Stone (VA)
Michael A. Zingarella (CT)

The drivers were included in one of the following docket Nos: FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2010–0082; FMCSA–2010–0201; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024. Their exemptions are effective as of May 13, 2017, and will expire on May 13, 2019.

As of May 19, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 18824; 76 FR 29024; 78 FR 12815; 78 FR 22602; 79 FR 24298; 80 FR 20558):

Luis A. Bejarano (AZ)
Richard T. Berendt (OH)
James O. Cook (GA)
Kevin R. Lambert (NC)
Scott W. Schilling (ND)
Rondy E. Sims (WA)
Mark E. Studer (KS)

The drivers were included in one of the following docket Nos: FMCSA–2011–0057; FMCSA–2013–0022. Their exemptions are effective as of May 19, 2017, and will expire on May 19, 2019.

As of May 20, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 16912; 78 FR 29431; 80 FR 20559):

Dolan A. Gonzalez, Jr. (FL)
Paul Harpin (AZ)
Randy T. Richardson (KS)

The drivers were included in docket No. FMCSA–2013–0024. Their exemptions are effective as of May 20, 2017, and will expire on May 20, 2019.

As of May 27, 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 22773; 80 FR 45573):

Donald A. Becker (MI)
William T. Costie (NY)
Donald W. Donaldson (GA)
James L. Duck (NM)
Arthur R. Hughson (AL)
Joseph M. Jones (ID)
Howard H. Key Jr. (AR)
Quang M. Pham (TX)
Glen E. Robbins (WY)
Ronald P. Schoborg (AR)
Steven M. Tewhill (AR)

The drivers were included in docket No. FMCSA–2014–0305. Their exemptions are effective as of May 27, 2017, and will expire on May 27, 2019.

As of May 31, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 78256; 66 FR 16311; 67 FR 46016; 67 RF 57267; 68 FR 13360; 69 FR 62741; 70 FR 12265; 70 FR 17504; 70 FR 30997; 71 FR 32183; 71 FR 41310; 71 FR 62147; 72 FR 12665; 72 FR 12666; 72 FR 25831; 72 FR 27624; 73 FR 61925; 74 FR 9329; 74 FR 15586; 74 FR 19270; 76 FR 9856; 76 FR 17483; 76 FR 18824; 76 FR 20076; 76 FR 25762; 76 FR 29024; 78 FR 16762; 78 FR 24300; 78 FR 26106; 79 FR 24298; 80 FR 26320):

Robert A. Casson (KY)
Gerald S. Dennis (IA)
John K. Fank (IL)
Gene A. Lesher, Jr. (WV)
Kenneth L. Nau (MD)
George D. Schell (IL)
Robert D. Smith (OH)
Kenneth E. Suter, Jr. (OH)
Richard A. Westfall (OH)

The drivers were included in one of the following docket Nos: FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2007–27333; FMCSA–2011–0010; FMCSA–2011–0057. Their exemptions are effective as of May 31, 2017, and will expire on May 31, 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 20, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15830 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0046]

Agency Information Collection Activities; Extension of a Currently-Approved Information Collection Request: Annual Report of Class I Motor Carriers of Passengers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval. On March 16, 2017, FMCSA published a **Federal Register** notice announcing the renewal of an information collection titled, ''Annual Report of Class I Motor Carriers of Passengers,'' and FMCSA received two comments.

DATES: Please send your comments by August 28, 2017. OMB must receive your comments by this date to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2017–0046. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Vivian Oliver, Lead Transportation Specialist, Office of Registration and Safety Information, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone: 202–366–2974. Email Address: *vivian.oliver@dot.gov.* Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Annual Report of Class I Motor Carriers of Passengers.

OMB Control Number: 2126–0031.

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

Respondents: Motor Carriers.

Estimated Number of Respondents: 408.

Estimated Time per Response: 18 minutes.

Expiration Date: October 31, 2017.

Frequency of Response: Annually.

Estimated Total Annual Burden: 122 hours (408 responses × 18 minutes per response/60 = 122.4 rounded to 122).

Background

Section 14123 of title 49 of the United States Code (U.S.C.) requires that the Secretary of Transportation collect annual financial reports from certain for-hire motor carriers of passengers. All Class I for-hire motor carriers of passengers, carriers with gross annual operating revenues of $5 million or more, are required to complete and file a Motor Carrier Annual Report Form MP–1 for Motor Carriers of Passengers (Form MP–1). *See* 49 CFR 369.3(a) and 369.4(a). The Form MP–1 annual report will be used to collect financial, operating, equipment and employment data from individual motor carriers of passengers.

The data collected will be available to users in its original form. The data are not used by the Department of Transportation, and, based on a comment to a proposed rule finalized on December 17, 2013 (78 FR 76241), the data are no longer used by trucking associations. Insurance companies, consultants, law firms, academia, trade publications and others may use the data to assess industry growth and its impact on the economy, to identify industry changes that may affect national transportation, and to monitor company financial stability. The Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce uses the data to inform the national annual input-output and Gross Domestic Product (GDP) estimates. BEA uses the data to prepare estimates of industry output and provide details on inputs to supplement the information on motor carriers of passengers collected by the U.S. Census Bureau.

In response to the March 16, 2017 60-day **Federal Register** notice (82 FR 14103), FMCSA received two comments questioning why the Agency continues to require the annual report filing by Class I passenger motor vehicles, despite FMCSA's statement that the data is not used by the Agency. FMCSA's response to the comments is 49 U.S.C. 14123 requires that the Agency collect such annual financial reports.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: July 20, 2017.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2017–15834 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0036]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 49 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on June 27, 2017. The exemptions expire on June 27, 2019.

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 W64–113, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On May 26, 2017, FMCSA published a notice of receipt of Federal diabetes exemption applications from 49 individuals and requested comments from the public (82 FR 24438). The public comment period closed on June 26, 2017, and no comments were received.

FMCSA has evaluated the eligibility of the 49 applicants and determined that granting the exemptions to these individuals 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).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 49 applicants have had ITDM over a range of 1 to 33 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the May 26, 2017, **Federal Register** notice and they will not be repeated in this notice.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Conclusion

Based upon its evaluation of the 49 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3):

Craig L. Ambrose (GA)
Manuel R. Arciniega (NM)
Timothy D. Beardain (MS)
Tyler A. Benjamin (AL)
George Bonilla, Jr. (NY)
Stevenson Y. Brooks (GA)
Kevin J. Brown (WI)
Todd C. Burk (AK)
Roy L. Clark, Jr. (NJ)
Scott A. Conwell (IN)
Charles T. Dwyer (MI)
James C. Engle, Jr. (GA)
Adam T. Fitzgerald (LA)
Kevin R. Fowler (WA)
Michael L. Frutiger (OR)
Charles E. Hill (TN)
Galen L. Hoodenpyl (OR)
Robert J. Hughes (PA)
Michael A. Hunt (IA)
Travis P. James (KY)

Vincent K. Johnson (DC)
Christopher A. King (NY)
Norman L. King (CA)
Harlan E. Kizer (OK)
Peter J. Klepp (ID)
Walter Kube, Jr. (NJ)
Brian J. Lascko (CT)
Samuel B. Layton (DE)
Lance J. Magnuson (NE)
Nicholas A. Marmolejo (NJ)
Lawrence F. McCarthy (MA)
Richard E. McGlashan (FL)
Bryan J. Meyer (WI)
Craig S. Meyer (MO)
Michael J. Miller (IL)
Elwin D. Ness (MN)
Perry L. Ofstad (WI)
Eddie L. Parsons (NC)
Joseph B. Patsch (CA)
Guillermo Ponce (IN)
David G. Reppert (PA)
Timothy L. Salter (AL)
David B. Sanders (MO)
Brandon J. Smith (NY)
Cody J. Swift (NJ)
Geoffrey K. Tarr (TN)
Jonathan L. Trieloff (WI)
Mark A. Williams (LA)
William E. Yoder (PA)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years 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 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. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 21, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15838 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2009–0155; FMCSA–2011–0125; FMCSA–2011–0144; FMCSA–2011–0145; FMCSA–2013–0019; FMCSA–2013–0181; FMCSA–2015–0062; FMCSA–2015–0063]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions of 127 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. FMCSA has statutory authority to exempt individuals from this rule if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before August 28, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA–2009–0155; FMCSA–2011–0125; FMCSA–2011–0144; FMCSA–2011–0145; FMCSA–2013–0019; FMCSA–2013–0181; FMCSA–2015–0062; FMCSA–2015–0063 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., 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 for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *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 Federal Docket Management System (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 acknowledgment page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

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 W64–113, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations 2-year period 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 2-year period. The 127 individuals listed in this notice have recently become eligible for a renewed exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. The drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

II. Exemption Decision

This notice addresses 127 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 127 drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. Therefore, FMCSA has decided to extend each exemption for a

renewable two-year period. Each individual is identified according to the renewal date.

The exemptions are renewed subject to the following conditions: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual submit an annual ophthalmologist's or optometrist's report; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

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 for additional two year periods. The following groups of drivers received renewed exemptions in the month of August and are discussed below.

As of August 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 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 37719; 80 FR 59223):

Adele M. Aasen (ND)
Kyle E. Beine (WI)
Joseph M. Blackwell (GA)
Joseph G. Blastick (SD)
Gary W. Boninsegna (OH)
Billy J. Bronson (OR)
Michael L. Campbell (NC)
Steven C. Cornell (PA)
Josiah L. Crestik (MN)
Richard L. Cunningham (NE)
Thomas L. Delasko (FL)
William T. Eason (NC)
Douglas J. Garrison (IA)
Daniel W. Gregory (NC)
Barry L. Grimes, Sr. (MD)
Dennis J. Grimm (DE)
Stephen G. Helmer (NE)
Marco K. Higgs (OR)
Jeffrey T. Hunley (NC)
Colin S. Jackson (WA)
Peter E. Mizialko (NJ)
Michael I. Moore (IN)
Richard M. Ohland (MN)
James D. Parrish (NC)
Justin D. Redding (MT)
Alex R. Rumph (MT)
Kenneth S. Schoenberger (PA)
Jarred E. Shawles (CA)
Howard L. Smith (IL)
Jeffrey S. Snyder (PA)
Jerry L. Stevens (NE)
Todd Stover (PA)
Dennis P. Walker, Jr. (OH)
Horace V. Watson (GA)
Jeremy W. Wolfe (MO)

The drivers were included in docket No. FMCSA–2015–0062. Their exemptions are effective as of August 1, 2017, and will expire on August 1, 2019.

As of August 3, 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 (74 FR 28097; 74 FR 38481):

Joseph Jurewicz (CT)
Dana N. Larsen (UT)
Jason G. Leavitt (UT)
Thomas M. Petee (MI)
Jim A. Phelps (MI)
James F. Rabideau, Jr. (NY)
John E. Spano (MA)

The drivers were included in docket No. FMCSA–2009–0155. Their exemptions are effective as of August 3, 2017, and will expire on August 3, 2019.

As of August 4, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight 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 34127; 76 FR 47288):

Richard A. Bosma (IL)
Ronnie E. Combs, Jr. (KY)
Barbara A. Farrell (WA)
Tony D. Gayles (KY)
Joshua D. Kohl (IA)
Judah A. Nell (PA)
Peter J. Wasko, Jr. (PA)
Alfred Zaldana (CA)

The drivers were included in docket No. FMCSA–2011–0125. Their exemptions are effective as of August 4, 2017, and will expire on August 4, 2019.

As of August 5, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten 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 34127; 76 FR 47288):

Justin C. Brewer (NY)
Roger W. Carr (MD)
Stanley D. Ingram (TN)
Rondal W. Kennedy (KY)
Jerry W. Miller (VA)
Gregg O. Price (MS)
Gary D. Pugliese (NJ)
Jeffrey A. Radel (PA)
Vladmir V. Tayts (PA)
Jady R. Tengs (ID)

The drivers were included in docket No. FMCSA–2011–0144. Their exemptions are effective as of August 5, 2017, and will expire on August 5, 2019.

As of August 15, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 43 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 41550; 80 FR 59229):

Henry Andreoli (NH)
Jonathan A. Boston (NY)
James G. Bracegirdle (GA)
Joseph C. Brewster (VA)
Bradley R. Brown (NH)
Annette F. Bryant (CA)
Brian G. Carter (GA)
Daniel B. Craig (OR)
Sean W. Dempsey (OH)
Patrick L. Feely (MN)
Garry W. Garrison (WI)
James Gennello (NJ)
John T. Gorman (NJ)
Joel K. Hawkins (IL)
Gary L. Hulslander (PA)
Daniel E. Jackowski (WI)
John W. Johnson (TN)
Samuel S. Johnson (WI)
Charles A. Kelley (IA)
Omer E. King (PA)
Eric R. Knutson (MN)
Bruce E. Koehn (KS)
Douglas L. Kugler (MN)
Andrew S. McKinney (MN)
Douglas D. Miller (WY)
Robert F. Perez (PA)
Ray E. Phipps (IL)
Bruce F. Sanderson (LA)
Raymond Santiago (NJ)
Travis D. Shadden (IN)
Randy S. Steinbach (WA)
Paul R. Thorkelson (MN)
Michael J. Toth (PA)
Christopher O. Trent (KS)
Charles H. Turner (WI)
Jesse W. Turner (MI)
Donavan A. Van Houten (WA)
Matt S. Volk (NE)
Daniel M. Waldner (ND)
Timothy L. Wilkinson (OH)
Catherine A. Wilcox (CT)
Kenneth P. Wing (MI)
Timothy W. Young (PA)

The drivers were included in docket No. FMCSA–2015–0063. Their exemptions are effective as of August 15, 2017, and will expire on August 15, 2019.

As of August 16, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 14 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 32704; 78 FR 50140):

Herlen D. Barner (TN)
James W. Bledsoe (AL)
Daniel L. Bosley (KY)
Verland G. Casper (WI)
Kyle P. Cerra (PA)
Raymond K. Harper (KS)
Shane B. Henninger (IA)
Jeffrey S. Hubbell (PA)
Kevin T. Johnson (SD)
Randall L. Krider (IN)
William J. Panoch (WI)
James E. Smith (TN)
Kevin R. Treichel (IA)
Thomas R. Yecker (PA)

The drivers were included in docket No. FMCSA–2013–0019. Their exemptions are effective as of August 16, 2017, and will expire on August 16, 2019.

As of August 29, 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 (76 FR 40439; 76 FR 53707):

Bryan K. Aaron (UT)
Donald M. Bergman (MN)
Ronald J. Boehm (IN)
Vernon W. Elmore (MS)
Michael J. Gilbert (WA)
Andrew W. Richey (MS)
Thomas M. Shafer (IN)
Allen D. Stevenson (NJ)
Oleg Tarasov (NJ)

The drivers were included in docket No. FMCSA–2011–0145. Their exemptions are effective as of August 29, 2017, and will expire on August 29, 2019.

As of August 30, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, Lloyd K. Steinkamp (WV) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 38435; 78 FR 63294).

This driver was included in docket No. FMCSA–2013–0181. The exemption is effective as of August 16, 2017, and will expire on August 16, 2019.

Each of the 127 drivers in the aforementioned groups qualifies for a renewal of the exemption. They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

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 of the 127 drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption. The drivers were included in docket numbers FMCSA–2009–0155; FMCSA–2011–0125; FMCSA–2011–0144; FMCSA–2011–0145; FMCSA–2013–0019; FMCSA–2013–0181; FMCSA–2015–0062; FMCSA–2015–0063.

IV. Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by August 28, 2017.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 127 individuals from rule prohibiting persons with ITDM from operating CMVs in interstate commerce in 49 CFR 391.41(b)(3). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the medical condition of each applicant for an exemption from rule prohibiting persons with ITDM from operating CMVs in interstate commerce. That information is available by consulting the above cited **Federal Register** publications.

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.

V. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2009–0155; FMCSA–2011–0125; FMCSA–2011–0144; FMCSA–2011–0145; FMCSA–2013–0019; FMCSA–2013–0181; FMCSA–2015–0062; FMCSA–2015–0063 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

VI. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2009–0155; FMCSA–2011–0125; FMCSA–2011–0144; FMCSA–2011–0145; FMCSA–2013–0019; FMCSA–2013–0181; FMCSA–2015–0062; FMCSA–2015–0063 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: July 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15844 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0040]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 111 applications from individuals who requested an exemption from the Federal diabetes standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the diabetes requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

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 W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal diabetes standard for a renewable two year period if it finds ''such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.'' The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 111 individual exemption requests on their merits and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 17 applicants met the diabetes requirements of 49 CFR 391.41(b)(3) and do not need an exemption:

Javier V. Alonso (CA)
Gerald G. Blacklock (PA)
Nakoo S. Bridgemohan (NY)
Ruben Camacho Nunez (WA)
Norman P. Day, Jr. (NE)
James F. Deig (TX)
Mehmed Dogdic (GA)
Charles P. Doss (AL)
Antonio Hernandez-Mejia (NJ)
Anthony Juarez (NM)
John D. Ladik (PA)
Rickey A. Mills (IA)
Richard W. Shawley (PA)
Randall D. Shiflett (WV)
Hector R. Taveras (NJ)
Javier Vasquez (CA)
James W. Wickham (WA)

The following 43 applicants were not operating CMVs in interstate commerce:

Vincete N. Beltran (CA)
John J. Blankenship (IL)
James W. Brennan (CT)
John C. Bushendorf (WI)
Christopher A. Carmel (WA)
Mark A. Crossley (PA)
Roy S. Decker (KY)
Jeffrey Dockhorn (NJ)
Danny Estrella (NY)
Robert J. Fabbro (MN)
Nicholas A. Fenty (NC)
Eusebio J. Fernandez-Caba (NJ)
Jeffrey D. Firme (CO)
Javier G. Gonzales (CO)
Gregory F. Gradisek (OH)
Jennifer L. Groth (CO)
Matthew S. Helm (PA)
Justin R. Hetherington (MN)
Bryant C. Kongsted (MD)
Joseph V. Kozak (NJ)
Randall A. Mercer (MA)
Alice J. Mitchell (LA)
Pablo G. Montez (TX)
Bruno Morelli (PA)
Thomas L. Nichols (WA)
Terry Nihart (PA)
Gil J. Pablo (CA)
Manuel Perales-Ferretiz (GA)
Berkley Pridgen (NC)
Jose N. Ramirez (TX)
Tommy R. Reeves (AR)
Henry A. Reyenga (CA)
David M. Sheeran (NY)
Linda Smith (WA)
Leonard A.G. Stary (KS)
Gary S. Stasiowski (MA)
Jordan A. Teets (PA)
Steven A. Travers (MA)
Bobby T. Trussell (MO)
Charles T. Watts (TN)
William J. Weber (CO)
John G. Weinhofer (PA)
Charles D. Zahn (FL)

The following 14 applicants have had more than one hypoglycemic episode requiring hospitalization or the assistance of others, or has had one such episode but has not had one year of stability following the episode:

Kenneth E. Brogden (NC)
Kevin E. Cooke (NC)
Lawrence G. Difolco (NJ)
Daniel E. Dingley (ME)
Richard S. Feicht (PA)
Raymond J. Freeman (TX)
Dana L. Guest (TN)
Anthony M. Hamilton (MO)
Parkinson B. James (NY)
Kevin R. Kerrigan (MI)
Ryan A. McCorkle (ID)
Russell D. Millican (OK)
Henry H. Rowen (MO)
Joseph A. Silva (MA)

The following two applicants had other medical conditions making the applicant otherwise unqualified under the Federal Motor Carrier Safety Regulations:

Manuel R. Arciniega (NM)
Scott N. Clark (IA)

The following four applicants did not have endocrinologists willing to make statements that they are able to operate CMVs from a diabetes standpoint:

Rodney G. Barber (GA)
Donald L. Russell (MD)
Anthony Sandoval (DE)
Fritz A. Thomas (NY)

Sebastian H. Thomas (ME) is unable or has not demonstrated with willingness to properly monitor and manage his diabetes whether by a personal decision or medical inability.

The following three applicants have peripheral neuropathy or circulatory insufficiency of the extremities likely to interfere with the ability to operate a CMV:

Joseph F. Houska (MI)
Richard B. Maurer (PA)
Keith A. Shaffer (PA)

The following six applicants did not meet the minimum age criteria outlined in 49 CFR 391.41(b)(1) which states that an individual must be at least 21 years old to operate a CMV in interstate commerce:

Cody M. Burwell (SC)
Michael M. Dunkelberger (PA)
Robert L. Garcia (NM)
Caleb Strong (OR)
Blake A. Wing (MI)
Austin D. Yuill (IL)

The following 21 applicants were exempt from the diabetes standard:

Duane D. Bredin (WA)
Milton Burel (TX)
Jose L. Cortes (TX)
Timothy J. Dryml (IA)

Cindy E. Grimes (NE)
Gregory H. Harris (TX)
Anthony R. Howard (GA)
Kenneth D. Klein (WA)
Richard E. Lomicka (FL)
Kirby G. Lunsford (TX)
Thomas C. McGee (SC)
Henry J. Perry (NJ)
Jimmy D. Pharis (KY)
Michael A. Ralston (OH)
Wesley R. Schmid (CT)
Brett A. Smith (IN)
Kelly R. Toliver (CO)
Richard B. Walker (IN)
Wesley G. Walton (VA)
Anthony J. White (NY)
Spencer D. Wooden (WI)

Issued on: July 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15843 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0038]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 47 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

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

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0038 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line 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 numbers 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 Federal Docket Management System (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 on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period 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 2-year period. The 47 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Miguel A. Alicea

Mr. Alicea, 57, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Alicea understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Alicea meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

Ralph W. Boyatt

Mr. Boyatt, 63, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Boyatt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Boyatt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Eduard Braun

Mr. Braun, 59, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist

certifies that Mr. Braun understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Braun meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arkansas.

Mark A. Brede

Mr. Brede, 60, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brede understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brede meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Lawrence P. Butler

Mr. Butler, 60, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Butler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Butler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Keith T. Campbell

Mr. Campbell, 60, has had ITDM since 2010. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Campbell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Campbell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Texas.

Larry W. Carruth

Mr. Carruth, 67, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carruth understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carruth meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Dennis R. Carte

Mr. Carte, 62, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carte understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carte meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Steven B. Carter

Mr. Carter, 47, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from North Carolina.

Gregory L. Crawford

Mr. Crawford, 50, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Crawford understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crawford meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from Michigan.

James D. Duvall

Mr. Duvall, 33, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Duvall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Duvall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Vermont.

Reginald D. Evans

Mr. Evans, 52, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no

severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Evans understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Evans meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

Daniel F. Foder

Mr. Foder, 64, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Foder understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Foder meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Daniel J. Fowler

Mr. Fowler, 49, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fowler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fowler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Connecticut.

Michael F. Greene

Mr. Greene, 59, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Greene understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Greene meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Cindy E. Grimes

Ms. Grimes, 42, has had ITDM since 2012. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Grimes understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Grimes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Nebraska.

Leo J. Hoffman, Jr.

Mr. Hoffman, 66, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hoffman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hoffman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Bradley J. Holmstrom

Mr. Holmstrom, 56, has had ITDM since 2005. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Holmstrom understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Holmstrom meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Delbert E. Holt

Mr. Holt, 61, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Holt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Holt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Alexander C. Jennings

Mr. Jennings, 31, has had ITDM since 2004. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jennings understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jennings meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Jersey.

Calvin W. Johnson

Mr. Johnson, 65, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johnson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Shannon E. Johnson

Ms. Johnson, 22, has had ITDM since 2012. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Johnson understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds an operator's license from Arizona.

Kenneth A. King

Mr. King, 44, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. King understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. King meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Anthony A. Kronbeck

Mr. Kronbeck, 54, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kronbeck understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kronbeck meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Charles P. Lane, Jr.

Mr. Lane, 65, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lane understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lane meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Gjasi A. Leite

Mr. Leite, 31, has had ITDM since 1995. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Leite understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leite meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Georgia.

Richard V. Madden

Mr. Madden, 44, has had ITDM since 2010. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Madden understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Madden meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Landon H. McCuddin

Mr. McCuddin, 26, has had ITDM since 1991. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McCuddin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McCuddin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Damien R. Mitchell

Mr. Mitchell, 37, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or

more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mitchell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mitchell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Steven J. Mooney

Mr. Mooney, 53, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mooney understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mooney meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Alabama.

Luther G. Mumaw, Jr.

Mr. Mumaw, 57, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mumaw understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mumaw meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from West Virginia.

Roberto Noa

Mr. Noa, 67, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Noa understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Noa meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Florida.

Benjamin P. Peirce

Mr. Peirce, 23, has had ITDM since 1994. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Peirce understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Peirce meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Judah G. Pira

Mr. Pira, 43, has had ITDM since 1991. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pira understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pira meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Washington.

Robert E. Racy II

Mr. Racy, 48, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Racy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Racy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Robert P. Rowean, Jr.

Mr. Rowean, 52, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rowean understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rowean meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Wesley R. Schmid

Mr. Schmid, 64, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schmid understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schmid meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Connecticut.

Royal J. Schultz

Mr. Schultz, 72, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schultz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schultz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Andrew J. Silonski

Mr. Silonski, 38, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Silonski understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Silonski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from New York.

Joseph B. Simon

Mr. Simon, 45, has had ITDM since 1975. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Simon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Simon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

Samuel L. Smith

Mr. Smith, 49, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Terry D. Stumpff

Mr. Stumpff, 55, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stumpff understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stumpff meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Manuel A. Vasquez

Mr. Vasquez, 63, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Vasquez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vasquez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Paul O. Verly

Mr. Verly, 61, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Verly understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Verly meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

Alvin G. Welch

Mr. Welch, 64, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Welch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Welch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Damien E. Wiggins

Mr. Wiggins, 36, has had ITDM since 1992. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wiggins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV

safely. Mr. Wiggins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Franklin R. Woitel

Mr. Woitel, 29, has had ITDM since 1996. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Woitel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woitel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Mexico.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C.. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0038 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0038 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: July 20, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15841 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0021]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 140 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

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 W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal vision standard for a renewable two year period if it finds ''such an exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such an exemption.'' The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 140 individual exemption requests on their

merit and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following three applicants do not have sufficient driving experience over the past three years under normal highway operating conditions (limited hours):

Allen K. Anderson (TN)
Stephen M. D'Orazio (PA)
Jamie A. Edson (MI)

The following 36 applicants had no experience operating a CMV:

Frederick T. Aguilar (WA)
Javier Anguiano (TX)
Lacresia M. Armstead (MS)
Zane L.E. Beddow (MN)
Dennis K. Bench (MT)
William D. Blasius (OH)
Todd Brown (IL)
Victor M. De La Cruz (NM)
Brandon A. Dees (OR)
Allen D. Ethridge (AR)
Joseph R. Garcia (NM)
Orelvis Gracia Dominguez (FL)
Clayton G. Grinnell (AL)
James W. Hanley (PA)
Jody R. Higdon (WV)
Dennis R. Ingraham (TX)
Brett D. Johnson (ND)
Marcus L. Jones (MS)
Donny D. Joseph, Jr. (TX)
Joseph A. Kennedy (ME)
Dustin W. Limberg (ND)
Henry M. Medlin (NM)
Dale W. Messenger (NM)
Rene O. Miranda (NV)
Fnu Muhabat (IL)
Raphael I.C. Olegario (MD)
Elijah B. Otis (DE)
Brenda L. Pino Feliciano (KY)
Frank Rodriguez (FL)
Jimmy W. Rowland (FL)
Edward B. Sullivan (TX)
Edward M. Vaillancourt (ID)
Noak O. Vong (KS)
Tywan R. Wilkerson (FL)
Dewayne M. Woodard (DE)
Mohammad J. Yousufzai (NJ)

The following 13 applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies:

Israel Aguilar Amaro (TX)
Brian P. Babcock (OH)
Thomas D. Carnall (IN)
John B. Casper (OK)
Anthony Dixon (NY)
Armando Dominguez (NJ)
William R. Fehlau (TX)
Daniel W. Hodge (TN)
Ron J. Kamys (OR)
Charles E. Miller (SC)
John G. Nicholson (CO)
Al D. Swiney (LA)
Edward J. Ustico (CT)

The following eight applicants did not have three years of recent experience driving a CMV with the vision deficiency:

Ralph M. Bickerdyke (NJ)
Joanne L. Harrison (OH)
Gary O. Johnson (TN)
Anthony E. Saum (AR)
Steven M. Shackleford (AL)
Justin O. Thompson (GA)
James E. White (CA)
Jock A. Yost (OK)

The following five applicants did not have sufficient driving experience during the past three years under normal highway operating conditions (gaps in driving record):

Cornelius J. Odendaal (ND)
Duane S. Owens (PA)
Richard F. Phillips (MA)
Lawrence B. Reyes (WA)
Larry L. Stewart (NC)

William J. O'Neill (NJ) contributed to accident(s) in which the applicant was operating a CMV, which is a disqualifying offense.

The following 22 applicants were denied for multiple reasons:

Jose R. Ayvar (IL)
Robert J. Briceno (CA)
Felix Burgos (DE)
Linwood V. Campbell (VA)
Andy M. Chambers (VA)
Russell D. Cooney (IA)
Casey D. Dresselhouse (MI)
Jerry B. Gibson (KY)
Marlon I. Godoy (CA)
Randall A. Hazelwood (IL)
Ray M. Hicks (MD)
Bruce F. Hunter (NJ)
Donnell V. Jones (MD)
John A. King (CO)
Jeffrey G. Laughlin (AR)
Michael R. Lynn (OH)
Jonathan Marin (NJ)
Jeffrey F. Moore (NC)
Danny Quiles (NJ)
Josue M. Rodriguez-Espinosa (CA)
Loyd B. Rolan (NM)
Cody Zappen (VT)

The following seven applicants have not had stable vision for the preceding three year period:

Ronald E. Adams (NJ)
Douglas R. Barto (KS)
Jimmie E. Curtis (NM)
Robert O. Danner (MN)
Donald E. Ratliff (KY)
William F. Stroup (MT)
Christopher M. Worley (NC)

The following eight applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision:

Craig K. Benjamin (NY)
Brent M. Hanson (ND)
Antonio LaFata (IL)
Holland P. McLaughlin (NY)
Donald B. Pickering (TN)
Robert A. Severin (TX)
Barry W. Sharp (GA)
Regis S. Tornabene (PA)

The following 32 applicants will not be driving interstate, intrastate commerce, or are not required to carry a DOT medical card:

Alex J. Albani (SC)
John R. Anders (PA)
Joni K. Asiryan (FL)
Jorge Balarezo(AK)
Pieter B. Banninga (KS)
Jason Beer (NE)
George N. Bitar (CA)
Jacob T. Boyd (NY)
Richard B. Bursaw (MA)
Cameron L. Card (FL)
Ronald L. Cooper (NC)
Hugo A. Cuevas vargas (ID)
Joshua W. Decker (NY)
William Dunaway (IL)
Douglas M. Frank (SD)
Favian C. Gutierrez (CA)
Alvin H. Horgdal (IA)
Thomas M. Langan (NE)
Jose L. Marinez (FL)
Adriana Marulanda (NJ)
Mario D. Molden (GA)
Hany A. Mousa (PA)
Mantez F. Owens (AL)
Robert W. Petrich (MN)
James H. Raiford (CT)
Michael L. Randazzo (NJ)
Michael Roedl (IL)
Roger C. Schmelzer (MO)
Joe L. Sledd (KY)
Felix Tillman (NJ)
Stephen A. Veats (WA)
Dale A. Wiesehan (IL)

The following five applicants perform transportation for the Federal government, state, or any political sub-division of the state:

Robert A. Anderson (GA)
Stephen L. Hickinson (NJ)
James S. Hosmer (AL)
Peter J. Hoyt (NH)
Richard R. Roggeman (IN)

Issued on: July 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15836 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–23151]

Agency Information Collection Activities; Information Collection Revision Request—Medical Qualification Requirements, OMB Control Number 2126–0006

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces that it is considering submitting the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment on a revision to the Information Collection (IC) titled *Medical Qualification Requirements,* covered by OMB Control Number 2126–0006, which is currently due to expire on August 31, 2018. This revision is due to the Agency's anticipation of a final rule to revise its regulations to eliminate the blanket prohibition against insulin-dependent diabetic individuals' operation of commercial motor vehicles (CMV) in interstate commerce. The final rule is based on the Agency's 2015 Notice of Proposed Rulemaking (NPRM) and subsequent announcement of the availability of recommendations provided by FMCSA's Medical Review Board (MRB) after an analysis of the comments received in response to the NPRM. Based on the MRB's analysis of the comments and their recommendations, FMCSA is considering replacing the previously proposed written notification from the treating clinician (TC) with a form titled *Insulin-Treated Diabetes Mellitus Assessment Form* to be completed by the TC and provided to the certified medical examiner (certified ME). This form could be required for CMV drivers treated with insulin for diabetes who wish to drive in interstate commerce. FMCSA invites public comment on the proposed IC revision and the form that it is being considered.

DATES: We must receive your comments on or before September 25, 2017.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2005–23151 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Services; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you 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. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–4001; email *FMCSAmedical.@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

The primary mission of FMCSA is to reduce crashes, injuries, and fatalities involving large trucks and buses. The Secretary of Transportation has delegated to FMCSA its responsibility under 49 U.S.C. 31136, 31149 and 31502 to prescribe regulations that ensure that CMVs are operated safely. As part of this mission, the Agency's Medical Programs Division works to ensure that CMV drivers engaged in interstate commerce are physically qualified and able to safely perform their work.

Information used to determine and certify driver medical fitness must be collected for our highways to be safe. FMCSA is the Federal government agency authorized to require the collection of this information and the authorizing regulations are located at 49 CFR 390–399. FMCSA is required by statute to establish standards for the physical qualifications of drivers who operate CMVs in interstate commerce for non-excepted industries (49 U.S.C. 31136(a)(3), 31149(c)(1)(A)(i), and 31502(b)). The regulations relevant to this collection are outlined in the Federal Motor Carrier Safety Regulations (FMCSRs) at 49 CFR 390–399. The FMCSRs at 49 CFR 391.41 set forth the physical qualification standards that interstate CMV drivers who are subject to part 391 must meet, with the exception of drivers operating vehicles transporting migrant workers (who must meet the physical qualification standards set forth in 49 CFR 398.3). The FMCSRs covering driver physical qualification records are found at 49 CFR 391.43, which specify that a medical examination be performed on CMV drivers subject to part 391 who operate in interstate commerce. The results of the examination must be recorded in accordance with the requirements set forth in that section.

Section 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. As such, drivers with insulin-treated diabetes mellitus (ITDM) are currently prohibited from driving CMVs in interstate commerce unless they obtain an exemption from FMCSA.

On May 4, 2015 (80 FR 25260), FMCSA published a NPRM proposing to revise § 391.41(b)(3) to permit drivers with stable, well controlled ITDM to be

qualified to operate CMVs in interstate commerce who meet the proposed new requirements of §§ 391.45 and 391.46. The proposal would enable drivers with ITDM to obtain a Medical Examiner's Certificate (MEC), Form MCSA–5876, from a certified ME at least annually to operate a CMV in interstate commerce if the TC provides documentation to the certified ME that the condition is stable and well controlled.

To assist in the development of the final rule, FMCSA requested that the MRB, under MRB Task 15–1, review and analyze all comments from medical professionals, labor and industry, and trade associations, and identify factors the Agency should consider when making decisions about the next steps in the diabetes rulemaking. In July 2015, the MRB deliberated on these public comments for purposes of offering recommendations to the Agency on this topic.

In September of 2015, the MRB provided several detailed recommendations in a final report of Task 15–1 to the Agency. In the report, the MRB recommended that FMCSA develop a questionnaire for the TC to send to the certified ME. See Recommendation II E, ''FMCSA Drivers With Insulin Treated Diabetes Mellitus Assessment Form.'' In September 2016, the Agency published a **Federal Register** notice announcing the availability of and requesting comments on the MRB's Task 15–1 recommendations. The MRB's final report for Task 15–1 and the **Federal Register** notice are available in the docket for this rulemaking (in addition to being available on the Agency's public Web site).

The Agency evaluated the MRB's recommendations, as well as public comments, and is considering the use of an assessment form titled *Insulin-Treated Diabetes Mellitus Assessment Form.* The Agency may modify the form and the information that would be collected in response to any comments received in response to this notice. The addition of this requirement will add 33,616 annual burden hours and $2,823,744 annual salary costs. However, eliminating the Diabetes Exemption Program as proposed in the NPRM will result in 2,219 less annual burden hours and $68,645 less annual salary costs. Therefore, the final rule would provide a net increase of 31,397 in annual burden hours and $2,755,099 in salary costs from the proposed updated annual burden hours and costs. The form that is being considered would include the following information collected by the TC:

CMV Driver Information

1. Name
2. DOB
3. Information about the driver's use of insulin:
   a. Whether the driver is newly diagnosed or an established insulin user
   b. Date insulin use began
   c. Whether or not the driver has been on a stable insulin regimen for three months prior
4. Information about the driver's use of blood glucose self-monitoring records
   a. Whether or not the driver provided documentation of ongoing self-monitoring of blood glucose measured with an electronic glucometer for at least the preceding three months
   b. Number of times per day the driver is testing their blood glucose
   c. Whether or not the driver is compliant with glucose monitoring based on his/her specific treatment plan
5. Information about insulin management and diabetes control
   a. Whether or not the driver has experienced any severe hypoglycemic episodes within the preceding three months
   b. Whether or not the driver has experienced any severe hypoglycemic episodes in the absence of warning symptoms in the preceding three months
   c. Whether or not the driver has had his/her HbA1C measured intermittently over the last 12 months with the most recent measure within the preceding three months accompanied by a copy of the most recent laboratory results.
6. Information about diabetes complications
   a. Whether or not the driver has any signs of diabetes complications or target organ damage that impairs the driver's ability to safely operate a CMV
7. Information about progressive eye diseases
   a. Date of last comprehensive dilated eye examination
   b. Whether or not the driver has been diagnosed with Stage 3 or 4 diabetic retinopathy
   c. Whether or not the driver has been diagnosed with any other progressive eye disease(s)
8. Any comments provided by the TC

TC Information

1. Certification that they are the treating clinician for the driver and that the driver maintains a stable insulin regimen and stable control of his/her insulin-treated diabetes mellitus.
2. Date
3. Name
4. Signature
5. Telephone Number
6. Email address
7. Street Address
8. City, State, and Zip Code

The public interest in, and the right to have, safe highways requires the assurance that drivers of CMVs can safely perform the increased physical and mental demands of their duties. FMCSA's medical standards provide this assurance by requiring drivers to be examined and medically certified as physically and mentally qualified to drive a CMV.

Therefore, the information collected on this assessment form could assist the certified ME in determining if the driver with ITDM that is being examined is medically qualified under 49 CFR 391.41 to operate a CMV, and to ensure that there are no medical conditions that could adversely affect his or her ability to drive safely or cause incapacitation constituting a risk to the public.

The use of this form could allow the certified ME to have communication with TCs so that the certified ME fully understands whether the driver with ITDM that is being examined has stable, well-controlled diabetes. This information will assist the ME in determining whether insulin treatment or any medical complications of diabetes will impact a driver's ability to safely operate a CMV. Therefore, FMCSA expects that 100 percent of drivers who are treated with insulin and intend to operate a CMV in interstate commerce will have the form completed by their TC.

TCs would be able to fax or scan and email the form to the certified ME. Consistent with OMB's commitment to minimizing respondents' recordkeeping and paperwork burdens, and the increased use of secure electronic modes of communication, the Agency anticipates that approximately 25 percent of the *Insulin-Treated Diabetes Mellitus Assessment Forms* would be transmitted electronically.

The information collected from the *Insulin-Treated Diabetes Mellitus Assessment Form* provided to the certified ME will become part of the CMV driver's record maintained for at least three years by the certified ME. Therefore, the information will not be available to the public. The FMCSRs covering driver physical qualification records are found at 49 CFR 391.43, which specify that a medical

examination be performed on CMV drivers subject to part 391, subpart E who operate in interstate commerce. The results of the examination shall be recorded in accordance with the requirements set forth in that section.

Title: Medical Qualification Requirements.

OMB Control Number: 2126–0006.

Type of Request: Revised collection.

Respondents: Treating Clinicians (*i.e.,* healthcare professional who manages and prescribes insulin for treatment of a driver's diabetes mellitus as authorized by the healthcare professional's applicable State licensing board).

Estimated Number of Respondents: 252,117 treating clinicians.

Estimated Time per Response: 8 minutes.

Expiration Date: 8/31/2018.

Frequency of Response: Required.

Estimated Total Annual Burden: 33,616 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: July 20, 2017.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2017–15835 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0019]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

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

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0019 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 numbers 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 on-line.

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.*

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 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. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a two-year period 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.'' FMCSA can renew exemptions at the end of each two-year period.

The 12 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive 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 at 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 standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part

381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

II. Qualifications of Applicants

Thomas A. Barber

Mr. Barber, 43, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/15. Following an examination in 2017, his optometrist stated, ''Since Mr. Barber is well adapted to his condition and has been a commercial truck driver for many years, I feel he is safe to continue driving and has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Barber reported that he has driven tractor-trailer combinations for 15 years, accumulating 1.87 million miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Nazar B. Bihun

Mr. Bihun, 30, has optic nerve pallor in his right eye due to a traumatic incident in 2011. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''His visual deficiency is stable and in my medical opinion he does have sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Bihun reported that he has driven straight trucks for eight years, accumulating 360,000 miles, and tractor-trailer combinations for five years, accumulating 25,000 miles. He holds a Class B CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Patrick J. Conner

Mr. Conner, 45, has chorioretinal scarring in his left eye due to a traumatic incident in 2014. The visual acuity in his right eye is 20/15, and in his left eye, count fingers. Following an examination in 2017, his optometrist stated, ''It is my opinion that Patrick Conner has vision that is safe to operate a commercial vehicle.'' Mr. Conner reported that he has driven straight trucks for 11 years, accumulating 165,000 miles. He holds a Class B CDL from Oklahoma. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jay D. Diebel

Mr. Diebel, 58, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/400. Following an examination in 2017, his ophthalmologist stated, ''This patient has no restrictions to operate a commercial vehicle based on his ocular testing.'' Mr. Diebel reported that he has driven straight trucks for 17 years, accumulating 255,000 miles. He holds a Class CA CDL from Michigan. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Danny G. Goodman, Jr.

Mr. Goodman, 44, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/150, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''He appears to have sufficient vision to operate a commercial vehicle.'' Mr. Goodman reported that he has driven straight trucks for 12 years, accumulating 60,000 miles, and tractor-trailer combinations for seven years, accumulating 135,000 miles. He holds a Class A CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Randy N. Grandfield

Mr. Grandfield, 59, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''It is my opinion that Mr. Grandfield's vision should not prevent him from operating a commercial vehicle.'' Mr. Grandfield reported that he has driven straight trucks for 35 years, accumulating 560,000 miles. He holds a Class A CDL from Vermont. His driving record for the last three years shows one crash, to which he did contribute but was not cited, and no convictions for moving violations in a CMV.

Edgar A. Ideler

Mr. Ideler, 60, has had complete loss of vision in his right eye since 2014. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2017, his ophthalmologist stated, ''Does this person have sufficient vision to operate a commercial motor vehicle safely: Yes.'' Mr. Ideler reported that he has driven straight trucks for 39 years, accumulating 780,000 miles, and

tractor-trailer combinations for 39 years, accumulating 780,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Dennis R. Jones

Mr. Jones, 55, has aphakia in his left eye due to a traumatic incident in 2007. The visual acuity in his right eye is 20/15, and in his left eye, 20/150. Following an examination in 2017, his ophthalmologist stated, ''In my medical opinion Mr. Jones has sufficient vision to perform to perform [*sic*] the driving tasks required to operate a commercial vehicle as defined by requirements found in **Federal Register** Vol. 78, No. 243 page 76591, (6)–(9).'' Mr. Jones reported that he has driven straight trucks for six years, accumulating 300,000 miles, and tractor-trailer combinations for seven years, accumulating 350,000 miles. He holds a Class A CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Rufus L. Jones

Mr. Jones, 59, has a retinal scar in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''In my opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Jones reported that he has driven straight trucks for four years, accumulating 144,000 miles, and buses for seven years, accumulating 700,000 miles. He holds a Class B CDL from New Jersey. His driving record for the last three years shows one crash and no convictions for moving violations in a CMV.

Derek J. Savko

Mr. Savko, 35, has optic nerve atrophy in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his ophthalmologist stated, ''It is my opinion that he has sufficient vision in the right eye to perform his driving tasks as required to operate a commercial vehicle.'' Mr. Savko reported that he has driven straight trucks for 13 years, accumulating 162,500 miles. He holds a Class B CDL from Montana. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

John J. Tilton

Mr. Tilton, 47, has a prosthetic right eye due to a traumatic incident in 1986. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2017, his ophthalmologist stated, ''In my medical opinion, John's visual acuity, Visual Field [*sic*], and color vision show that he can continue to perform driving tasks required to operate a commercial vehicle.'' Mr. Tilton reported that he has driven straight trucks for three years, accumulating 25,000 miles. He holds a Class B CDL from New Hampshire. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Randy D. VanScoy

Mr. VanScoy, 60, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2017, his optometrist stated, ''Diagnosis congenital amblyopia. This patient meets the requirements to drive a commercial vehicle. He shows no deficit in his visual field.'' Mr. VanScoy reported that he has driven tractor-trailer combinations for 42 years, accumulating 3.1 million miles. He holds a Class A CDL from Iowa. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0019 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0019 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: July 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15842 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0177]

Crash Preventability Demonstration Program

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: On July 12, 2016, FMCSA proposed a crash preventability demonstration program. Based on the feedback received in response to the **Federal Register** notice, FMCSA announces the initiation of a crash preventability demonstration program in which the Agency would accept requests for data review (RDRs) to evaluate the preventability of certain categories of crashes through its national data correction system known as DataQs. This notice describes the crash types that will qualify for the demonstration program, the process for submitting RDRs to evaluate the preventability of a crash, how decisions on preventability will be displayed in Agency systems, and the data to be collected through this program for use in future decisions about a longer-term crash preventability program.

DATES: The crash preventability demonstration program will begin accepting RDRs on August 1, 2017, for crashes that occur on or after June 1, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Catterson Oh, Compliance Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, Telephone 202–366–6160 or by email: *Catterson.Oh@dot.gov.* If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Background

Since its implementation in 2010, the Safety Measurement System (SMS) has used safety performance information in the Behavior Analysis and Safety Improvement Categories (BASICs) plus recordable crashes involving commercial motor vehicles (CMVs), that are submitted by the States through the Agency's Motor Carrier Management Information System (MCMIS), to prioritize carriers for safety interventions (75 FR 18256). The Agency uses the definition of ''accident'' in 49 CFR 390.5 to identify those crashes that must be maintained by the motor carrier in an accident register under 49 CFR 390.15. These include crashes resulting in fatalities, bodily injuries requiring immediate medical treatment away from the scene of the crash, or a vehicle being towed from the scene because of disabling damage. These same crashes must be reported by the States to FMCSA, through MCMIS, if the CMV has an actual weight (*i.e.,* gross vehicle weight) or gross vehicle weight rating of 10,001 or more pounds or a gross combination weight rating of 10,001 or more pounds and is used on public highways. In addition, crashes must be reported if the CMV is designed to transport nine or more people, including the driver, and the motor carrier receives compensation, and if a CMV in the crash is designed to transport 16 or more people, including the driver regardless of compensation. Additionally, if any motor vehicle in the crash is required to display a hazardous materials placard, regardless of the weight of the vehicle, it must be reported to FMCSA by the State. The crash data reported to FMCSA by the States does not specify whether or not the crash was preventable by the CMV driver.

The Crash Indicator BASIC uses crashes from the previous 24 months to calculate a percentile for a motor carrier. SMS weights crashes based on crash severity, with more weight given to fatality and injury crashes than those that resulted in a vehicle being towed from the scene with no injuries or fatalities. In addition, the crashes are time weighted, with more recent crashes having more weight. All reportable crashes are included in the Crash Indicator BASIC regardless of preventability.

While the public SMS Web site provides a list of the recordable crashes for the motor carrier, the Crash Indicator BASIC percentiles have never been publicly available. The Crash Indicator BASIC percentiles are, however, available to motor carriers who log in to view their own data, as well as to FMCSA and law enforcement users.

Stakeholders have expressed concern that the Crash Indicator BASIC may not identify the highest-risk motor carriers for interventions and that the listing of crashes on the public Web site, without an indication of preventability, can give an inaccurate impression about the risk posed by the company.

On January 23, 2015, FMCSA announced the results of the Agency's study on the feasibility of using a motor carrier's role in crashes in the assessment of the company's safety (80 FR 3719). This study analyzed whether police accident reports provide sufficient, consistent, and reliable information to support crash-weighting determinations; whether a crash weighting determination process would offer an even stronger predictor of crash risk than overall crash involvement and how crash weighting would be implemented in the Agency's SMS; and how FMCSA might manage a process for making crash-weighting determinations, including the acceptance of public input.

Among the public comments to FMCSA's January 23, 2015, **Federal Register** notice, the American Trucking Associations (ATA) provided a list of certain types of not preventable crashes and suggested that FMCSA establish a process by which documents demonstrating that the crash was not preventable could be submitted to justify removing these crashes from the motor carriers' records.

Based on ATA's recommendations and other feedback received in response to the January 2015 **Federal Register** notice, on July 12, 2016, FMCSA proposed, in a **Federal Register** notice, a demonstration program to determine the efficacy of preventability determinations on certain types of crashes that are generally less complex. (81 FR 45210) The Agency proposed to accept RDRs to evaluate the preventability of certain categories of crashes through its national data correction system known as DataQs. It proposed that a crash challenged through an RDR would be found not preventable when documentation submitted with the RDR established that the crash was not preventable.

Demonstration Program Details

Types of Crashes

The Agency's July 2016 **Federal Register** notice advised that a crash would be considered not preventable if the documentation submitted by the motor carrier or driver established that the CMV was struck by a motorist who was convicted of one of the four following offenses or a related offense:

1. Driving under the influence;
2. Driving the wrong direction;
3. Striking the CMV in the rear; or
4. Striking the CMV while it was legally stopped.

While there were comments opposing the demonstration program, there were no comments opposing the categorization of the four proposed crash scenarios as not preventable; so these categories will be retained in the demonstration program as crashes that may be challenged by the motor carrier through an RDR.

Additionally, FMCSA advised in the July 2016 **Federal Register** notice that RDRs could also be submitted:

1. When an individual committed suicide by stepping or driving in front of the CMV;
2. When the CMV was incapacitated by an animal in the roadway; or
3. When the crash was the result of an infrastructure failure.

Comments to the **Federal Register** notice largely supported identifying these additional proposed crash scenarios as not preventable. Numerous commenters suggested expanding the list of crashes to include vehicles running stop signs and red lights, crashes involving two or fewer vehicles, or any crash where the other driver was cited. Many commenters provided specific examples of crashes their drivers were involved in that they felt were not preventable. For example, Bill Puckett discussed an incident where a driver was operating on the right hand shoulder and crashed into the CMV while the CMV was making a right turn.

The Institute of Makers of Explosives recommended including crashes where vehicles are struck by debris, including trees and falling rocks. The American Bus Association recommended including crashes where vehicles are struck by cargo from another vehicle.

After consideration of these comments, FMCSA modifies the original list of not preventable crash scenarios to include crashes involving an unattended CMV that is legally stopped or parked, and crashes involving road debris or cargo from another vehicle. FMCSA believes that these crash scenarios are similar to the scenarios originally proposed because they generally are not complex. However, other crash scenarios proposed by commenters are more complex and would require more analysis and probably generate less consistent findings.

Therefore, the Agency has decided that the crashes that may be reviewed using the RDR process during the demonstration program include:

1. When the CMV was struck by a motorist driving under the influence (or related offense);
2. When the CMV was struck by a motorist driving the wrong direction;
3. When the CMV was struck in the rear;
4. When the CMV was struck while it was legally stopped or parked, including when the vehicle was unattended;
5. When the CMV struck an individual committing or attempting to commit suicide by stepping or driving in front of the CMV;
6. When the CMV sustained disabling damage after striking an animal in the roadway;
7. When the crash was the result of an infrastructure failure, falling trees, rocks, or other debris; or
8. When the CMV was struck by cargo or equipment from another vehicle.

As proposed in the July 2016 notice, FMCSA will use the preventability standard in 49 CFR part 385, Appendix B: ''If a driver, who exercises normal judgment and foresight could have foreseen the possibility of the accident that in fact occurred, and avoided it by taking steps within his/her control which would not have risked causing another kind of mishap, the accident was preventable.''

Conviction Requirement

FMCSA proposed that evidence of a conviction, as defined in 49 CFR 383.5 and 390.5, be required to document that the crash was not preventable by the motor carrier or driver. However, the vast majority of commenters opposed this requirement, including Richard Metz, Douglas B. Marcello, Vigillo, Knight Transportation, Greyhound, Advocates for Highway and Auto Safety (Advocates), Truck Safety Coalition (TSC) and the National Ready Mixed Concrete Association. Reasons cited included the amount of time that courts take to adjudicate cases, and the fact that, when the other driver dies in the crash, there is no prosecution. In addition, some commenters pointed out that the courts make a determination of ''at fault'' which has a definition different from ''preventable.''

After consideration of this feedback, FMCSA will not require evidence of a conviction before processing crash preventability requests in the demonstration program. The Agency will, however, review conviction information, if provided.

Documents To Be Submitted

In the July 2016 notice, FMCSA proposed that the RDRs should include all available law enforcement reports, insurance reports from all parties involved in the crash, and any other relevant information. Douglas B. Marcello, Vigillo, and the Owner Operators Independent Driver Association (OOIDA) noted that receiving insurance reports from other parties is unlikely and should not be required. In addition, Robert Spikes cited a crash where the insurance company paid because it was more cost effective than going to court. Comments also indicated that the Agency should accept other evidence, including videos.

Therefore, FMCSA will not require someone submitting a crash preventability RDR to include any specific documentation from third parties, such as insurance companies, but it will be incumbent on the submitter to provide sufficient documentation that a crash was not preventable. The Agency will consider all relevant evidence submitted.

The burden is on the submitter to show by compelling evidence that the crash was not preventable. However, in these and all crashes, FMCSA reserves the right to request additional information on the crash, which may include any documentation the carrier is required to maintain under the Agency's regulations. Failure to submit documents requested by the Agency may cause the RDR to be closed without a preventability determination.

On August 1, the Agency's DataQs system will accept videos 5 MB or smaller in specific video container formats, including MP4, MPG, MKV, AVI, MPEG, and WMV file types. These file types will be accepted in this demonstration program.

Re-Opening RDRs

If, during the demonstration program, a submitter receives a determination that the crash was preventable or undecided, or the RDR is closed for failure to submit additional requested documents, the RDR may be re-opened once and the request reconsidered by FMCSA if additional documentation is submitted.

Out of Service Violations

The Agency proposed that a crash would be found preventable if documentation showed that the CMV driver was in violation of an out of service (OOS) regulation at the time of the crash, *e.g.,* the driver had exceeded his/her hours of service limits. In addition, FMCSA advised that the crash would be considered preventable if the post-crash inspection revealed that an OOS violation existed prior to the crash.

United Vision Logistics asserted that an OOS violation should not be determinative unless it was a contributing factor to the crash. Transportation Safety Services also indicated that crashes should not be considered preventable due to OOS violations.

While some commenters did not want other violations to impact the crash preventability decision, the Agency is retaining this requirement in the demonstration program consistent with the Agency's current preventability review procedures. Operations in violation of an OOS regulation demonstrate a disregard for safety and compliance. These crashes were preventable because the vehicle and/or driver should not have been operating. Therefore, if a vehicle and/or driver was operating with any OOS condition under the North American Standard OOS Criteria at the time of the crash, the RDR will result in a preventable determination, because the vehicle and/or driver should not have been on the roadway because of an OOS condition. Additionally, if the motor carrier was in violation of an operations OOS order, the crash will be determined to have been preventable.

Display of Crashes in FMCSA Systems

In the July 2016 **Federal Register** notice, the Agency proposed that it would remove crashes determined to be ''Not Preventable'' from the motor carrier's public SMS display. The Agency noted that Section 5223 of the Fixing America's Surface Transportation Act, Public Law 114–94, prohibits the Agency from making available to the general public information regarding crashes in which a determination is made that the motor carrier or the CMV driver is not at fault.

In response to the Agency's proposal to remove not preventable crashes from the public SMS display, commenters correctly stated that the Agency was

improperly equating a finding of ''not preventable'' with a finding of ''not at fault.'' Advocates stated that determinations of fault are ''the province of the legal system'' and noted that independent investigations of a crash may reach different fault conclusions. Advocates advised that using ''only a limited amount of information about the incident, and without all of the benefits provided to a jury during a civil trial, including going to the scene, is grossly misguided.'' The TSC added that the State court systems are responsible for making determinations of fault. ATA advised that, ''The goal of this process should not be to definitely declare fault, but to identify the predictive value of crashes in the same way the agency does with violations.''

Fault is generally determined in the course of civil or criminal proceedings and results in the assignment of legal liability for the consequences of a crash. By contrast, a preventability determination seeks to identify the root causes for a crash and is used to prevent the same type of crash from re-occurring. A preventability determination is not a proceeding to assign legal liability for a crash. Because preventability determinations are distinct from findings of fault, Section 5223 does not prohibit the public display of not preventable crashes.

The demonstration program is intended to analyze preventability. The Agency believes that the public display of all crashes, regardless of the preventability determination, provides the most complete information regarding a motor carrier's safety performance record. The Agency is committed to the open and transparent reporting of safety performance data. Therefore, during the demonstration program, not preventable crashes will continue to be listed on the public SMS site. However, the review of the crash, and the subsequent determination, will be clearly noted as described below. In addition, during the demonstration program, the motor carrier's Crash Indicator BASIC percentiles for motor carriers logged into the SMS, FMCSA, and law enforcement users will show percentiles with and without the crashes determined to be not preventable.

During the demonstration program, changes in SMS will not be reflected in the Agency's mobile applications such as the SaferBus and Query Central (QC Mobile) apps or the Pre-employment Screening Program.

Weighting of Not Preventable Crashes

FMCSA considered weighting crashes determined to be preventable with a higher weight in the SMS to see the impacts to the Agency's crash correlation models. YRC Worldwide, Inc. and OOIDA expressed concerns about weighting crashes determined to be preventable. It was noted that this might discourage participation in the demonstration program. As a result, FMCSA will not use a higher severity weighting for any crashes determined to be preventable for any SMS calculations during the demonstration program. However, the Agency's analysis of the demonstration program will review these crashes and include severity weight options to determine impacts on crash correlation.

Preventability Decisions

The Agency did not receive comments requesting changes to the three proposed preventability decisions. The three preventability decisions will remain ''Not Preventable,'' ''Preventable,'' and ''Undecided.'' FMCSA clarifies below how these decisions will be displayed:

1. *Not Preventable*—The public display of SMS will include a notation that reads, ''FMCSA reviewed this crash and determined that it was not preventable.'' For logged-in users (motor carriers viewing their own data, FMCSA, and law enforcement users), two Crash Indicator BASIC percentiles will be calculated—one with and one without the not preventable crash(es).

2. *Preventable*—The public display of SMS will include a notation that reads, ''FMCSA reviewed this crash and determined that it was preventable.''

3. *Undecided*—In these cases, the documentation submitted did not allow for a conclusive decision by reviewers. When crash reviews are undecided, SMS will include a notation that reads, ''FMCSA reviewed this crash and could not make a preventability determination based on the evidence provided.''

In addition, if a submitter fails to provide documents requested by FMCSA, the RDR will be designated in DataQs as ''Closed Due to Non-Response'' without any notation in the public display of SMS.

Input From the Public

The July 2016 **Federal Register** notice proposed to allow public input on any crashes with a proposed not preventable determination. United Vision Logistics and the National Motor Freight Traffic Association do not believe that an opportunity for public input should be available in the program. The American Association for Justice advised that the public must have access to the data used to make a determination.

The opportunity to collect information from other parties is critical to determining the impacts and costs of this program. Therefore, during the demonstration program, if a crash is reviewed and results in a preliminary finding that it was not preventable, the crash report number, U.S. DOT number, motor carrier name, crash event date, crash event State and crash type will be listed on the Agency's DataQs Web site.

Any member of the public with documentation or data to refute the proposed finding will have 30 days to submit the documentation through the DataQs system at *https://dataqs.fmcsa.dot.gov.* Information on how to submit additional documentation is available at *https://www.fmcsa.dot.gov/safety/crash-preventability-program.*

Any new documents or data will be reviewed and considered before FMCSA makes a final determination. Final determinations will be reflected on SMS within 60 days of the final decision.

DataQs

Motor carriers and drivers will submit crash preventability RDRs through the Agency's DataQs system. DataQs has been modified to provide this functionality. The DataQs system is available at: *https://dataqs.fmcsa.dot.gov.*

Information on how to submit a crash preventability RDR is available on the Agency's Web site at *https://www.fmcsa.dot.gov/safety/crash-preventability-program.*

It should be noted that crash preventability RDRs for crashes that predate this program or that do not correspond to the crash scenarios listed above will not be processed. However, motor carriers and drivers should continue to submit RDRs through DataQs when crashes are assigned to the wrong carrier or the crash did not meet the definition of a recordable crash, using processes currently in place.

Reviewers

FMCSA will use contract resources to complete two stages of review within the DataQs system. In stage 1, the reviewer will collect all documents related to the crash from the submitter and FMCSA systems.

In stage 2, an experienced crash report reviewer will evaluate all of the documents from the submitter and FMCSA systems, including the MCMIS crash information. It should be noted that if an RDR is submitted before the MCMIS crash report is received, the

evaluation will be put on hold and the submitter will be advised.

The stage 2 reviewer will confirm that the crash meets one of the crash types noted above. Based on the evidence reviewed, the stage 2 reviewer will make a recommendation to FMCSA as to whether compelling evidence demonstrates that the crash was not preventable. The FMCSA reviewer will review the evidence considered by the stage 1 reviewer and the stage 2 recommendation. If FMCSA agrees with the recommendation of not preventable, the crash will be posted for public input as noted above. If the recommendation is for a determination that the crash was preventable or that the information submitted was insufficient to support a determination, and the FMCSA reviewer agrees, the determination of ''Preventable'' or ''Undecided'' would be noted in the public SMS display as described in the ''Preventability Decisions'' section above added to the corresponding crash in SMS. Changes would be reflected on SMS within 60 days.

Quality Controls

At the onset of the program, all RDRs will be checked by a second reviewer during stage 2. If FMCSA's determination differs from the stage 2 recommendation, an additional final reviewer will be utilized and make a recommendation to FMCSA.

Throughout the program, FMCSA will evaluate the quality control process. For continued consistency of crash preventability determinations, a percentage of RDRs will be reviewed before a recommendation is made to FMCSA.

Fraudulent Requests

In accordance with the Agency's existing DataQs program, any intentionally false or misleading statement, representation, or document that is provided in support of an RDR may result in prosecution for a violation of Federal law (18 U.S.C. 1001).

Agency Use of Data

Under 49 U.S.C. 504(f), ''No part of a report of an accident occurring in operations of a motor carrier, motor carrier of migrant workers, or motor private carrier and required by the Secretary, and no part of a report of an investigation of the accident made by the Secretary, may be admitted into evidence or used in a civil action for damages related to a matter mentioned in the report or investigation.'' The crash preventability determinations made under this program are intended only for FMCSA's use in determining whether the program may improve the Agency's prioritization tools. These determinations are made on the basis of information available to FMCSA at the time of the determination and are not appropriate for use by private parties in civil litigation. These determinations do not establish fault or negligence by any party and are made by persons with no personal knowledge of the crash.

In addition, the crash preventability determinations made under this program will not affect any carrier's safety rating or ability to operate. FMCSA will not issue penalties or sanctions on the basis of these determinations, nor do they establish any obligations or impose legal requirements on any motor carrier. These determinations also will not change how the Agency will make enforcement decisions.

Information submitted about a crash as part of this demonstration program may be shared with the appropriate FMCSA Division Office for further investigation. Likewise, if an investigation reveals additional information about a crash for which the demonstration program made a preventability determination, this information may be shared within the Agency and the crash subjected to further review.

Throughout this demonstration period, FMCSA will maintain data so that at the conclusion of the test, the Agency can conduct certain analyses. It is expected that the Agency's analyses would include, but not be limited to, the cost of operating the test and its extrapolation to a larger program; future crash rates of carriers that submitted RDRs, future crash rates of motor carriers with not preventable crashes, and impacts to SMS crash rates and improvements to prioritization. The analysis will be used to examine ATA's assertion that crashes of these types are not preventable and that removing these crashes from the motor carriers' records would result in a better correlation to future crash risk, and inform future policy decisions on this issue.

Demonstration Period

FMCSA will accept RDRs for crashes occurring on or after June 1, 2017. FMCSA will begin accepting RDRs through DataQs for this demonstration program on August 1, 2017. This will provide the Agency with time to conduct outreach to the industry and for motor carriers or drivers to collect needed documents for submission.

This demonstration program is expected to last a minimum of 24 months.

Other Issues

Prioritization

For the purpose of prioritizing motor carriers for safety interventions, FMCSA will continue to use all crashes during the demonstration program.

Safety Fitness Determination Rulemaking

A few commenters asked how this program would impact the Agency's Safety Fitness Determination (SFD) notice of proposed rulemaking (NPRM) published on January 21, 2016. Preventability determinations made as part of this demonstration program will not be used for the purpose of safety ratings under the Agency's existing safety fitness determination process. The Agency will continue to make preventability determinations under its current procedures in 49 CFR part 385, Appendix B, when a crash adversely affects a carrier's safety rating. If a carrier disagrees with the calculation of the crash factor during a compliance review the carrier must request removal under the procedures identified in the compliance review report it receives or under the procedures identified in 49 CFR 385.15. The determinations made through this demonstration program will only be used to determine the impacts of preventability determinations on the effectiveness of the SMS in identifying the highest-risk carriers for interventions. Crash determinations made in this demonstration program will not be considered as part of any Agency action or proceeding that may impact a carrier's safety rating, including safety rating upgrade requests.

In addition, FMCSA published a notice withdrawing the SFD NPRM on March 23, 2017.

Opposition

While most comments to the July 2016 **Federal Register** notice supported the program, there were four commenters that expressed opposition on the program in its entirety. The TSC advised that it ''firmly opposes'' the program. TSC and Road Safe America believe that FMCSA should not expend time or money pursuing this program, and that instead the Agency should focus on regulations that will reduce crashes. TSC, Road Safe America, and the American Association for Justice want all crashes to be in SMS. The Coalition of Seven added that the ''test study as proposed. . .is of marginal utility and would not materially improve the accuracy of the crash data.''

The purpose of this demonstration program, however, is to gather data that

the Agency will use to examine the feasibility, costs, and benefits of making crash preventability determinations. The data gathered through the demonstration program will allow the Agency to better evaluate the utility of making crash preventability determinations. As a result, FMCSA is moving forward to implement this demonstration program.

Issued under the authority delegated in 49 CFR 1.87 on: July 19, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017–15833 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0018]

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 exempt ten individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted June 27, 2017. The exemptions expire on June 27, 2019.

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 W64–113, Washington, DC 20590–0001. Office hours are 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On May 26, 2017, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (82 FR 24430). That notice listed ten applicants' case histories. The ten individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a two year period 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. Accordingly, FMCSA has evaluated the ten applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle 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 (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The ten exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, complete loss of vision, congenital cataract, corneal transplant, macular scar, optic neuropathy, and prosthetic eye. In most cases, their eye conditions were not recently developed. Five of the applicants were either born with their vision impairments or have had them since childhood.

The five individuals that sustained their vision conditions as adults have had it for a range of 10 to 47 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these ten drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging for 5 to 35 years. In the past three years, no drivers were involved in crashes and no drivers were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the May 26, 2017, notice (82 FR 24430).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to

be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

Applying principles from these studies to the past three year record of the ten applicants, no drivers were involved in crashes and no drivers were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least three years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the two year period allowed by 49 U.S.C. 31136(e) and 31315 to the ten applicants listed in the notice of May 26, 2017 (82 FR 24430).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the ten individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time oaf the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received one comment in this proceeding. Simon Batter stated the he has worked with Blaine Dickman for 19 years and has never seen or heard of any issues related to his monocular vision.

IV. Conclusion

Based upon its evaluation of the ten exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10):

Blaine R. Dickman (NV)
Sean J. Dornin (PA)
Wade J. Jandreau (ME)
Eric C. Johnson (WI)
Thomas M. Leonard (PA)
James Q. Meeks, Jr. (GA)
Al V. Nowviock (IL)
Hubert O. Pollard (ND)
Daniel L. Troop (MI)
Jeffrey Waterbury (NY)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked 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 and 31315.

If the exemption is still effective at the end of the two year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–15839 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2016–0058]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this provides the public notice that on June 30, 2017, Watco Companies LLC (Watco) petitioned the Federal Railroad Administration (FRA) seeking reconsideration of a decision regarding the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2016–0058.

Applicant: Watco Companies LLC, Anthony Cox, VP of Engineering, 315 E. 3rd St., Pittsburg, KS 66762.

Watco is the owner-operator of the Grand Elk Railroad LLC (GDLK), which operates on track that is currently leased from Norfolk Southern Railway Company (NS). Watco requests reconsideration under 49 CFR 235.13(a) of FRA's denial of its application to discontinue and remove the traffic control system (TCS) from mile post (MP) 33.00 at Park, in Grand Rapids, MI to MP 1.4 at the end of GDLK, in Elkhart, IN. FRA issued its decision letter denying the application on November 29, 2016, and issued a second letter to clarify the basis of its decision on January 10, 2017.

Based on new facts and new evidence, Watco is seeking reconsideration of its application on behalf of GDLK. Watco asserts that FRA's Railroad Safety Board (Board) based its denial on erroneous information. Watco believes the hazardous materials (hazmat) information provided in the field report considered by the Board was out of date or incorrect.

Watco owns and operates 20 railroads on 3570 miles of main line that is track warrant controlled (TWC) and Watco states that of those railroads, 5 safely transport more hazmat than GDLK. GDLK conducts ultrasonic rail and geometry testing twice per year over the entire railroad. GDLK operates to the north of subject trackage from milepost 33 to milepost 102.3 a mix of TWC and yard limits (YL). There are two manual interlockings on the north section of track using TWC as an acceptable method of operation. TWC is the method of operation used by all dispatched Watco railroads, including parts of the GDLK. Watco states that the discontinuance of the TCS section and converting it to TWC maintains the consistency of dispatching and standardization of training for the GDLK, and will provide a higher level of safety through simplified operations by having one method of controlled operation rather than the two it has now. Watco further states that this consistency and standardization of dispatching and training will enhance the safety of GDLK operations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulatons.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 11, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–15789 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0059]

Petition for Waiver of Compliance

Under part 211 of Title 49 of the Code of Federal Regulations (CFR), this provides the public notice that on June 27, 2017 the San Bernardino Railroad Historical Society Inc. (SBRHS) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 230, *Steam Locomotive Inspection and Maintenance Standards.* FRA assigned the petition docket number FRA–2017–0059.

SBRHS maintains and operates No. 3751, a 4–8–4 ''Northern'' type steam locomotive built by the Baldwin Locomotive Works in 1927 for the Atchison, Topeka & Santa Fe Railroad. SBRHS requests relief from performing the 1472 service day inspection (SDI), for No. 3751, as it pertains to the inspection of the boiler every 15 calendar years or 1472 service days under 49 CFR 230.17—*One thousand four hundred seventy-two (1472) service day inspection.* SBRHS is requesting an additional 139 calendar days before performing a 1472 SDI. The previous SDI was performed on August 14, 2002. Granting relief will allow No. 3751 an

SDI period of 15 calendar years and 139 calendar days while not exceeding 1472 service days.

SBRHS sporadically operates No. 3751 for display in the Los Angeles area as well as excursions to San Diego and San Bernardino, CA and Williams, AZ. SBRHS's justification for requesting relief is that No. 3751 has only operated for a total of 141 service days within the 15-calendar year period. SBRHS anticipates approximately 10 additional service days for the locomotive during the requested time extension.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 11, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–15790 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0061]

Petition for Waiver of Compliance

Under Part 211 of Title 49 of the Code of Federal Regulations (CFR), this provides the public notice that on June 28, 2017 the National Railroad Passenger Corporation (Amtrak) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations in 49 CFR part 214. FRA assigned the petition docket number FRA–2017–0061.

Amtrak is requesting relief from the definition of ''fouling a track'' found at 49 CFR 214.7 at certain locations within Amtrak's New York Penn Station. The waiver is sought for the express purpose of increasing the number of areas considered a ''place of safety'' under 214.329 to improve the safety and efficiency of roadway maintenance procedures at that location. Safety will be improved by reducing the distance roadway workers must move and lessening the number of live tracks they may have to cross to reach a place of safety upon receiving warning of an approaching train. Efficiency of roadway maintenance procedures will be improved by increasing the number of clearing locations, thereby reducing time spent moving to and from places of safety.

The area under consideration in New York Penn Station lies between the Hudson River and Empire Connection tunnels to the west and the East River tunnels to the east when certain conditions, identified below, are met. If approved, when train approach warning is used as the method of protection, roadway workers may move to a previously arranged place of safety designated as a ''clearance area'' that may be slightly less than four feet from the near running rail but, due to track and station structure configurations, provide a safe haven from the risk of being struck by moving trains or on-track equipment.

Amtrak's waiver request states that it faces operational problems complying with new provisions in 49 CFR 214.329(a), effective April 1, 2017, while operating an average of approximately 1,100 weekday, and 700 weekend departures and arrivals. Penn Station has 21 tracks fed by seven tunnels (the two Hudson River Tunnels, the four East River Tunnels, and the single Empire Connection tunnel). It is at the center of the Northeast Corridor as well as the main intercity railroad station in New York City. Intercity trains are operated by Amtrak, which owns the station, while commuter rail services are operated by the Long Island Rail Road and New Jersey Transit. In its waiver request, Amtrak also states that, prior to the new rule, Amtrak roadway workers using train approach warning as a method of protection in Penn Station would clear to another track as their place of safety when the Watchman/Lookout provided a warning of an impending movement on the track which they occupied or fouled. In addition, Amtrak's waiver request states that the revised rule now prohibits making the place of safety another track unless working limits are established on that track and movement authority is withheld or not authorized by the roadway worker-in-charge. Finally, the waiver request states that the additional constraints and disruption of movement, and subsequent delays to trains and passengers required to establish working limits, could be significantly offset if Amtrak could utilize existing places of refuge that do not meet the requirements of the regulation.

Amtrak explains in its request that New York Penn Station was built between 1901 and 1910, and is entirely underground. As such, Amtrak asserts the architecture and track configurations within the station area provide several locations where it is physically impossible to be struck by moving equipment despite being within four feet of the near rail. Amtrak believes these areas provide the same level of safety as a tunnel niche without the restrictions of a confined space. Amtrak explains that except for the use of tunnel niches and clearing bays provided for in 49 CFR 214.317(d), the 214.7 definition of ''fouling a track'' prevents the use of other infrastructure

configurations that may create a similar safe haven outside the clearance area but less than four feet from the near running rail. While the regulation only focuses on tunnel niches, Amtrak believes there are niches outside of tunnels that provide the same level of safety, and railroads have a long history of safely utilizing such areas. Amtrak's request for relief is intended to provide for the opportunity to use additional locations of safety within the New York Penn Station, which, are locations of safety due to the physical configuration of the track and station structures.

Should FRA grant the waiver request, Amtrak will designate specific areas that are slightly less than four feet from the near running rail but nonetheless provide a place of safety as a ''clearance area'' and Amtrak will comply with the following conditions prior to designating any space as a clearance area:

1. Ensure there is adequate sight distance at that location to permit a roadway worker or lone worker to occupy that place of safety at least 15 seconds prior to the arrival of a train or other on-track equipment;
2. Identify clearance areas with clearly visible signage;
3. Direct a roadway-worker-in-charge to visually inspect each applicable clearance area to ensure it is suitable for use as a place of safety;
4. Ensure the use of such clearance areas is discussed in the job briefing prior to any roadway worker fouling the track;
5. Ensure it has and procedures that state the roadway-worker-in-charge or lone worker has the absolute right to designate an alternate place of safety as a location other than, or to establish working limits.
6. Ensure it has and procedures that state any roadway worker has the right to a good faith challenge of the use of a clearance area if there is a reasonable belief the area does not provide an adequate level of protection;
7. Ensure it has and procedures that state all affected roadway workers will receive instruction prior to the use of clearance areas.
8. Amtrak will publish and distribute the above procedures in Amtrak's Roadway Worker Bulletins, and address them in a training blitz or job safety briefing, and document them in Amtrak's Total Efficiency and Safety Tests System (T.E.S.T.S) using Test 198. In addition, Amtrak will immediately add the procedures to the annual training curriculum at the affected locations.

Amtrak believes the requested relief is completely safe and will greatly improve the efficiency of roadway maintenance in one of the busiest stations in North America.

A copy of the petition, as well as any other written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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- *Fax:* 202–493–2251.
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- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 28, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–15791 Filed 7–26–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated National and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for date(s).

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On June 29, 2017, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked pursuant to the relevant sanctions authorities listed below.

Individuals

1. LI, Hong Ri (Chinese Simplified: 李红日) (a.k.a. LI, Hongri; a.k.a. RI, Hong-il), China; DOB 05 Jul 1964; nationality China; Gender Male (individual) [DPRK3] (Linked To: RI, Song-hyok).

Designated pursuant to section 2(a)(vii) and section 2(a)(viii) of Executive Order 13722, ''Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea,'' for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, RI SONG HYOK, a person whose property and interests in property are blocked, pursuant to E.O. 13722; and for having acted or purported to act for or on behalf of, directly or indirectly, RI SONG HYOK, a person whose property and interests in property are blocked, pursuant to E.O. 13722.

2. SUN, Wei, 224–4 Shifu Da Lu, RM 1305, Heping District, Sheyang City, Liaoning Province, China; 200–69 Yinhe East Road, 115 Tianshifu County, Benxi Manchurian Autonomous Region, Liaoning Province, China; DOB 01 Jul 1982; Gender Male; National ID No. 210521198207010412 (China) expires 13 Aug 2029 (individual) [NPWMD] (Linked To: FOREIGN TRADE BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA).

Designated pursuant to section 1(a)(iv) of Executive Order 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'' (''E.O. 13382''), for acting or purporting to act for or on behalf of, directly or indirectly, FOREIGN TRADE BANK, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Entity

1. DALIAN GLOBAL UNITY SHIPPING CO., LTD. (Chinese Simplified: 大连宁联船务有限公司) (a.k.a. DALIAN GLOBAL UNITY SHIPPING AGENCY), Dalian, China; Pyongyang, Korea, North; Chongjin, Korea, North; Najin, Korea, North; Hungnam, Korea, North [DPRK3].

Designated pursuant to section 2(a)(i) of E.O. 13722, for operating in the transportation industry in the North Korean economy, an industry in the North Korea economy determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be subject to section 2(a)(i) of E.O. 13722.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2017–15797 Filed 7–26–17; 8:45 am]

BILLING CODE 4810–AL–P

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