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SMALL BUSINESS ADMINISTRATION

13 CFR Parts 109, 115, and 120

RIN 3245–AF85

Miscellaneous Amendments to Business Loan Programs and Surety Bond Guarantee Program

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule amends SBA regulations to update, streamline and clarify rules for the Business Loan Programs (as defined below) and the Surety Bond Guarantee Program (''SBG''). For purposes of this rule, the 7(a) Loan Program, the Microloan Program, the Intermediary Lending Pilot (ILP) Program, and the Development Company Loan Program (''504 Loan Program'') are collectively referred to as the ''Business Loan Programs.''

DATES: This rule is effective September 20, 2017, except for the amendment to § 120.1400(a), which is effective October 20, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter, Acting Chief, 7(a) Program and Policy Branch, Office of Financial Assistance, Office of Capital Access, Small Business Administration, 409 Third Street SW., Washington, DC 20416; telephone: (202) 205–7654; *email: robert.carpenter@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The SBA programs that are affected by this final rule are: (1) The 7(a) Loan Program; (2) the Microloan Program; (3) the Intermediary Lending Pilot (ILP) Program; (4) the 504 Loan Program, and (5) the Surety Bond Guarantee (''SBG'') Program.

SBA published in the **Federal Register** (81 FR 52595, August 9, 2016) a proposed rule containing proposed regulatory revisions for the 7(a) Loan Program, the Microloan Program, the 504 Loan Program, and the SBG Program. The ILP Program was inadvertently omitted from the proposed rule; therefore, changes to the ILP Program were added to this final rule to maintain consistency across SBA loan programs. The comment period ended October 11, 2016.

II. Summary of Comments

The Agency reviewed the public comments it received concerning its proposed rule changes for 13 CFR parts 115 and 120. The comment review of specific final rule changes for the 7(a) Loan Program, the Microloan Program, the 504 Loan Program, and the SBG Program is summarized as follows:

SBA received 57 comment submissions, of which two were duplicates from the same commenter. The 55 net comments were reviewed by the Agency.

The comments submitted consisted of 20 from Certified Development Companies (CDCs), 15 from banks and non-bank lenders, 12 from trade associations, three from lender service providers, two from law firms, and three from private citizens. SBA received comments from 51 commenters pertaining only to changes to the 7(a) Loan Program, the Microloan Program, and the 504 Loan Program (13 CFR part 120), and comments from three commenters pertaining only to changes in the SBG Program (13 CFR part 115).

The majority of the commenters supported the proposed changes, with some commenters recommending minor modifications. SBA addresses the comments in detail within the appropriate Section-by-Section analysis below.

III. Section-by-Section Analysis of Comments and Changes

A. Intermediary Lending Pilot Program

Section 109.400 Eligible Small Business Concerns. Revisions to the ILP Program regulations were added to this final rule to conform the program to changes being made to the other Business Loan Programs. Although no new ILP intermediaries are authorized, there are currently intermediaries with outstanding revolving funds for eligible small businesses. Therefore, the ILP Program is affected by the rule changes. SBA is removing § 109.400(b)(12) to align with the removal of § 120.110(l), which stated that consumer and marketing cooperatives were not eligible to participate in the Business Loan Programs. While SBA did not originally propose any changes to this section, the removal is appropriate to align requirements consistently across SBA programs.

Section 109.510 On-site and off-site reviews. To align this section with the removal of the terms ''on-site'' and ''off-site'' from 13 CFR part 120, SBA is removing these terms from 13 CFR part 109.

B. Surety Bond Guarantee Program

Section 115.19 Denial of liability. In §§ 115.19(c)(1), (d)(2) and (e)(2), SBA proposed modifying the threshold amount for determining when an increase in the Contract or bond amounts may result in a denial of liability from ''25% or $100,000, whichever is less'' to simply ''25%.'' One commenter noted that, under paragraph (c)(1), grounds for denial include when the Surety has committed a material breach of the terms or conditions of the Prior Approval or Preferred Surety Bond (PSB) Agreements, and a material breach is considered to have occurred if ''[s]uch breach . . . causes an increase in the Contract amount or in the bond amount of at least 25% or $100,000, whichever is less.'' Similarly, under paragraph (d), grounds for denial include when the Surety has committed a substantial violation of SBA regulations, and such violation occurs when a violation ''causes an increase in the bond amount of at least 25% or 100,000, whichever is less in the aggregate . . .'' The commenter stated that they could not contemplate a scenario where a breach or violation actually causes the contract or bond amounts to increase. However, the intent of the regulation is to make this connection between the breach or violation and an increase in the contract or bond amount, and it is appropriate as written. The commenter also suggested that the rule be clarified to state that the base amount to which the 25% is being applied is the ''original contract amount.'' SBA agrees with this suggestion and is revising the rule accordingly.

In addition, for the reasons discussed in section 115.32 below, SBA is revising the rule to retain a dollar threshold, but to increase it from $100,000 to $500,000.

Section 115.22 Quarterly Contract Completion Report. As proposed, this

new section would require participating Sureties to submit Contract Completion Reports within 45 days of the end of each quarter, identifying completed contracts, contract amount changes, and any related fees due. Two commenters expressed concern this may be an administrative burden limiting Sureties' program participation. The third commenter recommended that this provision not be incorporated due to the increased administrative burden of reporting this information to SBA within 45 days.

SBA considered these comments, but has decided not to accept the recommendation. As SBA stated in the preamble to the proposed rule (81 FR 52597), SBA currently does not receive a final accounting of fees due and paid by the Surety and Principal on contracts that are successfully completed and, consequently, SBA is unable to ensure that fees due the Government as a result of an increase in the contract amount are paid in a timely manner on contracts that do not default. This report will assist SBA in ensuring that fees due for increases on successfully completed contracts are accurately calculated and paid timely. SBA is amending this section as proposed.

Section 115.30 Submission of Surety's guarantee application. SBA proposed to amend paragraph (d)(2)(i) of this section to increase the Quick Bond eligible contract limit from $250,000 to $400,000. Two commenters support this change to provide greater bonding opportunities for small contractors. SBA is amending this section as proposed.

Section 115.32 Fees and Premiums. In the proposed rule, SBA proposed to revise § 115.32(d)(1) to modify the threshold amount for determining when an increase in the Contract or bond amounts would require a Prior Approval Surety to notify SBA, or obtain SBA's prior written approval, from ''25% or $100,000, whichever is less'' to ''25%.'' SBA explained that it was proposing the change to better align SBA requirements with the prevailing practice in the surety industry—which now allows increases to the Contract and bond amounts without prior notification to the Surety—while managing the increased bond liability to the Government.

Three commenters generally expressed support for this provision and indicated that, with the increase in the maximum contract amount from $2 million to $6.5 million (and to $10 million for certain Federal contracts), the $100,000 threshold was too low and unduly burdensome. However, two of the commenters also expressed concern that smaller contracts would be negatively impacted by a threshold based only on percentage. These comments have caused SBA to reconsider the effects of totally removing the dollar threshold. For example, with no dollar threshold, a $5 million contract could be increased by $1 million without the Prior Approval Surety notifying SBA or requesting, when required, SBA's prior approval. To minimize the risks to the Agency that would be posed by such a large increase, the Surety should be required to notify SBA or, when required, seek SBA's prior approval. Thus, upon reconsidering this issue, SBA has decided to retain a dollar threshold, but in the interests of striking a balance between the risks to the Agency and minimizing any burden on Sureties, the rule is being revised to increase the dollar threshold from $100,000 to $500,000.

In addition, as discussed above for § 115.19, SBA is accepting and incorporating the recommendation to add clarifying language in the final rule to read ''25% of the original contract amount''.

Section 115.60 Selection and admission of PSB Sureties. SBA proposed that a Surety, for the initial nine months following admission to the PSB Program, must obtain SBA's prior written approval before executing a bond greater than $2 million. One commenter requested that SBA clarify that this change does not apply to Sureties that participate in the PSB Program prior to the effective date of this final rule. SBA confirms that this change applies only to Sureties that are admitted to the PSB Program after the effective date of the final rule.

Another commenter suggested that this requirement may discourage applications from Sureties for acceptance into the PSB Program. With PSB Sureties executing SBA-guaranteed bonds without SBA's prior approval, SBA believes that it is in the taxpayers' and the Agency's best interests to require newer Sureties to demonstrate an understanding of the program before being allowed to issue bonds larger than $2 million without SBA's oversight. SBA is amending this section as proposed.

Section 115.67 Changes in Contract or bond amount. In the proposed rule, SBA proposed to change the threshold for when a PSB Surety must remit additional fees due as a result of increases to the Contract or bond amount from ''25% of the contract or bond amount or $100,000, whichever is less'' to ''25%.'' As discussed above, two commenters supported this change but expressed concern that this could negatively impact smaller contracts. For the reasons discussed above for section 115.32, and because the same thresholds should apply to when PSB Sureties are required to remit the additional fees owed, the rule is being revised to retain and increase the dollar threshold from $100,000 to $500,000. The rule is also being revised to add clarifying language that the increases will be based on the original contract amount.

Section 115.68 Guarantee percentage. In the proposed rule, SBA proposed to revise this section to provide that SBA will reimburse a PSB Surety in the same percentages and under the same terms as set forth in § 115.31, as authorized by § 874 of Title VIII of Division A of the National Defense Authorization Act, 2016, Public Law 114–92, 129 Stat. 726. All commenters supported this revision and this provision is adopted as proposed.

C. 7(a) Loan, 504 Loan, and Microloan Programs

Section 120.110 What businesses are ineligible for SBA business loans?

As proposed, SBA is removing consumer and marketing cooperatives from the ineligible types of businesses identified in this section and is reserving paragraph (l). SBA received support for the proposed change from 22 commenters. With respect to the comments received, 18 commenters requested the removal of the requirement that at least one individual or entity provide an unlimited guaranty for a loan made to a consumer or marketing cooperative, and instead permit the use of a loan guarantee pool funded by cooperative enterprises. Commenters suggested that the ownership for many cooperatives consists of multiple members, and that obtaining personal guaranties from multiple members can be overly burdensome and should not apply to cooperatives. Currently, SBA allows for an entity to provide the required loan guaranty in lieu of a personal guaranty from an individual. SBA is not removing the guaranty requirements for cooperatives at this time due to the inequity it would create for all other classes of loan applicants where the unlimited guaranty of an individual or entity is required. The rules governing guaranties will continue to apply to cooperatives. SBA is amending this section as proposed.

Section 120.111 What conditions must an Eligible Passive Company satisfy?

SBA is amending this regulation as proposed with some modifications as discussed below. The amended regulation will permit SBA loan

proceeds to be used to finance a change of ownership between existing owners of the Eligible Passive Company (EPC). SBA does not intend for this regulation to be used to finance a change of ownership in an EPC that has only been in existence for a limited period of time. This regulatory change is intended to assist with the preservation of a business that might otherwise cease operations due to the departure of an owner, as opposed to simply facilitating the withdrawal of capital out of the business. SBA will include in Standard Operating Procedure (SOP) 50 10 further guidance on when an EPC may use loan proceeds to finance a change of ownership between existing owners.

In the 504 Loan Program, the amended regulation will permit loan proceeds to be used to finance a change of ownership in the EPC when the asset(s) of the EPC are limited to real estate and/or other eligible long-term fixed assets that the EPC leases to one or more Operating Companies (''OC'') for conducting the OC's business. SBA recognizes that an EPC's balance sheet may include limited assets in addition to the real estate or other eligible long-term fixed assets, such as capital replacement reserves or escrow accounts for taxes and/or insurance (such assets are referred to in this discussion as ''ineligible assets''). In such case, 504 loan proceeds may be used to finance a change of ownership between existing owners of the EPC as long as (1) the ineligible assets are directly related to the real estate or other eligible long-term fixed assets, (2) the amount attributable to such ineligible assets is de minimis, and (3) the ineligible assets are excluded from the Project financing. Further guidance for the 504 Loan Program will be incorporated into SOP 50 10.

SBA received 15 comments in support of this change with no objection. Nine additional commenters supported this change with minor modification and suggested language revisions to the introductory paragraph to clarify what purpose loan proceeds may be used for when an OC is a co-borrower with the EPC. One commenter suggested changing the term ''Lender'' to ''SBA Lender'' as it is a defined term that includes both a 7(a) Lender and CDC in this section. The term ''lender'' as used in paragraph (a)(3) of this section includes Third Party Lenders in 504 Loan projects, so it is not appropriate to use ''SBA Lender.'' However, the term ''lender'' as used in paragraph (a)(6) is directed to both a 7(a) Lender and a CDC; therefore, SBA is accepting this recommendation for paragraph (a)(6) of this section, changing the term ''lender'' to read ''SBA Lender.''

Eight commenters also suggested revised language that they believe would clarify the Direct Final Rule that took effect on May 17, 2012 (77 FR 19531, April 2, 2012). That revision provided that in an EPC/OC structure, when the OC is a co-borrower the Agency would allow loan proceeds to be used for working capital (as was already allowed) as well as for ''the purchase of other assets for use by the OC, including the purchase of stock or intangible assets (such as trademarks, copyrights, intellectual property or goodwill).'' An industry trade association, suggested in its comments that when the Direct Final Rule was published in 2012, SBA inadvertently omitted language from the introductory paragraph of § 120.111, and the omission of the language led to incorrect interpretations of the revised regulation. SBA considers this particular comment to be a logical outgrowth of reviewing § 120.111 and within the context of the proposed rule to clarify and correct areas of the regulations that are out of date or inconsistent with the current procedures. While not included in the proposed rule, based on the comments received, SBA is adding language to the introductory paragraph to clarify the eligible uses of loan proceeds when the OC is a co-borrower on the loan to the EPC.

SBA is amending § 120.111(a)(3) to clarify that rent or lease payments made by the OC to the EPC cannot exceed the amount necessary to make the loan payment to the lender, and additional amounts to cover the EPC's direct expenses of holding the property, such as maintenance, insurance and property taxes. SBA received 32 comments concerning this proposed change, 12 in support of and 20 objecting to the proposed change to this paragraph. Commenters recommended the proposed language be amended to specify that the rents charged by the EPC to the OC could include a reserve to cover capital asset replacement such as heating, ventilation, and air conditioning (HVAC). One commenter stated that the proposed regulation refers only to the ''the loan payment to the lender'' and does not take into consideration that in a 504 Loan, the EPC/OC rent includes payments to the CDC, the Third Party Lender and any junior financing such as a borrowed equity loan or other financing outside of the 504 Project. Payments to the Third Party Lender participating in a 504 project are included in the ''loan payment to the lender'' and SBA determined that no additional clarification for this issue is necessary.

Several commenters who objected to the proposed change recommended that SBA adopt Internal Revenue Service (IRS) standards for holding companies and not require additional regulatory requirements. IRS rules generally do not consider or address SBA Loan Program Requirements such as the prohibition of financing for investors or landlords. While SBA permits eligible EPCs to hold certain assets financed for the benefit of the OC, it is not the intent of SBA to permit the EPC to profit from its relationship with the OC.

It is SBA's positon that routine maintenance costs, Project debt payments, and repairs are already included in the permissible direct expenses of holding the property and as such would be permissible under the regulation. Additional guidance on this issue will be placed in SOP 50 10.

SBA also proposed to add language to § 120.111(a)(6) to provide the Agency may, in its discretion and in consultation with the SBA Lender, require the guaranty of individuals or entities with less than 20 percent ownership of the EPC or the OC when circumstances warrant. In 2010, the Small Business Jobs Act of 2010, Public Law 111–240, 124 Stat. 2504 (September 27, 2010) (the ''2010 Jobs Act'') increased the maximum loan size for 7(a) and 504 Loans. SBA now receives more loan requests from applicants with multiple owners who may hold less than 20 percent of the company regardless of managerial responsibilities, corporate titles or ownership interest, if any.

SBA received 24 comments on this proposed change: 18 in full support, five in support with modification, and one objecting to the proposed change. Recommended modifications to this paragraph included revising the language to provide greater detail as to when individuals could be required to guarantee the loan, and to provide authority to both SBA and delegated lenders to determine when there are sufficient reasons to do so. One commenter expressed concern that the proposed change would be ''all encompassing'' and may result in unintended consequences.

It is prudent for SBA to require a lender to obtain a guaranty when one or more individuals or entities have the authority and responsibility to manage operations regardless of their ownership interest in the applicant business. SBA will generally not require individuals or entities with less than 20 percent ownership of the applicant business to guarantee the loan when the lender

obtains a guaranty from those with 20 percent or more ownership interest. SBA considered and accepts the recommendation to include the authority for delegated lenders to obtain full or limited guaranties from appropriate individuals or entities regardless of their ownership interest in the EPC or the OC, and is modifying the rule to state that SBA and, for loans processed under a SBA Lender's delegated authority, the SBA Lender, may determine when credit or other reasons make it necessary to obtain a full or limited guaranty from appropriate individuals or entities. SBA will provide additional guidance on the guaranty requirements in SBA SOP 50 10. In addition, as stated above, SBA is modifying § 120.111(a)(6) to replace the term ''Lender'' with ''SBA Lender.''

Section 120.130 Restrictions on uses of proceeds. SBA proposed moving § 120.160(d) to § 120.130 as new paragraph (e) and redesignating § 120.130 (e) and (f) as paragraphs (f) and (g), respectively. The new paragraph (e) includes the text currently found in § 120.160 Loan Conditions, in paragraph (d), Taxes, which prohibits the use of proceeds for payment of past-due Federal or state payroll taxes. This requirement is a restriction, not a loan condition, and is appropriately moved to § 120.130(e). SBA also proposed revising what will become paragraph (g) to remove an inaccurate reference to § ''120.203'' and replacing it with § ''120.202.'' Section 120.203 cited in this paragraph was removed in 1996. SBA received eight comments, one in support and seven requesting a modification. The majority of commenters asked SBA to consider expanding the prohibited use of proceeds to include other similar taxes, such as sales taxes, that may be required to be collected by the small business in trust on behalf of a Federal, state or local government entity. SBA has considered and is accepting the recommendation to include the references to other local, state and Federal taxes in the final rule.

Section 120.160 Loan conditions. SBA proposed adding the word ''generally'' to the last sentence of § 120.160(a) to clarify that SBA may require a personal guaranty of an individual or entity with less than five percent ownership in the applicant business when the circumstances warrant. SBA received 24 comments concerning this proposed change: 22 in support, with 11 of the supporters recommending modification. Only two commenters expressed concerns, one that wanted to require no guaranties from non-owners, while another observed that this requirement is not currently included in the regulation. Recommendation was also made to use the defined term ''SBA Lender'' as it is appropriate for both the 7(a) and 504 Loan Programs. Finally, one commenter expressed concern that the proposed change was ''all encompassing'' and may result in unintended consequences. SBA agrees with the recommendation that the term ''SBA Lender'' should be used since the regulation includes both 7(a) lenders and CDCs, and will replace ''Participating Lender'' with ''SBA Lender.'' As stated in the discussion of guaranties for EPCs and OCs in § 120.111 above, the 2010 Jobs Act increased the maximum loan size for 7(a) and 504 loans. Small businesses needing larger loans are more likely to have complex ownership structures and multiple owners, where each owner may hold less than five percent of the company regardless of managerial responsibilities or corporate titles. The current regulation language restricts SBA from requiring personal guaranties from individuals with less than five percent ownership under any circumstance.

SBA deems it prudent to maintain discretion for SBA, in consultation with the Lender, to require guaranties from individuals or entities with less than 20% ownership of the applicant business when they are critical to the extension of credit. The removal of the reference to 5% as the strict measure for required guaranties will allow SBA to obtain full or limited guaranties from appropriate individuals or entities regardless of their ownership interest in the applicant business, if any, when deemed necessary. In addition, SBA considered and is accepting the recommendation to provide this discretion to delegated SBA Lenders as well and, therefore, is modifying the rule to state that SBA and, for loans processed under an SBA Lender's delegated authority, the SBA Lender, may determine when credit or other reasons make it necessary to obtain a full or limited guaranty from appropriate individuals or entities regardless of their ownership interest, if any, in the applicant business. SBA will provide additional guidance on the guaranty requirements in the appropriate SBA SOP.

Twenty commenters recommended the proposed changes to the personal guaranty rules be provided in SOPs, where exceptions can be made. While SBA provides additional detail on guaranty requirements in its SOPs, program-wide rules are appropriately included in this regulation. SBA is amending this section as proposed with the modifications discussed above.

Section 120.194 Use of computer forms. SBA is removing § 120.194 in its entirety, and reserving this section for future use. Technology has rendered this regulation unnecessary. SBA received nine comments on this proposed change: Eight in support of the proposed change and one objection. The objection was based on a misconception that SBA Lenders will no longer be able to submit loan packages using their own or commercially available lending software. SBA continues to work with participants and their software sources to expand electronic access in all program applications. SBA is removing this section as proposed.

Section 120.214 What conditions apply for variable interest rates? SBA is not proceeding with the proposed revisions to § 120.214 regarding when the allowable base rate is determined and when adjustments in the variable interest rate will be permitted. SBA received 10 comments, generally in support of a change, with some comments indicating that the guidance did not fully address the issues regarding the timing of rate changes and base rates. After reviewing current market activity, the impact of rate adjustments on the small business borrower, and the potential need to further simplify the guidance, SBA will conduct a more thorough discussion with internal and external stakeholders on how best to manage interest rate changes in the 7(a) Loan Program. SBA will not make changes to this section at this time.

Section 120.220 Fees that Lender pays SBA. As set forth in section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) (''the Act''), SBA is adding a new paragraph (a)(3) to § 120.220 to codify the statutory waiver of the up-front guaranty fee for SBA Express loans made to businesses owned and controlled by a veteran or spouse of a veteran (as defined in the Act) for fiscal years when the subsidy rate for the 7(a) program is zero. SBA received eight comments regarding the proposed changes. Of those, seven commenters recommended that SBA specifically use the term ''SBA Express'' to identify loans delivered under section 7(a)(31) of the Act. The conditions a business must meet to qualify for this fee waiver will be explained in SBA Loan Program Requirements.

In § 120.220(b), SBA is amending the regulation to advise Lenders to pay the guaranty fee electronically and revising the timeframe within which a Lender must pay the guaranty fee to SBA for loans with a maturity of 12 months or

less (''short-term loans''). SBA is revising the timing of payment of the fee on a short-term loan from the ''time of application'' to ''within 10 business days of SBA's approval of the loan.'' The current requirements were implemented when Lenders paid fees using checks. Currently, fees are paid electronically through *www.pay.gov,* and requiring fee payments with the application on short-term loans can delay application processing and turn-around times. SBA received eight comments on this proposed change, all in support of the change. SBA is also amending paragraph (b) of this section to permit a Lender to be reimbursed by the Borrower for the guaranty fee on a short-term loan only after the Lender pays the fee to SBA. SBA will not permit Lenders to collect the guaranty fee from the Borrower prior to paying SBA. The final rule is incorporating both the 10 day fee payment guidance and the timeline for collection of the fee from the Borrower.

In § 120.220(c), SBA also proposed and is adopting the rule change removing the first two sentences which state when SBA will refund the guaranty fee paid on a short-term loan. The additional 10 day time period post-loan approval for payment of the fee negates the need for refunds. SBA received eight comments supporting the proposed change in the timing of payment to SBA of guarantee fees on loans of 12 months or less, but the commenters asked that SBA provide a provision for refund of the guaranty fee of an approved loan if the Lender had not made any disbursements. The guaranty fee is limited to one quarter of one percent of the guaranteed portion of the short-term loan and is only refundable if a short-term loan application is withdrawn by the Lender prior to approval by SBA, if SBA declines to guarantee the loan, or if SBA approves the loan but substantially changes the terms and SBA's modified terms are unacceptable to the Lender. SBA deems the fee earned for short-term loans once the SBA loan number is issued. SBA is not adopting the suggestion regarding refunds on short-term loans.

Section 120.221 Fees which the Lender may collect from a loan applicant.

SBA is adopting, as proposed, the addition of an introductory paragraph stating that, unless otherwise permitted by SBA Loan Program Requirements (*e.g.,* the guaranty fee under § 120.220), the fees listed in § 120.221 are the only fees a Lender is permitted to charge and collect from an Applicant or Borrower. SBA received eight comments on this proposed change, all supporting the improvement in clarity. SBA also proposed to remove the contents of § 120.221(e), as it is not a fee a Lender may collect from a loan applicant in accordance with the stated purpose of § 120.221. SBA will insert in its place language which permits Lenders to collect fees for legal services. This change combines and provides clear guidance on the only fees a Lender is permitted to charge and collect from an Applicant or Borrower. Eight comments were received that suggested the language be revised to specifically include legal fees provided by ''either outside or in-house counsel.'' SBA has determined that the proposed language was somewhat cumbersome and revised the language slightly to incorporate SBA permits the Lender to charge the Borrower for legal services rendered on an hourly basis. SBA is revising the paragraph (e) to read ''*Legal services.* Lender may charge the Borrower for legal services rendered on an hourly basis.''

Section 120.222 Fees which the Lender or Associate may not collect from the Borrower or share with third parties. As proposed, SBA is retitling § 120.222 from ''Fees which the Lender or Associate may not collect from the Borrower or share with third parties'' to ''Prohibition on sharing premiums for secondary market sales.'' SBA is also removing the contents of paragraphs (a), (b), (c), (d), and (e), and inserting the following language: ''The Lender or its Associate may not share any premium received from the sale of an SBA guaranteed loan in the secondary market with a Service Provider, packager, or other loan-referral source.'' All eight comments received indicated support for this proposed change. This proposed change completes the consolidation and re-organization of §§ 120.221 and 120.222, by clearly identifying the only fees that a Lender may charge and collect from an applicant. Unless otherwise permitted by SBA Loan Program Requirements, any fee not identified in § 120.221 is prohibited. SBA is retaining the prohibition on the sharing of secondary market fees in § 120.222 for consistency with 13 CFR 103.5(c), which prohibits a Lender from sharing any secondary market premium with a lender service provider. SBA is amending this section as proposed.

Section 120.394 What are the eligible uses of proceeds? For the Builders Loan Program, SBA proposed to increase the regulatory limitation on use of proceeds for land acquisition from 20 percent to 33 percent. SBA received eight comments regarding this proposed rule change, all in support. SBA is amending this section as proposed.

Section 120.400 Loan Guarantee Agreements. Section 120.400 includes a cross reference to §§ 120.441(b) and 120.451(d). SBA proposed to delete these sections and is deleting both in this final rule. In addition, SBA proposed revisions to § 120.440, which it is adopting as proposed with a minor modification. Accordingly, SBA is revising the cross reference in § 120.400 to read ''*See also* 120.440(c) concerning Supplemental Guaranty Agreements.'' Although this revision was not included in the proposed rule, SBA is revising § 120.400 to correct this inadvertent omission from the proposed rule.

Multiple Sections—On-Site/Off-Site Reviews for 7(a) Lenders, CDCs and Microloan Intermediaries (''Intermediaries''). Due to SBA's improved electronic methods, virtual reviews, such as Analytical Reviews, may cover much of what was previously performed in the scope of ''on-site'' reviews, diminishing the distinction between ''off-site'' and ''on-site'' reviews and allowing for more cost-effective reviews. Therefore, SBA proposed to remove all references to ''on-site'' reviews in §§ 120.410(a)(2), 120.424(b), 120.433(b), 120.434(c), 120.630(a)(5), 120.710(e)(1), 120.812(c), 120.816(c), 120.839, 120.841(c), 120.1050, 120.1051, 120.1070 and 120.1400(c)(4). SBA will retain the term ''review/examination assessments'' in these regulations. SBA also proposed to replace references to ''off-site'' reviews and monitoring with ''monitoring'' in §§ 120.1025 and 120.1051(a). SBA received eight comments on the proposed changes, with no objections.

SBA is amending the specified sections to remove the terms ''on-site'' and ''off-site'' as proposed.

SBA proposed and is adopting replacement of the term ''Good Standing'' with ''Satisfactory'' as it relates to a Lender's status with its other Federal regulators in §§ 120.410(e), 120.630(a)(4), and 120.1703(a)(4). SBA will determine if a Lender is considered ''Satisfactory'' by its other regulators based on, for example, information in published orders/agreements and call reports. Eight commenters provided no objection to the proposed changes.

Undesignated Center Heading—The Certified Lenders Program. SBA is adopting the proposed rule change to the heading immediately following § 120.435 in Subpart D—Lenders as proposed. SBA is removing ''Certified Lenders Program (CLP)'' and inserting in its place ''Delegated Authority Criteria.'' There were eight comments

received on this change with no objections.

Section 120.440 The Certified Lenders Program. SBA is adopting the proposed rule change to remove the heading and remove §§ 120.440 and 120.441 as proposed. Implementation of more efficient technology-based processing, closing, servicing, and liquidation render this delivery method unnecessary and obsolete. SBA will remove the existing CLP language and insert guidance for Delegated Authority Criteria (see addition of Delegated Authority Criteria below). SBA received eight comments on this proposed change with no objections.

New Section 120.440 How does a 7(a) Lender obtain delegated authority? SBA is adopting the proposed rule change adding the criteria for initial approval or renewal of delegated authority in this section as proposed with a minor modification to the heading as discussed below. As stated in the preamble to the Notice of Proposed Rulemaking, these criteria are essentially identical to the criteria currently included in SBA's SOP 50 10 5(I), Subpart A for the 7(a) Loan Program delegated authorities (*e.g.,* PLP (including PLP–EWCP), SBA Express and Export Express Programs). In applying these criteria when processing requests for PLP–EWCP authority, SBA will continue to also consider experience in providing trade finance to exporters and active participation in SBA's EWCP program. In addition, for lenders participating in the Delegated Authority Lender Program of the Export-Import Bank (or any successor Program), such lenders are eligible to participate in the PLP–EWCP Program, pursuant to 15 U.S.C. 636(a)(2)(C). SBA received a detailed comment and recommendations from a trade association as well as seven other comments supporting the trade association's position. The trade association commented they have no objection to the inclusion in regulations of the criteria for a Lender to obtain delegated authority and noted the listed criteria is similar to that currently provided in other SBA Loan Program Requirements. However, the trade association objected to paragraph (b) of the proposed section, which states delegated authority decisions are final. The trade association strongly recommended SBA provide a mechanism by which a Lender, if it is denied delegated authority, could provide SBA with additional information to overcome and administratively appeal such decision. SBA reviewed the suggested modification and determined that an additional appeal of SBA's decision to deny a Lender delegated authority is not necessary because, if delegated authority is declined, the Lender will still be able to process loans on a non-delegated basis and, when the Lender has overcome the reasons for the decline, it may re-apply. SBA is amending the regulation as proposed with a slight modification in the heading to clarify this section applies to 7(a) Lenders.

Section 120.441 How does a Lender become a CLP Lender? SBA is removing and reserving § 120.441 as proposed. SBA received eight comments, all in support of the proposed change.

Section 120.451 How does a Lender become a PLP Lender? SBA is removing and reserving § 120.451 as proposed. The process for lenders to obtain delegated authority for the 7(a) program, which includes Preferred Lender Program authority, will be set forth in § 120.440 pursuant to this final rule. There is no longer a need for the specific regulation at § 120.451. SBA received eight comments, all of which provided no objection to the proposed change.

Section 120.524 When is SBA released from liability on its guarantee? In this regulation, SBA proposed to clarify its rights to collect monies paid on a guaranty from which the Agency determines it has been released of liability. This includes judicial remedies and the right to offset funds due the Lender for the guaranty purchase of another loan. SBA's right to seek these remedies arises under contract law as interpreted by the courts. SBA received eight comments on this proposed change, all of which supported the rights provided to SBA under the proposed language. The eight commenters supported the proposed language; however, they recommended the language be amended to state such remedies will only be undertaken if all other attempts to collect from the lender have failed. Commenters also noted SBA is removing the specific language ''responsible for those events'' in paragraph (b) and requested an explanation of this specific change.

The Agency's ability to recover on a loan guaranty is not limited to the actions of the current holder of the Note. For example, when a Lender acquires a guaranteed loan from another lender, the acquiring lender is ultimately responsible for any action resulting in a loss on the loan, whether the loss is the result of its actions or inaction, or the actions or inaction of the original lender. SBA is amending this section as proposed.

Section 120.660 Suspension or revocation. SBA is adopting the proposed rule change in § 120.660(a) to provide that decisions regarding a temporary suspension or revocation of a Lender from SBA's Secondary Market under this regulation be made jointly by the Director, Office of Financial Assistance (D/FA) and the Director, Office of Credit Risk Management (D/OCRM). SBA received comments from eight commenters regarding the provisions in this proposed regulation; all registered no objection to the change. In addition, SBA is adopting as proposed a limit of no more than 120 calendar days for temporary suspensions under this regulation, and no more than two years under this regulation for temporary revocations of the privilege of a Lender, broker, dealer or Registered Holder to sell, purchase, broker or deal in loans or Certificates in SBA's Secondary Market. All eight commenters registered support for the timeframes in the proposed rule.

In § 120.660(a)(1)(ii), SBA is removing references to SBA Form 1085 from the current regulation, as proposed. SBA Form 1085 is no longer in use in the 7(a) Loan Program. SBA received only one comment and it was in support of the change. In § 120.660(a)(3), SBA is adding additional reasons under which SBA may temporarily suspend or revoke a Lender's privilege to participate in SBA's Secondary Market. As proposed, SBA may temporarily suspend or revoke a Lender from participation in SBA's Secondary Market when (1) a Lender receives from its primary Federal or state regulator (including SBA): (a) A cease and desist order; (b) a consent agreement affecting capital or commercial lending issues; or (c) a supervisory action citing unsafe or unsound banking practices or other items of concern to SBA that may create potential risk to SBA through loan sales; or (2) a Lender receives a going concern opinion issued by its auditor. SBA received eight comments all of which supported the proposed change with some modifications. The suggested modifications centered on better defining the phrase, ''other items of concern to SBA . . .'' and the practicality of providing SBA with notice within five business days from the issuance of the regulatory action or going concern opinion. SBA wants to avoid situations in which current supervisory actions from a Federal or state regulator are renamed, or new actions involving unsafe or unsound lending practices are created and are disclosed, but are not expressly listed in the SBA regulation.

SBA considered the comments provided. SBA has modified the text to provide a more complete explanation of supervisory actions which are subsequently renamed or have yet to be defined. This ensures that the grounds for temporary suspension or termination from SBA's Secondary Market are not limited by the prevailing terminology used by Federal or state regulators. Regarding the practicality of a Lender providing SBA notice, commenters raised the issue of disclosure of non-public supervisory actions and the date by which the required disclosure of public supervisory actions should be measured. At this time, Lenders will be required to notify SBA only for public actions.

SBA also modified the final rule to define the required notification date to SBA as five business days (or as soon as practicable thereafter) from the date that the regulatory action is placed into the public domain. This will establish a verifiable benchmark for when notice from the Lender is due to SBA. Note, SBA does not intend to require a Lender to disclose a non-public supervisory action unless SBA notifies the Lender that SBA has either an agreement with or consent from the regulator issuing the action. Lenders receiving a going concern opinion will have five business days (or as soon as practicable thereafter) from the date of the auditor's letter indicating a going concern opinion to provide written notice to SBA.

SBA also proposed to add a new paragraph (d) to this section to provide for early termination of a temporary suspension or revocation at the joint discretion of the D/FA and the D/OCRM, if warranted for good cause. SBA received eight comments regarding this proposed change, all in support, and SBA is adding the paragraph as proposed.

Section 120.823 CDC Board of Directors. SBA proposed to revise § 120.823(c)(5) to eliminate the language that prevents a CDC Board member from serving on the board of another entity, except for civic or charitable organizations not involved in financial services or economic development. SBA received 15 comments in support of this proposed change.

SBA also proposed in § 120.823(d)(4)(ii)(C) to clarify that individuals serving on the Loan Committee of a CDC do not have to be members of the CDC or the CDC's Board of Directors. SBA received 15 comments regarding this proposed change, all in support. Twelve of the commenters recommended § 120.823(d)(4)(ii)(A) also be revised for consistency with the proposed revision in § 120.823(d)(4)(ii)(C). SBA considered these comments and agrees that individuals who are not CDC members, shareholders, or Board members may be appointed by the Board of Directors to serve on the Loan Committee provided that the individual has background and expertise in financial risk management, commercial lending, or legal issues relating to commercial lending and is not associated with another CDC.

In order to ensure consistency in this section on Loan Committees, SBA will revise paragraphs (d)(4)(ii)(A), (d)(4)(ii)(B), (d)(4)(ii)(C) and (d)(4)(ii)(E) references to members of the Loan Committee. SBA will revise the terms ''member'' and ''committee member'' in this section to read ''Loan Committee member''.

SBA also received one comment requesting reconsideration of SBA's general prohibition in § 120.820 against a CDC having an affiliation with a 7(a) Lender now that CDCs may offer 7(a) loans under the Community Advantage Pilot Program. Community Advantage is currently a pilot program—for which SBA has granted a regulatory waiver of the affiliation prohibition. SBA is not considering changes to this general prohibition at this time, and is adopting the changes to this section as described above.

Section 120.839 Case-by-case application to make a 504 loan outside of a CDC's Area of Operations. SBA proposed to replace the term ''District Offices'' in this section with ''504 loan processing center'' to reflect the SBA office that processes 504 loan applications. SBA received 13 comments supporting this change. One of the 13 commenters expressed concern with removing the District Office from the decision process. The commenter noted that a District Office may have local insights on markets not available to the 504 loan processing center. However, as explained in the preamble to the proposed rule, SBA is making this change to reflect the SBA office that processes 504 loan applications. Although SBA is not making any changes to the rule as proposed, the 504 loan processing center may consider input from the local District Office when making such a determination to allow a CDC to make a loan outside of its Area of Operations.

Section 120.884 Ineligible costs for 504 loans. SBA is amending this section to define heavy duty construction equipment in § 120.884(e)(3) without reference to the IRS definition because the IRS no longer publishes a definition for ''capital equipment.'' SBA is adding the requirement that the equipment have a remaining useful life of at least 10 years. SBA received one comment on this section which supported the change, yet expressed concern about adding a useful life requirement. In order to be consistent with the overall purpose of the 504 program, SBA will only permit the financing of construction equipment if it is heavy duty construction equipment integral to the business' operations with a remaining useful life of at least 10 years.

Section 120.1060 Confidentiality of Reports, Risk Ratings and related Confidential Information. SBA proposed a limited expansion of its definition in § 120.1060 of ''permitted parties'' to include a party who demonstrates a legitimate need to know Review/Exam Report information, Risk Rating, and Confidential Information for the purpose of assisting in improving an SBA Lender's, Intermediary's or Non-Lending Technical Assistance Provider's (NTAP's) SBA program operations in conjunction with SBA's Lender Oversight Program and SBA's portfolio management. This limited expansion of permitted parties may include the lender's parent entity, directors, auditors and those lender consultants under written contract specifically to assist the Lender in addressing SBA Findings and Corrective Actions Required to SBA's satisfaction. Consultants do not include Lender Service Providers. The change codifies SBA's practice of approving disclosure of Reports, Risk Rating, and Confidential Information for the expanded group of permitted parties, obviating the need for case-by-case approval and the use of a Confidentiality Agreement for these parties going forward. SBA received eight comments in support of this proposed change. Commenters suggested that it may also be appropriate for SBA to consider allowing Lenders to share SBA reports and other oversight information with their regulators in order to improve the overall quality of the program. Generally, SBA manages information sharing with other regulators on a case-by-case basis and in conjunction with agency-to-agency information sharing agreements. If a Lender's other regulator requests § 120.1060 information, the Lender should refer the regulator to SBA. SBA is adopting the change to this section as proposed.

Section 120.1070 Lender oversight fees. SBA proposed to amend this section to categorize the fee components as Examinations, Reviews, Monitoring, and Other Lender Oversight Activities. The proposed section also provided that SBA has discretion in how it allocates

lender oversight costs to Lenders to allow contracting flexibility in how SBA pays for this cost and the fair and efficient allocation of costs to Lenders. The change specifies, consistent with SBA's current practice and current contracts, that, in general, where the costs that SBA incurs for the oversight activity are specific to a Lender, SBA will charge that Lender for the actual costs. Where the costs SBA incurs for the oversight activity are not sufficiently specific to a particular Lender and a flat fee is paid to a vendor, SBA may charge a Lender based on that Lender's portion of SBA guaranties in the portfolio or segment of the portfolio that the activity covers. SBA received nine comments regarding the proposed change. One commenter suggested SBA change the use of the word ''Lender'' to ''SBA Lender,'' which is a defined term in the regulations. The term ''SBA Lender'' is defined as 7(a) Lenders and CDCs in 13 CFR 120.10. This regulation only applies to 7(a) Lenders in accordance with 15 U.S.C. 634(b)(14). Therefore, SBA is not adopting the suggestion to use ''SBA Lender'' in this regulation.

Another commenter, a trade association, joined by seven other commenters, stated that, while they have no objection to the proposed change, they have concerns that SBA has virtually no incentive to limit the costs that it imposes on program participants for the review function. The trade association expressed concern that increasing oversight costs could, at some point, make program participation too expensive for some lenders, thus limiting small business' access to critically needed capital. The trade association recommended that SBA continue to find ways to make the OCRM review function as cost-effective as possible for SBA and for program participants.

SBA disagrees that it has little incentive to limit the costs of lender oversight. SBA is committed to developing and operating a robust risk management program at the most efficient cost possible and to reducing costs where possible. SBA will continue to minimize its oversight costs and the fees it charges program participants through competitive bidding processes, using fixed price contracts where appropriate, contract monitoring, and efficiently coordinating the work with its contractors.

In addition, one commenter requested that SBA publish its lender oversight fees annually. SBA lender oversight fees do not always change from year-to-year, so it may not be necessary to publish each fee every year. However, generally, when a lender oversight fee changes, SBA communicates the fees to all 7(a) Lenders via SBA notice. SBA is adopting this section as proposed.

Section 120.1400 Grounds for enforcement actions—SBA Lenders. SBA proposed to amend § 120.1400(a) to provide that by making 7(a) guaranteed loans or 504 loans after a certain date, SBA Supervised Lenders (except Other Regulated Small Business Lending Companies (SBLCs)) or CDCs, as applicable, consent to the appointment of a receiver and such injunctive relief or other equitable relief as appropriate, and waive in advance any defenses to such relief as sought by SBA, in connection with an enforcement action.

There were responses from 27 commenters concerning the proposed changes in this section. There were eight commenters in support of the changes. However, there were some concerns that SBA continues to cite SBA Form 750, Loan Guaranty Agreement (Deferred Participation), as the document that Lenders should rely on as ''fully'' setting forth 7(a) Loan Program Requirements, considering that the current version of the SBA Form 750 in use is outdated and may not be reflective of current policy and SBA Loan Program Requirements. There were eight commenters who were concerned about the SBA's intention when imposing a prior waiver provision—that is, whether the SBA Supervised Lender or CDC would be waiving only its defenses against having SBA bring the matter before the court, or whether it also would be waiving all of its defenses with respect to all of the actions that SBA may be seeking to enforce against the SBA Supervised Lender or CDC, and sought additional clarification on this point.

There were 18 commenters who voiced objection to the proposed language as overly broad and not necessary under the current regulations. The objecting commenters stated that, while they agree SBA has a right to regulate the 504 Loan Program, they believe that the right of SBA to appoint an uncontested receiver for an SBA Supervised Lender or CDC over-reaches the SBA's regulatory authority over these entities. The objectors believe the language in the proposed rule is unnecessarily broad in that it seeks to include a waiver of any and all defenses an SBA Supervised Lender or CDC may validly raise to an enforcement action by the SBA. Additionally, the commenters stated that while SBA may be able to manage and service the SBA loan portfolio, they believe SBA has no interest in managing and servicing the non-SBA loans of a CDC or an SBA Supervised Lender that is a Non-Federally Regulated Lender or managing the contracts CDCs may have with their state, city, or other governmental organizations.

SBA considered the receivership comments concerning SBA Supervised Lenders and CDCs, but determined that the proposed provisions that allow SBA to seek receiverships by consent will provide the Agency added flexibility in protecting and safeguarding the security and integrity of these federally funded loan programs. SBA is conditioning its guarantee of 7(a) loans made by SBA Supervised Lenders (except Other Regulated SBLCs) and 504 debentures after a certain date on consent to this relief in connection with an enforcement action because the injury to SBA and its supervision and regulatory oversight of the SBA Supervised Lender or CDC due to the SBA Supervised Lender's or CDC's default under its agreement(s) with SBA would be irreparable and the amount of damage would be difficult to ascertain, making this relief necessary. Consent to receivership is not without precedent in Federal agency practice and has been upheld by the courts as valid and legally enforceable. SBA identified an example of such a case in the proposed rule, *U.S.* v. *Mountain Village Company,* 424 F. Supp. 822 (D. Mass. 1976). The consent to receivership does not mandate the appointment of a receiver in connection with every enforcement action. SBA will review the facts and circumstances of the enforcement action when deciding whether or not to seek the appointment of a receiver and in determining the scope of the receiver's duties and powers, including whether the receiver's duties and powers will be limited to taking possession of, servicing and/or selling or transferring the 7(a) or 504 loan portfolios.

After careful consideration of comments, SBA believes that it is in the best interests of the taxpayers for SBA to have the added flexibility of seeking receiverships, if necessary or appropriate, when taking enforcement actions. However, in response to comments, SBA has revised the language of the proposed rule to clarify that along with the consent to the remedies in §§ 120.1500(c)(3) or 120.1500(e)(3), the SBA Supervised Lender or CDC waives in advance any right to contest the validity of the appointment of a receiver. SBA has not adopted the proposed regulatory text providing for a waiver in advance of any defenses to the relief sought by SBA.

Section 120.1500 Types of enforcement actions—SBA Lenders. SBA proposed to revise the language permitting the Agency to initiate a

request for the appointment of a receiver of an SBA Supervised Lender in § 120.1500(c)(3) and proposed to add language permitting SBA to initiate a request for the appointment of a receiver of a CDC in § 120.1500(e)(3). After careful consideration of comments received, SBA believes that it is in the best interests of the taxpayers for the Agency to have the added flexibility of seeking receiverships, if necessary or appropriate, when taking enforcement actions. SBA has therefore determined that it will amend this section as proposed. There were responses from 27 commenters concerning the proposed changes in this section. There were 19 commenters who voiced objection to the proposed language as overly broad and not necessary under the current regulations. Again, the objecting commenters provided that, while they agree SBA has a right to regulate its loan programs, they believe that the right of SBA to appoint an uncontested receiver for a CDC over-reaches the SBA's regulatory authority over these entities.

While the objectors did support the need for proper oversight and supervision of SBA Supervised Lenders and CDCs, they also believe that SBA Supervised Lenders and CDCs should be afforded their constitutional right to notice and a hearing before being deprived of their property rights and interests. SBA considered the constitutional issue of due process/waiver of notice. Consent to receivership in favor of Federal agencies—including without notice—has been upheld in Federal court as valid, enforceable and meeting constitutional due process. SBA identified an example of such a case in the proposed rule, *U.S.* v. *Mountain Village Company, supra.*

As stated above, SBA considered the receivership comments concerning SBA Supervised Lenders and CDCs, but determined that the proposed provisions that allow SBA to seek receiverships by consent will provide the Agency with added flexibility in protecting and safeguarding the security and integrity of these federally funded loan programs. SBA is conditioning its guarantee of 7(a) loans made by SBA Supervised Lenders (except Other Regulated SBLCs) and 504 debentures after a certain date on consent to this relief in connection with an enforcement action because the injury to SBA and its supervision and regulatory oversight of the SBA Supervised Lender or CDC due to the SBA Supervised Lender's or CDC's default under its agreement(s) with SBA would be irreparable and the amount of damage would be difficult to ascertain, making this relief necessary. The consent to receivership does not mandate the appointment of a receiver in connection with every enforcement action. SBA will review the facts and circumstances of the enforcement action when deciding whether or not to seek the appointment of a receiver and in determining the scope of the receiver's duties and powers, including whether the receiver's duties and powers will be limited to taking possession of, servicing and/or selling or transferring the 7(a) or 504 loan portfolios.

Section 120.1600 General procedures for enforcement actions against SBA Lenders, SBA Supervised Lenders, Other Regulated SBLCs, Management Officials, Other Persons, Intermediaries, and NTAPs. SBA proposed to add language regarding the procedures for the appointment of a receiver over a CDC or an SBA Supervised Lender in §§ 120.1600(a), 120.1600(a)(6) and 120.1600(b)(4). The proposed amendments allow SBA to follow applicable procedures under Federal law to obtain the appointment of a receiver and to enforce an SBA Supervised Lender's or CDC's consent and waiver in advance. The comments that SBA received on this section repeated the comments received on §§ 120.1400 and 120.1500. SBA considered the comments received on this section, and for the reasons stated above in response to the comments received on §§ 120.1400 and 120.1500, SBA has determined the proposed amendments to § 120.1600 will provide the Agency added flexibility in protecting and safeguarding the security and integrity of the federally funded 7(a) and 504 Loan Programs. SBA is amending this section as proposed.

Section 120.1707 Seller's retained Loan Interest. SBA proposed to replace the execution of a new First Lien Position 504 Loan Pool Guarantee Agreement with an allonge. This would obligate the purchaser of a Seller Receipt in the First Lien Position 504 Loan Pooling (''FMLP'') Program to the same terms and conditions of the First Lien Position 504 Loan Pool Guarantee Agreement. No comments were received. SBA is adopting the change into the final rule as proposed.

Subpart K—Establishment of an SBA Direct Loan Program for Systemically Important Secondary Market Broker-Dealers (SISMBD Loan Program). SBA proposed to remove §§ 120.1800 through 120.1900. These regulations relate to rules which establish a temporary, short-term loan program for systemically-important secondary market broker-dealers. Sections 120.1800–120.1893 set forth the program participation criteria and the conditions under which qualified participants could obtain secured debt financing from SBA. Section 120.1900 established a sunset date for the program of no later than February 16, 2011, with all loan proceeds due to be paid in full by no later than February 16, 2013. SBA received seven comments on its proposal to remove these regulations. All commenters supported the removal of the regulation and, as a result, SBA is removing these regulations in the Final Rule.

Compliance with Executive Orders 12866, 12988, 13132, 13563, 13771, and 13777, the Paperwork Reduction Act (44 U.S.C., Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612).

Executive Order 12866

This final rule is the result of a proposed rule that the Office of Management and Budget (OMB) determined is not a ''significant'' regulatory action for the purposes of Executive Order 12866. This is not a major rule under the Congressional Review Act, 5 U.S.C. 800.

Executive Order 12988

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

SBA has determined that this final rule 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. Therefore, for the purposes of Executive Order 13132, SBA has determined that this proposed rule has no federalism implications warranting preparation of a federalism assessment.

Executive Order 13563

SBA's Business Loan Programs operate through the Agency's lending partners, which are 7(a) Lenders for the 7(a) Loan Program, Third Party Lenders and CDCs for the 504 Loan Program, Microloan Intermediaries for the Microloan Program, and ILP Intermediaries for the ILP Program. SBA's SBG Program operates through Surety Bond Companies. The Agency has participated in public forums and meetings which have included outreach to hundreds of its lending partners and surety bond companies to seek valuable

insight, guidance, and suggestions for program reform.

Executive Orders 13771 and 13777

On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, which, among other objectives, is intended to ensure that an agency's regulatory costs are prudently managed and controlled so as to minimize the compliance burden imposed on the public. For every significant regulation an agency proposes to implement, this Executive Order requires the agency to (i) identify at least two existing regulations that the agency can cancel; and (ii) use the cost savings from the cancelled regulations to offset the cost of the new regulation. On February 24, 2017, the President issued Executive Order 13777, Enforcing the Regulatory Agenda, which further emphasized the goal of the Administration to alleviate the regulatory burdens placed on the public. Under Executive Order 13777, agencies must evaluate their existing regulations to determine which ones should be repealed, replaced, or modified. In doing so, agencies should focus on identifying regulations that, among other things, eliminate jobs or inhibit job creation; are outdated, unnecessary or ineffective; impose costs that exceed benefits; create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; or implemented Executive Orders or other Presidential directives that have been rescinded or substantially modified. SBA has reviewed this final rule in light of these two new Executive Orders.

Regulation elimination as proposed for this rule will eliminate duplication of effort costs for sureties, lenders and certified development companies to develop computerized forms and sun-sets two prior SBA initiatives the CLP lender designations and the SBA Director Program for Systematically Important Secondary Market Broker-Dealers (SISMD Loan Program). The cost savings of sun-setting the two programs have already been absorbed by SBA so no further cost savings is anticipated.

The final rule increases the Quick Bond eligible contract limit in § 115.30 from $250,000 to $400,000. This action reduces administrative burden that results in cost savings to the sureties.

The following 29 regulations are removed as of the publication of this **Federal Register** document:

(1) 13 CFR 120.194 Use of computer forms

(2) 13 CFR 120.441 How does a Lender become a CLP Lender

Subpart K—Establishment of an SBA Direct Program for Systematically Important Secondary Market Broker-Dealers (SISMD Loan Program) which consists of the following regulations:

(3) 13 CFR 120.1800 Definitions used in subpart K

(4) 13 CFR 120.1801 Program Purpose

(5) 13 CFR 120.1802 How does a broker-dealer participate in the SISMID Loan Program?

(6) 13 CFR 120.1810 What is a Systematically Important SBA Secondary Market Broker-Dealer (SISMBD)?

(7) 13 CFR 120.1820 What are the basic eligibility requirements for SBA designation as a Systemically Important Secondary Market Broker-Dealer?

(8) 13 CFR 120.1821 What is the process to obtain designation as a Systematically Important Secondary Market Broker-Dealer?

(9) 13 CFR 120.1822 What is the process to apply for an SISMBD Loan?

(10) 13 CFR 120.1823 Creditworthiness

(11) 13 CFR 120.1824 How will an SISMBD receive notice of an approval of denial of a loan or request for an advance under an SISMBD Loan?

(12) 13 CFR 120.1825 May an SISMBD request reconsideration after denial?

(13) 13 CFR 120.1830 What are the terms and conditions of an SBA loan to an SISMBD?

(14) 13 CFR 120.1831 Is there a limit to the number of SISMBD Loans or advances that an SISMBD may request from SBA?

(15) 13 CFR 120.1832 What is the minimum and maximum SISMBD Loan advance amount?

(16) 13 CFR 120.1833 May an SISMBD request an increase in the loan amounts?

(17) 13 CFR 120.1834 What fees are associated with an SISMBD Loan?

(18) 13 CFR 120.1840 What are the allowable uses of proceeds of an SISMBD Loan?

(19) 13 CFR 120.1850 Will the Collateral be held by SBA?

(20) 13 CFR 120.1860 How will the SISMBD Loan be disbursed?

(21) 13 CFR 120.1870 How does the SISMBD provide funds for the Premium?

(22) 13 CFR 120.1880 How will the loan be repaid?

(23) 13 CFR 120.1881 How are payments on the Collateral allocated between the SISMBD borrower and repayment of the SISMBD Loan?

(24) 13 CFR 120.1882 What happens if funds to make required loan payments are not generated from the Collateral?

(25) 13 CFR 120.1890 What is the maturity on a SISMBD Loan from SBA?

(26) 13 CFR 120.1891 What happens if an SISMBD is ineligible to receive an SISMBD Loan or an adverse?

(27) 13 CFR 120.1892 What happens if an SISMBD does not use SISMBD Loan funds for a statutorily mandated purpose?

(28) 13 CFR 120.1893 Data collections and reporting

(29) 13 CFR 120.1900 When does the Secondary Market Lending Authority Program end?

Paperwork Reduction Act, 44 U.S.C., Ch. 35

SBA has determined that this final rule imposes additional reporting requirements under the Paperwork Reduction Act (PRA). As described above, SBA proposed to require all participating sureties to notify SBA of all contracts that were successfully completed on a quarterly basis. SBA invited the public to comment on this proposed new report and to submit any comments by October 11, 2016.

SBA invited comments on: (1) Whether the proposed collection of information is necessary for the proper performance of SBA's functions, including whether the information will have a practical utility; (2) the accuracy of SBA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Three comments were received related to the requirement of this proposed form. A discussion of the comments received is included in the section-by-section analysis of § 115.22. As stated above, SBA considered the comments, but will proceed with requiring the form as proposed. SBA will submit the final form and other documents required under the Paperwork Reduction Act to OMB for review and approval.

A summary description of this information collection, the respondents, and the estimate of the annual hour burden resulting from this new process is provided below. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering information needed, and completing and reviewing the responses.

Title: Quarterly Contract Completion Report (SBA Form 2461).

Description: The Quarterly Contract Completion Report will be submitted by all participating surety companies to provide SBA with information about successfully completed contracts. The information reported will include the Surety Bond Guarantee number, the name of the Principal, the original Contract dollar amount, the revised Contract dollar amount (if applicable), the date of Contract completion, and a fee recap. Reports will be due to SBA within 45 days of each fiscal quarter end.

OMB Control Number: 3245–0395.

Description of and Estimated Number of Respondents: The collection will be submitted by the surety companies that participate in the SBG Program. The burden estimate for this requirement is based on the 30 current participants.

Estimated Number of Responses: Each of the estimated 30 sureties would be required to submit the report to SBA four times per year, for a total of 120 responses.

Estimated Response Time: It is estimated that each surety would need approximately one hour to complete the proposed report.

Total Estimated Annual Hour Burden: 120 hours.

Estimated Annual Cost Burden: $6,005.

Regulatory Flexibility Act, 5 U.S.C. 601–612

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires the agency to ''prepare and make available for public comment an initial regulatory analysis'' which will ''describe the impact of the proposed rule on small entities.'' Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities. Currently, there are 30 Sureties that participate in the SBG Program, and no part of this rule would impose any significant cost or burden on them. Although the rulemaking will impact all of the approximately 6,000 7(a) Lenders (some of which are small), all of the approximately 230 CDCs (all of which are small), all of the approximately 145 Microloan Intermediaries (most of which are small), and all of the approximately 35 ILP Intermediaries (most of which are small), SBA does not believe the impact will be significant. This rule will reduce the burden of the Agency's lending partners because they choose their own level of program participation (*i.e.,* 7(a) Lenders and CDCs are not required to process more loan applications simply because there is a reduced burden for small businesses to apply for a business loan). Therefore, the proposed modernization of certain program participation requirements would not have a substantial economic impact or cost on the small business borrower, lender, or CDC, and in fact, may reduce costs to lender participants.

SBA's final rule encompasses clear and transparent best practice guidance that aligns with the Agency's mission to increase access to capital for small businesses and facilitate American job preservation and creation by removing unnecessary regulatory requirements. A review of the summary and preamble provides more detailed discussion on the specific improvements that will reduce regulatory burdens and encourage increased program participation. For these reasons, SBA has determined that there is no negative impact on a substantial number of small entities.

List of Subjects

13 CFR Part 109

Community development, Loan programs-business, Reporting and recordkeeping requirements, Small businesses, Intermediary lending pilot program.

13 CFR Part 115

Claims, Reporting and recordkeeping requirements, Small businesses, Surety bonds.

13 CFR Part 120

Community development, Equal employment opportunity, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, SBA amends 13 CFR parts 109, 115, and 120 as follows:

PART 109—INTERMEDIARY LENDING PILOT PROGRAM

■ 1. The authority citation for part 109 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), (b)(7), and 636(l).

§ 109.400 [Amended]

■ 2. Amend § 109.400 by removing and reserving paragraph (b)(12).

■ 3. Revise § 109.510 to read as follows:

§ 109.510 Reviews.

(a) *General.* SBA may conduct reviews and monitoring of ILP Intermediaries, including ILP Intermediaries' self-assessments. SBA may also perform reviews of ILP Intermediaries as needed, as determined by SBA in its discretion.

(b) *Corrective actions.* SBA may require an ILP Intermediary to take corrective actions to address findings from reviews. Failure to take required corrective actions may constitute an event of default, as described in § 109.520(c).

(c) *Confidentiality of reports.* Review reports and other SBA prepared review related documents are subject to the confidentiality requirements of § 120.1060.

PART 115—SURETY BOND GUARANTEE

■ 4. The authority citation for part 115 continues to read as follows:

Authority: 5 U.S.C. app 3; 15 U.S.C. 687b, 687c, 694a, 694b note; and Pub. L. 110–246, Sec. 12079, 122 Stat. 1651.

§ 115.19 [Amended]

■ 5. Amend § 115.19 by removing the phrase ''$100,000, whichever is less'' and by adding in its place the phrase ''$500,000 of the original contract or bond amount, whichever is less'' in paragraph (c)(1), the second sentence of paragraph (d), and paragraph (e)(2).

■ 6. Add § 115.22 to subpart A to read as follows:

§ 115.22 Quarterly Contract Completion Report.

The Surety must submit a Quarterly Contract Completion Report within 45 days after the close of each fiscal year quarter ending December 31, March 31, June 30, and September 30, that identifies each contract successfully completed during the quarter. The report shall include:

(a) The SBA Surety Bond Guarantee Number,

(b) Name of the Principal,

(c) The original Contract Dollar Amount,

(d) The revised Contract Dollar Amount (if applicable),

(e) The date of Contract completion, and

(f) A summary specifying the fee amounts paid to SBA by the Surety and Principal, the fee amounts due to SBA as a result of any increases in the Contract amount, and the fee amounts to be refunded to the Principal or rebated to the Surety as a result of any decreases in the Contract amount.

§ 115.30 [Amended]

■ 7. Amend § 115.30 by removing ''$250,000'' from the second sentence of paragraph (d)(2)(i) and adding in its place ''$400,000.''

§ 115.32 [Amended]

■ 8. Amend § 115.32 by removing the phrase ''or $100,000, whichever is less'' and adding in its place the phrase ''or $500,000 of the original contract or bond amount, whichever is less'' after ''25%'' in the first and second sentences of paragraph (d)(1).

■ 9. Amend § 115.60 by adding third and fourth sentences at the end of paragraph (b) to read as follows:

§ 115.60 Selection and admission of PSB Sureties.

* * * * *

(b) * * * For a period of nine months following admission to the PSB program, the Surety must obtain SBA's prior written approval before executing a bond greater than $2 million so that SBA may evaluate the Surety's performance in its underwriting and claims and recovery functions. At the end of this nine month period, SBA may in its discretion extend this period to allow SBA to further evaluate the Surety's performance.

■ 10. Amend § 115.67 by revising the second sentence of paragraph (a) to read as follows:

§ 115.67 Changes in Contract or bond amount.

(a) * * * The Surety must present checks for additional fees due from the Principal and the Surety on any increases aggregating 25% of the original Contract or bond amount or $500,000, whichever is less, and attach such payments to the respective monthly bordereau. * * *

* * * * *

■ 11. Revise § 115.68 to read as follows:

§ 115.68 Guarantee percentage.

SBA reimburses a PSB Surety in the same percentages and under the same terms as set forth in § 115.31.

PART 120—BUSINESS LOANS

■ 12. The authority citation for part 120 is revised to read as follows:

Authority: 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h) and note, 636(a), (h) and (m), 650, 687(f), 696(3) and 697(a) and (e); Pub. L. 111–5, 123 Stat. 115; Pub. L. 111–240, 124 Stat. 2504; Pub. L. 114–38, 129 Stat. 437.

§ 120.110 [Amended]

■ 13. Amend § 120.110 by removing and reserving paragraph (l).

■ 14. Amend § 120.111 by revising the introductory text and paragraphs (a)(3) and (6) to read as follows:

§ 120.111 What conditions must an Eligible Passive Company satisfy?

An Eligible Passive Company must use loan proceeds only to acquire or lease, and/or improve or renovate, real or personal property (including eligible refinancing), that it leases to one or more Operating Companies for conducting the Operating Company's business, or to finance a change of ownership between the existing owners of the Eligible Passive Company. When the Operating Company is a co-borrower on the loan, loan proceeds also may be used by the Operating Company for working capital and/or the purchase of other assets, including intangible assets, for the Operating Company's use as provided in paragraph (a)(5) of this section. (References to Operating Company in paragraphs (a) and (b) of this section mean each Operating Company.) In the 504 loan program, if the Eligible Passive Company owns assets in addition to the real estate or other eligible long-term fixed assets, loan proceeds may not be used to finance a change of ownership between existing owners of the Eligible Passive Company unless the additional assets owned by the Eligible Passive Company are directly related to the real estate or other eligible long-term fixed assets, the amount attributable to the additional assets is de minimis, and the additional assets are excluded from the Project financing. Any ownership structure or legal form may qualify as an Eligible Passive Company. Any ownership structure or legal form may qualify as an Eligible Passive Company.

(a) * * *

(3) The lease between the Eligible Passive Company and the Operating Company must be in writing and must be subordinate to SBA's mortgage, trust deed lien, or security interest on the property. The Eligible Passive Company (as landlord) must furnish as collateral for the loan an assignment of all rents paid under the lease. The rent or lease payments cannot exceed the amount necessary to make the loan payment to the lender, and an additional amount to cover the Eligible Passive Company's direct expenses of holding the property, such as maintenance, insurance and property taxes;

* * * * *

(6) Each holder of an ownership interest constituting at least 20 percent of either the Eligible Passive Company or the Operating Company must guarantee the loan. The trustee shall execute the guaranty on behalf of any trust. When deemed necessary for credit or other reasons, SBA or, for a loan processed under an SBA Lender's delegated authority, the SBA Lender may require other appropriate individuals or entities to provide full or limited guarantees of the loan without regard to the percentage of their ownership interests, if any.

* * * * *

■ 15. Amend § 120.130 by redesigning paragraphs (e) and (f) as paragraphs (f) and (g) respectively, adding new paragraph (e), and revising newly redesignated paragraph (g).

The addition and revision read as follows:

§ 120.130 Restrictions on uses proceeds.

* * * * *

(e) The applicant may not use any of the proceeds to pay past-due Federal, state, or local payroll taxes, sales taxes, or other similar taxes that are required to be collected by the applicant and held in trust on behalf of a Federal, state, or local government entity.

* * * * *

(g) Any use restricted by §§ 120.201, 120.202, and 120.884 (specific to 7(a) loans and 504 loans respectively).

■ 16. Amend § 120.160 by revising the second sentence of paragraph (a) and by removing paragraph (d).

The revision reads as follows:

§ 120.160 Loan conditions.

* * * * *

(a) * * * When deemed necessary for credit or other reasons, SBA or, for a loan processed under an SBA Lender's delegated authority, the SBA Lender, may require other appropriate individuals or entities to provide full or limited guarantees of the loan without regard to the percentage of their ownership interests, if any.

* * * * *

§ 120.194 [Removed and Reserved]

■ 17. Remove and reserve § 120.194.

■ 18. Amend § 120.220 by adding paragraph (a)(3), revising the first, second, and third sentences of paragraph (b), and removing the first two sentences of paragraph (c).

The addition and revisions read as follows:

§ 120.220 Fees that Lender pays SBA.

* * * * *

(a) * * *

(3) *For loans approved under section 7(a)(31) of the Small Business Act (SBA Express loans) to veterans and/or the spouse of a veteran.* In fiscal years when the 7(a) program is at zero subsidy, SBA will not collect a guarantee fee in connection with a loan made under section 7(a)(31) of the Small Business Act to a business owned and controlled by a veteran or the spouse of a veteran.

(b) * * * For a loan with a maturity of twelve (12) months or less, the Lender must pay the guaranty fee to

SBA electronically within 10 business days after receiving SBA loan approval. The Lender may only charge the Borrower for the fee after the Lender pays the guaranty fee. For a loan with a maturity in excess of twelve (12) months, the Lender must pay the guaranty fee to SBA electronically within 90 days after SBA gives its loan approval. * * *

* * * * *

■ 19. Amend § 120.221 by revising the section heading, adding introductory text, and revising paragraph (e) to read as follows:

§ 120.221 Fees and expenses which the Lender may collect from a loan applicant or Borrower.

Unless otherwise allowed by SBA Loan Program Requirements, the Lender may charge and collect from the applicant or Borrower only the following fees and expenses:

* * * * *

(e) *Legal services.* Lender may charge the Borrower for legal services rendered on an hourly basis.

■ 20. Revise § 120.222 to read as follows:

§ 120.222 Prohibition on sharing premiums for secondary market sales.

The Lender or its Associates may not share in any premium received from the sale of an SBA guaranteed loan in the secondary market with a Service Provider, packager, or other loan-referral source.

§ 120.394 [Amended]

■ 21. Amend § 120.394 in the third sentence by removing the number ''20'' and adding in its place the number ''33''.

§ 120.400 [Amended]

■ 22. Amend § 120.400 by removing the phrase ''§§ 120.441(b) and 120.451(d)'' and adding in its place ''§ 120.440(c)''.

■ 23. Amend § 120.410 in paragraph (a)(2) by removing the term ''on-site'' and by revising paragraph (e).

The revision reads as follows:

§ 120.410 Requirements for all participating Lenders.

* * * * *

(e) Be in good standing with SBA, as defined in § 120.420(f) (and determined by SBA in its discretion), and, as applicable, with its state regulator and be considered Satisfactory by its Federal Financial Institution Regulator (as determined by SBA and based on, for example, information in published orders/agreements and call reports); and

* * * * *

§ 120.424 [Amended]

■ 24. In § 120.424, amend paragraph (b) by removing the term ''on-site''.

§ 120.433 [Amended]

■ 25. In § 120.433, amend paragraph (b) by removing the term ''on-site''.

§ 120.434 [Amended]

■ 26. In § 120.434, amend paragraph (c) by removing the term ''on-site''.

■ 27. Revise the undesignated center heading following § 120.435 to read ''*Delegated Authority Criteria*''.

■ 28. Revise § 120.440 to read as follows:

§ 120.440 How does a 7(a) Lender obtain delegated authority?

(a) In making its decision to grant or renew a delegated authority, SBA considers whether the Lender, as determined by SBA in its discretion:

(1) Has the continuing ability to evaluate, process, close, disburse, service, liquidate and litigate SBA loans. This includes the ability to develop and analyze complete loan packages. SBA may consider the experience and capability of Lender's management and staff.

(2) Has satisfactory SBA performance (as defined in § 120.410(a)(2));

(3) Is in compliance with SBA Loan Program Requirements (*e.g.,* Form 1502 reporting, timely payment of all fees to SBA);

(4) Has completed to SBA's satisfaction all required corrective actions;

(5) Whether Lender is subject to any enforcement action, order or agreement with a regulator or the presence of other regulatory concerns as determined by SBA; and

(6) Whether Lender exhibits other risk factors (*e.g.,* has rapid growth; low SBA activity; SBA loan volume; Lender, an officer or director is under investigation or indictment).

(b) Delegated authority decisions are made by the appropriate SBA official in accordance with Delegations of Authority, and are final.

(c) If delegated authority is approved or renewed, Lender must execute a Supplemental Guarantee Agreement, which will specify a term not to exceed two years. SBA may grant shortened renewals based on risk or any of the other delegated authority criteria. Lenders with less than 3 years of SBA lending experience will be limited to a term of 1 year or less.

§ 120.441 [Removed and Reserved]

■ 29. Remove and reserve § 120.441.

§ 120.451 [Removed and Reserved]

■ 30. Remove and reserve § 120.451.

■ 31. Amend § 120.524 by revising paragraph (b) to read as follows:

§ 120.524 When is SBA released from liability on its guarantee?

* * * * *

(b) If SBA determines, at any time, that any of the events set forth in paragraph (a) of this section occurred in connection with that loan, SBA is entitled to recover any moneys paid on the guarantee plus interest from the Lender. In the exercise of its rights, SBA may utilize all legal means available, including offset and judicial remedies.

* * * * *

■ 32. Amend § 120.630 by revising paragraph (a)(4) and in paragraph (a)(5) by removing the term ''on-site''.

The revision reads as follows:

§ 120.630 Qualifications to be a Pool Assembler.

(a) * * *

(4) Is in good standing with SBA (as the D/FA determines in his or her discretion), and is Satisfactory with the Office of the Comptroller of the Currency (''OCC'') if it is a national bank, the Federal Deposit Insurance Corporation if it is a bank not regulated by the OCC, or the Financial Industry Regulatory Authority (''FINRA'') if it is a member as determined by SBA.

* * * * *

■ 33. Amend § 120.660 by:

■ a. Revising paragraphs (a) introductory text, (a)(1)(ii), and (a)(2);

■ b. Adding paragraph (a)(3);

■ c. Revising paragraph (c); and

■ d. Adding paragraph (d).

The revisions and additions read as follows:

§ 120.660 Suspension or revocation.

(a) *Temporary suspension or revocation of Lender, broker, dealer, or Registered Holder for violation of Secondary Market rules and regulations or other risks to SBA.* The D/FA together with the Director, Office of Credit Risk Management (D/OCRM) may suspend for a period of no more than 120 calendar days or revoke for a period of no more than two (2) years, the privilege of a Lender, broker, dealer, or Registered Holder to sell, purchase, broker, or deal in loans or Certificates for:

(1) * * *

(ii) Any provisions in the contracts entered into by the parties, including SBA Forms 1086, 1088 and 1454;

(2) Knowingly submitting false or fraudulent information to the SBA or FTA; or

(3) A Lender's receipt, from its primary Federal or state regulator

(including SBA), of a cease and desist order, a consent agreement affecting capital or commercial lending issues, a supervisory action citing unsafe or unsound banking practices, or any other supervisory action a primary regulator establishes hereafter that addresses unsafe or unsound lending practices; or a going concern opinion issued by the Lender's auditor. A Lender subject to a public action or going concern opinion must notify the D/FA and the D/OCRM within five (5) business days (or as soon as practicable thereafter) of the public issuance of any such action or the issuance of a going concern opinion. The Lender notice shall include copies of all relevant documents for SBA review.

* * * * *

(c) *Notice to suspend or revoke.* The D/FA and the D/OCRM shall notify the affected party in writing, providing the reasons therefore, at least 10 business days prior to the effective date of the suspension or revocation. The affected party may appeal the suspension or revocation made under this section pursuant to the procedures set forth in part 134 of this chapter. The action taken by the D/FA and the D/OCRM will remain in effect pending resolution of the appeal.

(d) *Early termination of suspension or revocation.* SBA may, by written notice, terminate a Secondary Market suspension or revocation under this section, if the D/FA and the D/OCRM, in their sole discretion, determine that such termination is warranted for good cause.

§ 120.710 [Amended]

■ 34. Amend § 120.710 by removing the term ''on-site'' from the third sentence of paragraph (e)(1).

■ 35. Amend § 120.812 by revising the last sentence of paragraph (c) to read as follows:

§ 120.812 Probationary period for newly certified CDCs.

* * * * *

(c) * * * Other factors may include, but are not limited to, review/examination assessments, historical performance measures, loan volume to the extent that it impacts performance measures, and other performance related measurements and information (such as contribution toward SBA mission).

* * * * *

■ 36. Amend § 120.816 by revising the last sentence of paragraph (c) to read as follows:

§ 120.816 CDC non-profit status and good standing.

* * * * *

(c) * * * Other factors may include, but are not limited to, review/examination assessments, historical performance measures, loan volume to the extent that it impacts performance measures, and other performance related measurements and information (such as contribution toward SBA mission).

■ 37. Amend § 120.823 by revising paragraphs (c)(5) and (d)(4)(ii)(A) through (C) and (E) to read as follows:

§ 120.823 CDC Board of Directors.

* * * * *

(c) * * *

(5) No CDC Board member may serve on the Board of another CDC.

(d) * * *

(4) * * *

(ii) * * *

(A) Be chosen by the Board of Directors, and consist of individuals with a background in either financial risk management, commercial lending, or legal issues relating to commercial lending who are not associated with another CDC;

(B) Have a Quorum of at least five (5) Loan Committee members authorized to vote;

(C) Have at least two (2) Loan Committee members with commercial lending experience satisfactory to SBA;

* * * * *

(E) Consist of Loan Committee members who live or work in the Area of Operations of the State where the 504 project they are voting on is located unless the project falls under one of the exceptions listed in § 120.839.

* * * * *

■ 38. Amend § 120.839 by revising the introductory text to read as follows:

§ 120.839 Case-by-case application to make a 504 loan outside of a CDC's Area of Operations.

A CDC may apply to make a 504 loan for a Project outside its Area of Operations by submitting a request to the 504 loan processing center. The applicant CDC must demonstrate that it can adequately fulfill its 504 program responsibilities for the 504 loan, including proper servicing. In addition, the CDC must have satisfactory SBA performance, as determined by SBA in its discretion. The CDC's Risk Rating, among other factors, will be considered in determining satisfactory SBA performance. Other factors may include, but are not limited to, review/examination assessments, historical performance measures, loan volume to the extent that it impacts performance measures, and other performance related measurements and information (such as contribution toward SBA mission). The 504 loan processing center may approve the application if:

* * * * *

■ 39. Amend § 120.841 by revising the last sentence of paragraph (c) to read as follows:

§ 120.841 Qualifications for the ALP.

* * * * *

(c) * * * Other factors may include, but are not limited to, review/examination assessments, historical performance measures, loan volume to the extent that it impacts performance measures, and other performance related measurements and information (such as contribution toward SBA mission);

* * * * *

■ 40. Amend § 120.884 by revising paragraph (e)(3) to read as follows:

§ 120.884 Ineligible costs for 504 loans.

* * * * *

(e) * * *

(3) Construction equipment (except for heavy duty construction equipment integral to the business' operations with a remaining useful life of a minimum of 10 years).

■ 41. Amend § 120.1025 by revising the section heading and removing the phrase ''off-site reviews and monitoring'' and adding in its place ''monitoring''.

The revision reads as follows:

§ 120.1025 Monitoring.

* * * * *

■ 42. Amend § 120.1050 by revising the section heading and removing the phrase ''on-site'' wherever it occurs.

The revision reads as follows:

§ 120.1050 Reviews and examinations.

* * * * *

■ 43. Amend § 120.1051 by revising the section heading, removing the phrase ''on-site'' from the introductory text, and revising paragraph (a).

The revisions read as follows:

§ 120.1051 Frequency of reviews and examinations.

* * * * *

(a) Results of monitoring, including an SBA Lender's, Intermediary's or NTAP's Risk Rating;

* * * * *

■ 44. Amend § 120.1060 by revising paragraph (b) to read as follows:

§ 120.1060 Confidentiality of Reports, Risk Ratings and related Confidential Information.

* * * * *

(b) *Disclosure prohibition.* Each SBA Lender, Intermediary, and NTAP is prohibited from disclosing its Report, Risk Rating, and Confidential Information, in full or in part, in any manner, without SBA's prior written permission. An SBA Lender, Intermediary, and NTAP may use the Report, Risk Rating, and Confidential Information for confidential use within its own immediate corporate organization. SBA Lenders, Intermediaries, and NTAPs must restrict access to their Report, Risk Rating and Confidential Information to their respective parent entities, officers, directors, employees, auditors and consultants, in each case who demonstrate a legitimate need to know such information for the purpose of assisting in improving the SBA Lender's, Intermediary's, or NTAP's SBA program operations in conjunction with SBA's Program and SBA's portfolio management (for purposes of this regulation, each referred to as a ''permitted party''), and to those for whom SBA has approved access by prior written consent, and those for whom access is required by applicable law or legal process. If such law or process requires SBA Lender, Intermediary, or NTAP to disclose the Report, Risk Rating, or Confidential Information to any person other than a permitted party, SBA Lender, Intermediary, or NTAP will promptly notify SBA and SBA's Information Provider in writing and in advance of such disclosure so that SBA and the Information Provider have, within their discretion, the opportunity to seek appropriate relief such as an injunction or protective order prior to disclosure. For purposes of this regulation, ''consultants'' means only those consultants that are under written contract with an SBA Lender, Intermediary or NTAP specifically to assist with addressing its Report Findings and Corrective Actions to SBA's satisfaction. The consultant contract must provide for both the consultant's agreement to abide by the disclosure prohibition in this paragraph and the consultant's agreement not to use the Report, Risk Rating, and Confidential Information for any purpose other than to assist with addressing the Report Findings and Corrective Actions. ''Information Provider'' means any contractor that provides SBA with the Risk Rating. Each SBA Lender, Intermediary, and NTAP must ensure that each permitted party is aware of and agrees to these regulatory requirements and must ensure that each such permitted party abides by them. Any disclosure of the Report, Risk Rating, or Confidential Information other than as permitted by this regulation may result in appropriate action as authorized by law. An SBA Lender, Intermediary, and NTAP will indemnify and hold harmless SBA from and against any and all claims, demands, suits, actions, and liabilities to any degree based upon or resulting from any unauthorized use or disclosure of the Report, Risk Rating, or Confidential Information. Information Provider contact information is available from the Office of Capital Access.

■ 45. Amend § 120.1070 by:
■ a. Revising the section heading;
■ b. Revising paragraphs (a)(1) through (4);
■ c. Redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively;
■ d. Adding a new paragraph (b);
■ e. Revising the first and second sentences of newly redesignated paragraph (c); and
■ f. Revising the final sentence of newly redesignated paragraph (d)

The addition and revisions read as follows:

§ 120.1070 SBA Lender oversight fees.

* * * * *

(a) * * *

(1) *Examinations.* The costs of conducting a safety and soundness examination and related activities of an SBA-Supervised Lender, including any expenses that are incurred in relation to the examination and such activities.

(2) *Reviews.* The costs of conducting a review of a 7(a) Lender or a 7(a) Lender's loans, and related review activities (*e.g.,* corrective action assessments, delegated loan reviews), including any expenses that are incurred in relation to the review and such activities.

(3) *Monitoring.* The costs of conducting monitoring reviews of a 7(a) Lender, including any expenses that are incurred in relation to the monitoring review activities.

(4) *Other lender oversight activities.* The costs of additional expenses that SBA incurs in carrying out other lender oversight activities (for example, the salaries and travel expenses of SBA employees and equipment expenses that are directly related to carrying out lender oversight activities, technical assistance and analytics to support the monitoring and review program, and supervision and enforcement activity costs).

(b) *Allocation.* SBA will assess to 7(a) Lender(s) the costs associated with the review, examination, monitoring, or other lender oversight activity, as determined by SBA in its discretion. In general:

(1) Where the costs that SBA incurs for a review, exam, monitoring or other lender oversight activity are specific to a particular 7(a) Lender, SBA will charge that 7(a) Lender a fee for the actual costs of conducting the review, exam, monitoring or other lender oversight activity; and

(2) Where the costs that SBA incurs for the lender oversight activity are not sufficiently specific to a particular Lender, SBA will assess a fee based on each 7(a) Lender's portion of the total dollar amount of SBA guarantees in SBA's total portfolio or in the relevant portfolio segment being reviewed or examined, to cover the costs of such activity. SBA may waive the assessment of this fee for all 7(a) Lenders owing less than a threshold amount below which SBA determines that it is not cost effective to collect the fee.

(c) * * * For the examinations or reviews conducted under paragraphs (a)(1) and (2) of this section, SBA will bill each 7(a) Lender for the amount owed following completion of the examination, review or related activity. For monitoring conducted under paragraph (a)(3) of this section and the other lender oversight activity expenses incurred under paragraph (a)(4) of this section, SBA will bill each 7(a) Lender for the amount owed on an annual basis. * * *

(d) * * * In addition, a 7(a) Lender's failure to pay any of the fee components described in this section, or to pay interest, charges and penalties that have been charged, may result in a decision to suspend or revoke a participant's eligibility, limit a participant's delegated authority, or other remedy available under law.

■ 46. Effective October 20, 2017, amend § 120.1400 by revising paragraph (a) to read as follows:

120.1400 Grounds for enforcement actions—SBA Lenders.

(a) *Agreements.* By making SBA 7(a) guaranteed loans or 504 loans, SBA Lenders automatically agree to the terms, conditions, and remedies in Loan Program Requirements, as promulgated or issued from time to time and as if fully set forth in the SBA Form 750 (Loan Guaranty Agreement), Development Company 504 Debenture, CDC Certification, Servicing Agent Agreement, or other applicable participation, guaranty, or supplemental agreement. SBA Lenders further agree

that a violation of Loan Program Requirements constitutes default under their respective agreements with SBA.

(1) *Additional agreements by CDCs.* By obtaining approval for 504 loans after October 20, 2017, a CDC consents to the remedies in § 120.1500(e)(3) and waives in advance any right it may have to contest the validity of the appointment of a receiver. The CDC agrees that its consent to SBA's application to a Federal court of competent jurisdiction for appointment of a receiver of SBA's choosing, an injunction or other equitable relief, and the CDC's consent in advance to the court's granting of SBA's application, may be enforced upon any basis in law or equity recognized by the court.

(2) *Additional agreements by SBA Supervised Lenders (except Other Regulated SBLCs*). By making SBA 7(a) guaranteed loans after October 20, 2017, an SBA Supervised Lender (except an Other Regulated SBLC) consents to the remedies in § 120.1500(c)(3) and waives in advance any right it may have to contest the validity of the appointment of a receiver. The SBA Supervised Lender agrees that its consent to SBA's application to a Federal court of competent jurisdiction for appointment of a receiver of SBA's choosing, an injunction or other equitable relief, and the SBA Supervised Lender's consent in advance to the court's granting of SBA's application, may be enforced upon any basis in law or equity recognized by the court.

* * * * *

■ 47. Amend § 120.1500 by revising paragraph (c)(3) and adding paragraph (e)(3) to read as follows:

§ 120.1500 Types of enforcement actions—SBA Lenders.

* * * * *

(c) * * *

(3) *Initiate request for appointment of receiver and/or other relief.* The SBA may make application to any Federal court of competent jurisdiction for the court to take exclusive jurisdiction, without notice, of an SBA Supervised Lender, and SBA shall be entitled to the appointment of a receiver of SBA's choosing to hold, administer, operate, and/or liquidate the SBA Supervised Lender; and to such injunctive or other equitable relief as may be appropriate. Without limiting the foregoing and with SBA's written consent, the receiver may take possession of the portfolio of 7(a) loans and sell such loans to a third party, and/or take possession of servicing activities of 7(a) loans and sell such servicing rights to a third party.

* * * * *

(e) * * *

(3) Apply to any Federal court of competent jurisdiction for the court to take exclusive jurisdiction, without notice, of the CDC, and SBA shall be entitled to the appointment of a receiver of SBA's choosing to hold, administer, operate and/or liquidate the CDC; and to such injunctive or other equitable relief as may be appropriate. Without limiting the foregoing and with SBA's consent, the receiver may take possession of the portfolio of 504 loans and/or pending 504 loan applications, including for the purpose of carrying out an enforcement order under paragraph (e)(1) of this section.

■ 48. Amend § 120.1600 by:

■ a. Revising paragraph (a) introductory text;

■ b. Adding paragraph (a)(6); and

■ c. Revising paragraph (b)(4).

The revisions and addition read as follows:

§ 120.1600 General procedures for enforcement actions against SBA Lenders, SBA Supervised Lenders, Other Regulated SBLCs, Management Officials, Other Persons, Intermediaries, and NTAPs.

(a) *In general.* Except as otherwise set forth for the enforcement actions listed in paragraphs (a)(6), (b) and (c) of this section, SBA will follow the procedures listed below.

* * * * *

(6) *Receiverships of Certified Development Companies and/or other relief.* If SBA undertakes the appointment of a receiver for a Certified Development Company and/or injunctive or other equitable relief, paragraphs (a)(1) through (5) of this section will not apply and SBA will follow the applicable procedures under Federal law to obtain such remedies and to enforce the Certified Development Company's consent and waiver in advance to those remedies.

(b) * * *

(4) *Receiverships, transfer of assets and servicing activities.* If SBA undertakes the appointment of a receiver for, or the transfer of assets or servicing rights of an SBA Supervised Lender and/or injunctive or other equitable relief, SBA will follow the applicable procedures under Federal law to obtain such remedies and to enforce the SBA Supervised Lender's consent and waiver in advance to those remedies.

* * * * *

■ 49. Amend § 120.1703 by revising paragraph (a)(4) to read as follows:

§ 120.1703 Qualifications to be a Pool Originator.

(a) * * *

(4) Is in good standing with SBA (as the SBA determines), and is Satisfactory with the Office of the Comptroller of the Currency (OCC) if it is a national bank, the Federal Deposit Insurance Corporation if it is a bank not regulated by the OCC, the Financial Institutions Regulatory Authority if it is a member, the National Credit Union Administration if it is a credit union, as determined by SBA; and

* * * * *

■ 50. Amend § 120.1707 by revising the fifth sentence and adding a sixth sentence to read as follows:

§ 120.1707 Seller's retained Loan Interest.

* * * In addition, in order to complete such sale, Seller must have the purchaser of its rights to the Pool Loan execute an allonge to the Seller's First Lien Position 504 Loan Pool Guarantee Agreement in a form acceptable to SBA, acknowledging and accepting all terms of the Seller's First Lien Position 504 Loan Pool Guarantee Agreement, and deliver the executed original allonge and a copy of the corresponding First Lien Position 504 Loan Pool Guarantee Agreement to the CSA. All Pool Loan payments related to a Seller Receipt and Servicing Retention Amount proposed for sale will be withheld by the CSA pending SBA acknowledgement of receipt of all executed documents required to complete the transfer.

Subpart K—[Removed]

■ 51. Remove Subpart K, consisting of §§ 120.1800 through 120.1900.

Dated: August 11, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–17447 Filed 8–18–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0419; Product Identifier 2015–SW–077–AD; Amendment 39–18991; AD 2017–17–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters (Airbus) Model AS332L2

and EC225LP helicopters. This AD requires inspections of the main rotor (M/R) blade attachment pins (attachment pins). This AD was prompted by a report of three cracked attachment pins. The actions of this AD are intended to detect and prevent an unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/Website/en/ref/Technical-Support_73.html*. 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–2017–0419.

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–2017–0419; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (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: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5116; email *david.hatfield@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

On May 11, 2017, at 82 FR 21956, 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 Airbus Model AS332L2 helicopters with an attachment pin part number (P/N) 332A31–2123–00 or P/N 332A31–2115–20 installed and Model EC225LP helicopters with an attachment pin P/N 332A31–3204–20 installed. The NPRM proposed to require an initial and recurring inspection of each attachment pin for corrosion, a crack, and any pitting. If there is a crack or any pitting, the NPRM proposed to require replacing the attachment pin. If there is corrosion, the NPRM proposed to require removing the corrosion up to a maximum of four times. The NPRM also proposed to require performing these inspections prior to installing an attachment pin. The proposed requirements were intended to detect corrosion or a crack in an attachment pin and prevent loss of an M/R blade and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. 2015–0016, dated January 30, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Model AS 332 L2 and EC 225 LP helicopters with certain part-numbered attachment pins installed. EASA advises of three cracked attachment pins on a Model AS 332 L2 helicopter, which resulted from a combination of factors including corrosion that had initiated in the inner diameter area of the attachment pin chamfer. EASA states that if this condition is not detected and corrected, it may lead to failure of the attachment pin with loss of control of the helicopter. Due to design similarity, Model EC225LP helicopters are also affected by this issue.

For these reasons, EASA AD No. 2015–0016 requires repetitive inspections of the attachment pins for corrosion.

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

Differences Between This AD and the EASA AD

The EASA AD does not require an inspection of the protective coating of each attachment pin for Model EC225LP helicopters. This AD requires inspecting the protective coating of each attachment pin for both model helicopters. The EASA AD requires ensuring there are no corrosion pits without a corresponding corrective action. This AD requires replacing an attachment pin that has any pitting. The EASA AD requires a non-destructive inspection if in doubt about whether there is a crack, while this AD does not. Lastly, the EASA AD requires contacting and returning to Airbus Helicopters any attachment pin with a crack, and this AD does not.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–05.00.99, Revision 0, dated December 22, 2014 (AS332–05.00.99), for Model AS332L2 helicopters and Airbus Helicopters ASB No. EC225–05A040, Revision 0, dated December 22, 2014 (EC225–05A040), for Model EC225LP helicopters. Airbus Helicopters advises of cracks discovered in attachment pins that resulted from a combination of factors, but mainly corrosion which initiated in the inner diameter at the chamfer. This service information specifies repetitively inspecting for corrosion and cracks and ensuring there are no corrosion pits in the attachment pins. If there is corrosion, this service information allows an attachment pin to be reworked up to four times before removing it from service. If there is a crack, this service information specifies contacting and sending the attachment pin to Airbus Helicopters.

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 5 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.

For Model AS332L2 helicopters, there are no costs of compliance with this AD because there are no helicopters with this type certificate on the U.S. Registry.

For Model EC225LP helicopters, which have ten attachment pins

installed, inspecting the attachment pins takes about 1 work-hour for a total cost of $85 per helicopter and $425 for the U.S. fleet. Removing corrosion takes about 1 work-hour for a total cost of $85 per attachment pin. Replacing an attachment pin takes negligible additional labor time and required parts would cost about $5,720.

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):

2017–17–01 Airbus Helicopters: Amendment 39–18991; Docket No. FAA–2017–0419; Product Identifier 2015–SW–077–AD.

(a) Applicability

This AD applies to the following helicopters, certificated in any category:

(1) Model AS332L2 helicopters with a main rotor (M/R) blade attachment pin (attachment pin) part number (P/N) 332A31–2123–00 or P/N 332A31–2115–20 installed; and

(2) Model EC225LP helicopters with an attachment pin P/N 332A31–3204–20 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as corrosion or a crack in an attachment pin. This condition could result in loss of an M/R blade and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective September 25, 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) For Model AS332L2 helicopters, within 410 hours time-in-service (TIS), and for Model EC225LP helicopters within 660 hours TIS, remove each attachment pin and inspect the protective coating on the inside of the attachment pin for scratches and missing protective coating.

(i) If there is a scratch or any missing protective coating, sand the attachment pin to remove the varnish in the area depicted as ''Area A'' in Figure 1 of Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–05.00.99, Revision 0, dated December 22, 2014 (AS332–05.00.99), or Airbus Helicopters ASB No. EC225–05A040, Revision 0, dated December 22, 2014 (EC225–05A040), as applicable to your model helicopter.

(ii) Using a 10X or higher power magnifying glass, inspect for corrosion and pitting at the chamfer. An example of pitting is shown in the Accomplishment Instructions, paragraph 3.B.3., Note 1, of AS332–05.00.99, and paragraph 3.B.2., Note 1, of EC225–05A040. If there is any corrosion, remove the corrosion. If there is any pitting, replace the attachment pin. Do not sand the attachment pin to remove a corrosion pit.

(iii) Using a 10X or higher power magnifying glass, inspect the inside and outside of the attachment pin for a crack in the areas depicted as ''Area A'' and ''Area B'' in Figure 1 of AS332–05.00.99 or EC225–05A040, as applicable to your model helicopter. Pay particular attention to the chamfer in ''Area A.'' If there is a crack, remove the attachment pin from service.

(2) Thereafter, for Model AS332L2 helicopters, at intervals not to exceed 825 hours TIS or 26 months, whichever occurs first; and for Model EC225LP helicopters, at intervals not to exceed 1,320 hours TIS or 26 months, whichever occurs first; perform the actions specified in paragraph (e)(1) of this AD. Corrosion may be removed from an attachment pin as specified in paragraph (e)(1)(ii) of this AD a maximum of four times. If there is a fifth occurrence of corrosion on an attachment pin, before further flight, remove the attachment pin from service.

(3) Do not install an attachment pin P/N 332A31–2123–00, P/N 332A31–2115–20, or P/N 332A31–3204–20 on any helicopter unless you have complied with the actions in paragraph (e)(1) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5116; 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

The subject of this AD is addressed in European Aviation Safety Agency (EASA) No. 2015–0016, dated January 30, 2015. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2017–0419.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

(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) Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–05.00.99, Revision 0, dated December 22, 2014.

(ii) Airbus Helicopters ASB No. EC225–05A040, Revision 0, dated December 22, 2014.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/Website/en/ref/Technical-Support_73.html.*

(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 August 7, 2017.

Scott A. Horn,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2017–17084 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0335; Product Identifier 2017–NM–025–AD; Amendment 39–18994; AD 2017–17–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD was prompted by a report of cracks in the upper aft skin of the right wing at certain fastener holes along the rear spar upper chord. This AD requires repetitive inspections for cracking of the upper aft skin of the wings, and repair if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, 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 service information at the FAA, Transport Standards Branch, 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–2017–0335.

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–2017–0335; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 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: Payman Soltani, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5313; fax: 562–627–5210; email: *payman.soltani@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 all Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on May 17, 2017 (82 FR 22619) (''the NPRM''). The NPRM was prompted by a report of cracks in the upper aft skin of the right wing at certain fastener holes along the rear spar upper chord. The NPRM proposed to require repetitive inspections for cracking of the upper aft skin of the wings, and repair if necessary.

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.

Support for the NPRM

Boeing and Robert Simpson concurred with the content of the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the supplemental type certificate (STC) ST01219SE does not affect compliance with the actions specified in the NPRM.

We agree with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the change 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 final rule.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017. This service information describes procedures for repetitive detailed inspections of the upper aft skin of the wings 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.

Costs of Compliance

We estimate that this AD affects 471 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
Repetitive inspections	5 work-hours × $85 per hour = $425 per inspection cycle.	$0	$425 per inspection cycle ..	$200,175 per inspection cycle.

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

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, 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):

2017–17–04 The Boeing Company: Amendment 39–18994; Docket No. FAA–2017–0335; Product Identifier 2017–NM–025–AD.

(a) Effective Date

This AD is effective September 25, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/312bc296830a925c86257c85006d1b1f/$FILE/ST01219SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of cracks in the upper aft skin of the right wing at certain fastener holes along the rear spar upper chord. We are issuing this AD to detect and correct cracks in the upper aft skin of the wings, which could result in the inability of a principle structural element to sustain limit load, and consequent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Group 2 Airplanes: Detailed Inspections and Repair

For Group 2 airplanes identified in Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017, except as required by paragraph (i) of this AD, do a detailed inspection for cracking of the upper aft skin of the wings from wing buttock line (WBL) 80 to WBL 155, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017. If any cracking is found, repair before further flight in accordance with the procedures specified in paragraph (j) of this AD. Although Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017, specifies to contact Boeing for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair as specified in this paragraph. Repeat the inspection thereafter at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017.

(h) Group 1 Airplanes: Inspection and Corrective Action

For Group 1 airplanes identified in Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017: Within 120 days after the effective date of this AD, inspect for cracking of the upper aft skin of the wings, and do all applicable corrective actions, using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Exception to the Service Information

Where Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017, specifies a compliance time ''after the original issue date of this Service Bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, 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 certification office, send it to the attention of the person identified in paragraph (k) 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 Branch, 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 (g) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(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.

(k) Related Information

For more information about this AD, contact Payman Soltani, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5313; fax: 562–627–5210; email: *payman.soltani@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 the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017.

(ii) Reserved.

(3) 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.*

(4) You may view this service information at the FAA, Transport Standards Branch, 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 August 8, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17204 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0131; Product Identifier 2016–NM–186–AD; Amendment 39–18996; AD 2017–17–06]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–300, –400, and –500 series airplanes. This AD was prompted by a report of fatigue cracking found in a certain fuselage frame common to the water tank support intercostal clip located between certain stringers. This AD requires inspections for any cracking of a certain fuselage frame, and repair if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 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–2017–0131.

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–2017–0131; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 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: Galib Abumeri, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@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 certain The Boeing Company Model 737–300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on March 23, 2017 (82 FR 14835). The NPRM was prompted by a report of fatigue cracking found in a certain fuselage frame common to the water tank support intercostal clip located between certain stringers. The NPRM proposed to require inspections for any cracking of a certain fuselage frame, and repair if necessary. We are issuing this AD to detect and correct fatigue cracking that could grow in size and result in a severed frame. Multiple adjacent severed frames would result in reduced structural integrity 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. Boeing supported the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the supplemental type certificate (STC) ST01219SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the change 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 final rule.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1357, dated August 9, 2016. The service information describes procedures for inspections for any cracking of a certain fuselage frame, and repair if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 140 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
Inspection	2 work-hours × $85 per hour = $170 per inspection cycle	$0	$170 per inspection cycle.	$23,800 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	18 work-hours × $85 per hour = $1,530	$100	$1,630

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.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

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, 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):

2017–17–06 The Boeing Company: Amendment 39–18996; Docket No. FAA–2017–0131; Product Identifier 2016–NM–186–AD.

(a) Effective Date

This AD is effective September 25, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1357, dated August 9, 2016.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/ebd1cec7b301293e86257cb30045557a/$FILE/ST01219SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(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 a certain fuselage frame common to the water tank support intercostal clip located between certain stringers. We are issuing this AD to detect and correct cracking, which could grow in size and result in a severed frame. Multiple adjacent severed frames would result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Inspection

Before the accumulation of 34,000 total flight cycles or within 6,000 flight cycles after the effective date of this AD, whichever occurs later, do a high frequency eddy current (HFEC) inspection for any cracking in the fuselage frame at station (STA) 947.5 common to the water tank support intercostal clip located between stringers S–24R and S–25R, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1357, dated August 9, 2016.

(1) If no cracking is found, repeat the inspection thereafter at intervals not to exceed 12,000 flight cycles.

(2) If any cracking is found: Before further flight, repair in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1357, dated August 9, 2016.

(h) Terminating Action

Accomplishing the repair in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1357, dated August 9, 2016, terminates the inspection requirements of paragraph (g) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, 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 certification office, send it to the attention of the person identified in paragraph (j) 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 Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

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

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

For more information about this AD, contact Galib Abumeri, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@faa.gov.*

(k) 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) Boeing Alert Service Bulletin 737–53A1357, dated August 9, 2016.

(ii) Reserved.

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

(4) You may view this service information at the FAA, Transport Standards Branch, 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 August 8, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17202 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9520; Product Identifier 2016–NM–163–AD; Amendment 39–18987; AD 2017–16–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 777 airplanes. This AD was prompted by reports of cracks on the underwing longerons. This AD requires repetitive inspections of the left and right side underwing longerons for any crack, and related investigative and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; Internet: *https://www.myboeingfleet.com*. You may view this service information at the FAA, Transport Standards Branch, 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–2016–9520.

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–2016–9520; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 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: Eric Lin, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6412; fax: 425–917–6590; email: *eric.lin@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 all The Boeing Company Model 777 airplanes. The NPRM published in the **Federal Register** on January 3, 2017 (82 FR 54) (''the NPRM''). The NPRM was prompted by reports of cracks on the underwing longerons. The NPRM proposed to require repetitive inspections of the left and right side underwing longerons for any crack, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct cracks in the underwing longerons, which could result in fuel leakage into the forward cargo area and consequent increased risk of a fire or, in a more severe case, could adversely affect the structural integrity of the airplane.

New Service Information

Since we issued the NPRM, Boeing has released Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017. In the NPRM, we refer to Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016, as the appropriate source of service information. Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017, corrects typographical errors, including errors in steps 3.c.(1) and 3.c.(2) of Part 1 of the Accomplishment Instructions, and provides additional access and inspection procedures. Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017, also adds a surface high frequency eddy current (HFEC) inspection of the external surface of the fuselage skin for any crack, to the inspection of the fuselage skin that is part of the underwing longeron replacement procedure specified in Part 8 and Part 9 of the Accomplishment Instructions. No additional work is necessary on airplanes on which the inspection of the fuselage skin was already done as specified in Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016. We have determined that Revision 1 is also an appropriate source of service information and have revised this AD accordingly.

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.

Support for the NPRM

Boeing expressed support for the NPRM.

Request To Delay AD Action

Air France requested that we delay our AD action. The commenter pointed out that the manufacturer has not determined the root cause of underwing longeron failure and that because longeron cracking is a design defect, a design correction should only be implemented once during the life of the airplane. The commenter also pointed out that the service information would require multiple repairs that could be considered design corrections. The commenter stated that repetitive inspections should not be mandated until a final fix (design improvement) is available and that Air France believes that the safety concern (as stated in the service information) of fuel leaking into the forward cargo area could be addressed by A-Check level inspections. The commenter also indicated that they believe the structural integrity safety concern (as stated in the service information) could be addressed by existing inspections, specified in the Maintenance Planning Document (MPD), that are able to detect cracked longerons and surrounding related damages and are already continuously performed on the fleet.

We disagree with the commenter's request to delay this AD. The existing MPD inspections have been reviewed and do not adequately address the unsafe condition identified in this AD. Additionally, the determinations of the unsafe conditions, mitigating action, and compliance times of this AD have been coordinated with the manufacturer, and we have determined that the actions specified in this AD are required to address the unsafe condition. We have not changed this AD in this regard.

Request To Extend Initial Compliance Time and Repeat Intervals

Air France requested that we increase the compliance time for the initial inspection and include independent compliance times for the left and right underwing longeron inspections. United Airlines (UAL), Air France, All Nippon Airways (ANA), and Cathay Pacific Airways (CPA) also requested that we extend the intervals for the repetitive inspections to coincide with either A or C-Check level inspections. Additionally, ANA expressed concern that if cracking is found during the repetitive inspections then the consequent repairs could inadvertently extend the amount of time that the airplane is on the ground. UAL and CPA also noted the proposed compliance time would result in operational disruptions if not aligned with a C-check. Air France stated there are already inspections contained in the MPD and that the initial inspection compliance time should take into account when cracking was found. Air France also stated that there is no safety issue when there is a cracked underwing longeron and there is no fuel leak into the forward cargo area or a structural integrity issue.

We disagree with the commenters' requests. As stated previously, the existing MPD inspections have been reviewed and do not provide an acceptable level of safety for the affected airplanes for the identified unsafe condition. We have determined that the compliance times specified in this AD are necessary to address the identified unsafe conditions. However, we will consider requests for approval of alternative methods of compliance (AMOC), including extensions of the compliance times, if sufficient data is

submitted to substantiate that a different compliance time will provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Exclude Certain Airplanes From the Applicability

ANA requested that we exclude Boeing Model 777–200 airplanes that do not have a center fuel tank from the applicability of the proposed AD. ANA pointed out that since the Boeing Model 777–200 airplanes do not have a center fuel tank, a fuel leak from the center fuel tank and subsequent possible fire cannot occur.

We disagree with the request to exclude Boeing Model 777–200 airplanes from the applicability of this AD. The possibility of a fuel leak into the forward cargo area and subsequent possible fire is not the only safety concern. Severe cases of uncorrected longeron cracking could adversely affect the structural integrity of the airplane. As stated previously, the determinations of the unsafe conditions, mitigating action, and compliance times in this AD have been coordinated with the manufacturer. We have not changed this AD in this regard.

Request To Include Alternative Modified Repetitive Inspection Program

ANA requested that we include an alternative modified repetitive inspection program in the NPRM. ANA specifically requested that the alternative modified repetitive inspection program match with their C-check level inspection program for the non-destructive inspection and for the detailed inspection at the ''line maintenance'' interval within times since certain inspections. ANA pointed out that the manufacturer has agreed that the requested alternative inspection program meets the inspection specifications in Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016.

We disagree with the request to include an alternative modified repetitive inspection program in this AD. The commenter did not provide technical justification for such a change. We have determined that the compliance times specified in this AD are necessary to address the identified unsafe conditions. However, we will consider requests for approval of AMOCs, including extensions of the compliance times, if sufficient data is submitted to substantiate that a different compliance time will provide an acceptable level of safety. Additionally, operators may do the required inspections earlier than the compliance times required by the AD. For the inspection options specified in the Boeing Alert Service Bulletin 777–53A0081, an operator can change an inspection method at their discretion to meet operational needs, and the previous inspection determines the interval to the next inspection. We have not changed this AD in this regard.

Request To Mandate Repair and Future Modification (for Terminating Action) as Identical Procedures

Emirates requested that we mandate repair and future modification (for terminating action) as identical procedures to avoid incurring duplicate expenses. Emirates mentioned that the repair work is extensive (required resources, materials, and ground time) and the repair kit is expensive. Emirates pointed out that the manufacturer is expected to issue a modification service bulletin to terminate the inspection specified in Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016, and that the FAA is expected to mandate the terminating modification. The commenter also pointed out that the modification is expected to be extensive and require a modification kit that is also expensive, and concluded that the requirement of multiple kits for the repair and future planned modification would cause operators to incur duplicate expenses.

We disagree with the request because there is currently no modification kit available even though it might be possible to mitigate the unsafe condition through a modification to the underwing longeron. The inspections and repairs required by this AD are necessary to provide an acceptable level of safety for the affected airplanes. However, as stated previously, we will consider requests for AMOCs, including those that allow for revised service information, repairs, or terminating actions, if sufficient data is submitted to substantiate that different service information, repairs, or terminating actions will provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Specify Alternate Special Tools

ANA requested that we specifically include certain alternate special tools in the NPRM to measure the thickness of the fuel barrier sealants. The commenter indicated that they do not have the special tools that are specified in the airplane maintenance manual (AMM) (which is specified as an accepted procedure to repair the secondary fuel barrier in Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016).

We disagree that alternate special tools should be specified in this AD because this AD does not mandate using a specific tool. This AD requires operators to perform inspections and repairs in accordance with Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016; or Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017. Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016; and Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017, refer to a specific procedure in the AMM as an accepted procedure to repair the secondary fuel barrier. However, we do not mandate the AMM procedure in this AD; therefore, operators may repair the secondary fuel barrier using accepted methods in accordance with their maintenance or inspection program. We have not changed this AD in this regard.

Request To Allow Simultaneous Replacement

ANA requested that we allow simultaneous replacement of the longerons rather than completing one side before beginning work on the opposite side. ANA indicated that they prefer to start work on the opposite side when 50% final fastener installation has been completed on the initial longeron replacement. ANA also pointed out that the manufacturer has agreed that this method is structurally acceptable.

We disagree that simultaneous replacement of the longerons should be included in this AD. Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016; and Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017; specify that only one underwing longeron is to be removed and replaced at a time. However, as stated previously, we will consider requests for AMOCs if sufficient data is submitted to substantiate that a different method of completion will provide an acceptable level of safety. 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 final rule 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 final rule.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016; and Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017. This service information describes procedures for repetitive detailed inspections, ultrasonic inspections, and HFEC inspections of the left and right side longerons, and related investigative and corrective actions if necessary. Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017, also includes an additional surface HFEC inspection of the external surface of the fuselage skin.

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 201 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
Option 1:				
Detailed Inspection	4 work-hours × $85 per hour = $340 per inspection cycle.	$0	$340 per inspection cycle.	$68,340 per inspection cycle.
Option 2:				
Detailed and HFEC or Ultrasonic Inspection.	12 work-hours × $85 per hour = $1,020 per inspection cycle.	$0	$1,020 per inspection cycle.	$205,020 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Left side or right side longeron replacement	102 work-hours × $85 per hour = $8,670 per side.	$31,000 per side	$39,670 per side.

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

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

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.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

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, 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):

2017–16–10 The Boeing Company: Amendment 39–18987; Docket No. FAA–2016–9520; Product Identifier 2016–NM–163–AD.

(a) Effective Date

This AD is effective September 25, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage and 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of cracks on the underwing longerons. We are issuing this AD to detect and correct cracks in the underwing longerons, which could result in fuel leakage into the forward cargo area and consequent increased risk of a fire or, in a more severe case, could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Inspections

Except as specified in paragraph (i)(1) of this AD, at the applicable times specified in tables 1 through 6 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016: Do detailed inspections for any crack of the left and right side underwing longerons; or do detailed inspections, and high frequency eddy current (HFEC) or ultrasonic inspections, as applicable, for any crack of the left and right side underwing longerons; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016, or Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017, except as required by paragraph (i)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections thereafter at the times specified in tables 1 through 6 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016, as applicable. Replacing an underwing longeron, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016; or Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017; except as required by paragraph (i)(2) of this AD, terminates the repetitive inspections required by this paragraph for that longeron only.

(h) Repetitive Post-Replacement Inspections and Corrective Actions

For airplanes on which any longeron replacement has been done as specified in Boeing Alert Service Bulletin 777–53A0081: At the applicable times specified in tables 7 through 14 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016, do detailed inspections of all replaced longerons for any crack, or do detailed inspections and ultrasonic inspections of all replaced longerons for any crack, and do all applicable corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016; or Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017; except as required by paragraph (i)(2) of this AD. Do all applicable corrective actions before further flight. Repeat the inspections thereafter at intervals not to exceed the applicable time specified in tables 7 through 14 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016.

(i) Service Information Exceptions

(1) Where Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016, specifies a compliance time ''after the issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016; or Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017; specifies to contact Boeing for appropriate action: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, 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 certification office, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, 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 (i)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(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 sub-step is labeled ''RC Exempt,'' then the RC requirement is removed from that step or sub-step. 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.

(k) Related Information

For more information about this AD, contact Eric Lin, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6412; fax: 425–917–6590; email: *eric.lin@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 the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 777–53A0081, dated September 8, 2016.

(ii) Boeing Alert Service Bulletin 777–53A0081, Revision 1, dated May 1, 2017.

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

(4) You may view this service information at the FAA, Transport Standards Branch, 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 August 2, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–16779 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0477; Product Identifier 2016–NM–112–AD; Amendment 39–18990; AD 2017–16–13]

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 CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. This AD was prompted by a report indicating that the lanyard length of the passenger drop down oxygen masks is too long. This AD requires replacing the existing oxygen mask lanyards with lanyards of the correct length. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com*; Internet *http://www.bombardier.com*. You may view this referenced service information at the FAA, Transport Standards Branch, 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–2017–0477.

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–2017–0477; 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 A. Gomez, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 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 CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. The NPRM published in the **Federal Register** on May 22, 2017 (82 FR 23156) (''the NPRM''). The NPRM was prompted by a report indicating that the lanyard length of the passenger drop down oxygen masks is too long. The NPRM proposed to require replacing the existing oxygen mask lanyards with lanyards of the correct length. We are issuing this AD to prevent improper oxygen flow functionality to the passenger oxygen masks in the event of an emergency.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–15, dated May 18, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. The MCAI states:

> Bombardier (BA) has determined that the lanyard length of the passenger drop down oxygen masks is too long and may cause the safety pin tethered to the opposite end of the lanyard to remain engaged in the oxygen flow mechanism when the mask is pulled to the passenger's face. In an emergency situation where oxygen is required, it is possible that certain passengers may not receive oxygen supply due to the increased length of the lanyard.
>
> BA has issued service bulletin (SB) 605–35–003 to replace the existing lanyards in the passenger oxygen box assemblies with lanyards of the correct length. Incorporation of this BA SB will restore the proper oxygen flow functionality to the passenger oxygen masks in the event of an emergency.
>
> This [Canadian] AD mandates the incorporation of [Bombardier] SB 605–35–003.

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–2017–0477.

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 this 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

Bombardier, Inc., has issued Service Bulletin 605–35–003, Revision 02, dated April 18, 2016. This service information describes procedures for replacing the existing oxygen mask lanyards with lanyards of the correct length. 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 120 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
Replacement	4 work-hours × $85 per hour = $340	Not available	$340	$40,800

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

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.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

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):

2017–16–13 Bombardier, Inc.: Amendment 39–18990; Docket No. FAA–2017–0477; Product Identifier 2016–NM–112–AD.

(a) Effective Date

This AD is effective September 25, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes, certificated in any category, serial numbers 5702 through 5705 inclusive, 5707, 5709, 5710, 5712, 5714, 5715, 5718, 5719, 5722, 5723, 5725, 5727, 5728, 5731 through 5733 inclusive, 5735, 5736, 5740, 5742, 5743, 5745, 5746, 5748 through 5750 inclusive, 5752 through 5754 inclusive, 5756 through 5758 inclusive, 5760 through 5762 inclusive, 5764 through 5766 inclusive, 5768 through 5770 inclusive, 5772 through 5774 inclusive, 5776 through 5780 inclusive, 5782 through 5787 inclusive, 5790, 5791, 5793, 5794, 5796, 5797, 5799, 5800, 5802, 5803, 5805 through 5814 inclusive, 5816, 5818 through 5820 inclusive, 5823 through 5829 inclusive, 5831 through 5853 inclusive, 5856, 5857, 5859 through 5863 inclusive, 5865 through 5874 inclusive, 5876 through 5881 inclusive, 5883 through 5888 inclusive, 5890 through 5894 inclusive, 5896 through 5898 inclusive, 5900 through 5906 inclusive, 5908 through 5911 inclusive, 5913 through 5938 inclusive, 5940 through 5947 inclusive, 5949 through 5980 inclusive, 5982 through 5985 inclusive, 5987, and 5988.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by a report indicating that the lanyard length of the passenger drop down oxygen masks is too long. The length of the oxygen mask lanyard might cause the safety pin tethered to the opposite end of the lanyard to remain engaged in the oxygen flow mechanism when the mask is pulled to the passenger's face. We are issuing this AD to prevent improper oxygen flow functionality to the passenger oxygen masks in the event of an emergency.

(f) Compliance

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

(g) Replacement of Oxygen Mask Lanyards

Within 2,400 flight hours or 60 months, whichever occurs first after the effective date of this AD, replace the existing lanyards in the passenger oxygen box assemblies with lanyards of the correct length, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 605–35–003, Revision 02, dated April 18, 2016.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 605–35–003, dated January 28, 2016; or Bombardier Service Bulletin 605–35–003, Revision 01, dated February 10, 2016.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, 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 Branch, 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, 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.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2016–15, dated May 18, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0477.

(2) For more information about this AD, contact Cesar A. Gomez, Aerospace Engineer,

Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(k) 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) Bombardier Service Bulletin 605–35–003, Revision 02, dated April 18, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com*; Internet *http://www.bombardier.com*.

(4) You may view this service information at the FAA, Transport Standards Branch, 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 August 4, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17086 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0520; Product Identifier 2016–NM–143–AD; Amendment 39–18995; AD 2017–17–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 series airplanes; and 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). This AD was prompted by reports of cracks initiating at the upper radius of a certain frame and a determination that the current inspection procedure is not reliable in detecting certain cracking of the forward fitting of the frame. This AD requires repetitive inspections to detect cracking of the upper radius of the forward fitting of a certain frame, and related investigative actions and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, 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 Standards Branch, 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–2017–0520.

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–2017–0520; 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: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; fax: 425–227–1149.

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 Airbus Model A300 series airplanes; and 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). The NPRM published in the **Federal Register** on May 31, 2017 (82 FR 24903) (''the NPRM''). The NPRM was prompted by reports of cracks initiating at the upper radius of frame (FR) 47 and a determination that the current inspection procedure is not reliable in detecting certain cracking of the forward fitting of FR 47. The NPRM proposed to require repetitive inspections to detect cracking of the upper radius of the forward fitting of FR 47, and related investigative actions and corrective actions if necessary. We are issuing this AD to detect and correct fatigue cracking of the FR 47 forward fitting upper radius on the left-hand and right-hand sides of the fuselage, which could propagate and result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0150, dated July 25, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all. The MCAI states:

> During scheduled maintenance inspections on the fuselage, cracks initiating at the upper radius of frame (FR) 47 have been reported on several aeroplanes. Similar damage was also discovered on the A300 fatigue test fuselage.
>
> This condition, if not detected and corrected, could reduce the structural integrity of the fuselage.
>
> Prompted by these findings, Airbus issued Service Bulletin (SB) A300–53–0246, SB A300–53–6029 and SB A300–53–9014 to provide inspection instructions and, consequently, DGAC France issued AD F–2006–016 to require repetitive inspections and corrective action.
>
> Since that [French] AD was issued, further investigation led to the conclusion that the current ultrasonic inspection performed in accordance with Airbus SB A300–53–0246 Revision 06, or SB A300–53–6029 Revision 08, or SB A300–53–9014 Revision 01, as applicable, was not reliable to detect deep crack going downward.
>
> Consequently, to ensure the crack depth is correctly measured whatever the crack direction, Airbus developed a new nondestructive testing method [eddy current]

for this special detailed inspection (SDI) and revised the affected SBs accordingly.

For the reasons described above, this [EASA] AD retains the requirements of DGAC France AD F–2006–016, which is superseded, but requires the accomplishment of repetitive SDI to replace the previously required ultrasonic inspections [and related investigative and corrective actions if necessary].

Related investigative actions include an ultrasonic inspection for cracking on the forward face of the forward fitting and a detailed inspection for cracking of the aft fitting around the fasteners. Corrective actions include crack repairs, and modification of the sealing fittings and sealing shims. This AD requires reporting of the inspection results to Airbus. 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–2017–0520.

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 this 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

Airbus has issued Airbus Service Bulletin A300–53–0246, Revision 08, including Appendix 1, dated April 13, 2016 (for Model A300 series airplanes); and Airbus Service Bulletin A300–53–6029, Revision 12, including Appendix 1, dated April 13, 2016 (for Model A300–600 series airplanes). The service information describes procedures for doing an SDI for cracking of the FR 47 forward fitting upper radius on the left-hand and right-hand sides of the fuselage, and related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD will affect 132 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
Inspection	19 work-hours × $85 per hour = $1,615.	$0	$1,615 per inspection cycle	$213,180 per inspection cycle.
Reporting	1 work-hour × $85 per hour = $85	$0	$85 per inspection cycle	$11,220 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Related investigative and Corrective actions	21 work-hours × $85 per hour = $1,785	$1,835	$3,620

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.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

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):

2017–17–05 Airbus: Amendment 39–18995; Docket No. FAA–2017–0520; Product Identifier 2016–NM–143–AD.

(a) Effective Date

This AD is effective September 25, 2017.

(b) Affected ADs

This AD affects AD 2007–26–14, Amendment 39–15316 (73 FR 2803, January 16, 2008) (''AD 2007–26–14'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, except airplanes that have been repaired as specified in Airbus Service Bulletin A300–53–0370; or Airbus Service Bulletin A300–53–6144, as applicable.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

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

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

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

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks initiating at the upper radius of frame (FR) 47 and a determination that the current inspection procedure is not reliable in detecting certain cracking of the forward fitting of FR 47. We are issuing this AD to detect and correct fatigue cracking of the FR 47 forward fitting upper radius on the left-hand and right-hand sides of the fuselage, which could propagate and result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

Except as required by paragraph (h) of this AD: Before exceeding 10,000 flight cycles since first flight of the airplane or within 30 days after the effective date of this AD, whichever occurs later, do a special detailed inspection (SDI) for cracking of the FR 47 forward fitting upper radius on the left-hand and right-hand sides of the fuselage, in accordance with the Accomplishment Instructions of the applicable Airbus service information specified in paragraphs (g)(1) and (g)(2) of this AD. Repeat the inspection thereafter at intervals not to exceed 4,150 flight cycles, except as required by paragraph (j) of this AD.

(1) Airbus Service Bulletin A300–53–0246, Revision 08, including Appendix 1, dated April 13, 2016.

(2) Airbus Service Bulletin A300–53–6029, Revision 12, including Appendix 1, dated April 13, 2016.

(h) Initial Inspection for Airplanes Previously Inspected

For airplanes previously inspected as specified in the applicable Airbus service information specified in paragraphs (h)(1) through (h)(6) of this AD and on which no cracking was found: Within 4,150 flight cycles after the most recent inspection, do the inspection for cracking of the FR 47 forward fitting upper radius required by paragraph (g) of this AD.

(1) Airbus Service Bulletin A300–53–0246, Revision 06, dated October 19, 2005.

(2) Airbus Service Bulletin A300–53–0246, Revision 07, dated September 9, 2008.

(3) Airbus Service Bulletin A300–53–6029, Revision 08, dated October 19, 2005.

(4) Airbus Service Bulletin A300–53–6029, Revision 09, dated September 9, 2008.

(5) Airbus Service Bulletin A300–53–6029, Revision 10, dated July 9, 2009.

(6) Airbus Service Bulletin A300–53–6029, Revision 11, dated September 28, 2009.

(i) Inspections for Airplanes With Abnormal Load Events

For airplanes on which any crack was found during any inspection done as specified in Airbus Service Bulletin A300–53–0246 or Airbus Service Bulletin A300–53–6029, as applicable, and on which any abnormal load event, such as hard landing or flight in excessive turbulence, occurred within 3 months before the effective date of this AD or occurs on or after the effective date of this AD: Within 3 months after each event, accomplish an SDI for cracking of the FR 47 forward fitting upper radius, left-hand and right-hand sides of the fuselage, in accordance with the applicable Accomplishment Instructions of the Airbus service information specified in paragraphs (g)(1) or (g)(2) of this AD. If, during this 3-month period, another abnormal load event occurs, and if no SDI has yet been accomplished, before further flight after the second event, obtain corrective action instructions from the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA), and accomplish those instructions accordingly.

(j) Corrective Actions for Airplanes With Cracks

If, during any SDI as required by paragraph (g), (h), or (i) of this AD, any crack is found: Before further flight, do the applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of the applicable Airbus service information specified in paragraph (g)(1) or (g)(2) of this AD, and obtain additional corrective action instructions from the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA, and accomplish those instructions accordingly before further flight.

(k) Reporting

Submit a report of the findings (both positive and negative) of each SDI inspection required by paragraphs (g), (h), and (i) of this AD to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*), at the applicable time specified in paragraph (k)(1) or (k)(2) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(l) Terminating Action for AD 2007–26–14

Accomplishing any inspection required by paragraph (g) or (h) of this AD terminates all requirements of AD 2007–26–14 for the inspected airplane.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, 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 Section, send it to the attention of the person identified in paragraph (n)(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 Section, Transport Standards Branch, 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.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0150, 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–2017–0520.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; fax: 425–227–1149.

(o) 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) Airbus Service Bulletin A300–53–0246, Revision 08, including Appendix 1, dated April 13, 2016.

(ii) Airbus Service Bulletin A300–53–6029, Revision 12, including Appendix 1, dated April 13, 2016.

(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.*

(4) You may view this service information at the FAA, Transport Standards Branch, 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 August 8, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17203 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0270; Product Identifier 2016–SW–032–AD; Amendment 39–18993; AD 2017–17–03]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc., Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2014–16–01 for MD Helicopters, Inc. (MDHI), Model MD900 helicopters. AD 2014–16–01 required an eddy current inspection of the main rotor upper hub assembly (upper hub) for a crack. This AD requires additional inspections and replacing the fillet seal. This AD was prompted by three additional reports of upper hub cracks. The actions of this AD are intended to prevent an unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, contact MD Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734; telephone 1–800–388–3378; fax 480–346–6813; or at *http://www.mdhelicopters.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–2017–0270.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* in Docket No. FAA–2017–0270; 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, any incorporated-by-reference information, the economic evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is 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 FURTHER INFORMATION CONTACT: Eric Schrieber, Aviation Safety Engineer, Los Angeles ACO Branch, Compliance and Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5348; email *eric.schrieber@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2014–16–01, Amendment 39–17925 (79 FR 45322, August 5, 2014) and add a new AD. AD 2014–16–01 applied to MDHI Model MD900 helicopters, serial numbers 900–00008 through 900–00140, with an upper hub part number (P/N) 900R2101006–105, –107, –109, or –111 installed. AD 2014–16–01 required eddy current inspecting the upper hub and replacing it if there is a crack. The NPRM published in the **Federal Register** on April 3, 2017 (82 FR 16138).

The NPRM was prompted by reports of three additional cracks found in the MD900 fleet. These cracks were not discovered by the one-time eddy current inspection required by AD 2014–16–01, but were found during regular maintenance of the upper hub. The NPRM proposed to require for MDHI

MD900 helicopters with an upper hub, regardless of helicopter serial number, repetitive visual inspections of the fillet seal and the areas around the flexbeam boltholes for a crack and repetitive visual inspections of the lead leg shims and bushings for corrosion around the flexbeam boltholes. The NPRM also proposed repetitive ultrasonic eddy-current inspections of the areas adjacent to the flexbeam boltholes for a crack. If during any inspection there is corrosion or a crack, the NPRM proposed replacing the upper hub before further flight. Finally, after each inspection, the NPRM proposed installing a fillet seal to the bushing and upper hub interface.

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

We have reviewed the relevant information and determined that an 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 Under 1 CFR Part 51

MDHI has issued Service Bulletin SB900–125, dated February 19, 2016, which describes procedures for repetitive visual and eddy current inspections of the upper hub upper and lower flexbeam bolthole areas and for applying a fillet seal on the interface of the bushing and the flex beam retention bolt hole.

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.

Differences Between This AD and the Service Information

The service information applies to upper hubs with 1,000 or more hours TIS. This AD applies to all upper hubs regardless of hours TIS. The service information applies to upper hub P/N 900R2101006–107 and –109; this AD also applies to upper hub P/N 900R2101006–105 and –111.

Costs of Compliance

We estimate that this AD affects 23 helicopters of U.S. Registry. At an average labor rate of $85 per hour, we estimate that operators may incur the following costs in order to comply with this AD.

Inspecting the fillet seal around the flexbeam boltholes (100 hour TIS inspection) requires about 1 work-hour, for a cost per helicopter of $85 and a cost of $1,955 for the fleet, per inspection cycle. Inspecting the flexbeam area and lead leg shims and bushings (annual inspection) requires about 2 work-hours, for a cost per helicopter of $170 and a cost of $3,910 for the fleet, per inspection cycle. Eddy current inspecting (1,000 hour TIS inspection) the upper hub requires about 2 work-hours, for a cost per helicopter of $170 and a cost of $3,910 for the fleet.

If required, replacing the upper hub requires about 11 work-hours, and required parts would cost about $15,998, for a cost per helicopter of $16,933. If required, replacing a missing or damaged fillet seal requires about .5 work-hour, and required parts cost would be minimal, for a cost per helicopter of $43.

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 have 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 DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that a regulatory distinction is required, 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 removing Airworthiness Directive (AD) 2014–16–01, Amendment 39–17925 (79 FR 45322, August 5, 2014), and adding the following new AD:

2017–17–03 MD Helicopters, Inc. (MDHI): Amendment 39–18993; Docket No. FAA–2017–0270; Product Identifier 2016–SW–032–AD.

(a) Applicability

This AD applies to Model MD900 helicopters with main rotor upper hub assembly (upper hub) part number 900R2101006–105, –107, –109, or –111 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a cracked upper hub. This condition could result in failure of the upper hub and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2014–16–01, Amendment 39–17925 (79 FR 45322, August 5, 2014).

(d) Effective Date

This AD becomes effective September 25, 2017.

(e) Compliance

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

(f) Required Actions

(1) Within 100 hours time-in-service (TIS), and thereafter at intervals not to exceed 100 hours TIS:

(i) Inspect the fillet seal around each flexbeam bolthole to determine whether it adheres properly to the hub or bushing or is missing. Indications of an improperly

adhered seal include lifting, bubbling, peeling away, drying out, or cracking. If the fillet seal is not properly adhered or is missing, before further flight, replace the fillet seal with sealant C232 or equivalent by following the Accomplishment Instructions, paragraphs 2.D.(2) through 2.D.(5) and Figure 1, of MD Helicopters Service Bulletin SB900–125, dated February 19, 2016 (SB900–125).

(ii) Using a light and a 10X or higher power magnifying glass, inspect the area outside of the fillet seal around each flexbeam bolthole on the top of the upper hub assembly for a crack. If there is a crack, before further flight, replace the upper hub assembly.

(2) Within 12 months, and thereafter at intervals not to exceed 12 months:

(i) Remove the paint and primer from the area around each flexbeam bolthole on top of the upper hub. Remove the fillet seal from the mating surface of each bushing and the top of the upper hub.

(ii) Using a light and a 10X or higher power magnifying glass, inspect the area around each flexbeam bolthole for a crack. If there is a crack, before further flight, replace the upper hub assembly.

(iii) Inspect each lead leg shim and bushing for corrosion around the flexbeam boltholes on the bottom of the upper hub in the flexbeam pockets. If there is corrosion, before further flight:

(A) Remove the lead leg shim from the flexbeam pocket and clean the area adjacent to the flexbeam bolthole to remove any corrosion within maximum repair damage limits. If the corrosion exceeds maximum repair damage limits, replace the upper hub assembly.

(B) Using a light and a 10X or higher power magnifying glass, inspect the area around the flexbeam bolthole for a crack. If there is a crack, before further flight, replace the upper hub assembly.

(iv) Replace the fillet seal as described in paragraph (f)(1)(i) of this AD.

(3) Within 1,000 hours TIS, and thereafter at intervals not to exceed 1,000 hours TIS:

(i) Eddy current inspect the areas adjacent to each flexbeam bolthole, top and bottom, for a crack. This eddy current inspection must be performed by a Level II or higher technician with the American Society for Nondestructive Testing ASNT–TC–1A, European Committee for Standardization CEN EN 4179, Military Standard MIL–STD–410, National Aerospace Standard NAS410, or equivalent certification who has performed an eddy current inspection within the last 12 months. If there is a crack, before further flight, replace the upper hub assembly.

(ii) Replace the fillet seal as described in paragraph (f)(1)(i) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Eric Schrieber, Aviation Safety Engineer, Los Angeles ACO Branch, Compliance and Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5348; email *9-ANM-LAACO-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.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6220, Main Rotor Head.

(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) MD Helicopters Service Bulletin SB900–125, dated February 19, 2016.

(ii) Reserved.

(3) For MD Helicopters service information identified in this AD, contact MD Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734; telephone 1–800–388–3378; fax 480–346–6813; or at *http://www.mdhelicopters.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 August 7, 2017.

Scott A. Horn,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2017–17085 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0130; Product Identifier 2016–NM–058–AD; Amendment 39–18986; AD 2017–16–09]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Dassault Aviation Model MYSTERE–FALCON 50 airplanes and FALCON 2000 airplanes. This AD was prompted by a report indicating that during ground maintenance, a Model FALCON 2000 airplane experienced a loss of hydraulic pressure affecting both hydraulic systems due to damage to both brake hoses on the main landing gear (MLG). This AD requires an inspection for certain brake hoses, installation of protective wraps or installation of certain brake hoses, and replacement of certain brake hoses. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone: 201–440–6700; Internet: *http://www.dassaultfalcon.com*. You may view this referenced service information at the FAA, Transport Standards Branch, 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–2017–0130.

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–2017–0130; 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: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1137; fax: 425–227–1149.

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 all Dassault Aviation Model MYSTERE–FALCON 50 airplanes and FALCON 2000 airplanes. The NPRM published in the **Federal Register** on March 23, 2017 (82 FR 14832) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2013–0255, dated October 23, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model MYSTERE–FALCON 50 airplanes and FALCON 2000 airplanes. The MCAI states:

> During ground maintenance, a Falcon 2000 aeroplane experienced a loss of hydraulic pressure, affecting both hydraulic systems.
>
> The investigation results revealed that this event was due to damage to both brake hoses on the same main landing gear (MLG), which chafed against the torque link assembly during MLG extension/retraction cycle. The Part Numbers (P/N) of the affected brake hoses are P/N AE705317–1 and P/N 00–200–1268, which are made of a braided stainless steel sleeve.
>
> This condition, if not detected and corrected, could lead to loss of braking during landing or a rejected take-off, possibly resulting in a runway excursion. In addition, there is a risk of fire if the leaking brake hydraulic fluid reaches hot parts.
>
> For the reasons described above, this [EASA] AD requires a one-time inspection of the brake hoses to identify the P/N and determine the presence of protection against chafing and, depending on findings, installation of protective wraps or replacement of the brake hoses with serviceable parts that have a Dacron sleeve protection.

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–2017–0130.

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 Clarify the Applicability

Dassault Aviation requested that the ''Applicability'' paragraph of the proposed AD be clarified. Dassault Aviation stated the ''Applicability'' paragraph should be clarified to state that the proposed AD affects Dassault Aviation Model MYSTERE–FALCON 50 airplanes (including all commercial variants) and FALCON 2000 airplanes. Dassault Aviation stated that all commercial variants include F50EX airplanes.

We agree to clarify the applicability of this AD. Paragraph (c) of this AD specifies all Dassault Aviation Model MYSTERE–FALCON 50 airplanes and FALCON 2000 airplanes. The applicability of this AD identifies model designations as published in the most recent type certificate data sheet for the affected models. We have revised this AD by adding a new Note 1 to paragraph (c) of this AD to state that Model MYSTERE–FALCON 50 airplanes include all commercial variants, including F50EX airplanes.

Request To Revise the Compliance Time Threshold

NetJets requested that we revise the compliance time threshold in paragraph (h) of the proposed AD. NetJets commented that paragraph (h) of the proposed AD requires that the protective wrap installation be performed concurrently with paragraph (g) of the proposed AD. NetJets stated that if the compliance time threshold in paragraph (h) of the proposed AD was changed to ''within 9 months after the effective date of this AD,'' it would allow a records review per paragraph (g) and compliance with paragraph (h) without unnecessarily grounding airplanes and also maintain the intended compliance threshold of the NPRM. NetJets stated that paragraph (g) of the proposed AD may be performed by a records inspection, which could be accomplished independently of access to the airplane and could possibly ground an airplane due to records discrepancies well before the compliance time threshold specified in paragraph (g) of the proposed AD.

We agree with the commenter's request. We have revised paragraph (h) of this AD to include a compliance time of 9 months, which corresponds with the compliance time in the MCAI.

Request To Use Messier-Dowty Service Information

NetJets requested that the NPRM be revised to include Messier-Dowty service information as an optional method of compliance. NetJets stated that paragraph (i) of the proposed AD specifies compliance using Dassault Service Bulletin F50–518, dated April 14, 2011, and Dassault Service Bulletin F2000–368, dated May 29, 2009, which incorporate Messier-Dowty Service Bulletin C23791–32–062, dated February 22, 2011, and Messier-Dowty Service Bulletin D23345–32–020, dated May 14, 2009, respectively. Net Jets stated that new and overhauled landing gear include compliance information with the Messier-Dowty service information, but not with the Dassault service information; therefore, compliance with the Messier-Dowty service information should be included as optional methods of compliance with paragraph (i) of the proposed AD in addition to the Dassault service information.

We agree with the commenter's request. We agree that in the Accomplishment Instructions of Dassault Service Bulletin F50–518, dated April 14, 2011; and Dassault Service Bulletin F2000–368, dated May 29, 2009, specifies to replace the MLG brake hose using Messier-Dowty Service Bulletin C23791–32–062, dated February 22, 2011, and Messier-Dowty Service Bulletin D23345–32–020, dated May 14, 2009, as applicable. For clarification, we have added Note 2 to paragraphs (h)(2) and (i) of this AD to state that Dassault Service Bulletin F50–518, dated April 14, 2011, refers to Messier-Dowty Service Bulletin C23791–32–062, dated February 22, 2011; and Dassault Service Bulletin F2000–368, dated May 29, 2009, refers to Messier-Dowty Service Bulletin D23345–32–020, dated May 14, 2009; as additional sources of guidance for doing the replacement of certain brake hoses.

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 have reviewed the following Dassault service information.

- Dassault Service Bulletin F50–510, Revision 2, dated December 20, 2012; and Dassault Service Bulletin F2000–382, Revision 2, dated May 12, 2011. This service information describes procedures for an inspection of the brake hoses to identify whether brake hoses having certain part numbers are

installed, and installation of protective wraps on the brake hoses or installation of certain brake hoses that are fitted with Dacron sleeves. These documents are distinct since they apply to different airplane models.

• Dassault Service Bulletin F50–518, dated April 14, 2011; and Dassault Service Bulletin F2000–368, dated May 29, 2009. This service information describes replacement of certain brake hoses. 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 302 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
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$25,670

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Installation of brake hose	1 work-hour × $85 per hour = $85	$340	$425
Installation of protective wraps	1 work-hour × $85 per hour = $85	340	425
Replacement	1 work-hour × $85 per hour = $85	340	425

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.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

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):

2017–16–09 Dassault Aviation: Amendment 39–18986; FAA–2017–0130; Product Identifier 2016–NM–058–AD.

(a) Effective Date

This AD is effective September 25, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model MYSTERE–FALCON 50 airplanes and FALCON 2000 airplanes, certificated in any category, all serial numbers.

Note 1 to paragraph (c) of this AD: Model MYSTERE–FALCON 50 airplanes include all commercial variants, including F50EX airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a report indicating that during ground maintenance, a Model FALCON 2000 airplane experienced a loss of hydraulic pressure affecting both hydraulic systems due to damage to both

brake hoses on the main landing gear (MLG). We are issuing this AD to detect and correct unprotected brake hoses, which could lead to loss of braking during landing or a rejected take-off, and result in a runway excursion and a risk of fire if the leaking brake hydraulic fluid reaches hot parts.

(f) Compliance

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

(g) Inspection

Within 9 months after the effective date of this AD, inspect the brake hoses to identify whether any brake hose having part number (P/N) AE705317–1 or P/N 00–200–1268 is installed. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the brake hose can be conclusively determined from that review.

(h) Installation

If, during the inspection required by paragraph (g) of this AD, it is determined that any brake hose having P/N AE705317–1 or P/N 00–200–1268 is installed, within 9 months after the effective date of this AD, do the actions specified in paragraph (h)(1) or (h)(2) of this AD.

(1) Install protective wraps on the brake hoses, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F50–510, Revision 2, dated December 20, 2012; or Dassault Service Bulletin F2000–382, Revision 2, dated May 12, 2011; as applicable.

(2) Install brake hoses having P/N 00–200–1534 that are fitted with Dacron sleeves, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F50–518, dated April 14, 2011; or Dassault Service Bulletin F2000–368, dated May 29, 2009; as applicable.

Note 2 to paragraphs (h)(2) and (i) of this AD: Dassault Service Bulletin F50–518, dated April 14, 2011, refers to Messier-Dowty Service Bulletin C23791–32–062, dated February 22, 2011; and Dassault Service Bulletin F2000–368, dated May 29, 2009, refers to Messier-Dowty Service Bulletin D23345–32–020, dated May 14, 2009; as additional sources of guidance for doing the replacement.

(i) Replacement

Within 6,000 flight cycles, or within 149 months, whichever occurs first after the effective date of this AD: Replace brake hoses having P/N AE705317–1 and P/N 00–200–1268 with brake hoses having P/N 00–200–1534 that are fitted with Dacron sleeves, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F50–518, dated April 14, 2011; or Dassault Service Bulletin F2000–368, dated May 29, 2009; as applicable. Once brake hoses having P/N 00–200–1534 are fitted in an MLG leg, no further action is required for that MLG leg, as specified in paragraph (j) of this AD.

(j) Provisions for Unaffected MLG Leg Assemblies

If, during the inspection required by paragraph (g) of this AD, it is determined that the airplane is equipped with an MLG leg assembly with a part number specified in table 1 to paragraph (j) of this AD, the requirement of paragraph (h) of this AD is not applicable, provided that the MLG leg assembly has not been modified in service after its installation on an airplane.

TABLE 1 TO PARAGRAPH (j) OF THIS AD—MLG LEG ASSEMBLY NOT AFFECTED

Model	MLG leg position	Part No.
MYSTERE–FALCON 50 airplanes	Left Hand (LH)	C23791–1009 amdt F.
MYSTERE–FALCON 50 airplanes	Right Hand (RH)	C23792–1009 amdt F.
FALCON 2000	LH	D23345000–7 amdt B.
FALCON 2000	RH	D23346000–7 amdt B.

Note 3 to paragraph (j) of this AD: The parts specified in table 1 to paragraph (j) of this AD are known to be delivered with brake hoses having P/N 00–200–1534 that are fitted with Dacron sleeves.

(k) Parts Installation Limitation

As of the effective date of this AD, no person may install a brake hose having P/N AE705317–1 or P/N 00–200–1268 on any airplane, unless the brake hose has been inspected to verify that protective wraps are installed on the hose, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F50–510, Revision 2, dated December 20, 2012; or Dassault Service Bulletin F2000–382, Revision 2, dated May 12, 2011; as applicable.

(l) Parts Installation Prohibition

As of the effective date of this AD, no person may install, on any airplane, a brake hose having P/N AE705317–1 or P/N 00–200–1268, or an MLG leg or shock absorber equipped with a brake hose having P/N AE705317–1 or P/N 00–200–1268, after the actions in paragraphs (h)(2) or (i) of this AD are done.

(m) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (h)(1) and (k) of this AD, if those actions were performed before the effective date of this AD using Dassault Service Bulletin F50–510, Revision 1, dated December 15, 2010; or Dassault Service Bulletin F2000–382, Revision 1, dated December 15, 2010.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, 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 Section, send it to the attention of the person identified in paragraph (o)(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 Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2013–0255, dated October 23, 2013, 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–2017–0130.

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

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (p)(3) and (p)(4) of this AD.

(p) 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) Dassault Service Bulletin F50–510, Revision 2, dated December 20, 2012.

(ii) Dassault Service Bulletin F50–518, dated April 14, 2011.

(iii) Dassault Service Bulletin F2000–368, dated May 29, 2009.

(iv) Dassault Service Bulletin F2000–382, Revision 2, dated May 12, 2011.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone: 201–440–6700; Internet: *http://www.dassaultfalcon.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 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 July 28, 2017.

John P. Piccola, Jr.,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–16579 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9575; Product Identifier 2016–NM–168–AD; Amendment 39–18992; AD 2017–17–02]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2014–20–09, which applied to certain Bombardier, Inc., Model DHC–8–400 series airplanes. AD 2014–20–09 required an inspection for missing clamps that are required to provide positive separation between the alternating current (AC) feeder cables and the hydraulic line of the landing gear alternate extension, and related investigative and corrective actions if necessary. This new AD requires removing airplanes from the AD applicability. This AD was prompted by reports of missing clamps that are required to provide positive separation between the AC feeder cables and the hydraulic line of the landing gear alternate extension. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 25, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 25, 2017.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 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–2016–9575.

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–2016–9575; 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 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: Assata Dessaline, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2014–20–09, Amendment 39–17982 (79 FR 59630, October 3, 2014) (''AD 2014–20–09''). AD 2014–20–09 applied to certain Bombardier, Inc., Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on February 22, 2017 (82 FR 11325). The NPRM was prompted by reports of missing clamps that are required to provide positive separation between the AC feeder cables and the hydraulic line of the landing gear alternate extension. The NPRM proposed to continue to require an inspection for missing clamps that are required to provide positive separation between the AC feeder cables and the hydraulic line of the landing gear alternate extension, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct chafing of the AC feeder cable. A chafed and arcing AC feeder cable could puncture the adjacent hydraulic line, which, in combination with the use of the alternate extension, could result in an in-flight fire.

Since we issued AD 2014–20–09, the FAA has determined that certain airplane serial numbers that are in a pre-modification MS 4M153025 configuration have sufficient space between the AC feeder cables and the landing gear alternate extension hydraulic line, and do not pose an in-flight fire risk. Therefore, these airplanes are not subject to the identified unsafe condition.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–16R1, effective July 26, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model DHC–8–400 series airplanes. The MCAI states:

> During production checks, it was found that the appropriate clamps required to provide positive separation between the AC feeder cables and the hydraulic line of the landing gear alternate extension were omitted. The AC feeder cable could sag and be in direct contact with the swage fitting of the landing gear alternate extension hydraulic line, resulting in chafing of the AC feeder cable. The chafed and arcing AC feeder cable could puncture the adjacent hydraulic line. In combination with the use of the alternate extension system, this could result in an in-flight fire.
>
> The original issue of this [Canadian] AD was issued to mandate the incorporation of [Bombardier] service bulletin (SB) 84–24–53 to * * * [do a general visual inspection for the presence of correctly installed clamps] and rectify, as necessary, for proper clamp installation.
>
> Bombardier, Inc. has revised [Bombardier] SB 84–24–53 to remove serial numbers 4001 through 4034 from the Effectivity section, as it was determined that these serial numbers are Pre-Mod MS 4M153025, which allowed sufficient space between the AC feeder cables and the landing gear alternate extension hydraulic line to not pose an in-flight fire risk. Accordingly, revision 1 of this [Canadian] AD is issued to revise the Applicability section to reflect the Effectivity changes in [Bombardier] SB 84–24–53 Revision B, dated 10 September 2015.

The related investigative action is a general visual inspection of the AC

power feeder cables and the hydraulic line of the landing gear alternate extension for damage due to chafing. The corrective actions include repair of chafed parts and replacement of missing clamps. 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–2016–9575.

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 Only the Actions Required for Compliance

Horizon Air requested that paragraph (g) of the proposed AD reference only the actions required for compliance. Horizon Air stated that incorporating the service bulletin job set-up and close-out sections as a requirement of the AD restricts an operator's ability to perform other maintenance in conjunction with the incorporation of Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015. Horizon Air asserted that only paragraph 3.B., ''Procedure,'' in the Accomplishment Instructions of Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015, should be referenced.

We agree with Horizon Air's request to exclude the ''Job Set-up'' and ''Close Out'' sections of Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015, for the reasons provided. We have revised paragraph (g) of this AD to require accomplishment of paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015.

Request To Allow Credit for Previous Actions Up to the Effective Date of This AD

Horizon Air requested that the proposed AD be changed to allow credit for previous actions in accordance with Bombardier Service Bulletin 84–24–53, dated May 11, 2012; or Bombardier Service Bulletin 84–24–53, Revision A, dated May 16, 2013; either up to the effective date of this AD; or within 6,000 flight hours or 36 months from November 7, 2014 (the effective date of AD 2014–20–09), whichever occurs first. Horizon Air stated that paragraph (h) of the proposed AD only allows credit for actions performed before November 7, 2014. Horizon Air noted that the compliance for AD 2014–20–09 is within 6,000 flight hours or 36 months after the effective date of November 7, 2014 (and AD 2014–20–09 specifies that the actions be done in accordance with Bombardier Service Bulletin 84–24–53, Revision A, dated May 16, 2013).

We partially agree. We agree that credit for the actions required by paragraph (g) of this AD done using Bombardier Service Bulletin 84–24–53, Revision A, dated May 16, 2013, should be allowed up until the effective date of this AD. However, we do not agree to allow credit for Bombardier Service Bulletin 84–24–53, dated May 11, 2012, beyond November 7, 2014. AD 2014–20–09 only gives credit for Bombardier Service Bulletin 84–24–53, dated May 11, 2012, before November 7, 2014. We have revised paragraph (h) of this AD accordingly.

Explanation of Change Made in This AD

We have revised paragraph (g) of this AD to remove the statement that only Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015, may be used after the effective date of this AD because that statement is not necessary in this AD.

Conclusion

We reviewed the available data, including 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 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 Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015. The service information describes procedures for a general visual inspection for installation of clamps between the AC feeder cables and hydraulic line of the landing gear alternate extension, and related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 52 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
Inspection, related investigative and corrective actions (retained actions from AD 2014–20–09).	2 work-hours × $85 per hour = $170.	$0	$170	$8,840

This AD merely removes certain airplanes from the applicability of this AD, and, therefore, adds no new actions or economic burden.

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.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C.

In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

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 removing Airworthiness Directive (AD) 2014–20–09, Amendment 39–17982 (79 FR 59630, October 3, 2014), and adding the following new AD:

2017–17–02 Bombardier, Inc.: Amendment 39–18992; Docket No. FAA–2016–9575; Product Identifier 2016–NM–168–AD.

(a) Effective Date

This AD is effective September 25, 2017.

(b) Affected ADs

This AD replaces AD 2014–20–09, Amendment 39–17982 (79 FR 59630, October 3, 2014) (''AD 2014–20–09'').

(c) Applicability

This AD applies to Bombardier, Inc., Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4035 through 4347 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical power.

(e) Reason

This AD was prompted by reports of missing clamps that are required to provide positive separation between the alternating current (AC) feeder cables and the hydraulic line of the landing gear alternate extension. We are issuing this AD to detect and correct chafing of the AC feeder cable. A chafed and arcing AC feeder cable could puncture the adjacent hydraulic line, which, in combination with the use of the alternate extension, could result in an in-flight fire.

(f) Compliance

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

(g) Retained Clamp Inspection, Related Investigative Actions, and Corrective Actions, With Revised Service Information Having a Reduced Effectivity

This paragraph restates the requirements of paragraph (g) of AD 2014–20–09, with revised service information having a reduced Effectivity. Within 6,000 flight hours or 36 months after November 7, 2014 (the effective date of AD 2014–20–09), whichever occurs earlier: Do a general visual inspection for correctly installed clamps between the AC feeder cables and hydraulic line, and do all applicable related investigative and corrective actions, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015. Do all applicable related investigative and corrective actions before further flight.

(h) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before November 7, 2014 (the effective date of AD 2014–20–09), using Bombardier Service Bulletin 84–24–53, dated May 11, 2012. This service bulletin is not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD, using Bombardier Service Bulletin 84–24–53, Revision A, dated May 16, 2013. This service bulletin was incorporated by reference in AD 2014–20–09.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, 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 certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 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:* 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, New York ACO Branch, 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.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–16R1, effective July 26, 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–2016–9575.

(2) For more information about this AD, contact Assata Dessaline, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(k) 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) Bombardier Service Bulletin 84–24–53, Revision B, dated September 10, 2015.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com*.

(4) You may view this service information at the FAA, Transport Standards Branch, 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 August 7, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17094 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0109; Airspace Docket No. 16–ASO–13]

Amendment of VOR Federal Airways V–7 and V–67; TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies VOR Federal airways V–7 and V–67, in the eastern United States due to the planned decommissioning of the Graham, TN, VORTAC navigation aid.

DATES: Effective date 0901, October 12, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the air traffic service route structure in the eastern United States to maintain the efficient flow of air traffic.

History

On March 6, 2017, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend V–7 and V–67, in the eastern United States due to the planned decommissioning of the Graham, TN, VORTAC navigation aid (82 FR 12522), Docket No. FAA–2017–0109. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Three comments were received.

Discussion of Comments

The Aircraft Owners and Pilots Association (AOPA) wrote that, for those VOR NAVAIDs that are to be decommissioned and for those airways that are correspondingly removed, the FAA should create an RNAV waypoint at the previous NAVAID location and retain all fixes and intersections along that route by amending their definition to that of an RNAV waypoint. The impacted air traffic control facilities conducted a thorough review of their operations in the areas affected by the route changes to determine which fixes and intersections along the route segments being removed were necessary for continuing to support the facilities' operations and for navigation purposes through the area. As a result, the VALER fix is the only fix being retained to supplement the existing adjacent fixes, waypoints, and navigation aids in the areas that the V–7 and V–67 route segments are being removed. Additionally, the Graham VORTAC is currently functioning as a Distance Measuring Equipment (DME) only facility and is planned to be retained and charted as a DME facility with the ''GHM'' three-letter identifier. The change will be reflected in all appropriate publications and procedures prior to decommissioning the Graham VORTAC. Consequently, the FAA does not plan to replace the Graham VORTAC or fixes along the removed route segments with RNAV waypoints.

One commenter noted that V–124, which is also linked to the Graham VORTAC, is not addressed in this action. V–124 is being amended through a separate action for the decommissioning of the Jacks Creek, TN, VOR/DME. On June 7, 2017, the Jacks Creek final rule was published in the **Federal Register** (82 FR 26336), Docket No. 16–ASO–12. That rule amends V–124 by eliminating the route segments from Gilmore, AR, through Jacks Creek, TN, to Graham, TN. The effective date of the V–124 change is August 17, 2017.

A third comment noted concern about the length of the gaps in the amended airways V–7 and V–67. However, as the commenter admitted, this is a non-issue since 14 CFR 91.205(d)(2) requires that aircraft conducting IFR flight be equipped with navigation equipment suitable for the route to be flown. Additionally, the commenter called the route changes an important step toward implementation of the NextGen program.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14, Code of Federal Regulations (14 CFR) part 71 by modifying the descriptions of VOR Federal airways V–7, and V–67, due to the planned decommissioning of the Graham, TN, VORTAC. The route changes are described below.

V–7: V–7 extends between Dolphin, FL, and Sawyer, MI. This rule removes the Graham, TN, VORTAC from the route which creates a gap in the route

between Muscle Shoals, AL, and Central City, KY. Therefore, the amended route extends between Dolphin, FL, and Muscle Shoals, AL, as currently described; then between Central City, KY, and Sawyer, MI, as currently described.

V–67: V–67 extends between the Choo Choo, TN, VORTAC and the Rochester, MN, VOR/DME. This rule removes the Graham, TN, VORTAC from the route which creates a gap in the route between Shelbyville, TN, and Cunningham, KY. Therefore, the amended route extends between Choo Choo, TN, and Shelbyville, TN, as currently described; then between Cunningham, KY, and Rochester, MN, as currently described. This action also corrects the state location for the Choo Choo VORTAC to reflect Tennessee.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of modifying the descriptions of VOR Federal airways V–7, and V–67, due to the planned decommissioning of the Graham, TN, VORTAC. qualifies for categorical exclusion under the National Environmental Policy Act and its agency-specific implementing regulations in FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' regarding categorical exclusions for procedural actions at paragraph 5–6.5a, which categorically excludes from full environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points. Therefore, this airspace action is not expected to result in any significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016 and effective September 15, 2016, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–7 [Amended]

From Dolphin, FL; INT Dolphin 299° and Lee County, FL, 120° radials; Lee County; Lakeland, FL; Cross City, FL; Seminole, FL; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; Vulcan, AL; to Muscle Shoals, AL. From Central City, KY; Pocket City, IN; INT Pocket City 016° and Terre Haute, IN, 191° radials; Terre Haute; Boiler, IN; Chicago Heights, IL; INT Chicago Heights 358° and Falls, WI, 170° radials; Falls; Green Bay, WI; Menominee, MI; to Sawyer, MI. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V–67 [Amended]

From Choo Choo, TN; to Shelbyville, TN. From Cunningham, KY; Marion, IL; Centralia, IL; INT Centralia 010° and Vandalia, IL, 162° radials; Vandalia; Spinner, IL; Burlington, IA; Iowa City, IA; Cedar Rapids, IA; Waterloo, IA; to Rochester, MN.

* * * * *

Issued in Washington, DC, on August 14, 2017.

Rodger A. Dean, Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017–17508 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 310

RIN 3084–AA98

Telemarketing Sales Rule Fees

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (the ''Commission'' or ''FTC'') is amending its Telemarketing Sales Rule (''TSR'') by updating the fees charged to entities accessing the National Do Not Call Registry (the ''Registry'') as required by the Do-Not-Call Registry Fee Extension Act of 2007.

DATES: This rule is effective October 1, 2017.

ADDRESSES: Copies of this document are available on the Internet at the Commission's Web site: *http://www.ftc.gov.*

FOR FURTHER INFORMATION CONTACT: Ami Joy Dziekan, (202) 326–2648, BCP, Federal Trade Commission, 600 Pennsylvania Avenue NW., Room CC–9225, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: To comply with the Do-Not-Call Registry Fee Extension Act of 2007 (Pub. L. 110–188, 122 Stat. 635) (''Act''), the Commission is amending the TSR by updating the fees entities are charged for accessing the Registry as follows: The revised rule increases the annual fee for access to the Registry for each area code of data from $61 to $62 per area code, and increases the maximum amount that will be charged to any single entity for accessing area codes of data from $16,714 to $17,021. The fee per area code of data during the second six months of an entity's annual subscription period increases from $30 to $31.

These increases are in accordance with the Act, which specifies that beginning after fiscal year 2009, the dollar amounts charged shall be increased by an amount equal to the amounts specified in the Act, multiplied by the percentage (if any) by which the average of the monthly consumer price index (for all urban consumers published by the Department of Labor) (''CPI'') for the most recently ended 12-month period ending on June 30 exceeds the CPI for the 12-month period

ending June 30, 2008. The Act also states that any increase shall be rounded to the nearest dollar and that there shall be no increase in the dollar amounts if the change in the CPI is less than one percent. For fiscal year 2009, the Act specified that the original annual fee for access to the Registry for each area code of data was $54 per area code, or $27 per area code of data during the second six months of an entity's annual subscription period, and that the maximum amount that would be charged to any single entity for accessing area codes of data would be $14,850.

The determination whether a fee change is required and the amount of the fee change involves a two-step process. First, to determine whether a fee change is required, we measure the change in the CPI from the time of the previous increase in fees. There was an increase in the fees for fiscal year 2017. Accordingly, we calculated the change in the CPI since last year, and the increase was 1.84 percent. Because this change is over the one percent threshold, the fees will change for fiscal year 2018.

Second, to determine how much the fees should increase this fiscal year, we use the calculation specified by the Act set forth above, the percentage change in the baseline CPI applied to the original fees for fiscal year 2009. The average value of the CPI for July 1, 2007 to June 30, 2008 was 211.702; the average value for July 1, 2016 to June 30, 2017 was 242.656, an increase of 14.62 percent. Applying the 14.62 percent increase to the base amount from fiscal year 2009, leads to an increase from $61 to $62 in the fee from last year for access to a single area code of data for a full year for fiscal year 2018. The actual amount is $61.89, but when rounded, pursuant to the Act, the amount is $62. The fee for accessing an additional area code for a half year increases from $30 to $31 (rounded from $30.95). The maximum amount charged increases to $17,021 (rounded from $17,021.07).

Administrative Procedure Act; Regulatory Flexibility Act; Paperwork Reduction Act. The revisions to the Fee Rule are technical in nature and merely incorporate statutory changes to the TSR. These statutory changes have been adopted without change or interpretation, making public comment unnecessary. Therefore, the Commission has determined that the notice and comment requirements of the Administrative Procedure Act do not apply. *See* 5 U.S.C. 553(b). For this reason, the requirements of the Regulatory Flexibility Act also do not apply. *See* 5 U.S.C. 603, 604.

Pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501–3521, the Office of Management and Budget (''OMB'') approved the information collection requirements in the Amended TSR and assigned the following existing OMB Control Number: 3084–0097. The amendments outlined in this Final Rule pertain only to the fee provision (§ 310.8) of the Amended TSR and will not establish or alter any record keeping, reporting, or third-party disclosure requirements elsewhere in the Amended TSR.

List of Subjects in 16 CFR Part 310

Advertising, Consumer protection, Reporting and recordkeeping requirements, Telephone, Trade practices.

Accordingly, the Federal Trade Commission amends part 310 of title 16 of the Code of Federal Regulations as follows:

PART 310—TELEMARKETING SALES RULE

■ 1. The authority citation for part 310 continues to read as follows:

Authority: 15 U.S.C. 6101–6108; 15 U.S.C. 6151–6155.

■ 2. In § 310.8, revise paragraphs (c) and (d) to read as follows:

§ 310.8 Fee for access to the National Do Not Call Registry.

* * * * *

(c) The annual fee, which must be paid by any person prior to obtaining access to the National Do Not Call Registry, is $62 for each area code of data accessed, up to a maximum of $17,021; *provided,* however, that there shall be no charge to any person for accessing the first five area codes of data, and *provided further,* that there shall be no charge to any person engaging in or causing others to engage in outbound telephone calls to consumers and who is accessing area codes of data in the National Do Not Call Registry if the person is permitted to access, but is not required to access, the National Do Not Call Registry under this Rule, 47 CFR 64.1200, or any other Federal regulation or law. No person may participate in any arrangement to share the cost of accessing the National Do Not Call Registry, including any arrangement with any telemarketer or service provider to divide the costs to access the registry among various clients of that telemarketer or service provider.

(d) Each person who pays, either directly or through another person, the annual fee set forth in paragraph (c) of this section, each person excepted under paragraph (c) from paying the annual fee, and each person excepted from paying an annual fee under § 310.4(b)(1)(iii)(B), will be provided a unique account number that will allow that person to access the registry data for the selected area codes at any time for the twelve month period beginning on the first day of the month in which the person paid the fee (''the annual period''). To obtain access to additional area codes of data during the first six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay $62 for each additional area code of data not initially selected. To obtain access to additional area codes of data during the second six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay $31 for each additional area code of data not initially selected. The payment of the additional fee will permit the person to access the additional area codes of data for the remainder of the annual period.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–17437 Filed 8–18–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 860

[Docket No. FDA–2013–N–1529]

Medical Device Classification Procedures; Change of Address; Technical Amendment

AGENCY: Food and Drug Administration; HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA or Agency) is amending the Medical Device Classification Procedures regulation to reflect a change in address for the Center for Devices and Radiological Health (CDRH). This action is editorial in nature and is intended to improve the accuracy of the Agency's regulations.

DATES: This rule is effective August 21, 2017.

FOR FURTHER INFORMATION CONTACT: Karen Fikes, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5244, Silver Spring, MD 20993–0002, 301–796–9603.

SUPPLEMENTARY INFORMATION: FDA is amending our regulations in 21 CFR part 860 that set forth procedures for mailing reclassification petitions (§ 860.123 (21 CFR 860.123)) to revise the mailing address for CDRH. The current mailing address in the regulation for CDRH is as follows: Center for Devices and Radiological Health, Regulations Staff, 10903 New Hampshire Ave., Bldg. 66, Rm. 4438, Silver Spring, MD 20993–0002. The room number, 4438, has been changed; the new room number is G609. The mailing address is revised as follows: Center for Devices and Radiological Health, Regulations Staff, Document Mail Center–WO66–G609, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002.

Sections 513(e) and (f), 514(b), 515(b), and 520(l) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(e) and (f); 360d(b); 360e(b), and 360j(l)), provide for the reclassification of a device and prescribe procedures to petition for reclassification. FDA provides procedures for the content and form of reclassification petitions submitted pursuant to § 860.123(b)(1) for devices regulated by CDRH. The address for submitting a reclassification petition for devices regulated by CDRH in § 860.123(b)(1) is amended to reflect the new room number. The addresses remain the same for the Center for Biologics Evaluation and Research and the Center for Drug Evaluation and Research.

List of Subjects in 21 CFR Part 860

Administrative practice and procedure, 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 860 is amended as follows:

PART 860—MEDICAL DEVICE CLASSIFICATION PROCEDURES

■ 1. The authority citation for part 860 continues to read as follows:

Authority: 21 U.S.C. 360c, 360d, 360e, 360i, 360j, 371, 374.

■ 2. Revise § 860.123(b)(1) to read as follows:

§ 860.123 Reclassification petition: Content and form.

* * * * *

(b) * * *

(1) For devices regulated by the Center for Devices and Radiological Health, addressed to the Food and Drug Administration, Center for Devices and Radiological Health, Regulations Staff, Document Mail Center–WO66–G609, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002; for devices regulated by the Center for Biologics Evaluation and Research, addressed to the Food and Drug Administration, Center for Biologics Evaluation and Research, Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G112, Silver Spring, MD 20993–0002; for devices regulated by the Center for Drug Evaluation and Research, addressed to the Food and Drug Administration, Center for Drug Evaluation and Research, Central Document Control Room, 5901–B Ammendale Rd., Beltsville, MD 20705–1266, as applicable.

* * * * *

Dated: August 15, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17564 Filed 8–18–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0699]

RIN 1625–AA00

Safety Zone: PG&E Evolution, King Salmon, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of Humboldt Bay in King Salmon, CA in support of the Pacific Gas and Electric Evolution that will be effective on August 2, 2017 and on August 30, 2017. This safety zone is established to ensure the safety of workers, mariners, and other vessels transiting the area from the dangers associated with this evolution. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

DATES: This rule is effective without actual notice from August 21, 2017 until August 30, 2017. For the purposes of enforcement, actual notice will be used from August 2, 2017, until August 21, 2017.

This rule is being enforced from 8 a.m. to 4 p.m. on August 2, 2017 and from 8 a.m. to 4 p.m. on August 30, 2017.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2017–0699. To view these documents go to *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 rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Marcia Medina, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7443 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

APA Administrative Procedures Act
CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NAD North American Datum of 1983
NPRM Notice of Proposed Rulemaking
PG&E Pacific Gas & Electric
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Due to the date of the event, notice and comment procedures would be impracticable in this instance.

For similar reasons as those stated above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The legal basis for the proposed rule is 33 U.S.C 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

The Pacific Gas and Electric Company will sponsor the Pacific Gas and Electric Evolution on August 2, 2017 and on August 30, 2017, in the navigable waters of Humboldt Bay in King Salmon, CA. The evolution is necessary to complete an inspection and for re-licensing purposes. The evolution is scheduled to take place on August 2, 2017 and on

August 30, 2017. The Coast Guard believes that a safety zone is necessary to provide for the safety of workers, mariners, and other vessels transiting the area due to the danger posed by the inspection of the dynamic fuel storage installation. This restricted area will apply to all vessels transiting the specified area.

IV. Discussion of the Rule

For the reasons stated above, the Coast Guard is establishing a safety zone for the duration of the event. Upon commencement of the evolution, the safety zone will encompass the navigable waters of Humboldt Bay within a 300 meter radius of position: 40°44′31″ N., 124°12′39″ W. (NAD83). The safety zone is issued to establish a temporary restricted area on the waters surrounding the evolution. The Coast Guard or a designated representative will enforce a safety zone in navigable waters of Humboldt Bay within a 300 meter radius of position: 40°44′31″ N., 124°12′39″ W. (NAD83) during the evolution. The evolution is necessary to complete an inspection and for re-licensing purposes is scheduled to take place on August 2, 2017 and on August 30, 2017. At the conclusion of the evolution the safety zone shall terminate.

The effect of the temporary safety zone will be to restrict navigation in the vicinity of the evolution. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep mariners and vessels away from the immediate vicinity of the evolution to ensure the safety of workers, mariners, and other vessels transiting the area.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zone. Although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because it is outside of the Fields Landing Channel and the public will be notified via a Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

B. Impact on Small Entities

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

This rule may affect the following entities, some of which may be small entities: Owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing, if these facilities or vessels are in the vicinity of the safety zone at times when this zone is being enforced. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) This rule will encompass only a small portion of the waterway for a limited period of time, (ii) vessel traffic can transit safely around the safety zone, and (iii) the maritime public will be advised in advance of this safety zone via Broadcast Notice to Mariners.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (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 of limited size and duration. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration is available in the docket for this rulemaking. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and 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.T11–867 to read as follows:

§ 165.T11–867 Safety Zone; PG&E Evolution, King Salmon, CA.

(a) *Location.* This temporary safety zone is established for the navigable waters of Humboldt Bay in King Salmon, California as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18622. The safety zone will encompass the navigable waters of Humboldt Bay within a 300 meter radius of position: 40°44′31″ N., 124°12′39″ W. (NAD83).

(b) *Enforcement period.* The zone described in paragraph (a) of this section will be enforced from 8 a.m. until 4 p.m. on August 2, 2017 and from 8 a.m. until 4 p.m. on August 30, 2017. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

(c) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

(d) *Regulations.* (1) Under the general regulations in 33 CFR part 165, subpart C, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or a designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zone through the 24-hour Command Center at telephone (415) 399–3547 or on VHF channel 16.

Dated: August 1, 2017.

Anthony J. Ceraolo,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2017–17655 Filed 8–18–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0387; FRL–9966–34–Region 4]

Air Plan Approval; SC: Miscellaneous Revisions to Multiple Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve changes to the South Carolina State Implementation Plan (SIP) to revise several miscellaneous rules, covering definitions, source tests, credible evidence, open burning, air pollution episodes, and fugitive particulate matter. EPA is approving portions of SIP revisions submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DHEC) on the following dates: July 18, 2011, June 17, 2013, April 10, 2014, August 8, 2014, January 20, 2016, and July 27, 2016. These actions are being taken pursuant to the Clean Air Act.

DATES: This direct final rule is effective October 20, 2017 without further notice, unless EPA receives adverse comment by September 20, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0387 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

On July 18, 2011, June 17, 2013, April 10, 2014, August 8, 2014, January 20, 2016, and July 27, 2016, SC DHEC submitted SIP revisions to EPA for approval that involve changes to South Carolina's SIP regulations to add definitions, make administrative and clarifying amendments, and correct typographical errors. These SIP submittals make changes to several air quality rules in South Carolina Code of Regulations Annotated (S.C. Code Ann. Regs.). The changes EPA is approving into the SIP in this action modify portions of Regulation 61–62.1 ''Definitions and General Requirements'' at Section I—''Definitions,'' Regulation 61–62.1, Section IV—''Source Tests,'' Regulation 61–62.1, Section V—''Credible Evidence.'' EPA is also approving changes to Regulation 61–62.2—''Prohibition of Open Burning,'' Regulation 61–62.3—''Air Pollution Episodes'' at Section I—''Episode Criteria'' and Regulation 61–62.6—''Control of Fugitive Particulate Matter'' at Section I—''Control of Fugitive Particulate Matter in Non-Attainment Areas'' and Section III—''Control of Fugitive Particulate Matter Statewide.''

At this time, EPA is not acting on the changes detailed in Table 1 below. EPA will address all remaining changes to the South Carolina SIP as listed above in a separate action.

TABLE 1—OTHER PORTIONS OF SOUTH CAROLINA SUBMITTALS

Submittal	Regulation	Status
July 18, 2011	Regulation 61–62.1, Section II	EPA will evaluate in a separate action.
July 18, 2011	Regulation 61–62.5, Standard No. 1	EPA will evaluate in a separate action.
July 18, 2011	Regulation 61–62.5, Standard No. 2	Approved April 3, 2013 (78 FR 19994).
July 18, 2011	Regulation 61–62.5, Standard No. 4	EPA will evaluate in a separate action.
July 18, 2011	Regulation 61–62.5, Standard No. 6	Not part of the SIP.[1]
June 17, 2013	Regulation 61–62.1, Section II	EPA will evaluate in a separate action.
June 17, 2013	Regulation 61–62.5, Standard No. 4	EPA will evaluate in a separate action.
June 17, 2013	Regulation 61–62.5, Standard No. 5	EPA will evaluate in a separate action.
April 10, 2014	Regulation 61–62.5, Standard No. 7	EPA will evaluate in a separate action.
August 8, 2014	Regulation 61–62.1, Section II	EPA will evaluate in a separate action.
August 8, 2014	Regulation 61–62.1, Section III	Approved June 12, 2015 (80 FR 33413) and May 31, 2017 (82 FR 24851).
August 8, 2014	Regulation 61–62.5, Standard No. 1	EPA will evaluate in a separate action.
August 8, 2014	Regulation 61–62.5, Standard No. 4	Approved April 3, 2013 (78 FR 19994).
January 20, 2016	Regulation 61–62.1, Section II	EPA will evaluate in a separate action.
January 20, 2016	Regulation 61–62.5, Standard No. 5	EPA will evaluate in a separate action.
January 20, 2016	Regulation 61–62.5, Standard No. 7.1	EPA will evaluate in a separate action.
July 27, 2016	Regulation 61–62.1, Section II	EPA will evaluate in a separate action.
July 27, 2016	Regulation 61–62.5, Standard No. 4	EPA will evaluate in a separate action.
July 27, 2016	Regulation 61–62.5, Standard No. 5.2	EPA will evaluate in a separate action.

II. Analysis of South Carolina's Submittals

A. Regulation 61–62.1, Section I—''Definitions''

South Carolina is amending its list of applicable definitions related to the regulation of air quality at Regulation 61–62.1, Section I—''Definitions.'' The July 18, 2011, submittal makes several changes to the definitions as follows: (1) Adds a definition for ''CAA [Clean Air Act];'' (2) adds definitions for ''$PM_{2.5}$,'' or fine particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, and ''$PM_{2.5}$ emissions;'' (3) revises the definition of ''fugitive emissions'' to match the federal definition at 40 CFR 51.165(a)(1)(ix), 40 CFR 51.166(b)(20), and 40 CFR 52.21(b)(20); and (4) makes other clarifying and administrative edits to definitions throughout the Section, including renumbering. The June 17, 2013, submittal further revises the definitions to make several administrative edits only.

The April 10, 2014, submittal makes one revision to the definitions at Regulation 61–62.1, Section I.94.—''Volatile Organic Compound (VOC),'' to add a compound to the list of compounds determined to have negligible photochemical reactivity and therefore exempted from being considered a VOC, consistent with the federal definition. This revision in the April 10, 2014, submittal is superseded by another revision to the definition of VOC at I.94. in the August 8, 2014, submittal. This submittal changes the format of the definition of VOC at I.99., renumbered from I.94., to incorporate by reference the list of compounds exempted from the federal definition by making an explicit reference to the federal definition at 40 CFR 51.100(s). The August 8, 2014, submittal goes on to revise Section I by: (1) Adding definitions for ''Code of Federal Regulations (CFR),'' ''NAICS [North American Industrial Classification System] Code,'' and ''SIC [Standard Industrial Classification] Code;'' and (2) making administrative changes throughout.

Finally, the July 27, 2016, submittal makes subsequent revisions to Section I to add the definition of ''emission'' and makes administrative edits throughout. EPA has reviewed the changes made to South Carolina's definitions and is approving the aforementioned changes to Regulation 61–62.1, Section I into the SIP pursuant to CAA section 110.

[1] In its July 18, 2011, submittal, South Carolina is removing and reserving its program for setting alternative emission limits at Regulation 61–62.5, Standard No. 6 ''Alternative Emission Limitation Options (Bubble).'' This change is not presently before EPA because we rescinded the original approval of this regulation and disapproved a further revision to the regulation on March 8, 1995 (60 FR 12700). The 1995 action disapproving a SIP revision and rescinding approval of the adoption of the regulation into the SIP was based on EPA's analysis that the rule did not meet EPA's Emissions Trading Policy Statement, Economic Incentive Program rules, nor the CAA amendments of 1990, and a March 24, 1994, request for disapproval from SC DHEC. Therefore, Regulation 61–62.5, Standard No. 6 is no longer part of the federally approved SIP, and this revision to remove and reserve the existing regulation is not before EPA for consideration. However, on May 7, 2002, EPA inadvertently approved a revision to Regulation 61–62.5, Standard No. 6 to correct typographical errors (67 FR 30594). This action was done in error since the original adoption of the Regulation was rescinded on March 8, 1995 (60 FR 12700). EPA will address the error and the incorporation by reference of Regulation 61–62.5, Standard No. 6 at 40 CFR 52.2120(c) in another action.

B. Regulation 61–62.1, Section IV—''Source Tests''

South Carolina is amending its rules covering source testing at Regulation 61–62.1, Section IV—''Source Tests.'' Federal implementing regulations at 40 CFR 51.212—''Testing, inspection, enforcement, and complaints,'' require, among other things, that the SIP must provide for ''periodic testing and inspection of stationary sources.''

The June 17, 2013, submittal revises the rule to make an administrative edit only. The August 8, 2014, submittal further revises the rule as follows: (1) Adds an additional requirement for site-specific test plans to account for procedures for obtaining, analyzing, and reporting source test audit samples and results; (2) adds language to provide more prescriptive requirements for notifications of testing; (3) adds language to specify that where federal regulation requires specific certification for conducting source tests, the individuals conducting the tests will meet that requirement; (4) removes language stating SC DHEC would provide audit samples to sources for required audits; (5) adds language stating that sources must purchase samples from an audit sample provider where commercially available, and including procedures for the source audits, consistent with federal rulemakings on stationary source auditing; [2] (6) adds language to specify additional information required for the required source test report; and (7) makes administrative changes throughout the Section.

EPA has reviewed the changes made to South Carolina's rules for source testing and is approving the aforementioned changes to Regulation 61–62.1, Section IV into the SIP pursuant to CAA section 110.

C. Regulation 61–62.1, Section V—''Credible Evidence''

South Carolina is making a minor change to its rules covering credible evidence at Regulation 61–62.1, Section IV—''Source Tests.'' Federal implementing regulations at 40 CFR 51.212—''Testing, inspection, enforcement, and complaints,'' require, among other things, that the SIP must not ''preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.'' SC DHEC's SIP-approved provisions at Regulation 61–62.1, Standard V clarify State authority for enforcement and compliance certification and asserts that credible evidence is data that may be used to determine compliance or noncompliance with applicable emission limits.

The August 8, 2014, submittal revises the regulation to make an administrative edit for consistency in internal citations only. EPA has reviewed the changes made to South Carolina's rules for credible evidence and is approving the aforementioned change to Regulation 61–62.1, Section V into the SIP pursuant to CAA section 110.

D. Regulation 61–62.2—''Prohibition of Open Burning''

South Carolina is making a minor change to its rules covering open burning at Regulation 61–62.2—''Prohibition of Open Burning.'' South Carolina's SIP-approved regulation prohibits open burning except in limited circumstances. The April 10, 2014, submittal revises the regulation to make an administrative edit to a referenced manual only. EPA has reviewed the changes made to South Carolina's rules for open burning and is approving the aforementioned change to Regulation 61–62.2 into the SIP pursuant to CAA section 110.

E. Regulation 61–62.3—''Air Pollution Episodes''

South Carolina is making minor changes to its rules covering air pollution episodes at Regulation 61–62.3—''Air Pollution Episodes.'' South Carolina's SIP-approved regulation defines classifications of high air pollution for public notification and outlines emission reduction plans corresponding to the different classifications. The July 18, 2011 and June 17, 2013, submittals revise the regulation at Section I—''Episode Criteria'' to make administrative edits to formatting and correct a typographical error only. EPA has reviewed the changes made to South Carolina's rules for air pollution episodes and is approving the aforementioned change to Regulation 61–62.3 into the SIP pursuant to CAA section 110.

F. Regulation 61–62.6—''Control of Fugitive Particulate Matter''

South Carolina is making minor changes to its rules covering fugitive particulate matter at Regulation 61–62.6—''Control of Fugitive Particulate Matter.'' South Carolina's SIP-approved regulation describes procedures for properly controlling the release of fugitive particulate matter in nonattainment areas for particulate matter-related standards, in areas with ambient air quality concentrations at or near primary standards, and generally applicable to all areas in the state. The April 10, 2014 submittal makes changes to Section I—''Control of Fugitive Particulate Matter in Non-Attainment Areas'' and Section III—''Control of Fugitive Particulate Matter Statewide'' to make administrative edits only. The January 20, 2016 submittal makes a subsequent administrative edit to Section I—''Control of Fugitive Particulate Matter in Non-Attainment Areas'' only. EPA has reviewed the changes made to South Carolina's rules for controlling fugitive particulate matter and is approving the aforementioned change to Regulation 61–62.6 into the SIP pursuant to CAA section 110.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the following South Carolina Regulations: Regulation 61–62.1, Section I—''Definitions,'' effective June 24, 2016, which revises definitions applicable to the SIP; Regulation 61–62.1, Section IV—''Source Tests,'' effective June 27, 2014, which revises requirements for stationary source testing; Regulation 61–62.1, Section V—''Credible Evidence,'' effective June 27, 2014, which revises formatting for consistency; Regulation 61–62.2—''Prohibition of Open Burning,'' effective December 27, 2013, which revises formatting for consistency; Regulation 61–62.3, Section I—''Episode Criteria,'' effective April 26, 2013, which makes administrative edits to regulations prescribing air quality episodes; Regulation 61–62.6, Section I—''Control of Fugitive Particulate Matter in Non-Attainment Areas,'' effective November 27, 2015, which revises formatting; and Regulation 61–62.6, Section III—''Control of Fugitive Particulate Matter Statewide,'' effective December 27, 2013, which makes administrative language changes for consistency. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the

[2] See EPA rulemakings on September 13, 2010 (75 FR 55636) and March 28, 2011 (76 FR 17288) for more details.

next update to the SIP compilation.[3] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Final Action

EPA is approving the aforementioned changes to the South Carolina SIP, submitted on July 18, 2011, June 17, 2013, April 10, 2014, August 8, 2014, January 20, 2016, and July 27, 2016 because they are consistent with the CAA and federal regulations. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 20, 2017 without further notice unless the Agency receives adverse comments by September 20, 2017.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 20, 2017 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

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

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

In addition, this direct final action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have substantial direct effects on an Indian Tribe. The Catawba Indian Nation Reservation is located within the South Carolina portion of the bi-state Charlotte Area. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' EPA notes this action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 20, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: August 4, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

[3] 62 FR 27968 (May 22, 1997).

Subpart PP—South Carolina

■ 2. Section 52.2120(c) is amended by:
■ A. Under Regulation No. 62.1 revise the entries for ''Section I,'' ''Section IV,'' and ''Section V,''
■ B. Revise Regulation No. 62.2,
■ C. Under Regulation No. 62.3, revise the entry for ''Section I,'' and
■ D. Under Regulation No. 62.6, revise ''Section I'' and ''Section III''.

The revisions read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) * * *

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	**Federal Register** Notice
*	* * *	*	*	* *
Section I	Definitions	6/24/2016	8/21/2017	[Insert citation of publication].
*	* * *	*	*	* *
Section IV	Source Tests	6/27/2014	8/21/2017	[Insert citation of publication].
*	* * *	*	*	* *
Section V	Credible Evidence	6/27/2014	8/21/2017	[Insert citation of publication].
*	* * *	*	*	* *
Regulation No. 62.2.	Prohibition of Open Burning	12/27/2013	8/21/2017	[Insert citation of publication].
*	* * *	*	*	* *
Section I	Episode Criteria	4/26/2013	8/21/2017	[Insert citation of publication].
*	* * *	*	*	* *
Section I	Control of Fugitive Particulate Matter in Non-Attainment Areas.	11/27/2015	8/21/2017	[Insert citation of publication].
*	* * *	*	*	* *
Section III	Control of Fugitive Particulate Matter Statewide	12/27/2013	8/21/2017	[Insert citation of publication].
*	* * *	*	*	* *

* * * * *

[FR Doc. 2017–17240 Filed 8–18–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0500; FRL–9964–21]

Potassium Salts of Naphthalenesulfonic Acids Formaldehyde Condensates; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of naphthalenesulfonic acids formaldehyde condensates, potassium salts (CAS Reg. No. 67828–14–2) when used as an inert ingredient (surfactant and related adjuvant of surfactants) applied to growing crops and raw agricultural commodities after harvest by amending an existing exemption for similar substances. Monsanto Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting this amendment. This regulation eliminates the need to establish a maximum permissible level for residues of naphthalenesulfonic acids formaldehyde condensates, potassium salts, when used consistent with the terms.

DATES: This regulation is effective August 21, 2017. Objections and requests for hearings must be received on or before October 20, 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–2016–0500, 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 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–2016–0500 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 October 20, 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–2016–0500, 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. Petition for Exemption

In the **Federal Register** of October 18, 2016 (81 FR 71668) (FRL–9952–19), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10965) by Monsanto Company, 1300 I (Eye) Street NW., Washington, DC 20005. The petition requested that the existing exemption for residues of mono-, di-, and trimethylnapthalenesulfonic acids and napthalenesulfonic acids formaldehyde condensates, ammonium and sodium salts (CAS Reg. Nos. 9008–63–3, 9069–80–1, 9084–06–4, 36290–04–7, 91078–68–1, 141959–43–5, 68425–94–5) in 40 CFR 180.910 be amended to also exempt residues of the potassium salts (CAS Reg. No. 67828–14–2) when used as an inert ingredient (*i.e.,* as a surfactant or related adjuvant of surfactants) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest. That document referenced a summary of the petition prepared by Monsanto Company, the petitioner, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to that comment is discussed in Unit V.C.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for 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 . . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), 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 naphthalenesulfonic acids formaldehyde condensate potassium salt including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with naphthalenesulfonic acids formaldehyde condensate potassium salt follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their 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.

In the **Federal Register** of October 7, 2009 (74 FR 51470) (FRL–8439–1), EPA established an exemption from the requirement of a tolerance for the sodium and ammonium salts of naphthalenesulfonate formaldehyde condensates (SANFC). In the preamble to that rule, EPA concluded that there were no adverse effects observed in the available database. Naphthalenesulfonic acids formaldehyde condensate potassium salt differs from sodium and ammonium salts of naphthalenesulfonate formaldehyde condensates, only in the counterion (*i.e.,* potassium versus sodium and ammomium) and would all share the same toxicity profile.

Specific information on the studies received and the nature of the adverse effects caused by naphthalenesulfonic acids formaldehyde condensate potassium salt as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in the final rule published in the **Federal Register** of October 7, 2009 (74 FR 51470) (FRL–8439–1).

B. Toxicological Points of Departure/ Levels of Concern

Based on the low potential hazard and the lack of a hazard endpoint for these compounds, EPA determined that a quantitative risk assessment is not appropriate.

C. Aggregate Exposures

In examining aggregate exposure, section 408 of FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other nonoccupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

No hazard was identified for the acute and chronic dietary assessment (food and drinking water), or for the short term, intermediate-term, and long-term residential assessments, and therefore, no quantitative aggregate exposure assessments were performed. The Agency qualitatively assessed exposure as follows. When used in pesticide formulations applied to growing crops and raw agricultural commodities after harvest, there may be exposure from residues in or on food and from residues ending up in drinking water from use on growing crops. The SANFC inerts are used as disperants, defoamers and emulsifiers in pesticide formulations. These surfactants have a wide range of industrial uses as well as serving as emulsifiers in personal care products and in food contact packaging; therefore, EPA concludes that exposure from these sources is also likely.

D. 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 naphthalenesulfonic acids formaldehyde condensate potassium salt to share a common mechanism of toxicity with any other substances, and naphthalenesulfonic acids formaldehyde condensate potassium salt does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that naphthalenesulfonic acids formaldehyde condensate potassium salt 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://www.epa.gov/pesticides/cumulative.*

E. Determination of Safety

Based on all available information, 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 residues of the potassium salt of naphthalenesulfonic acids formaldehyde condensates, when used as inert ingredients in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. Response to Comments

One comment was received for a notice of filing offering suggestions on how to move away from using synthetic chemicals as pesticides. This comment is not specifically directed at today's tolerance exemption action nor does it include any information for the Agency to consider in making its safety determination for this exemption.

VI. Conclusions

Therefore, the existing exemption from the requirement of a tolerance in 40 CFR 180.910 for residues of mono-, di-, and trimethylnapthalenesulfonic acids and napthalenesulfonic acids formaldehyde condensates, ammonium and sodium salts is amended to include potassium salts (specifically, naphthalenesulfonic acids formaldehyde condensate potassium salt (CAS Reg. No. 67828–14–2)) when used as an inert ingredient (surfactant and related adjuvant of surfactant) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

VII. Statutory and Executive Order Reviews

This action establishes an exemption from the requirement of 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 exemption 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).

VIII. 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 18, 2017.

Donna S. Davis,

Acting 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 § 180.910, revise the existing entry for ''Mono-, di-, and trimethylnapthalenesulfonic acids and napthalenesulfonic acids formaldehyde condensates, ammonium and sodium salts (CAS Reg. Nos. 9008–63–3, 9069–80–1, 9084–06–4, 36290–04–7, 91078–68–1, 141959–43–5, 68425–94–5)'' to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemption from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * *	*	* *
Mono-, di-, and trimethylnaphthalenesulfonic acids and naphthalenesulfonic acids formaldehyde condensates, ammonium, sodium and potassium salts (CAS Reg. Nos. 9008–63–3, 9069–80–1, 9084–06–4, 36290–04–7, 91078–68–1, 141959–43–5, 68425–94–5, 67828–14–2).	.....	Surfactants, related adjuvants of surfactants
* * * *	*	* *

[FR Doc. 2017–17631 Filed 8–18–17; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 82, No. 160
Monday, August 21, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–4219; Product Identifier 2015–NM–169–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposal for certain The Boeing Company Model 777 airplanes. This action revises the notice of proposed rulemaking (NPRM) by adding an inspection to determine a part number and to incorporate an airworthiness limitation (AWL) into the maintenance or inspection program. This action also revises the NPRM by specifying a new version of the airline information management system (AIMS) software for airplanes equipped with AIMS–2 software. We are proposing this Airworthiness Directive (AD) to address the unsafe condition on these products. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: The comment period for the NPRM published in the **Federal Register** on March 8, 2016 (81 FR 12039), is reopened.

We must receive comments on this SNPRM by October 5, 2017.

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

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

For service information identified in this SNPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110 SK57, Seal Beach, CA 90740–5600; telephone 562 797 1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 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–2016–4219.

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–2016–4219; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: David Lee, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6497; fax: 425–917–6590; email: *david.a.lee@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–2016–4219; Product Identifier 2015–NM–169–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM because of those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 777 airplanes. The NPRM published in the **Federal Register** on March 8, 2016 (81 FR 12039). The NPRM was prompted by reports of latently failed fuel shutoff valves discovered during fuel filter replacement. The NPRM proposed to require replacing certain motor-operated valve (MOV) actuators with new MOV actuators on both AIMS–1- and AIMS–2-equipped airplanes, or installing a newer software version on AIMS–2-equipped airplanes.

Actions Since the NPRM Was Issued

Since we issued the NPRM, several operators commented on issues with the installation of AIMS–2 Blockpoint V17.1 software on certain airplane configurations and under certain operating conditions. Boeing recently released version 17A of this software to address these issues. We have determined that it is necessary to mandate the use of AIMS–2 Blockpoint version 17A to address the identified unsafe condition for the affected airplanes.

In addition, on November 17, 2016, we approved an alternative method of compliance (AMOC) Notice 777–28A0034 AMOC 02, via FAA letter 140S–16–180. This AMOC identified changes to Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015, which corrects the description of Group 4 airplanes. This AMOC, when combined with the previously approved AMOCs for Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015, applies to the accomplishment of paragraphs (g), (h),

(k), and (l) of AD 2013–05–03, Amendment 39–17375 (78 FR 17290, March 21, 2013) (''AD 2013–05–03''), which requires inspecting and replacing certain MOV actuators in the main and center fuel tanks on certain The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes.

In the NPRM, we included costs for doing an inspection to identify the part number of the MOV actuators. However, we inadvertently left out the requirement for this inspection in the NPRM. We have added this requirement to paragraph (g) of this proposed AD.

Comments

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

Support for the NPRM

The Air Line Pilots Association, International, expressed support for the NPRM.

Request To Terminate Part of an Earlier AD

Boeing, All Nippon Airways (ANA), and United Airlines (UAL) all requested that we include a paragraph stating that the proposed AD (in the NPRM) is terminating action to all requirements of AD 2015–19–01, Amendment 39–18264 (80 FR 55521, September 16, 2015) (''AD 2015–19–01''), which required operators to revise the maintenance or inspection program, as applicable, to add airworthiness limitation 28–AWL–MOV. Boeing stated that AD 2015–19–01 also required repetitive inspections of MOVs for Boeing Model 777 airplanes with fuel spar actuators having certain part numbers. Boeing noted that the proposed AD (in the NPRM) would require replacing those fuel spar actuators or upgrading the AIMS–2 software. Boeing concluded that by complying with the actions of the proposed AD (in the NPRM), operators are also complying with all requirements of AD 2015–19–01.

We agree with the commenters' request to specify a condition that would terminate the requirements of AD 2015–19–01. However, we find it necessary to add another step to this proposed AD before the requirements of AD 2015–19–01 can be terminated. We understand that operators typically manage a single maintenance or inspection program for their entire fleets, rather than for individual airplanes. If operators are allowed to remove the AWL mandated by AD 2015–19–01 before the actions in the proposed AD are completed on the entire fleet, the AWL and its associated repetitive inspections could be inadvertently removed from individual airplanes in the fleet before the unsafe condition is mitigated.

In addition, we consider that an additional action is necessary to prevent an airplane from being modified to a pre-AD condition. This proposed AD would prohibit the installation of MOV actuator P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56) at the fuel spar valve locations. However, these two part numbers can still be installed at other locations (as their failure is of economic impact only), and could be inadvertently re-installed at the fuel spar valve locations. To address this concern, we have added paragraph (h) to this AD to specify a requirement for the incorporation of a new AWL. Other than the prohibition, there is no maintenance action associated with the new AWL.

The incorporation of the new AWL would be required after the accomplishment of the actions specified by paragraph (g) of the proposed AD on all affected airplanes in an operator's fleet, but within 24 months after the effective date of this AD. If an operator accomplishes all required actions on all affected airplanes in the fleet before the end of the 24-month compliance time, the operator has an option to incorporate the new AWL at that time, or at a later time, but before the end of the 24-month compliance time. This option is intended to allow continued operation of an airplane if an airplane having the pre-AD configuration is introduced into an operator's fleet before the end of the compliance time, but after the accomplishment of the required actions on all other airplanes in the fleet.

We have added paragraphs (h) (specifying incorporation of the AWL) and (i) (stating that accomplishing the actions in this AD terminates all requirements of AD 2015–19–01) to this proposed AD and redesignated subsequent paragraphs accordingly. We have also revised paragraph (b) of this proposed AD to indicate that this proposed AD would affect AD 2015–19–01.

Request To Allow Repetitive Inspections as an AMOC to Parts Replacement

ANA requested that we allow the repetitive inspections specified in AD 2015–19–01 in lieu of the actions specified in paragraph (g) of the proposed AD (in the NPRM). ANA stated that both AD 2015–19–01 and the proposed AD (in the NPRM) can detect and correct latent failure of the fuel shutoff valve, and the purpose of both ADs is the same.

We disagree with the request because the actions in AD 2015–19–01 were intended to mitigate the unsafe condition while a permanent solution was being developed. A permanent design modification is preferable to ongoing inspections, since it eliminates the potential latency failure period between inspections. The actions required by this proposed AD are intended to eliminate the unsafe condition. We have not changed this proposed AD regarding this issue.

Request To Remove or Revise Service Information

American Airlines (AAL) and Japan Airlines (JAL) requested that we revise the proposed AD (in the NPRM) to allow installation of Version 17.1 or a later approved version of the AIMS–2 software, or to remove the requirement to update the AIMS–2 software in accordance with Boeing Service Bulletin 777–31–0227, Revision 1, dated August 12, 2015. JAL noted that incorporation of this service information could cause the navigation and multifunction displays to momentarily go blank during takeoff and landing. AAL added that incorporation of this service information on airplanes equipped with VHF radios only capable of Mode 0 will make the VHF datalink inoperable. AAL noted that the proposed solution from Boeing is to replace the VHF radio, creating an additional financial burden. AAL stated that Boeing was planning on addressing this issue through a service bulletin related to AIMS–2 Blockpoint Version 17A. AAL also asked for clarification regarding what constitutes a later approved software version.

We agree with the commenters' request. The installation of AIMS–2 Blockpoint Version 17.1 on certain airplane configurations, and under certain operating conditions, could allow the issues noted by AAL and JAL. Since we issued the NPRM, Boeing released Service Bulletin 777–31–0218, dated September 8, 2016, which incorporates AIMS–2 Blockpoint Version 17A to address these issues. We have included this new service information in this SNPRM and revised paragraph (g)(2)(ii) of this proposed AD to refer to the new software version and service information. We have also revised paragraph (i) of this proposed AD to include credit for the installation of AIMS–2 Blockpoint Version 17 or 17.1, since this software is one way to prevent the latent failure of the MOV actuator and works under most airplane configurations and operating conditions.

We have also revised paragraph (g)(2)(ii) of this proposed AD to clarify what qualifies as a later approved software version.

Request To Provide Credit

UAL requested that paragraph (h) of the proposed AD (in the NPRM) be revised to provide credit for actions accomplished in accordance with Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015. UAL provided no justification for its request.

We disagree because we find the requested change unnecessary. Paragraph (f) of this proposed AD states that the actions must be completed within the compliance times specified, ''unless already done.'' Therefore, if the actions in paragraph (g)(1) or (g)(2)(i) of this proposed AD are already completed in accordance with Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015, no credit is needed for these actions. The purpose of paragraph (j) of this proposed AD (paragraph (h) in the proposed AD (in the NPRM)) is to provide credit for actions completed on or before the effective date of the AD using earlier versions of service information. We have not changed this proposed AD regarding this issue.

Request for Approval of an AMOC to AD 2013–05–03

ANA requested that we allow the actions of the proposed AD (in the NPRM) to be an approved AMOC to AD 2013–05–03. ANA stated that AD 2013–05–03 requires operators to replace an MOV actuator with a new or serviceable actuator having part number (P/N) MA30A1001 or with an MOV actuator meeting certain criteria. ANA noted that the proposed AD (in the NPRM) would require replacing MOV actuators with P/N MA30A1017, a different requirement than in AD 2013–05–03.

We disagree with the commenter's request. We have already approved the use of Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015, as an AMOC to the requirements of paragraph (h) of AD 2013–05–03 to replace an affected MOV actuator, as stated therein. Therefore, it is not necessary to restate this AMOC in this proposed AD. We have not changed this proposed AD regarding this issue.

Request To Extend the Compliance Time

ANA and JAL both requested that we extend the compliance time of the proposed AD (in the NPRM). JAL requested that the compliance time be extended from 24 months to 60 months because AD 2016–04–20, Amendment 39–18414 (81 FR 10460, March 1, 2016) (''AD 2016–04–20'') and AD 2016–21–05, Amendment 39–18686 (81 FR 79384, November 14, 2016) (''AD 2016–21–05'') also require the installation of MOV actuator P/N MA30A1017 (at different locations on the airplane and/or different airplane models), but allow 60 months for the installation. ANA requested that the compliance time be extended to 8 years, because Boeing Service Bulletin 737–28–1314 specifies installation of the same MOV actuator P/N MA30A1017 (on different airplane models) with a compliance time of 8 years. ANA stated that because the same part is used on Boeing Model 737, 767, and 777 airplanes, the vendor will not be able to supply enough MOV actuators to complete the proposed actions within 24 months on Model 777 airplanes.

We disagree with the requests. The compliance time of 24 months was coordinated with Boeing as a practical compliance time for Model 777 airplanes. We may consider providing AMOC approval if the Boeing vendor of the MOV actuators is unable to provide an adequate supply for operators to comply with these actions in the applicable compliance times.

Further, AD 2013–05–03 requires the removal of MOV actuator P/N MA20A1001–1 (S343T003–39) on both AIMS–1 and AIMS–2 airplanes, with the exception that the MOV actuator does not have to be removed from the fuel spar valve locations on airplanes on which AIMS–1 is installed. Although AD 2016–04–20 and AD 2016–21–05 provide instructions to replace the fuel spar valve, they do not require that the MOV actuator only be replaced with P/N MA30A1017. MOV actuators with P/N MA20A2027 (S343T003–56) and MA30A1001 (S343T003–66) have been determined to be prone to latent failure, so unless the airplane is equipped with AIMS–2 Blockpoint Version 17 or later (which mitigates the unsafe condition), we are mandating that only P/N MA30A1017 (S343T003–76) be installed at the left and right fuel spar valve locations. We have not changed this proposed AD regarding this issue.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015. This service information describes procedures for, among other things, inspection and replacement of the main and center fuel tank valve actuators.

We also reviewed Boeing Service Bulletin 777–31–0218, dated September 8, 2016. This service information describes procedures for installing the AIMS–2, Blockpoint Version 17A software upgrade.

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 SNPRM 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. Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this SNPRM and the Service Information.'' For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–4219.

Differences Between This SNPRM and the Service Information

We have excluded line numbers 1165 and subsequent from the applicability section of this proposed AD as these airplanes were manufactured with AIMS–2 Blockpoint Version 17 or higher installed, and are not affected by the unsafe condition.

Costs of Compliance

We estimate that this proposed AD affects 154 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$13,090.
Replacement of two MOV actuators without fuel tank access.	5 work-hours × $85 per hour = $425	12,000	12,425	Up to $422,450.
AIMS–2, Blockpoint Version 17A, installation.	7 work-hours × $85 per hour = $595	0	595	Up to $71,400.
28–AWL–MOVA incorporation	1 work-hour × $85 per hour = $85	0	85	$13,090.

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.

This proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

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–2016–4219; Product Identifier 2015–NM–169–AD.

(a) Comments Due Date

We must receive comments by October 5, 2017.

(b) Affected ADs

This AD affects AD 2015–19–01, Amendment 39–18264 (80 FR 55521, September 16, 2015).

(c) Applicability

This AD applies to The Boeing Company Model 777–200, 777–200LR, 777–300, 777–300ER, and 777F series airplanes, certificated in any category, excluding line numbers 1165 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by reports of latently failed fuel shutoff valves discovered during fuel filter replacement. We are issuing this AD to prevent latent failure of the fuel shutoff valve to the engine, which could result in the inability to terminate fuel flow to the engine and, in the case of an engine fire, could lead to wing failure.

(f) Compliance

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

(g) Inspection and Replacement

Within 24 months after the effective date of this AD: Do an inspection to determine the part numbers (P/N) of the motor-operated valve (MOV) actuators of the fuel shutoff valves for the left and right engines, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number can be conclusively determined from that review. If any MOV actuator not having P/N MA30A1017 (Boeing P/N S343T003–76), is found, do the actions in paragraphs (g)(1) or (g)(2) of this AD, as applicable.

(1) For airplanes having airplane information management system (AIMS) 1 installed: Within 24 months after the effective date of this AD, install new engine fuel spar MOV actuators having part number (P/N) MA30A1017, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015.

(2) For airplanes having AIMS–2, Blockpoint Version 16 or earlier, installed: Within 24 months after the effective date of this AD, do the actions specified in paragraph (g)(2)(i) or (g)(2)(ii) of this AD.

(i) Install new engine fuel spar MOV actuators having P/N MA30A1017, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–28A0034, Revision 3, dated September 25, 2015.

(ii) Install AIMS–2, Blockpoint Version 17A or later-approved version, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–31–0218, dated September 8, 2016. Later-approved versions of the software are only those Boeing software versions that are approved as a replacement for AIMS–2, Blockpoint Version 17A, and approved as part of the type design by the FAA after issuance of Boeing Service Bulletin 777–31–0218, dated September 8, 2016.

(h) Revision of Maintenance or Inspection Program

Within 24 months after the effective date of this AD, and after accomplishing the actions required by paragraph (g) of this AD on all airplanes in an operator's fleet, as applicable, revise the maintenance or inspection program, as applicable, to add Airworthiness Limitation (AWL) 28–AWL–MOVA by incorporating the information specified in figure 1 to paragraph (h) of this AD into the Airworthiness Limitations Section of the Instructions for Continued Airworthiness.

FIGURE 1 TO PARAGRAPH (h) OF THIS AD—AWL FOR ENGINE FUEL SHUTOFF VALVE (FUEL SPAR VALVE) ACTUATOR INSTALLATION PROHIBITION

AWL No.	Applicability	Description
28–AWL–MOVA	(1) Airplanes with AIMS–1 system, or (2) Airplanes with AIMS–2 BlockPoint (BP) v 16 and earlier software.	Motor Operator Valve (MOV) Actuator—Prohibition of Installation of Specific Part Numbers. Installation of MOV actuator part number (P/N) MA30A1001 (Boeing P/N S343T003–66) and P/N MA20A2027 (Boeing P/N S343T003–56) is prohibited at the following positions: 1. Left engine fuel shutoff spar valve position. 2. Right engine fuel shutoff spar valve position.

(i) Terminating Action for AD 2015–19–01

Accomplishment of the actions required by paragraphs (g) and (h) of this AD terminates all requirements of AD 2015–19–01.

(j) Credit for Previous Actions

This paragraph provides credit for actions specified in paragraph (g)(2)(ii) of this AD, if AIMS–2 Blockpoint Version 17 or 17.1 was installed before the effective date of this AD either in production or using Boeing Special Attention Service Bulletin 777–31–0227, dated November 7, 2014; or Revision 1, dated August 12, 2015.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, 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 certification office, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

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

(l) Related Information

(1) For more information about this AD, contact David Lee, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6497; fax: 425–917–6590; email: *david.a.lee@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110 SK57, Seal Beach, CA 90740–5600; telephone 562 797 1717; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Standards Branch, 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 28, 2017.

John P. Piccola, Jr.,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–16570 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9545; Airspace Docket No. 16–AGL–33]

Proposed Establishment of Class E Airspace; Rosebud, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Rosebud, SD. Controlled airspace is necessary to accommodate new special instrument approach procedures developed at Rosebud Sioux Tribal Airport, for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before October 5, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2016-9545; Airspace Docket No. 16–AGL–33, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/*

code_of_federal-regulations/ibr_locations.html.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace extending upward from 700 feet above the surface at Rosebud Sioux Tribal Airport, Rosebud, SD, to support special instrument approach procedures for IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016- 9545/Airspace Docket No. 16–AGL–33.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Rosebud Sioux Tribal Airport, Rosebud, SD, to accommodate new special instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

Paragraph 6005: Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL SD E5 Rosebud, SD [New]

Rosebud Sioux Tribal Airport, SD
(Lat. 43°15′31″ N., long. 100°51′34″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Rosebud Sioux Tribal Airport.

Issued in Fort Worth, TX, on August 14, 2017.

Christopher L. Southerland,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–17509 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0387; FRL–9966–33–Region 4]

Air Plan Approval; SC: Miscellaneous Revisions to Multiple Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve changes to the South Carolina State Implementation Plan (SIP) to revise several miscellaneous rules, covering definitions, source tests, credible evidence, open burning, air pollution episodes, and fugitive particulate matter. EPA is proposing to approve portions of SIP revisions submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control on the following dates: July 18, 2011, June 17, 2013, April 10, 2014, August 8, 2014, January 20, 2016, and July 27, 2016. These actions are being proposed pursuant to the Clean Air Act.

DATES: Written comments must be received on or before September 20, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0387 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov.*

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

Dated: August 4, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–17236 Filed 8–18–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523, 531, 533, 536 and 537

[NHTSA–2016–0068]

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EPA–HQ–OAR–2015–0827; FRL–9966–62–OAR]

Request for Comment on Reconsideration of the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light-Duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT), Environmental Protection Agency (EPA).

ACTION: Request for comment.

SUMMARY: In a March 22, 2017, **Federal Register** document, the Environmental Protection Agency (EPA) announced its intention to reconsider the Final Determination of the Mid-term Evaluation of greenhouse gas emissions standards for model year 2022–2025 light-duty vehicles and to coordinate its reconsideration with the parallel rulemaking process to be undertaken by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) regarding Corporate Average Fuel Economy (CAFE) standards for cars and light trucks for the same model years. In this document, EPA is announcing that it is reconsidering whether the light-duty vehicle greenhouse gas standards previously established for model years 2022–2025 are appropriate under section 202(a) of the Clean Air Act and invites stakeholders to submit any comments, data, and information they believe are relevant to the Administrator's reconsideration of the January 2017 Mid-term Evaluation Final Determination and in particular, highlight any new information. As part of a 2012 joint final rulemaking by the EPA and NHTSA, the Mid-term Evaluation process was codified in EPA regulation for greenhouse gas emission standards for model years 2017–2025 light-duty vehicles, which requires EPA to determine no later than April 1, 2018,

whether the standards for model years 2022–2025 are appropriate.[1] In accord with this schedule, as noted in the March 22, 2017, document and this document, EPA intends to make a Final Determination regarding the appropriateness of the model year 2022–2025 standards no later than April 1, 2018. In this document, EPA is also requesting comment on the separate question of whether the light-duty vehicle greenhouse gas standards established for model year 2021 remain appropriate, regardless of the agency's decision on the MTE.

DATES: Comments must be received on or before October 5, 2017. EPA will announce the public hearing date and location for this document in a supplemental **Federal Register** publication.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2015–0827 to the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the online instructions. Once submitted, your submittal cannot be edited or withdrawn. The EPA may publish any submittals received to its public docket. Do not submit electronically to the docket 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 submittal. 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). Contact the EPA contact person listed below if you would like to provide CBI to the agency for consideration. 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: Christopher Lieske, Office of Transportation and Air Quality (OTAQ), Assessment and Standards Division (ASD), Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor MI 48105; telephone number: (734) 214–4584; email address: *lieske.christopher@epa.gov;* fax number: 734–214–4816; and Rebecca Schade, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone: (202) 366–2992.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Materials related to the Mid-term Evaluation are available in the public docket noted above and at *https://www.epa.gov/regulations-emissions-vehicles-and-engines/midterm-evaluation-light-duty-vehicle-ghg-emissions*.

A. How do I prepare and submit information?

Direct your submittals to Docket ID No EPA–HQ–OAR–2015–0827. EPA's policy is that all submittals received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the submittal includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Do not submit information to the docket that you consider to be CBI or otherwise protected through *www.regulations.gov*. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your submittal. If you submit an electronic submittal, EPA recommends that you include your name and other contact information in the body of your submittal and with any disk or CD–ROM you submit. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

EPA will also hold a public hearing on this notice. We will announce the public hearing date and location in a supplemental **Federal Register** notice.

B. Submitting CBI

Do not submit this information to EPA through *www.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.

C. Tips for Preparing Your Comments

When submitting comments, remember to:

- Identify the action by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified in the **DATES** section above.

II. Additional Information

In a March 22, 2017, **Federal Register** document, the Environmental Protection Agency announced its intention to reconsider the Final Determination of the Mid-term Evaluation of greenhouse gas emissions standards for model year 2022–2025 light-duty vehicles and to coordinate its reconsideration with the parallel rulemaking process to be undertaken by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) regarding Corporate Average Fuel Economy (CAFE) standards for cars and light trucks for the same model years.[2] In this document, EPA is announcing that it is reconsidering whether the light-duty vehicle greenhouse gas standards previously established for model years 2022–2025 are appropriate under section 202(a) of the Clean Air Act and invites stakeholders to submit any comments, data, and information they believe are relevant to the Administrator's reconsideration of the Final Determination and in particular, highlight any new information. As part of a 2012 joint final rulemaking by the EPA and NHTSA, the Mid-term

[1] 40 CFR 86.1818–12(h); *see also* 77 FR 62624 (October 15, 2012).

[2] 82 FR 14671.

Evaluation process was codified in EPA regulation for greenhouse gas emission standards for model years 2017–2025 light-duty vehicles, which requires EPA to determine no later than April 1, 2018, whether the standards for model years 2022–2025 are appropriate.[3] In November 2016, EPA issued a proposed determination for the Mid-Term Evaluation.[4] On January 12, 2017, the EPA Administrator signed the Final Determination of the Mid-Term Evaluation.

Some stakeholders previously commented that they were preparing studies to inform the Mid-term Evaluation that were not ready for submission during the previous Mid-term Evaluation comment periods. This additional comment period provides an opportunity for commenters to submit to EPA additional studies and other materials as well as to complete the preparation of their comments, or submit additional comments in light of newly available information. There is an existing body of EPA analyses and public comments already in the docket. Please note that the agency is primarily interested in comments relevant to the reconsideration of the Final Determination, rather than the Technical Assessment Report (TAR), which is not being reopened for comment in this document. Additionally, NHTSA has been working closely with stakeholders to develop its forthcoming rulemaking since the March 2017 joint document with EPA, and encourages commenters wishing to inform those efforts to directly participate in NHTSA's rulemaking process.

EPA's reconsideration will be conducted in accordance with the regulations EPA established for the Mid-term Evaluation at 40 CFR 86.1818–12(h). These regulations state that in making the required determination as to whether the existing standards are appropriate under section 202(a) of the Clean Air Act, the Administrator shall consider the information available on the factors relevant to setting greenhouse gas emission standards under section 202(a) of the Clean Air Act for model years 2022 through 2025, including but not limited to:

- The availability and effectiveness of technology, and the appropriate lead time for introduction of technology;
- The cost on the producers or purchasers of new motor vehicles or new motor vehicle engines;
- The feasibility and practicability of the standards;
- The impact of the standards on reduction of emissions, oil conservation, energy security, and fuel savings by consumers;
- The impact of the standards on the automobile industry;
- The impacts of the standards on automobile safety;
- The impact of the greenhouse gas emission standards on the Corporate Average Fuel Economy standards and a national harmonized program; and
- The impact of the standards on other relevant factors.[5]

Pursuant to 40 CFR 86.1818–12(h)(1)(viii), EPA also invites comments on the following other factors relevant to setting greenhouse gas emission standards under section 202(a) of the Clean Air Act for model years 2022 through 2025:

- The impact of the standards on compliance with other air quality standards;
- The extent to which consumers value fuel savings from greater efficiency of vehicles;
- The ability for OEMs to incorporate fuel saving technologies, including those with ''negative costs,'' absent the standards;
- The distributional consequences on households;
- The appropriate reference fleet;
- The impact of the standards on advanced fuels technology, including but not limited to the potential for high-octane blends;
- The availability of realistic technological concepts for improving efficiency in automobiles that consumers demand, as well as any indirect impacts on emissions;
- The advantages or deficiencies in EPA's past approaches to forecasting and projecting automobile technologies, including but not limited to baseline projections for compliance costs, technology penetration rates, technology performance, etc.;
- The impact of the standards on consumer behavior, including but not limited to consumer purchasing behavior and consumer automobile usage behavior (*e.g.* impacts on rebound, fleet turnover, consumer welfare effects, etc.); and
- Any relevant information in light of newly available information.

In addition, EPA seeks comment on the use of alternative methodologies and modeling systems to assess both analytical inputs and the standards, including but not limited to the Department of Energy's (DOE's) Argonne National Laboratory's Autonomie full vehicle simulation tool and DOT's CAFE Compliance and Effects Model.

In accord with the schedule set forth in its regulations, the EPA intends to make a Final Determination regarding the appropriateness of the model year 2022–2025 greenhouse gas standards, and potentially the model year 2021 greenhouse gas standard, no later than April 1, 2018.

In this document, in the interest of harmonization between the GHG and CAFE programs, EPA is also requesting comment on the separate question of whether the light-duty vehicle greenhouse gas standards established for model year 2021 are appropriate. In its July 26, 2017, ''Notice of Intent To Prepare an Environmental Impact Statement for Model Year 2022–2025 Corporate Average Fuel Economy Standards,'' NHTSA stated that as part of its upcoming CAFE rulemaking, it may evaluate the model year 2021 standards it finalized in 2012 to ensure they remain ''maximum feasible'' (See 82 FR 34742). Please provide comment on the continued appropriateness of the model year 2021 GHG standards based on the application of the factors described above or any other factors that commenters believe are appropriate.

Dated: August 10, 2017.

Elaine L. Chao,

Secretary, Department of Transportation.

Dated: August 10, 2017.

E. Scott Pruitt,

Administrator, Environmental Protection Agency.

[FR Doc. 2017–17419 Filed 8–18–17; 8:45 am]

BILLING CODE 6560–50–P

[3] 77 FR 62624 (October 15, 2012). NHTSA is statutorily required to conduct a de novo rulemaking on MY 2022 to 2025 standards for light-duty vehicles. NHTSA has recently taken the first step in this process by publishing the ''Notice of Intent To Prepare an Environmental Impact Statement for Model Year 2022–2025 Corporate Average Fuel Economy Standards'' on July 26, 2017.

[4] 81 FR 87927 (Dec. 6, 2016).

[5] 40 CFR 86.1818–12(h)(1).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 10

RIN 0906–AB11

340B Drug Pricing Program Ceiling Price and Manufacturer Civil Monetary Penalties Regulation

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of proposed rulemaking; further delay of effective date.

SUMMARY: The Health Resources and Services Administration (HRSA)

administers section 340B of the Public Health Service Act (PHSA), which is referred to as the ''340B Drug Pricing Program'' or the ''340B Program.'' HHS is soliciting comments on delaying the effective date of the January 5, 2017 final rule that sets forth the calculation of the ceiling price and application of civil monetary penalties, and applies to all drug manufacturers that are required to make their drugs available to covered entities under the 340B Program. HHS proposes to delay the effective date of the final rule published in the **Federal Register** (82 FR 1210, January 5, 2017) to July 1, 2018. HHS proposes this action in order to allow a more deliberate process of considering alternative and supplemental regulatory provisions and to allow for sufficient time for additional rulemaking, as set forth below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: You may submit comments, identified by the Regulatory Information Number (RIN) 0906–AB11, by any of the following methods. Please submit your comments in only one of these ways to minimize the receipt of duplicate submissions.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow instructions for submitting comments. This is the preferred method for the submission of comments.
- *Email: 340BCMPNPRM@hrsa.gov.* Include 0906–AB11 in the subject line of the message.
- *Mail:* Office of Pharmacy Affairs (OPA), Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Mail Stop 08W05A, Rockville, MD 20857.

All submitted comments will be available to the public in their entirety. Please do not submit confidential commercial information or personal identifying information that you do not want in the public domain.

FOR FURTHER INFORMATION CONTACT: CAPT Krista Pedley, Director, OPA, HSB, HRSA, 5600 Fishers Lane, Mail Stop 08W05A, Rockville, MD 20857, or by telephone at 301–594–4353.

SUPPLEMENTARY INFORMATION:

I. Background

On September 30, 2010, HHS published an advanced notice of proposed rulemaking (ANPRM) in the **Federal Register**, ''340B Drug Pricing Program Manufacturer Civil Monetary Penalties'' (75 FR 57230, September 20, 2010). HHS subsequently published a notice of proposed rulemaking (NPRM) on June 17, 2015 to implement CMPs for manufacturers who knowingly and intentionally charge a covered entity more than the ceiling price for a covered outpatient drug; to provide clarity regarding the requirement that manufacturers calculate the 340B ceiling price on a quarterly basis; and to establish the requirement that a manufacturer charge $.01 (penny pricing) for each unit of a drug when the ceiling price calculation equals zero (80 FR 34583, June 17, 2015). The public comment period closed on August 17, 2015, and HRSA received 35 comments. After review of the initial comments, HHS reopened the comment period (81 FR 22960, April 19, 2016) to invite additional comments on the following areas of the NPRM: 340B ceiling price calculations that result in a ceiling price that equals zero (penny pricing); the methodology that manufacturers use when estimating the ceiling price for a new covered outpatient drug; and the definition of the ''knowing and intentional'' standard to be applied when assessing a CMP for manufacturers that overcharge a covered entity. The comment period closed May 19, 2016, and HHS received 72 comments.

On January 5, 2017, HHS published a final rule in the **Federal Register** (82 FR 1210, January 5, 2017); comments from both the original comment period established in the NPRM and the reopened comment period announced in the April 19, 2016 notice were considered in the development of the final rule. The provisions of that final rule were to be effective March 6, 2017; however, HHS issued a subsequent final rule (82 FR 12508, March 6, 2017) delaying the effective date to March 21, 2017, in accordance with a January 20, 2017 memorandum from the Assistant to the President and Chief of Staff, titled ''Regulatory Freeze Pending Review.'' [1] In the January 5, 2017 final rule, HHS acknowledged that the effective date fell during the middle of a quarter and stakeholders needed time to adjust systems and update their policies and procedures. As such, HHS stated that it intended to enforce the requirements of the final rule at the start of the next quarter, which began April 1, 2017.

After further consideration and to provide affected parties sufficient time to make needed changes to facilitate compliance, and because questions were raised, HHS issued an interim final rule (82 FR 14332, March 20, 2017), to delay the effective date of the final rule to May 22, 2017, and solicited additional comments on whether that date should be further extended to October 1, 2017. HHS received several comments to the interim final rule, some supporting and some opposing the delay of the effective date to May 22, 2017, or alternatively to October 1, 2017. After careful consideration of the comments received, HHS delayed the effective date of the January 5, 2017 final rule to October 1, 2017 (82 FR 22893, May 19, 2017).

II. Proposal To Delay the Effective Date of the Final Rule

HHS proposes to further delay the effective date of the January 5, 2017 final rule because it continues to examine important substantive issues in matters covered by the rule. HHS intends to engage in additional rulemaking on these issues. HHS believes that the proposed delay will allow for necessary time to more fully consider the substantial questions of fact, law and policy raised by the rule, consistent with the aforementioned ''Regulatory Freeze Pending Review,'' memorandum. Requiring manufacturers to make targeted and potentially costly changes to pricing systems and business procedures in order to comply with a rule that is under further consideration and for which substantive questions have been raised would be disruptive. We also believe additional time is needed to more fully consider previous objections regarding the timing of the effective date and challenges associated with complying with the rule, as well as other objections to the rule.

In addition, the January 20, 2017, Executive Order entitled, ''Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal,'' specifically instructs HHS and all other heads of executive offices to utilize all authority and discretion available to delay the implementation of certain provisions or requirements of the Patient Protection and Affordable Care Act.[2] The January 5, 2017 final rule is based on changes made to the 340B Program by the Patient Protection and Affordable Care Act. HHS is proposing to delay the effective date of the January 5, 2017 final rule to July 1, 2018, to also allow for a sufficient amount of time to more fully consider the regulatory burdens that may be posed by this final rule.

At this time, HHS seeks public comments regarding the impact of delaying the effective date of the final rule, published January 5, 2017, for an additional nine months from the current

[1] See: *https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies.*

[2] See: *https://www.whitehouse.gov/the-press-office/2017/01/2/executive-order-minimizing-economic-burden-patient-protection-and*

effective date of October 1, 2017 to July 1, 2018, while a more deliberate rulemaking process is considered. HHS encourages all stakeholders to provide comments on this proposed rule.

III. Regulatory Impact Analysis

HHS has examined the effects of this proposed rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 8, 2011), the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980), the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132 on Federalism (August 4, 1999).

Executive Orders 12866, 13563 and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in Executive Order 12866, emphasizing the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year), and a ''significant'' regulatory action is subject to review by the Office of Management and Budget (OMB).

HHS does not believe that the proposal to delay the effective date of the January 5, 2017, final rule will have an economic impact of $100 million or more, and is therefore not designated as an ''economically significant'' proposed rule under section 3(f)(1) of the Executive Order 12866. Therefore, the economic impact of having no rule in place related to the policies addressed in the final rule is believed to be minimal, as the policies would not yet be required or enforceable.

Executive Order 13771, entitled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017. This proposed rule is not expected to be an EO 13771 regulatory action because this proposed rule is not significant under EO 12866.

The Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) and the Small Business Regulatory Enforcement and Fairness Act of 1996, which amended the RFA, require HHS to analyze options for regulatory relief of small businesses. If a rule has a significant economic effect on a substantial number of small entities, the Secretary must specifically consider the economic effect of the rule on small entities and analyze regulatory options that could lessen the impact of the rule. HHS will use an RFA threshold of at least a 3 percent impact on at least 5 percent of small entities.

For purposes of the RFA, HHS considers all health care providers to be small entities either by meeting the Small Business Administration (SBA) size standard for a small business, or by being a nonprofit organization that is not dominant in its market. The current SBA size standard for health care providers ranges from annual receipts of $7 million to $35.5 million. As of January 1, 2017, over 12,000 covered entities participate in the 340B Program, which represent safety-net health care providers across the country. HHS has determined, and the Secretary certifies, that this proposed rule will not have a significant impact on the operations of a substantial number of small manufacturers; therefore, we are not preparing an analysis of impact for this RFA. HHS estimates that the economic impact on small entities and small manufacturers will be minimal. HHS welcomes comments concerning the impact of this proposed rule on small manufacturers and small health care providers.

Unfunded Mandates Reform Act

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.'' In 2013, that threshold level was approximately $141 million. HHS does not expect this rule to exceed the threshold.

Executive Order 13132—Federalism

HHS has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' This proposed rule would not ''have substantial direct effects on the States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that OMB approve all collections of information by a federal agency from the public before they can be implemented. This proposed rule is projected to have no impact on current reporting and recordkeeping burden for manufacturers under the 340B Program. This proposed rule would result in no new reporting burdens. Comments are welcome on the accuracy of this statement.

George Sigounas,

Administrator, Health Resources and Services Administration.

Approved: August 16, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–17633 Filed 8–17–17; 11:15 am]

BILLING CODE 4165–15–P

Notices

Federal Register
Vol. 82, No. 160
Monday, August 21, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Certification of Identity Form for the Freedom of Information Privacy Act Requests

AGENCY: U.S. Agency for International Development.

ACTION: Notice of information collection renewal.

SUMMARY: U.S. Agency for International Development (USAID), 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 continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) Whether the continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

FOR FURTHER INFORMATION CONTACT: Sylvia Joyner, Bureau for Management, Office of Management Services, Information and Records Division, U.S. Agency for International Development, Washington, DC 20523–2701; tel. 202–712–5007 or via email *sjoyner@usaid.gov.*

ADDRESSES: Send comments via email to *foia@usaid.gov* or by regular mail to United States Agency for International Development, Bureau for Management, Office of Management Services, Information and Records Division, Ronald Reagan Building, Room 2.07 C, 1300 Pennsylvania Avenue NW., Washington, DC 20523–2701; tel. 202–712–0960.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 201312–0412–001.

Form Number: AID Form 507–1.

Title: Certification of Identity Form.

Type of Review: Renewal and form name change for Information Collections.

Purpose

The purpose of this collection is to enable the U.S. Agency for International Development to locate applicable records and to respond to requests made under the Freedom of Information Act and the Privacy Act of 1974. Information includes sufficient personally identifiable information and/or source documents as applicable. Failure to provide the required information may result in no action being taken on the request. Authority to collect this information is contained in 5 U.S.C. 552, 5 U.S.C. 552a, and 22 CFR 212-Subpart M.

Annual Reporting Burden

Respondents: 600.

Total Annual Response: 600.

Estimated Total Annual Burden Hours: 9,000.

Dated: August 11, 2017.

Lynn P. Winston,

Division Chief, Bureau for Management, Office of Management Services, Information and Records Division.

[FR Doc. 2017–17583 Filed 8–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 16, 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 regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of 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 September 20, 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 20503. Commentors 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) 720–8681.

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.

National Appeals Division

Title: National Appeals Division Customer Service Survey.

OMB Control Number: 0503–0007.

Summary of Collection: The Secretary of Agriculture established the National Appeals Division (NAD) on October 20, 1994, by Secretary's Memorandum 1010–1, pursuant to the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354, Section 271, dated October 13, 1994)/. The Act consolidated the appellate functions and staff of several USDA agencies. The

intent is to provide for independent hearing and review determinations that resulted from Agency adverse decisions. Hearing Officers conduct evidentiary hearings on adverse decisions or, when the appellant requests they review the Agency's record of the adverse decision without a hearing. Although NAD maintains a database to track appeal requests, the database contains only information necessary to process the appeal request, such as the name, address, filing data, and final results of the appeal. NAD will collect information using a survey.

Need and Use of the Information: NAD wants to gather current data to measure the appellant's perception of the quality of how easy the determination was to read; how intently the Hearing Officer listened to the appellant; and if the appellant would be willing to have the same Hearing Officer hear a future appeal. NAD will also use the information gathered from its surveys to tailor and prioritize training.

Description of Respondents: Individuals or households.

Number of Respondents: 1,600.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 272.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–17609 Filed 8–18–17; 8:45 am]

BILLING CODE 3410–WY–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 16, 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 September 20, 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 Plant and Health Inspection Service

Title: Importation of Hass Avocado from Michoacán Mexico.

OMB Control Number: 0579–0129.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701—*et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests, to prevent the introduction of plant pests into the United States or their dissemination within the United States. The Animal and Plant Health Inspection Service (APHIS) regulations allow fresh Hass Avocados grown in approved orchards in Michoacan, Mexico to be imported into the United States under certain conditions.

Need and Use of the Information: APHIS will collect information using form PPQ 587 ''Application for Permit to Import Plants or Plant Products,'' to ensure that fresh Hass Avocados from Mexico do not harbor insect pests (including Avocado stem weevils, seed weevils, and seed moths). The information collected will ensure that fresh Hass Avocados from Mexico do not harbor exotic insect pests that, if introduced into the United States, could inflict severe damage upon U.S. agriculture.

Description of Respondents: Business or other for profit; Federal Government; and State Officials.

Number of Respondents: 1,786.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 447,216.

Animal Plant and Health Inspection Service

Title: Export Certification, Accreditation of Non-Government Facilities.

OMB Control Number: 0579–0130.

Summary of Collection: The Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) is responsible for preventing plant diseases or insect pests from entering the United States, as well as, the spread of pests not widely distributed in the United States, and eradicating those imported when eradication is feasible. The Plant Protection Act (7 U.S.C. 7701 et seq.), authorizes the Department to carry out this mission. In addition to its mission, APHIS provides export certification services to ensure other countries that the plants and plant products they are receiving from the United States are free of plant diseases and insect pests.

Need and Use of the Information: The accreditation process requires the use of several information activities to ensure that nongovernment facilities applying for accreditation processes the necessary qualifications. APHIS will collect information for applications submitted by operator/owner of a non-government facility seeking accreditation to conduct laboratory testing or phytosanitary inspection. The application should contain the legal name and full address of the facility, the name, address, telephone and fax numbers of the facility's operator, a description of the facility, and a description of the specific laboratory testing or phytosanitary inspection services for which the facility is seeking accreditation. If these activities are not conducted properly, APHIS export certification program would be compromised, causing a disruption in plant and plant product exports that could prove financially damaging to U.S. exporters.

Description of Respondents: Business or other for profit; State, Local and Tribal Government.

Number of Respondents: 9.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 199.

Animal and Plant Health Inspection Service

Title: South American Cactus Moth; Quarantine and Regulations.

OMB Control Number: 0579–0337.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701—et seq.), the Secretary of Agriculture is

authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The Animal and Plant Health Inspection Service (APHIS) regulations, ''Subpart-South American Cactus Moth'' (7 CFR part 301.55 through 301.55–9), restrict the interstate movement of regulated articles from quarantined areas into or through non-quarantined areas within the United States.

Need and Use of the Information: APHIS will collect information using limited permits, Federal certificates, and compliance agreements. The limited permits are used to authorize movement of regulated articles that are not certifiable to specified destination for processing, treatment, or utilization. Federal certificates are used for domestic movement of treated articles relating to quarantines, and are issued for regulated articles when an inspector or other person authorized to issue certificates finds that the articles have met the conditions of the regulations and may be safely moved interstate without further restrictions. Compliance agreements are provided for the convenience of persons who are involved in the growing, handling, or moving of regulated articles from quarantined areas. Without this information, APHIS could not provide an effective domestic quarantine program to prevent the artificial spread of the South American cactus moth within the United States.

Description of Respondents: Business or other for-profit; and Foreign Federal Government.

Number of Respondents: 6.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 16.

Animal and Plant Health Inspection Service

Title: Johne's Disease.

OMB Control Number: 0579–0338.

Summary of Collection: The Animal Health Protection Act of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The regulations in Title 9, Chapter 1, Subchapter C of the Code of Federal Regulations, govern the interstate movement of animals to prevent the dissemination of livestock and poultry diseases in the United States.

Need and Use of the Information: Animal and Plant Health Inspection Service (APHIS) will collect information using form VS 1–27, Permit for Movement of Restricted Animals and Official Ear Tags. APHIS will collect the following information from formVS–127: (1) The number of animals to be moved; (2) the species of the animals; (3) the points of origin and destination, and (4) the names and addresses of the consignor and the consignee. Failing to collect this information would greatly hinder the control of Johne's disease and possible lead to increased prevalence.

Description of Respondents: Business or other for-profit; Accredited Veterinarians.

Number of Respondents: 6.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 9.

Animal and Plant Health Inspection Service

Title: Importation of French Beans and Runner Beans from the Republic of Kenya into the United States.

OMB Control Number: 0579–0373.

Summary of Collection: The Plant Protection Act (7 U.S.C. 7701 *et seq.*), authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–76), 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 new to or not widely distributed within the United States. The regulations allow the importation of French beans and runner beans from the Republic of Kenya into the United States. As a condition of entry, both commodities would have to be produced in accordance with a systems approach that would include requirements for packing, washing, and processing.

Need and Use of the Information: The Animal and Plant Health Inspection Service will use the following activities to collect information: Inspections, packinghouse registration, box labeling, and phytosanitary certificates. Use of these information collection activities would allow for the importation of French beans and runner beans from the Republic of Kenya into the United States while continuing the protection against the introduction of quarantine pests.

Description of Respondents: Business or other for-profit; and Foreign Federal Government.

Number of Respondents: 3.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 55.

Animal Plant and Health Inspection Service

Title: Importation of Female Squash Flowers from Israel into the Continental United States.

OMB Control Number: 0579–0406.

Summary of Collection: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service (APHIS) regulates the importation of certain fruits and vegetables in accordance with the regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–76. Section 319.56–68 provides the requirements for the importation of female squash flowers from Israel into the continental United States.

Need and Use of the Information: APHIS will collect information using the following activities: Production site registration, trapping records, box markings, production site inspections, and phytosanitary certificates.

Description of Respondents: Business or other for-profit; and Foreign Federal Government.

Number of Respondents: 6.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 556.

Animal Plant and Health Inspection Service

Title: Importation of Cape Gooseberry from Colombia into the United States.

OMB Control Number: 0579–0411.

Summary of Collection: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service (APHIS) regulates the importation of certain fruits and vegetables in accordance with the regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–76). In accordance with Section 319.56–67, cape gooseberry from Colombia may be imported into the United States under

certain conditions to prevent the introduction of plant pests into the United States.

Need and Use of the Information: APHIS will collect information using the following activities: Bilateral workplan, production site registration, trapping, recordkeeping, phytosanitary inspection and a phytosanitary certificate.

Description of Respondents: Business or other for-profit; and Foreign Federal Government.

Number of Respondents: 424.

Frequency of Responses: Reporting: On occasion, Recordkeeping.

Total Burden Hours: 2,880.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–17562 Filed 8–18–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Direct Investment Surveys: BE–605, Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate With Foreign Parent

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before October 20, 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 email at *PRAcomments@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patricia Abaroa, Chief, Direct Investment Division (BE–49), Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; phone: (301) 278–9591; or via email at *Patricia.Abaroa@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent (Form BE–605) obtains quarterly data on transactions and positions between foreign-owned U.S. business enterprises and their ''affiliated foreign groups'' (*i.e.,* their foreign parents and foreign affiliates of their foreign parents). The survey is a sample survey that covers all U.S. affiliates above a size-exemption level. The sample data are used to derive universe estimates of direct investment transactions, positions, and income in nonbenchmark years from similar data reported in the BE–12, Benchmark Survey of Foreign Direct Investment in the United States, which is conducted every five years and will next be conducted for the fiscal year ending in 2017. The data collected through the BE–605 survey are essential for the preparation of the U.S. international transactions, national income and product, and input-output accounts and the net international investment position of the United States. The 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.

The Bureau of Economic Analysis (BEA) does not propose any changes to the survey.

II. Method of Collection

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to potential respondents each quarter. Reports are due 30 days after the close of each calendar or fiscal quarter, or 45 days if the report is for the final quarter of the respondent's financial reporting year. Reports are required from every U.S. business enterprise in which a foreign entity owns, directly and/or indirectly, 10 percent or more of the voting securities of the U.S. business enterprise if it is incorporated, or an equivalent interest if it is unincorporated, at any time during the quarter, and that meets the additional conditions detailed in Form BE–605. Certain private funds are exempt from reporting. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

Potential respondents include those U.S. business enterprises that were required to report on the BE–12, Benchmark Survey of Foreign Direct Investment in the United States—2012, along with those U.S. business enterprises that subsequently have become at least partly foreign owned.

III. Data

OMB Control Number: 0608–0009.

Form Number: BE–605.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 17,200 annually.

Estimated Time per Response: One hour is the average, but may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 17,200.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Sheleen Dumas,

Departmental PRA Lead, Office of Chief Information Officer.

[FR Doc. 2017–17565 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2038]

Approval of Subzone Status; Glovis America, Inc.; Shreveport, Louisiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act (FTZ) provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Caddo-Bossier Parishes Port Commission, grantee of Foreign-Trade Zone 145, has made application to the Board for the establishment of a subzone at the facility of Glovis America, Inc., located in Shreveport, Louisiana (FTZ Docket B–24–2017, docketed April 12, 2017);

Whereas, notice inviting public comment has been given in the **Federal Register** (82 FR 18282, April 18, 2017) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of Glovis America, Inc., located in Shreveport, Louisiana (Subzone 145B), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: August 11, 2017.

Gary Taverman,

Deputy Assistant Secretary for AD/CVD Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement & Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–17529 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2035]

Designation of New Grantee; Foreign-Trade Zone 103, Grand Forks, North Dakota

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The Foreign-Trade Zones (FTZ) Board (the Board) has considered the application (docketed June 21, 2017) submitted by the Grand Forks Regional Airport Authority, grantee of FTZ 103, requesting reissuance of the grant of authority for said zone to the Grand Forks Region Economic Development Corporation, which has accepted such reissuance subject to approval by the FTZ Board. Upon review, the Board finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest.

Therefore, the Board approves the application and recognizes the Grand Forks Region Economic Development Corporation as the new grantee for Foreign-Trade Zone 103, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: August 11, 2017.

Gary Taverman,

Deputy Assistant Secretary for AD/CVD Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement & Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–17530 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2036]

Reorganization of Foreign-Trade Zone 12 Under Alternative Site Framework; McAllen, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act (FTZ) provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the McAllen Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 12, submitted an application to the Board (FTZ Docket B–76–2016, docketed November 10, 2016; amended June 26, 2017) for authority to reorganize under the ASF with a service area of Hidalgo County, Texas, in and adjacent to the Hidalgo/Pharr Customs and Border Protection port of entry, and FTZ 12's existing Sites 1 and 2 would be categorized as magnet sites;

Whereas, notice inviting public comment was given in the **Federal Register** (81 FR 81056–81057, November 17, 2016) and the amended application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The amended application to reorganize FTZ 12 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for magnet sites that would terminate authority for Site 1 if not activated within five years from the month of approval.

Dated: August 11, 2017.

Gary Taverman,

Deputy Assistant Secretary for AD/CVD Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement & Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–17544 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2037]

Approval of Expansion of Subzone 87F; Westlake Chemical Corporation; Sulphur, Louisiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Lake Charles Harbor & Terminal District, grantee of Foreign-Trade Zone 87, has made application to the Board to expand Subzone 87F on behalf of Westlake Chemical Corporation to include two additional sites located in Westlake, Louisiana (FTZ Docket B–17–2017, docketed March 24, 2017);

Whereas, notice inviting public comment has been given in the **Federal Register** (82 FR 15687–15688, March 30, 2017) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves the expansion of Subzone 87F on behalf of Westlake Chemical Corporation as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: August 11, 2017.

Gary Taverman,

Deputy Assistant Secretary for AD/CVD Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement & Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–17552 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

EXECUTIVE OFFICE OF THE PRESIDENT

Office of the United States Trade Representative

Request for Comment on the Costs and Benefits to U.S. Industry of U.S. International Government Procurement Obligations for Report to the President on ''Buy American and Hire American''

AGENCY: International Trade Administration, Department of Commerce; Office of the United States Trade Representative, Executive Office of the President.

ACTION: Request for comments.

SUMMARY: Section 3(e) of the Presidential Executive Order on Buy American and Hire American directs the Secretary of Commerce and the United States Trade Representative to assess the impacts of all United States free trade agreements and the World Trade Organization Agreement on Government Procurement (GPA) on the operation of Buy American Laws, including their impacts on the implementation of domestic procurement preferences. The Executive Order can be found here: *https://www.whitehouse.gov/the-press-office/2017/04/18/presidential-executive-order-buy-american-and-hire-american.*

In response to this Executive Order, the Department of Commerce (Department) and the Office of the United States Trade Representative (USTR) are conducting industry outreach in order to better understand how the U.S. government procurement obligations under all U.S. free trade agreements and the GPA affect U.S. manufacturers' and suppliers' access to and participation in the domestic government procurement process. In addition, because reciprocal access to trading partners' markets is an important motivation for including government procurement obligations in U.S. free trade agreements and for the United States' membership in the GPA, the Department and the USTR are also seeking information about the costs and benefits of these obligations to U.S. manufacturers and suppliers competing in U.S. trading partners' government procurement markets. The trading partners with which the United States has international government procurement obligations are: Armenia, Aruba, Australia, Bahrain, Canada, Chile, Chinese Taipei (Taiwan), Colombia, Costa Rica, Dominican Republic, El Salvador, the European Union (which includes Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, the Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom), Guatemala, Honduras, Hong Kong, Iceland, Israel, Japan, the Republic of Korea, Liechtenstein, Mexico, the Republic of Moldova, Montenegro, Morocco, New Zealand, Nicaragua, Norway, Oman, Panama, Peru, Singapore, Switzerland, and Ukraine.

The Secretary of Commerce and the United States Trade Representative are required to conclude the assessment called for under Section 3(e) by September 15, 2017. Responses to this notice will be considered in the assessment as well as in the final report of findings and recommendations to strengthen the implementation of Buy American Laws that the Secretary of Commerce will submit to the President of the United States by November 24, 2017.

DATES: September 18, 2017 at 11:59 p.m. Eastern Daylight Time (EDT): Deadline for interested persons to submit written comments.

ADDRESSES: You may submit responses to the questions below by one of the following methods:

(a) *Electronic Submission:* Submit all electronic comments via the Federal e-Rulemaking Portal at *http://www.regulations.gov.* The materials in the docket will not be edited to remove identifying or contact information, and the Department cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only. Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. Please do not submit additional materials. If you want to submit a comment with business confidential information that you do not wish to be made public, submit the comment as a written/paper submission in the manner detailed below.

(b) *Written/Paper Submissions*

Send all written/paper submissions to: Adam Boltik, International Trade Administration, Department of Commerce, 1401 Constitution Ave. NW., Room 3043, Washington, DC 20230;

Submissions of ''Business Confidential Information'': Any submissions containing ''business confidential information'' must be delivered in a sealed envelope marked ''confidential treatment requested'' to the address listed above. Please provide an index listing the document(s) or information that the submitter would like the Department to withhold. The index should include information such as numbers used to identify the relevant document(s) or information, document title and description, and relevant page numbers and/or section numbers within a document. Provide a statement explaining the submitter's grounds for objecting to disclosure of the information to the public. The Department also requests that submitters of business confidential information include a non-confidential version (either redacted or summarized) of those confidential submissions, which will be available for public viewing and posted on *https://www.regulations.gov.* In the event that the submitter cannot provide a non-confidential version of its submission, the Department requests that the submitter post a notice in the docket stating that it has provided the Department with business confidential information. Should a submitter fail to docket either a non-confidential version of its submission or to post a notice that business confidential information has been provided, the Department will note the receipt of the submission on the docket with the submitter's organization or name (to the degree permitted by law) and the date of submission.

FOR FURTHER INFORMATION CONTACT: For questions about this notice contact: Adam Boltik or Kate Mellor at the U.S. Department of Commerce, International Trade Administration, at (202) 482–0357 or (202) 482–5456. Please direct media inquiries to the Department of Commerce Office of Public Affairs at (202) 482–4883, or *publicaffairs@doc.gov.*

SUPPLEMENTARY INFORMATION:

Topics on which the Secretary of Commerce and the U.S. Trade Representative Seek Information: To assist the Department and USTR in conducting the assessment of how the U.S. government procurement obligations under all U.S. free trade agreements and the GPA affect U.S. manufacturers' and suppliers' access to and participation in the domestic and U.S. trading partners' government procurement markets, commenters should submit information addressing any or all of the following questions. Please identify, where possible, the questions your comments are intended to address.

Background: While EO 13788 is focused on the acquisition of goods, products, or materials in U.S. federal government procurement, the access provided by U.S. free trade agreements and the GPA in foreign markets to U.S. manufacturers and suppliers is based on reciprocity. Discussing the impact of these agreements on the access that U.S. goods have in foreign government procurement markets helps inform whether or not the access is truly reciprocal.

In responding to the questions below, commenters should consider the impact for participating in U.S. federal and/or foreign government procurement markets with respect to:

- Business opportunities that are made available;
- Economic incentives that trade agreements and Buy American Laws provide;
- How trade agreements impact business competitiveness, or increase or decrease competition, in government procurement opportunities;
- How trade agreements affect companies' (prime contractors') supply chain and sourcing decisions for goods;
- How Buy American or similar foreign requirements increase or decrease companies' (prime contractors') competitiveness in government procurement opportunities;
- Administrative compliance costs tied to Buy American and similar government procurement policies; and
- Additional costs relating to providing or otherwise proving the country of origin of goods provided.

The questions below are focused on gathering information on the access to U.S. federal and/or foreign government procurement markets for goods that are manufactured in the United States, regardless of the nationality or location of the supplier. Additionally, this includes goods that are furnished to the U.S. federal and/or foreign government that may be a part of a contract for services, such as products that may be provided to the government as part of a contract for IT services, where Buy American Laws might otherwise apply.

Respondents may organize their submissions in any manner, and all responses that comply with the requirements listed in the **DATES** and **ADDRESSES** sections of this notice will be considered.

1. What is your company's experience with respect to U.S. federal and/or foreign government procurement, either as prime contractor or a subcontractor? While any experience is welcome, please identify experiences within the past 5 years.

a. Have you bid on U.S. federal contracts? How many?

b. Were you awarded any U.S. federal contracts? How many?

c. What share of annual revenue from your U.S. operations was from U.S. federal contracts?

d. Have you bid on foreign government contracts? How many? List the countries of five largest bids.

e. Were you awarded any foreign government contracts? How many? List the countries of five largest awards.

f. What share of annual revenue from your U.S. operations was from foreign government contracts?

g. List the industries in which your company was awarded U.S. federal or foreign government contracts. Indicate NAICS code(s) if possible.

2. Please describe in a few sentences how your company's decisions to bid on or supply U.S. federal contracts (as a prime or subcontractor or company that produces goods used in procurements) are affected by U.S. free trade agreements and the WTO GPA which allow equal participation by companies from U.S. trading partners.

3. Please describe in few sentences your company's experience as a prime or subcontractor in bidding on national government procurements in countries with which the U.S. has a trade agreement with government procurement obligations. What are your three greatest challenges? (These countries are: Armenia, Aruba, Australia, Bahrain, Canada, Chile, Chinese Taipei (Taiwan), Colombia, Costa Rica, Dominican Republic, El Salvador, the European Union (which includes Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, the Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom), Guatemala, Honduras, Hong Kong, Iceland, Israel, Japan, the Republic of Korea, Liechtenstein, Mexico, the Republic of Moldova, Montenegro, Morocco, New Zealand, Nicaragua, Norway, Oman, Panama, Peru, Singapore, Switzerland, and Ukraine.) How does this differ from your experience competing for bids in markets in countries with which the U.S. does not have a trade agreement with government procurement obligations?

4. What is the average U.S. content of goods that your company supplies to the U.S. federal government?

5. What is the average U.S. content of goods that your company supplies to foreign governments?

6. What are the three principal barriers to having 100% domestic content in the goods that you produce for U.S. federal or foreign governments?

7. Please describe in a few sentences how trade agreements with government procurement obligations affect strategic decisions your company makes about production and supply chains for government procurements as well as for commercial (private sector) customers.

8. Please describe in a few sentences any experience your company has had with conflict between Buy American or similar foreign requirements and U.S. free trade agreement or WTO GPA requirements, including whether and how the conflict was resolved.

9. Please describe in a few sentences whether the presence of Buy American or similar foreign requirements affected positively or negatively your company's ability to bid and/or win contracts for U.S. or foreign government procurement.

Dated: August 14, 2017.

John Liuzzi,

Director, Office of Trade Agreements Negotiations and Compliance, International Trade Administration.

Dawn Shackleford,

Assistant USTR for WTO and Multilateral Affairs, Office of the U.S. Trade Representative.

[FR Doc. 2017–17553 Filed 8–17–17; 4:15 pm]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–056, A–552–821]

Certain Tool Chests and Cabinets From the People's Republic of China and the Socialist Republic of Vietnam: Postponements of Preliminary Determinations of Antidumping Duty Investigations

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

DATES: Applicable August 21, 2017.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun (People's Republic of China) or Dmitry Vladimirov (Socialist Republic of Vietnam), AD/CVD Operations Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5760 and (202) 482–0665, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2017, the Department of Commerce (the Department) initiated the antidumping duty investigations on certain tool chests and cabinets from the People's Republic of China and the Socialist Republic of Vietnam.[1] The *Initiation Notice* stated that the Department would issue its preliminary determinations for these investigations no later than 140 days after the date of the initiation in accordance with section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1), unless postponed.[2] Currently, the preliminary determinations of these investigations are due no later than September 18, 2017.

Period of Investigation

The period of investigation is October 1, 2016, through March 31, 2017.

Postponements of Preliminary Determinations

Section 733(c)(1)(A) of the Act permits the Department to postpone the time limit for the preliminary determination if it receives a timely request from the petitioner for postponement. The Department may postpone the preliminary determination under section 733(c)(1) of the Act to no later than 190 days after the date on which the administering authority initiates an investigation.

On August 9, 2017, the petitioner, Waterloo Industries Inc., made a timely request under 19 CFR 351.205(e) for a 50-day postponement of the preliminary determinations of these investigations.[3] The petitioner states that the postponements are necessary given the need for additional time to analyze responses from the selected respondents in these investigations.[4] For the reasons stated above, and because there are no compelling reasons to deny the petitioner's request, the Department is postponing the preliminary determinations of these investigations in accordance with section 733(c)(1)(A) of the Act and 19 CFR 351.205(b)(2) and (e) to November 7, 2017. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 15, 2017.

Gary Taverman,

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

[FR Doc. 2017–17628 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Tool Chests and Cabinets from the People's Republic of China and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 21523 (May 9, 2017) (*Initiation Notice*).

[2] *Id.* at 21527.

[3] *See* the Letters, ''Antidumping Investigation of Certain Tool Chests and Cabinets from the People's Republic of China—Petitioner's Request for Postponement of the Preliminary Determination'' dated August 9, 2017, and ''Antidumping Investigation of Certain Tool Chests and Cabinets from the Socialist Republic of Vietnam—Petitioner's Request for Postponement of the Preliminary Determination'' dated August 9, 2017.

[4] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the United States Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Department of Commerce is currently in the process of renewing the charter of the United States Travel and Tourism Advisory Board (Board or TTAB) for an addition two-year term. In anticipation of and conditioned upon the renewed charter taking effect on or before September 6, 2017, the Department is announcing the intent to hold a meeting of the Board on Wednesday, September 6, 2017. The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to discuss their recent recommendations adopted at the June 28, 2017 meeting with the Secretary of Commerce and receive direction for next steps. The recommendations address how to confer a competitive advantage to U.S. tourism interests in the areas of international travel and tourism; global competitiveness; and public-private partnerships that foster a welcoming destination. The full recommendations are available on the Department of Commerce Web site for the Board at *http://trade.gov/ttab.* The final agenda will be posted on that Web site at least one week in advance of the meeting.

DATES: Wednesday, September 6, 2017, 2:00 p.m.–3:30 p.m. EDT. The deadline for members of the public to register,

including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on Wednesday, August 30, 2017.

ADDRESSES: The meeting will be held in Washington, DC. The exact location will be provided by email to registrants.

Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted to: National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Ave. NW., Room 10003, Washington, DC 20230 or by email to *TTAB@trade.gov*. Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Brian Beall, the United States Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Ave. NW., Room 10003, Washington, DC 20230; telephone: 202–482–5634; email: *TTAB@trade.gov*.

SUPPLEMENTARY INFORMATION:

Background: The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. Any member of the public requesting to join the meeting is asked to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may not be possible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Members of the public wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. EDT on Wednesday, August 30, 2017, for inclusion in the meeting records and for circulation to the members of the Board.

In addition, any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Brian Beall at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EDT on Wednesday, August 30, 2017, to ensure transmission to the Board prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered during the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: August 14, 2017.

Brian Beall,

Designated Federal Officer, United States Travel and Tourism Advisory Board.

[FR Doc. 2017–17555 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–836, A–580–891, A–412–826, A–469–816, A–791–823, A–489–831, A–823–816]

Carbon and Alloy Steel Wire Rod From Italy, the Republic of Korea, the Republic of South Africa, Spain, the Republic of Turkey, Ukraine and the United Kingdom: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable August 21, 2017.

FOR FURTHER INFORMATION CONTACT: Victoria Cho at (202) 482–5075 (Italy); Lingjun Wang at (202) 482–2316 (the Republic of Korea (Korea)); Alice Maldonado at (202) 482–4682 (the United Kindgom (UK)); Davina Friedmann at (202) 482–0698 (Spain); Moses Song at (202) 482–5041 (the Republic of South Africa (South Africa)); Ryan Mullen at (202) 482–5260 (the Republic of Turkey (Turkey)); and Julia Hancock at (202) 482–1394 (Ukraine), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 17, 2017, the Department of Commerce (the Department) initiated less-than-fair-value (LTFV) investigations of imports of carbon and alloy steel wire rod (wire rod) from Italy, Korea, South Africa, Spain, Turkey, Ukraine, and the UK.[1] Currently, the preliminary determinations are due no later than September 5, 2017.[2]

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary determination in a LTFV investigation within 140 days after the date on which the Department initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits the Department to postpone the preliminary determination until no later than 190 days after the date on which the Department initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) the Department concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. The Department will grant the request unless it finds compelling reasons to deny the request.

On August 11, 2017, the petitioners[3] submitted a timely request that the Department postpone the preliminary determinations in these LTFV investigations.[4] The petitioners stated that they request postponement because the Department is still gathering data and questionnaire responses from the foreign producers in these investigations, and that additional time is necessary for the Department and interested parties to fully and properly analyze all questionnaire responses, and

[1] *See Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, United Arab Emirates, and United Kingdom: Initiation of Less-Than-Fair-Value Investigations,* 82 FR19207 (April 20, 2017) (*Initiation Notice*).

[2] The statutory deadline is actually September 4, 2017, which is a federal holiday. It is the Department's practice that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[3] The petitioners are Gerdau Ameristeel US Inc., Keystone Consolidated Industries Inc., Charter Steel, and Nucor Corporation.

[4] *See* Kelley, Drye, and Warren, LLP's August 11, 2017, submission; *see also* Wiley Rein, LLP's August 11, 2017, submissions.

to facilitate analysis of and the submission of comments and new factual information.[5]

For the reasons stated above, and because there are no compelling reasons to deny the request, the Department, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated). As a result, the Department will issue its preliminary determinations no later than October 24, 2017. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of publication of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 15, 2017.

Gary Taverman,

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

[FR Doc. 2017–17620 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results

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

SUMMARY: On June 29, 2017, the Court of International Trade (CIT) issued its final judgment, sustaining the Department of Commerce's (the Department's) remand results pertaining to the ninth administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (Vietnam) covering the period of review (POR) of February 1, 2013, through January 31, 2014. The Department is notifying the public that the final judgment in this case is not in harmony with the final results of the ninth administrative review,[1] and that the Department is amending the final results with respect to the labor surrogate value applied in the administrative review. The effective date of this notice is July 9, 2017.

DATES: Applicable July 9, 2017.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 2015, the Department published its *Final Results.* In the *Final Results,* we relied on data from the Bangladeshi Bureau of Statistics (BBS) to value the respondents' labor consumption. Subsequently, the CIT remanded this issue to the Department for further explanation or reconsideration.[2] In the Remand Redetermination, the Department reconsidered its determination and found that the BBS data are not the best available information with which to value respondents' labor.[3] Consequently, the Department evaluated the alternative wage rates on the record and determined that India wage rate data are the best available information for valuing labor.

In the *Final Results,* we calculated a 0.00 percent weighted-average margin for Sao Ta Foods Joint Stock Company and a 1.16 percent weighted-average margin for Thuan Phuoc Seafoods and Trading Corporation.[4] Based on our change of the labor surrogate value, we continued to calculate a 0.00 percent weighted-average margin for Sao Ta Foods Joint Stock Company and calculated a 1.42 percent weighted-average margin for Thuan Phuoc Seafoods and Trading Corporation.[5]

Timken Notice

In its decision in *Timken,*[6] as clarified by *Diamond Sawblades,*[7] the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision.

This notice is published in fulfillment of the publication requirement of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise at issue in the Remand Redetermination pending expiration of the period to appeal or, if appealed, a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, the Department is amending the *Final Results.* Based on the Remand Redetermination, as affirmed by the Court on June 29, 2017, the revised weighted-average dumping margin for Thuan Phuoc Seafoods and Trading Corporation for the period February 1, 2013, through January 31, 2014, is 1.42 percent. As noted above, there was no change to Sao Ta Foods Joint Stock Company's weighted-average margin from the *Final Results;* we continued to calculate a 0.00 percent weighted-average margin for Sao Ta Foods Joint Stock Company in the Remand Redetermination.

Further, for the purpose of recalculating the sample rate for the non-individually examined companies that received a separate rate and are parties to this litigation,[8] we adjusted the Minh Phu Group's final margin from 1.39 percent [9] to 1.53 percent; [10] however, there is no effect to the Minh Phu Group's final margin of 1.39

[1] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2013–2014,* 80 FR 55328 (September 15, 2015) (*Final Results*).

[2] *See Ad Hoc Shrimp Trade Action Committee* v. *United States,* Court No. 15–00279, Slip Op. 17–27 (March 16, 2017) (*Remand Opinion and Order*) at 24.

[3] *See* Final Results of Redetermination Pursuant to Court Remand, dated June 6, 2017, at 9 (Remand Redetermination); available at *http://enforcement.trade.gov/remands/17-27.pdf.*

[4] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2013–2014,* 80 FR 55328, 55329 (September 15, 2015) (*Final Results*).

[5] *See* Memorandum to the File, from Irene Gorelik, Senior International Trade Compliance Analyst, Office VIII, re: ''Remand Redetermination—Revised Final Results Calculations,'' dated May 12, 2017 (Remand Recalculations).

at Attachments 1–4.

[6] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

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

[8] *See* Remand Recalculations at 4–6, for the list of the separate rate companies that are subject to this litigation; *see also* Memorandum to the File, from Irene Gorelik, Senior International Trade Compliance Analyst, Office VIII, re: ''Final Remand Redetermination—Revised Final Remand Recalculations,'' dated June 15, 2017 (Final Remand Recalculations) at 4 for the recalculation of the sample rate for the final remand redetermination.

[9] *See Final Results,* 80 FR at 55329. *See also* Remand Recalculations at 4.

[10] *See* Final Remand Recalculations at 3 and Attachments 1–4.

[5] *Id.*

percent in the *Final Results*.[11] In the Remand Redetermination, the Department recalculated the sample rate resulting in a weighted-average dumping margin of 1.05 percent [12] for the non-individually examined companies that qualified for a separate rate and are subject to this litigation.

In the event that the CIT's ruling is not appealed or, if appealed, is upheld by a final and conclusive court decision, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the importer-specific assessment rates recalculated in the Remand Redetermination for Sao Ta Foods Joint Stock Company and Thuan Phuoc Seafoods and Trading Corporation and the above-noted 1.05 percent recalculated sample rate for the non-individually examined respondents that received a separate rate in the *Final Results* and are subject to this litigation.

Cash Deposit Requirements

Mandatory Respondents

Because there have been subsequent administrative reviews for Sao Ta Foods Joint Stock Company [13] and Thuan Phuoc Seafoods and Trading Corporation,[14] the cash deposit rate for these two companies will remain the rate established in the most recently-completed administrative review in which they received a cash deposit rate of 4.78 percent.[15]

Separate-Rate Companies

There have been subsequent administrative reviews completed for the below-listed non-individually examined companies that qualified for a separate rate and are subject to this litigation; thus, the cash deposit rate for these exporters will remain the rate established in the most recently-completed administrative review in which they received a cash deposit rate.

Exporter [16]	Cash deposit rate in effect (percent)	**Federal Register** notice
Bac Lieu Fisheries Joint Stock Company, aka Bac Lieu Fisheries Company Limited, aka Bac Lieu Fisheries Co., Ltd., aka Bac Lieu Fisheries Limited Company, aka Bac Lieu Fis.	4.78	*AR10 Final Results.*
Camau Frozen Seafood Processing Import Export Corporation, aka Camimex, aka Camau Seafood Factory No. 4, aka Camau Seafood Factory No. 5, aka Camau Frozen Seafood Processing Import Export Corp. (CAMIMEX–FAC 25), aka Frozen Factory No. 4.	4.78	*AR10 Final Results.*
C.P. Vietnam Corporation, aka C.P. Vietnam Livestock Corporation, aka C.P. Vietnam Livestock Company Limited, aka C.P. Vietnam.	25.76	*AR11 Final Results.*[17]
Cadovimex Seafood Import-Export and Processing Joint Stock Company, aka Cai Doi Vam Seafood Import-Export Company, aka Caidoivam Seafood Company (Cadovimex), aka Cadovimex-Vietnam.	4.78	*AR11 Final Results.*
Can Tho Import Export Fishery Limited Company, aka CAFISH	4.78	*AR10 Final Results*
Cuu Long Seaproducts Company, aka Cuulong Seaproducts Company, aka Cuu Long Seaproducts Limited, aka Cuulong Seapro, aka Cuu Long Seapro..	4.78	*AR10 Final Results.*
Gallant Ocean (Vietnam) Co., Ltd.	4.78	*AR11 Final Results.*
Gallant Dachan Seafood Co., Ltd.	4.78	*AR10 Final Results.*
Hai Viet Corporation, aka HAVICO	4.78	*AR10 Final Results.*
Investment Commerce Fisheries Corporation, aka Investment Commerce Fisheries Corp., aka Investment Commerce Fisheries, aka Incomfish, aka Incomfish Corp., aka Incomfish Corporation.	4.78	*AR11 Final Results.*
Kim Anh Company Limited, aka Kim Anh Co, Ltd	4.78	*AR11 Final Results.*
Minh Cuong Seafood Import Export Frozen Processing Joint Stock Co, aka Minh Cuong Seafood Import- Export Processing, aka MC Seafood.	25.76	*AR10 Final Results.*
Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Jostoco	4.78	*AR10 Final Results.*
Minh Hai Joint-Stock Seafoods Processing Company, aka Seaprodex Minh Hai, aka Sea Minh Hai, aka Seaprodex Min Hai, aka Seaprodex Minh Hai-Factory No. 78, aka Seaprodex Minh Hai (Minh Hai Joint Stock Seafoods Processing Co.), aka Seaprodex Minh Hai Workshop 1, aka Seaprodex Minh Hai Factory No. 69.	4.78	*AR10 Final Results.*
Minh Hai Sea Products Import Export Company, aka Ca Mau Seafood Joint Stock Company, aka Seaprimexco Vietnam, aka Seaprimexco.	4.78	*AR10 Final Results.*
Nha Trang Fisheries Joint Stock Company, aka Nha Trang Fisco, aka Nhatrang Fisco, aka Nha Trang Fisheries, Joint Stock.	4.78	*AR11 Final Results.*

[11] Since the issuance of the *Final Results*, the Department has revoked the antidumping duty order with respect to the Minh Phu Group. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order,* 81 FR 47756, 47757–47758 (July 22, 2016). Moreover, the Minh Phu Group is not subject to this litigation, the original injunction enjoining the lifting of suspension has been lifted, and the suspended entries have been liquidated. Accordingly, our recalculations pertain to the two remaining mandatory respondents, Sao Ta Foods Joint Stock Company and Thuan Phuoc Seafoods and Trading Corporation, and the non-individually examined companies that received a separate rate and are subject to this litigation.

[12] *See* Final Remand Recalculations at 4.

[13] Sao Ta Foods Joint Stock Company was granted the following ''also-known-as'' (aka) or ''doing-business-as'' (dba) names in the *Final Results* (which were included in the injunction enjoining liquidation of suspended entries): Sao Ta Foods Joint Stock Company, aka Fimex VN, aka Sao Ta Seafood Factory, aka Saota Seafood Factory. However, many of these names were not granted separate rate status in *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2014–2015,* 81 FR 62717, 62718–62719 (September 12, 2016) (*AR10 Final Results*). Thus, for liquidation purposes, we will continue to use Sao Ta Foods Joint Stock Company's aforementioned aka/dba names; but for cash deposit purposes, only the aka and/or dba names granted in *AR10 Final Results* are valid.

[14] Thuan Phuoc Seafoods and Trading Corporation was granted the following aka or dba names in the *Final Results* (which were included in the injunction enjoining liquidation of suspended entries): Thuan Phuoc Seafoods and Trading Corporation, aka Thuan Phuoc Corp., aka Frozen Seafoods Factory No. 32, aka Seafoods and Foodstuff Factory, aka Seafoods and Foodstuff Factory Vietnam, aka My Son Seafoods Factory. However, many of these names were not granted separate rate status in *AR10 Final Results*. Thus, for liquidation purposes, we will continue to use Thuan Phuoc Seafoods and Trading Corporation's aforementioned aka/dba names; but for cash deposit purposes, only the aka and/or dba names granted in *AR10 Final Results* are valid.

[15] *See AR10 Final Results,* 81 FR at 62718–62719.

[16] Many of the aka or dba names subject to the litigation were not included in subsequent reviews. Therefore, the aka and/or dba names granted separate rate status in subsequent reviews supersede those listed above. The names listed above are included here as they appear in the injunctions enjoining liquidation pending completion of this litigation. Therefore, for liquidation purposes, we will continue to use the names above; however, only the aka and/or dba names granted separate rate status in subsequent reviews are valid for cash deposit purposes.

[17] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2015–2016,* 82 FR 11431, 11433 (February 23, 2017) (*AR11 Final Results*).

Exporter [16]	Cash deposit rate in effect (percent)	Federal Register notice
Nha Trang Seafoods Group: Nha Trang Seaproduct Company, aka Nha Trang Seafoods, aka NT Seafoods Corporation, aka NT Seafoods, aka Nha Trang Seafoods—F89 Joint Stock Company, aka Nha Trang Seafoods—F89, aka NTSF Seafoods Joint Stock Company, aka NTSF Seafoods.	4.78	*AR10 Final Results.*
Ngoc Tri Seafood Joint Stock Company, aka Ngoc Tri Seafood Company	4.78	*AR10 Final Results.*
Phuong Nam Foodstuff Corp. aka Phuong Nam Co., Ltd., aka Phuong Nam Foodstuff Product Processing Joint Stock Corporation, aka Phuong Namco-Ltd.	4.78	*AR11 Final Results.*
Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd	4.78	*AR10 Final Results.*
Soc Trang Seafood Joint Stock Company, aka Stapimex, aka Soc Trang Aquatic Products and General Import Export Company, aka Soc Trang Aquatic Products and General Import Export Company (''Stapimex''), aka Stapmex.	4.78	*AR10 Final Results.*
Tan Phong Phu Seafoods Co., Ltd	25.76	*AR11 Final Results.*
Thong Thuan Company Limited, aka T&T Co., Ltd	4.78	*AR10 Final Results.*
UTXI Aquatic Products Processing Corporation, aka UT XI Aquatic Products Processing Corporation, aka UTXI Aquatic Products Processing Company, aka UT XI Aquatic Products Processing Company, aka UTXI Co. Ltd., aka UTXI, aka UTXICO, aka Hoang Phuong Seafood Factory, aka Hoang Phong Seafood Factory.	4.78	*AR11 Final Results.*
Viet Foods Co., Ltd., aka Nam Hai Foodstuff and Export Company Ltd	4.78	*AR10 Final Results.*
Vietnam Clean Seafood Corporation, aka Vina Cleanfood	4.78	*AR10 Final Results.*
Viet Hai Seafood Co., Ltd., aka Vietnam Fish One Co., Ltd	4.78	*AR11 Final Results.*
Viet I-Mei Frozen Foods Co., Ltd	4.78	*AR10 Final Results*

There have been no subsequent administrative reviews completed for the below-listed non-individually examined companies that qualified for a separate rate and are subject to this litigation; thus, the cash deposit rate of 1.05 percent, as recalculated in the Remand Redetermination, applies for these exporters.

Exporter	Cash deposit rate in effect (percent)
Bentre Forestry and Aquaproduct Import-Export Joint Stock Company, aka FAQUIMEX	1.05
Fine Foods Co., aka FFC	1.05
Goldenquality Seafood Corporation	1.05
Tacvan Frozen Seafood Processing Export Company, aka Tacvan Seafoods Co	1.05

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: August 15, 2017.

Gary Taverman,

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

[FR Doc. 2017–17630 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF612

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Scientific and Statistical Committee (SSC) to review the Research Track stock assessment development procedure proposed by the Southeast Fisheries Science Center (SEFSC). See **SUPPLEMENTARY INFORMATION**.

DATES: The SSC meeting will be held via webinar on Tuesday, September 5, 2017, from 9 a.m. to 12 p.m.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Mike Errigo at the Council office (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of the webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Mike Errigo; 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *mike.errigo@safmc.net*.

SUPPLEMENTARY INFORMATION: This meeting is held to review the Research Track stock assessment development procedure proposed by NOAA Fisheries' Southeast Fisheries Science Center. The SSC decided at their April 25–27, 2017 meeting in Charleston, SC, that the procedure for the Research Track was unclear and that they needed a document clearly laying out the process and approach of the Research Track before they could provide detailed comments.

Items to be addressed during this meeting:

1. Review the proposed Research Track procedure and provide comments and recommendations as necessary.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 15, 2017.

Jeffrey N. Lonergan,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–17531 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF529

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Waterfront Construction

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

ACTION: Notice of issuance of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the U.S. Navy (Navy) for the take of marine mammals incidental to waterfront construction activities at Naval Submarine Base Kings Bay, Georgia.

DATES: Effective from July 12, 2017, through July 11, 2022.

ADDRESSES: The LOA and supporting documentation are available online at: *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On June 7, 2017, we issued a final rule upon request from the Navy for authorization to take marine mammals incidental to waterfront construction activities (82 FR 26360). The Navy plans to repair in-water structures at NSB Kings Bay, as well as to construct new facilities and modify existing facilities. These repairs, upgrades, and new construction would include use of impact and vibratory pile driving, including installation and removal of steel, concrete, composite, and timber piles. The use of both vibratory and impact pile driving is expected to produce underwater sound at levels that have the potential to result in behavioral harassment of marine mammals. Only the bottlenose dolphin (*Tursiops truncatus truncatus*) is expected to be present. The regulations are valid for five years, from July 12, 2017, through July 11, 2022.

Authorization

We have issued a LOA to Navy authorizing the take of marine mammals incidental to waterfront construction activities, as described above. Take of marine mammals will be minimized through the implementation of the following planned mitigation measures: (1) Required monitoring of the waterfront construction areas to detect the presence of marine mammals before beginning construction activities; (2) shutdown of construction activities under certain circumstances to avoid injury of marine mammals; and (3) soft start for impact pile driving to allow marine mammals the opportunity to leave the area prior to beginning impact pile driving at full power. Additionally, the rule includes an adaptive management component that allows for timely modification of mitigation or monitoring measures based on new information, when appropriate. The Navy will submit reports as required.

Based on these findings and the information discussed in the preamble to the final rule, the activities described under this LOA will have a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses.

Dated: August 15, 2017.

Cathryn E. Tortorici,

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

[FR Doc. 2017–17605 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Sanctuary System Business Advisory Council: Public Meeting

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a meeting of the Sanctuary System Business Advisory Council (council). The meeting is open to the public, and participants may provide comments at the appropriate time during the meeting.

DATES: The meeting will be held Wednesday, August 30, 2017, from 9:00 a.m. to 4:30 p.m. ET, and an opportunity for public comment will be provided around 3:45 p.m. ET. Both these times and agenda topics are subject to change.

ADDRESSES: The meeting will be held at the Hall of the States located at 444 North Capitol Street NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Kate Spidalieri, Office of National Marine Sanctuaries, 1305 East West Highway, Silver Spring, Maryland 20910 (Phone: 240–533–0679; Fax: 301–713–0404; Email: *Kate.Spidalieri@noaa.gov*).

SUPPLEMENTARY INFORMATION: ONMS serves as the trustee for a network of underwater parks encompassing more than 600,000 square miles of marine and Great Lakes waters from Washington state to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 13 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies. One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. The Sanctuary System Business Advisory Council (council) has been formed to provide advice and recommendations to the Director regarding the relationship of ONMS with the business community. Additional information on the council can be found at *http://sanctuaries.noaa.gov/management/ac/welcome.html.*

Matters to be Considered: The meeting will provide an opportunity for council members to hear news from across the National Marine Sanctuary System and review and comment on program initiatives. For a complete agenda, including times and topics, please visit *http://sanctuaries.noaa.gov/management/bac/meetings.html.*

Authority: 16 U.S.C. Sections 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: July 21, 2017.

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–17625 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF587

Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel

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

ACTION: Notice of public meeting and webinar/conference call.

SUMMARY: NMFS will hold a 2-day Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting in September 2017. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS. The meeting is open to the public.

DATES: The AP meeting and webinar will be held from 9 a.m. to 5:45 p.m. on Wednesday, September 6, and from 8:30 a.m. to 3:30 p.m. on Thursday, September 7.

ADDRESSES: The meeting will be held at the Sheraton Silver Spring Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910. The meeting presentations will also be available via WebEx webinar/conference call.

The meeting on Wednesday, September 6, and Thursday, September 7, 2017, will also be accessible via conference call and webinar. Conference call and webinar access information are available at: *http://www.nmfs.noaa.gov/sfa/hms/advisory_panels/hms_ap/meetings/sept-2017/ap-meeting.html.*

Participants are strongly encouraged to log/dial in 15 minutes prior to the meeting. NMFS will show the presentations via webinar and allow public comment during identified times on the agenda.

FOR FURTHER INFORMATION CONTACT: Peter Cooper or Margo Schulze-Haugen at (301) 427–8503.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.,* as amended by the Sustainable Fisheries Act, Public Law 104–297, provided for the establishment of an AP to assist in the collection and evaluation of information relevant to the development of any FMP or FMP amendment for Atlantic HMS. NMFS consults with and considers the comments and views of AP members when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks.

The AP has previously consulted with NMFS on: Amendment 1 to the Billfish FMP (April 1999); the HMS FMP (April 1999); Amendment 1 to the HMS FMP (December 2003); the Consolidated HMS FMP (October 2006); and Amendments 1, 2, 3, 4, 5a, 5b, 6, 7, 8, 9, and 10 to the 2006 Consolidated HMS FMP (April and October 2008, February and September 2009, May and September 2010, April and September 2011, March and September 2012, January and September 2013, April and September 2014, March and September 2015, and March, September, and December 2016, and May 2017), among other things.

The intent of this meeting is to consider alternatives for the conservation and management of all Atlantic tunas, swordfish, billfish, and shark fisheries. We anticipate discussing:

- Final Amendment 10 on Essential Fish Habitat;
- Implementation of Final Amendment 7 on bluefin tuna management, including the upcoming three-year review;
- Commercial swordfish pelagic longline fishery issues;
- Recreational fishery issues, such as the use of circle hooks in tournaments, and Charter/Headboat permitted vessels
- Progress updates regarding the exempted fishing permit requests; and
- Updates on electronic dealer reporting (eDealer) and quota monitoring.

We also anticipate inviting other NMFS offices to provide updates, if available, on their activities relevant to HMS fisheries with a focus on national policies/guidance that may require an FMP amendment or implementation strategy, such as Standardized Bycatch Reporting Methodology and Ecosystem-Based Fishery Management Policy.

Additional information on the meeting and a copy of the draft agenda will be posted prior to the meeting at: *http://www.nmfs.noaa.gov/sfa/hms/advisory_panels/hms_ap/meetings/ap_meetings.html.*

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Peter Cooper at (301) 427–8503 at least 7 days prior to the meeting.

Dated: August 16, 2017.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–17636 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of public comment period for the Jobos Bay National

Estuarine Research Reserve Management Plan revision.

SUMMARY: Notice is hereby given that the Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce is announcing a 30-day public comment period for the Jobos Bay National Estuarine Research Reserve Management Plan revision. Pursuant to 15 CFR 921.33(c), the revised plan will bring the reserve into compliance. The Jobos Bay Reserve revised plan will replace the plan approved in 2000.

The revised management plan outlines the administrative structure; the research/monitoring, stewardship, education, and training programs and priorities of the reserve; plans for a proposed boundary expansion through future land acquisition; and facility development priorities to support reserve operations.

The Jobos Bay Reserve takes an integrated approach to management, linking research and education, coastal training, and stewardship functions. The Puerto Rico Department of Natural and Environmental Resources (PRDNER) has outlined how it will administer the reserve and its core programs by providing detailed actions that will enable it to accomplish specific goals and objectives. Since the last management plan, the reserve has: developed core programs; expanded monitoring programs within Jobos Bay and its watershed; expanded its dorm, and remodeled the historic train depot and visitor center; conducted training workshops; implemented K–12 education programs; and built new and innovative partnerships with local, Commonwealth, and U.S. organizations and universities.

The total number of acres within the boundary is 2800 acres, which is a slight modification of the original 2883 acres identified in the previous management plan. The revised acreage is a result of survey contracted by the PRDNER to clarify the boundary. The revised management plan will serve as the guiding document for the Jobos Bay Reserve for the next five years. View the Jobos Bay Reserve Management Plan revision at (*http://drna.pr.gov/jbnerr/*) and provide comments to the Reserve's Manager, Aitza Pabon (*apabon@drna.pr.gov*).

FOR FURTHER INFORMATION CONTACT: Nina Garfield at (240) 533–0817 or Erica Seiden at (240) 533–0781 of NOAA's Office for Coastal Management, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

Dated: July 27, 2017.

Paul M. Scholz,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–17615 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF613

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Trawl Groundfish Electronic Monitoring Technical Advisory Committee (GEMTAC) and Groundfish Electronic Monitoring Policy Advisory Committee (GEMPAC) (GEM Committees) will hold a joint work session via webinar, which is open to the public.

DATES: The webinar meeting will be held September 6, 2017, from 1 p.m. until 5 p.m. (Pacific Daylight Time) or when business for each day has been completed.

ADDRESSES: To attend the webinar, visit: *http://www.gotomeeting.com/online/webinar/join-webinar.* Enter the Webinar ID, which is 405–536–325, and enter your name and email address (required). Participants are encouraged to use their telephone, as this is the best practice to avoid technical issues and excessive feedback (see *http://www.pcouncil.org/wp-content/uploads/PFMC_Audio_Diagram_GoToMeeting.pdf* for best practices). Please use your telephone for the audio portion of the meeting by dialing this TOLL number 1+ (872) 240–3412 (not a toll-free number); then enter the Attendee phone audio access code: 405–536–325; then enter your audio phone pin (shown after joining the webinar). System Requirements for PC-based attendees: Required: Windows® 7, Vista, or XP; for Mac®-based attendees: Required: Mac OS® X 10.5 or newer; and for mobile attendees: iPhone®, iPad®, Android™ phone or Android tablet (See the GoToMeeting Webinar Apps).

You may send an email to *kris.kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 411 for technical assistance. A public listening station will be available at the Pacific Council office.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Mr. Brett Wiedoff, Staff Officer, Pacific Council; phone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The GEM Committees will discuss items on the Pacific Council's September 2017 meeting agenda with the discussions focused on, but not limited to, Electronic Monitoring (EM)—Preliminary Pacific Halibut Discard Mortality Rates and Third-Party Review. The GEM Committees may also address one or more of the Council's scheduled Administrative Matters. The Committees will discuss analytical results of halibut discard mortality rates as observed under the Pacific Council's electronic monitoring program for the limited entry groundfish non-whiting midwater trawl and bottom trawl fisheries when fishing under the non-trawl shorebased individual fishing quota program. In addition, the Committees will discuss policy implications of the Council's preferred alternative for the industry to use solely the Pacific States Marine Fisheries Commission as the EM review provider when the program is implemented in regulation.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the GEMPAC's and GEMTAC's intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (503) 820–2411 at least 10 days prior to the meeting date.

Dated: August 15, 2017.

Jeffrey N. Lonergan,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–17541 Filed 8–18–17; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NCCC Team Leader Application; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled NCCC Team Leader Application for review and approval in accordance with the Paperwork Reduction Act of 1995. Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Charles Davenport, at 202–606–7516 or email to *cdavenport@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, by September 20, 2017.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on June 1, 2017 at 25267. This comment period ended July 30, 2017. No public comments were received from this Notice.

Description: The NCCC Team Leader application was developed to provide information pertinent to the selection of Team Leaders for AmeriCorps NCCC. Specifically, NCCC engages approximately 2800 corps members each year in community service. In order to achieve this goal, NCCC utilizes Team Leaders and Support Team Leaders as project leaders and project developers, as well as on site team supervision and reporting. There is at least one Team Leader for each team of approximately ten Corps Members. The application is available electronically for all Team Leader applicants.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: NCCC Team Leader Application.

OMB Number: 3045–0005.

Agency Number: None.

Affected Public: AmeriCorps NCCC Team Leader applicants.

Total Respondents: 800.

Frequency: Bi-annual application.

Average Time per Response: 1 hour.

Estimated Total Burden Hours: 1,600.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: August 15, 2017.

Charles Davenport,

Director of Outreach, AmeriCorps NCCC.

[FR Doc. 2017–17668 Filed 8–18–17; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, August 30, 2017, 1:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Pojoaque, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice,

suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda

- Call to Order and Introductions
- Approval of Agenda
- Approval of Minutes from February 22, 2017, and April 19, 2017
- Old Business
- New Business
- Update from NNMCAB Chair
- Update from NNMCAB Co-Deputy Designated Federal Officer
- Public Comment Period
- Presentations:
  - Overview of Intellus System
  - Radioactive Waste Units and Measures
- Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://energy.gov/em/nnmcab/meeting-materials.*

Issued at Washington, DC, on August 11, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–17601 Filed 8–18–17; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 6, 2017, 8:30 a.m.–5:00 p.m., Thursday, September 7, 2017, 8:30 a.m.–1:00 p.m.

ADDRESSES: Best Western Hood River Inn, 1008 E Marina Drive, Hood River, OR 97031.

FOR FURTHER INFORMATION CONTACT: Kristen Holmes, Federal Coordinator, Department of Energy Richland Operations Office, P.O. Box 550, H5–20, Richland, WA, 99352; Phone: (509) 376–5803; or Email: *kristen.l.holmes@rl.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Potential Draft Advice
  - Fiscal Year 2019 Budget
  - State of the Site Meetings
- Discussion Topics
  - Tri-Party Agreement Agencies' Updates
  - Hanford Advisory Board Committee Reports
  - Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kristen Holmes at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kristen Holmes at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Kristen Holmes's office at the address or phone number listed above. Minutes will also be available at the following Web site: *http://www.hanford.gov/page.cfm/hab/FullBoardMeetingInformation.*

Issued at Washington, DC, on August 15, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–17600 Filed 8–18–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF High Energy Physics Advisory Panel; Meeting

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF High Energy Physics Advisory Panel (HEPAP). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, September 26, 2017; 12:00 Noon to 3:00 p.m.

ADDRESSES: Teleconference. Instructions for access can be found on the HEPAP Web site: *http://science.energy.gov/hep/hepap/meetings/* or by contacting Dr. John Kogut by email to: *john.kogut@science.doe.gov* or by phone (301) 903–1298.

FOR FURTHER INFORMATION CONTACT: John Kogut, Executive Secretary; High Energy Physics Advisory Panel (HEPAP); U.S. Department of Energy; SC–25/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: 301–903–1298.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of high energy physics research.

Tentative Agenda: Agenda will include discussions of the following:

September 26, 2017:

- Discussion of Department of Energy High Energy Physics Program
- Discussion of National Science Foundation Elementary Particle Physics Program
- Reports on and Discussions of Topics of General Interest in High Energy Physics
- Public Comment (10-minute rule)

Public Participation: The meeting is open to the public. A webcast of this

meeting will be available. Please check the Web site below for updates and information on how to view the meeting. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact John Kogut at 301–903–1298 or by email at: *John.Kogut@science.doe.gov.* You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's Office of High Energy Physics Advisory Panel Web site, at: (*http://science.energy.gov/hep/hepap/meetings/*).

Issued in Washington, DC, on August 11, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–17594 Filed 8–18–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, September 7, 2017, 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Approval of May 2017 Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
  - EM SSAB Chairs Meeting Update
  - EM SSAB Chairs Draft Recommendation—Road Map
  - EM SSAB Chairs Draft Recommendation—Waste Isolation Pilot Plant
  - Annual Executive Planning and Leadership Training Session Update
  - Election of Chair and Vice Chair
  - Adoption of Fiscal Year 2018 Work Plan
- Subcommittee Updates
- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.ports-ssab.energy.gov/.*

Issued at Washington, DC, on August 15, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–17602 Filed 8–18–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7919–004]

Eric and Debbie Wattenburg, William Shelton; Notice of Transfer of Exemption

1. By letter filed June 6, 2017, Eric and Debbie Wattenburg informed the Commission that the exemption from licensing for the Gansner Power and Water Project No. 7919, originally issued July 3, 1984 [1] has been transferred to William Shelton. The project is located on Gansner Creek in Plumas County, California. The transfer of an exemption does not require Commission approval.

2. William Shelton is now the exemptee of the Gansner Power and Water Project No. 7919. All correspondence should be forwarded to: Mr. William Shelton, Owner, P.O. Box 541, Durham, CA 95938, Phone 530–898–1937, Email: *billshelton@chico.net.*

Dated: August 15, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17559 Filed 8–18–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RD16–10–000, RD17–5–000 and IC17–6–000]

Commission Information Collection Activities (FERC–725E); Comment Request; Revision

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of revised information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on revisions to the information collection, FERC–725E (Mandatory Reliability Standards for the Western Electric Coordinating Council), in Docket Nos. RD16–10–000, RD17–5–000 and IC17–6–000 and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file

[1] Order Granting Exemption from Licensing for a Conduit Hydroelectric Project. *LeRoy Austin and Kathleen Austin,* 28 FERC 62,004 (1984).

comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission published Notices in the **Federal Register** on April 6, 2017, in Docket No. RD16–10–000; and May 9, 2017, in Docket Nos. RD17–5–000 and IC17–6–000, requesting public comments. FERC received no comments in response to the Notices and is indicating that in its submittal to the OMB.

DATES: Comments on the collection of information are due September 20, 2017.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0246, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–0710.

A copy of the comments should also be sent to the Commission, in Docket Nos. RD17–5, RD16–10 and IC17–6, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in Docket Nos. RD17–5, RD16–10, and IC17–6 or in viewing/downloading comments and issuances in these dockets may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–725E, Mandatory Reliability Standards for the Western Electric Coordinating Council.

OMB Control No.: 1902–0246.

Type of Request: Revisions to the FERC–725E information collection requirements, as discussed in Docket Nos. RD16–10, RD17–5 and IC17–6.

Abstract: Docket No. RD16–10–000: On March 23, 2016 (and supplemented on November 16, 2016), the North American Electric Reliability Corporation (NERC) and Western Electricity Coordinating Council (WECC) filed a joint petition to retire regional Reliability Standard TOP–007–WECC–1a—System Operating Limits (''SOL''). The purpose of the proposed retirement is to shift away from the path-centric model and allow entities in the Western Interconnection to align their operating practices with the framework established in the continent-wide TOP/IRO Reliability Standards approved in Order No. 817,[1] which, according to NERC and WECC, achieve the objective of operating within acceptable pre- and post-contingency reliability criteria (*i.e.,* within SOLs and Interconnection Reliability Operating Limits (''IROL''). On March 10, 2017, the Commission approved the retirement of regional Reliability Standard TOP–007–WECC–1a.[2]

Docket Nos. RD17–5 and IC17–6: On March 10, 2017, NERC and WECC filed a joint petition in Docket No. RD17–5–000 [3] requesting Commission approval of: (a) Regional Reliability Standard VAR–501–WECC–3 (Power System Stabilizers), and (b) the retirement of then-existing regional Reliability Standard VAR–501–WECC–2. The petition states: ''Regional Reliability Standard VAR–501–WECC–3 establishes the performance criteria for power system stabilizers to help ensure the Western Interconnection is operated in a coordinated manner under normal and abnormal conditions.'' VAR–501–WECC–3 was approved by order in Docket No. RD17–5–000 on April 28, 2017.

FERC–725E, overall background: The information collected by the FERC–725E is required to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). Section 215 of the FPA buttresses the Commission's efforts to strengthen the reliability of the interstate grid through the grant of new authority by providing for a system of mandatory Reliability Standards developed by the Electric Reliability Organization (ERO). Reliability Standards that the ERO proposes to the Commission may include Reliability Standards that are proposed to the ERO by a Regional Entity.[4] A Regional Entity is an entity that has been approved by the Commission to enforce Reliability Standards under delegated authority from the ERO.[5] On June 8, 2008, the Commission approved eight regional Reliability Standards submitted by the ERO that were proposed by WECC.[6]

WECC promotes bulk electric system reliability in the Western Interconnection. WECC is the Regional Entity responsible for compliance monitoring and enforcement. In addition, WECC provides an environment for the development of Reliability Standards and the coordination of the operating and planning activities of its members as set forth in the WECC Bylaws.

There are several regional Reliability Standards in the WECC region. These regional Reliability Standards generally require entities to document compliance with substantive requirements, retain documentation, and submit reports to WECC. The following standards will be continuing without change.

- BAL–002–WECC–2a (Contingency Reserve) [7] requires balancing authorities and reserve sharing groups to document compliance with the contingency reserve requirements described in the standard.
- BAL–004–WECC–02 (Automatic Time Error Correction) requires balancing authorities to document that time error corrections and primary inadvertent interchange payback were conducted according to the requirements in the standard.
- FAC–501–WECC–1 (Transmission Maintenance) requires transmission owners with certain transmission paths to have a transmission maintenance and inspection plan and to document maintenance and inspection activities according to the plan.
- IRO–006–WECC–2 (Qualified Transfer Path Unscheduled Flow (USF)

[1] The burdens related to Order No. 817 are included in FERC–725Z (Mandatory Reliability Standards: IRO Reliability Standards, OMB Control No. 1902–0276), and FERC–725A Mandatory Reliability Standards for the Bulk-Power System, OMB Control No. 1902–0244).

[2] The Delegated Letter Order is posted in FERC's eLibrary at *https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=14515285.*

[3] The joint petition and exhibits are posted in the Commission's eLibrary system in Docket No. RD17–5–000.

[4] 16 U.S.C. 824o(e)(4).

[5] 16 U.S.C. 824o(a)(7) and (e)(4).

[6] *North American Electric Reliability Corp.,* 119 FERC ¶ 61,260 (2007).

[7] BAL–002–WECC–2 is included in the OMB-approved inventory for FERC–725E. On November 9, 2016, NERC and WECC submitted a joint petition for approval of an interpretation of BAL–002–WECC–2, to be designated BAL–002–WECC–2a. BAL–002–WECC–2a was approved by order in Docket No. RD17–3–000 on January 24, 2017. The Order determined: The proposed interpretation provides clarification regarding the types of resources that may be used to satisfy Contingency Reserve requirements in regional Reliability Standard BAL–002–WECC–2. BAL–002–WECC–2a did not trigger the Paperwork Reduction Act and did not affect the burden estimate. BAL–002–WECC–2a is being included in this Notice and the Commission's submittal to OMB as part of the FERC–725E.

Relief) [8] requires balancing authorities and reliability coordinators to document actions taken to mitigate unscheduled flow.

• PRC–004–WECC–2 (Protection System and Remedial Action Scheme Misoperation) [9] requires transmission owners, generator owners and transmission operators to document their analysis and/or mitigation due to certain misoperations on major transfer paths. This standard requires that documentation be kept for six years.

• VAR–002–WECC–2 (Automatic Voltage Regulators (AVR)) [10] requires generator operators and transmission operators to provide quarterly reports to the compliance monitor and have evidence related to their synchronous generators, synchronous condensers, and automatic voltage regulators.

The Commission will be submitting a request to OMB to extend those requirements with no change for three years. The Commission's request to OMB will also reflect the following:

• eliminating the burden associated with regional Reliability Standard TOP–007–WECC–1a, which is being retired (addressed in Docket No. RD16–10); [11] and

• implementing the regional Reliability Standard VAR–501–WECC–3 and retiring regional Reliability Standard VAR–501–WECC–2 (addressed in Docket No. RD17–5 and discussed below).

In this document, we provide estimates of the burden and cost related to those revisions to FERC–725E. Details follow on the changes due to Docket Nos. RD16–10, RD17–5–000, and IC17–6 and on the continuing burdens which are being submitted to OMB for approval in a consolidated package under FERC–725E.

Type of Respondents: Balancing authorities, reserve sharing groups, transmission owners, reliability coordinators, transmission operators, generator operators and generator owners.

Estimate of Annual Burden: [12] We provide three tables below with burden estimates which show: (1) Reductions due to Docket No. RD16–10, (2) reductions, increases, and net changes, due to Docket No. RD17–5, and (3) resulting net ongoing burden for FERC–725E overall, which will be submitted to OMB for approval.

Changes Due to Docket No. RD16–10. The Commission estimates the reduction in the annual public reporting burden for the FERC–725E (due to the retirement of regional Reliability Standard TOP–007–WECC–1a) as follows: [13]

FERC–725E, MANDATORY RELIABILITY STANDARDS FOR THE WESTERN ELECTRIC COORDINATING COUNCIL, REDUCTIONS DUE TO DOCKET NO. RD16–10

Information collection requirements and entity	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours and cost per response	Total annual burden hours and total annual cost
	(1)	(2)	(1) × (2)=(3)	(4)	(3) × (4)=(5)
Reporting Requirement—Transmission Operators that operate qualified transfer paths [14].	9	3	27	40 hrs.; $2,908	1,080 hrs.; $78,516
Recordkeeping Requirement—Transmission Operators that operate qualified transfer paths.	9	1	9	12 hrs.; $347	108 hrs.; $3,124.
Total Reduction (Due to Docket No. RD16–10)					1,188 hrs.; $81,640.

[8] On December 20, 2013, NERC and WECC submitted a joint petition for approval of IRO–006–WECC–2 and retirement of IRO–006–WECC–1. IRO–006–WECC–2 was approved by order in Docket No. RD14–9–000 on May 13, 2014. Because the reporting burden for IRO–006–WECC–2 did not increase for entities that operate within the Western Interconnection, FERC submitted the order to OMB for information only. The burden related to IRO–006–WECC–2 does not differ from the burden of IRO–006–WECC–1, which is included in the OMB-approved inventory. IRO–006–WECC–2 is being included in this Notice and the Commission's submittal to OMB as part of FERC–725E.

[9] Order No. 818, issued on November 19, 2015 in Docket Nos. RM15–7, RM15–12, and RM15–13, stated in part: ''NERC requested approval of the following Reliability Standards to incorporate the proposed definition of Remedial Action Scheme and eliminate use of the term Special Protection System: . . . PRC–004–WECC–2, . . . NERC did not propose any changes to the Violation Risk Factors or Violation Severity Levels for the modified standards.'' *Revisions to Emergency Operations Reliability Standards; Revisions to Undervoltage Load Shedding Reliability Standards; Revisions to the Definition of ''Remedial Action Scheme'' and Related Reliability Standards,* Order No. 818, 153 FERC 61,228, at P 23 n.31 (2015). In addition, Order No. 818 stated: The Commission approved the definition of Special Protection System (Remedial Action Scheme) in Order No. 693. We approve a revision to the previously approved definition. The revisions to the Remedial Action Scheme definition and related Reliability Standards are not expected to result in changes to the scope of systems covered by the Reliability Standards and other Reliability Standards that include the term Remedial Action Scheme. Therefore, the Commission does not expect the revisions to affect applicable entities' current reporting burden. *Id.* P 67. The change to the definition did not affect the burden of PRC–004–WECC–1 (which is included in the current OMB-approved inventory). PRC–004–WECC–2 (the current version of the standard) is being included in this Notice and the Commission's submittal to OMB as part of the FERC–725E.

[10] VAR–002–WECC–2 was approved by order in Docket No. RD15–1 on March 3, 2015. Regional Reliability Standard VAR–002–WECC–2 made a non-material or non-substantive change to the reporting and recordkeeping requirements associated with VAR–002–WECC–1 (currently included in the OMB-approved inventory). VAR–002–WECC–2 (the current version of the standard) is being included in this Notice and the Commission's submittal to OMB as part of FERC–725E.

[11] The Commission approved the retirement of regional Reliability Standard TOP–007–WECC–1a (System Operating Limits (''SOL'')) by order in Docket No. RD16–10–000 on March 10, 2017. On March 31, 2017, the Commission issued a 60-day Notice requesting public comment on the effect on burden. The 60-day Notice is available at 82 FR 16823 (April 6, 2017). Comments on the 60-day Notice were due in Docket No. RD16–10–000 by June 5, 2017; no comments were received. *See* Docket No. RD16–10–000 for additional information (including the estimated annual burden reduction of 1,188 hours).

[12] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

[13] The reductions in burden and cost shown in the table are the same figures as those in the current OMB-approved inventory for the reporting and recordkeeping requirements, now being retired.

[14] This is based on burden estimates taken from the Order in Docket No. RR07–11–000, P. 130.

Estimate of Annual Burden: [15] Details follow on the changes in Docket No. RD17–5–000, and on the continuing burdens, which will be submitted to OMB for approval in a consolidated package under FERC–725E.

FERC–725E, MANDATORY RELIABILITY STANDARDS FOR THE WESTERN ELECTRIC COORDINATING COUNCIL, CHANGES IN DOCKET NO. RD17–5–000

Entity	Number of respondents [16] (1)	Annual number of responses per respondent (2)	Annual number of responses (1) × (2) = (3)	Average burden hours and cost [17] per response ($) (4)	Total annual burden hours and total annual cost ($) (3) × (4) = (5)	Cost per respondent ($) (5) ÷ (1) = (6)
Retirement of Former Standard VAR–501–WECC–2 and Associated Reductions						
Reporting Requirements						
Generator Operators	249	4	996	1 hr.; $76.22	996 hrs.; $75,915.12 (reduction).	$304.88 (reduction)
Recordkeeping Requirements						
Generator Operators	249	4	996	0.5 hrs.; $31.19	498 hrs.; $15,532.62 (reduction).	$62.38 (reduction)
Reductions (Discontinued in yr. 1).					1,494 hrs.; $91,447.74 (reduction).	
New Standard VAR–501–WECC–3						
Reporting Requirements						
Generator Owners and/or Operators, in Year 1.	291	3	873	1 hr.; $76.99	873 hrs.; $67,212.27	$230.97
Generator Owners and/or Operators, in Year 2 and Ongoing.	291	2	582	1 hr.; $76.99	582 hrs.; $44,808.18	$153.98
Recordkeeping Requirements						
Generator Owners and/or Operators, in Year 1.	291	3	873	1 hr.; $31.19	873 hrs.; $27,228.87	$93.57
Generator Owners and/or Operators, in Year 2 and Ongoing.	291	2	582	0.5 hrs.; $15.595	291 hrs.; $9,076.29	$31.19
New Burden, in Year 1					1,746 hrs.; $94,441.14.	
New Burden, in Year 2 & Ongoing.					873 hrs.; $53,884.47.	
Net Burden Change in Year 1 (Due to Docket RD17–5).					+252 hrs. (increase).	
Net Burden Change in Year 2 and Ongoing (Due to Docket RD17–5).					−621 hrs. (decrease).	

Net Burden for FERC–725E, for Submittal to OMB. The table below describes the new and continuing information collection requirements and the associated burden for FERC–725E. (The burdens and costs related to TOP–007–WECC–1a and VAR–501–WECC–2 [the standards being retired] are omitted.)

FERC–725E, MANDATORY RELIABILITY STANDARDS FOR THE WESTERN ELECTRIC COORDINATING COUNCIL

[New and continuing information collection requirements]

Entity	Number of respondents [18] (1)	Annual number of responses per respondent (2)	Annual number of responses (1) * (2) = (3)	Average burden hours and cost per response ($) (4)	Total annual burden hours and total annual cost ($) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1) = (6)
Reporting Requirements						
Balancing Authorities	34	1	34	21 hrs., $1,616.79	714 hrs., $54,970.86	$1,616.79
Generator Operators	228	1	228	10 hrs., $769.90	2,280 hrs., $175,537.20	769.90

[15] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

[16] The number of respondents is derived from the NERC Compliance Registry as of March 10, 2017.

[17] For VAR–501–WECC–3, the hourly cost (for salary plus benefits) uses the figures from the Bureau of Labor Statistics for three positions involved in the reporting and recordkeeping requirements. These figures include salary (*http://bls.gov/oes/current/naics2_22.htm*) and benefits (*http://www.bls.gov/news.release/ecec.nr0.htm*) and are: 1. Manager: $89.07/hour; 2. Engineer: $64.91/hour; 3. File Clerk: $31.19/hour. The hourly cost for the reporting requirements ($76.99) is an average of the cost of a manager and engineer. The hourly cost for recordkeeping requirements uses the cost of a file clerk.

FERC–725E, MANDATORY RELIABILITY STANDARDS FOR THE WESTERN ELECTRIC COORDINATING COUNCIL—Continued
[New and continuing information collection requirements]

Entity	Number of respondents [18] (1)	Annual number of responses per respondent (2)	Annual number of responses (1) * (2) = (3)	Average burden hours and cost per response ($) (4)	Total annual burden hours and total annual cost ($) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1) = (6)
Transmission Operators applicable to standard VAR–002.	86	4	344	10 hrs., $769.90	3,440 hrs., $264,845.60	769.90
Transmission Owners that operate qualified transfer paths.	5	3	15	40 hrs., $3,079.60	600 hrs., $46,194.00	3,079.60
Reliability Coordinators	1	1	1	1 hr., $76.99	1 hr., $76.99	76.99
Reserve Sharing Group	3	1	3	1 hr., $76.99	3 hrs., $230.97	76.99
Generator Owners and/or Operators , in Year 1, per RD17–5 for VAR–501–WECC–3.	291	3	873	1 hr.; $76.99	873 hrs.; $67,212.27	230.97
Generator Owners and/or Operators, in Year 2 and Ongoing, per RD17–5 for VAR–501–WECC–3.	291	2	582	1 hr.; $76.99	582 hrs.; $44,808.18	153.98
Total for Reporting Requirements in Year 1.					7,911 hrs.; $609,067.89	
Total for Reporting Requirements in Year 2 & ongoing.					7,620 hrs.; $586,663.80	
Recordkeeping Requirements						
Balancing Authorities	34	1	34	2.1 hrs., $65.50	71.4 hrs., $2,226.97	65.50
Balancing Authorities (IRO–006)	34	1	34	1 hr., $31.19	34 hrs., $1,060.46	31.19
Generator Operators	228	1	228	1 hr., $31.19	228 hrs., $7,111.32	31.19
Transmission Operator (VAR–002)	86	1	86	4 hrs., $124.76	344 hrs., $10,729.36	124.76
Transmission Owner that operate qualified transfer paths.	5	1	5	12 hrs., $374.28	60 hrs., $1,871.40	374.28
Reliability Coordinator	1	1	1	1 hr.; $31.19	1 hr.; $31.19	31.19
Generator Owners and/or Operators, in Year 1, per RD17–5 for VAR–501–WECC–3.	291	3	873	1 hr.; $31.19	873 hrs.; $27,228.87	93.57
Generator Owners and/or Operators, in Year 2 and Ongoing, per RD17–5 for VAR–501–WECC–3.	291	2	582	0.5 hrs.; $15.595	291 hrs.; $9,076.29	31.19
Total for Recordkeeping Requirements in Yr. 1.					1,611.4 hrs.; $50,259.57	
Total for Recordkeeping Requirements in Yr. 2 & ongoing.					1,029.4 hrs.; $32,106.99	
Total for FERC–725E, IN YR. 1					9,522.4 hrs.; $659,327.46	
Total for FERC–725E, in yr. 2 & ongoing.					8,649.4 hrs.; $618,770.79	

[18] The number of respondents is derived from the NERC Compliance Registry as of March 10, 2017.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 15, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17560 Filed 8–18–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 6756–009, 4337–008, 5307–003]

Notice of Transfer of Exemptions: Lower Valley, LLC; West Hopkinton Hydro, LLC; Sweetwater Hydroelectric, LLC; Green Mountain Power Corporation

1. By letter filed June 27, 2017, three different exemptees informed the Commission that their projects were transferred to Green Mountain Power Corporation. They are: (1) Lower Valley, LLC exemptee for the Lower Valley Project No. 6756, originally issued

November 9, 1982 [1] located on the Sugar River in Sullivan County, New Hampshire; (2) West Hopkinton Hydro, LLC exemptee for the Hoague-Sprague Project No. 4337, originally issued March 11, 1982 [2] located on the Contoocook River in Merrimack County, New Hampshire; and (3) the Sweetwater Hydroelectric, LLC exemptee for the Woodsville Reactivation Project No. 5307, originally issued February 5, 1982 [3] located on the Ammonoosuc River in Grafton County, New Hampshire. Transfer of an exemption does not require Commission approval.

2. Green Mountain Power Corporation is now the exemptee of the Lower Valley Project No. 6756; the Hoague-Sprague Project No. 4337; and the Woodsville Reactivation Project No. 5307. All correspondence should be forwarded to: Green Mountain Power Corporation, 163 Acorn Lane, Colchester, VT 05446.

Dated: August 15, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17558 Filed 8–18–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6550–004]

Bidden Creek Bores Properties, LLC; JBS Rentals, LLC; Notice of Transfer of Exemption

1. By letter filed June 23, 2017, Stephen J. Bores informed the Commission that the exemption from licensing for the Biber-Spellenberg Hydro Project No. 6550, originally issued February 14, 1983 [1] has been transferred to JBS Rentals, LLC. The project is located on Bidden Creek in Trinity County, California. The transfer of an exemption does not require Commission approval.

2. JBS Rentals, LLC is now the exemptee of the Biber-Spellenberg Project No. 6550. All correspondence should be forwarded to: Mr. Jeremy Brown, Owner, P.O. Box 1233, Willow Creek, CA 95573, Phone 530–629–3100.

Dated: August 15, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17557 Filed 8–18–17; 8:45 am]

BILLING CODE 6717–01–P

[1] Notice of Exemption from Licensing. *Claremont Hydro Associates,* 21 FERC 62,216 (1982).

[2] Order Granting Exemption from Licensing of a Small Hydroelectric Project (5 MW or Less). *ECH Hydro Associates,* 18 FERC 62,419 (1982).

[3] Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less and Denying Competing Application for Preliminary Permit, *New England Hydro, Inc. Woodsville Fire District,* 18 FERC 62,158 (1982).

[1] Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 MW or Less. *Frank M. Biber and Steven Spellenberg,* 22 FERC ¶ 62,182 (1983).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–481–000]

Notice of Application: DCP Operating Company, LP

Take notice that on August 2, 2017, DCP Operating Company, LP (DCP), 370 17th Street, Suite 2500, Denver, Colorado 80202, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to construct and operate approximately 8.4 miles of 20-inch-diameter natural gas pipeline with a maximum capacity of 253million cubic feet per day (MMcf/d) in Weld County, Colorado (Mewbourn 3 Residue East Pipeline), all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Tyler Culbertson, Manager, Regulatory Affairs, DCP Operating Company, LP, 370 17th Street, Suite 2500, Denver, Colorado 80202, at (303) 605–2278.

Further, DCP asks for clarification about the applicability of the Part 157, Subpart F blanket certificate program to Mewbourn 3 Residue East Pipeline. DPC also seeks waivers of certain regulatory requirements, including the Commission's interstate natural gas pipeline open access, tariff, posting, accounting, and reporting requirements, like similar residue pipeline owner/operators. DCP wants confirmation that the Commission's assertion of jurisdiction over the Mewbourn 3 Residue East Pipeline in no way jeopardizes the non-jurisdictional status of DCP's otherwise non-jurisdictional gathering and processing facilities.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to

the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on September 5, 2017.

Dated: August 15, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17556 Filed 8–18–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2010–0757; FRL–9965–65–OA]

Proposed Information Collection Request; Comment Request; Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency (Renewal); EPA ICR No. 2260.05, OMB Control No. 2090–0029

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency (Renewal)'' (EPA ICR No. 2260.05, OMB Control No. 2090–0029) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through February 28, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before October 20, 2017.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OA–2010–0757, online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Megan Moreau, Office of Resources, Operations and Management, Federal Advisory Committee Management Division, Mail Code 1601M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–5320; fax number: 202–564–8129; email address: *moreau.megan@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The purpose of this information collection request is to assist the EPA in selecting federal advisory committee members who will be appointed as Special Government Employees (SGEs), mostly to the EPA's scientific and technical committees. To select SGE members as efficiently and cost effectively as possible, the Agency needs to evaluate potential conflicts of interest before a candidate is hired as an SGE and appointed as a member to a committee.

Agency officials developed the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency,'' also referred to as Form 3110–48, for greater inclusion of information to discover any potential conflicts of interest as recommended by the Government Accountability Office.

Form Numbers: EPA Form 3110–48.

Respondents/affected entities: Entities potentially affected by this action are approximately 250 candidates for membership as SGEs on EPA federal advisory committees. SGEs are required to file a confidential financial disclosure report (Form 3110–48) when first appointed to serve on EPA advisory committees, and then annually thereafter. Committee members may also be required to update the confidential form before each meeting while they serve as SGEs.

Respondent's obligation to respond: Required in order to serve as a SGE on an EPA federal advisory committee (5 CFR 2634.903).

Estimated number of respondents: 250 (total).

Frequency of response: When first appointed to serve on an EPA advisory committee and annually thereafter. Committee members may also be required to update the confidential form before each meeting while they serve as SGEs.

Total estimated burden: 250 hours per year (1 hour per respondent). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $22,000 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: We anticipate an increase in the total estimated respondent burden compared with the ICR currently approved by OMB. The estimated number of respondents needs to be revised to take into account several committees and subcommittees with SGEs that were established since the ICR was last renewed, as well as SGEs who serve as consultants to the committees on an ad-hoc basis.

Dated: July 14, 2017.

Donna J. Vizian,

Acting Assistant Administrator, Office of Administration and Resources Management.

[FR Doc. 2017–17621 Filed 8–18–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0517; FRL–9964–28]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II., pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a November 21, 2016 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II to voluntarily cancel these product registrations. In the November 21, 2016 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are applicable August 21, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by 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–OPP–2016–0517, 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.*

II. What action is the Agency taking?

This notice announces the cancellations, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit. The following registration numbers that were listed in the **Federal Register** of November 21, 2016 (81 FR 83237) (FRL–9953–56) have already been cancelled in a previous **Federal Register** notice: 66222–65, FL–140008, OR–990010 and WA–980023 on March 22, 2017 (82 FR 14718) (FRL–9958–51).

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredient
100–991	100	Clipper 50 WP	Paclobutrazol.
100–992	100	Bonzi 50 WP	Paclobutrazol.
432–1563	432	Throttle XP Herbicide	Sulfentrazone; Sulfometuron; & Chlorsulfuron.
AR–130002	241	Pursuit Herbicide	Imazethapyr, ammonium salt.
CA–150005	62719	Closer SC	Sulfoxaflor.
GA–080004	100	Reward Landscape and Aquatic Herbicide	Diquat dibromide.
ID–150005	264	Oberon 4 SC Insecticide/Miticide	Spiromesifen.
OR–050002	264	Rovral 4 Flowable Fungicide	Iprodione.
OR–150005	264	Oberon 4 SC Insecticide/Miticide	Spiromesifen.
OR–150006	264	Oberon 4 SC Insecticide/Miticide	Spiromesifen.
PA–150003	100	Heritage Fungicide	Azoxystrobin.
TX–090010	56228	Compound DRC–1339 Concentrate-Feedlots	Starlicide.
WA–150009	62719	Transform WG	Sulfoxaflor.
WA–150010	264	Oberon 4 SC Insecticide/Miticide	Spiromesifen.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
241	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
264	Bayer CropScience, LP, 2 T.W. Alexander Drive, P.O. Box 12014,Research Triangle Park, NC 27709.
432	Bayer Environmental Science,A Division of Bayer CropScience, LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709.
56228	U.S. Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 149, Riverdale, MD 20737.
62719	Dow AgroSciences, LLC, 9330 Zionsville Rd. 308/2E, Indianapolis, IN 46268–1054.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the November 21, 2016 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II are canceled. The effective date of the cancellations that are the subject of this notice is August 21, 2017. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

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

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of November 21, 2016. The comment period closed on May 22, 2017.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II until August 21, 2018, which is 1 year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: June 28, 2017.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–17632 Filed 8–18–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10160—SolutionsBank, Overland Park, Kansas

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC) as Receiver for SolutionsBank, Overland Park, Kansas (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed Receiver of SolutionsBank on December 11, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Federal Deposit Insurance Corporation.

Dated: August 15, 2017.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–17535 Filed 8–18–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, July 11, 2017 at 10:00 a.m. and its Continuation at the Conclusion of the Open Meeting on July 13, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This Meeting was Closed to the Public.

Federal Register Notice of Previous Announcement—82 FR 31327

CHANGE IN THE MEETING: This meeting was continued on Tuesday, August 15, 2017.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Acting Secretary of the Commission.

[FR Doc. 2017–17711 Filed 8–17–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL TRADE COMMISSION

[File No. 152 3054]

Uber Technologies, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

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

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''In the Matter of Uber Technologies, Inc., File No. 152–3054'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/ubertechconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of Uber Technologies, Inc., File No. 152–3054'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Ben Rossen (202–326–3679) and James Trilling (202–326–3497), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 15, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions*.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 15, 2017. Write ''In the Matter of Uber Technologies, Inc., File No. 152–3054'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments*.

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

If you prefer to file your comment on paper, write ''In the Matter of Uber Technologies, Inc., File No. 152–3054'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

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

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

Visit the FTC Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 15, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from Uber Technologies, Inc. (''Uber'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission again will review the agreement and the comments received

and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Since 2010, Uber has operated a mobile application (the ''App'') that connects consumers who are transportation providers (''Drivers'') with consumers seeking those services (''Riders''). Riders book transportation or delivery services through a publicly-available version of the App that can be downloaded to a smartphone. When a Rider requests transportation through the App, the request is conveyed to a nearby Uber Driver signed into the App.

Drivers are consumers who use the App to determine which ride requests they will accept. Uber collects a variety of personal information from Drivers, including names, email addresses, phone numbers, postal addresses, Social Security numbers, driver's license numbers, bank account information, vehicle registration information, and insurance information. With respect to Riders, Uber collects names, email addresses, postal addresses, and detailed trip records with precise geolocation information, among other things.

In November 2014, Uber was the subject of various news reports describing improper access and use of consumer personal information, including geolocation information, by Uber employees. One article reported that an Uber executive had suggested that Uber should hire ''opposition researchers'' to look into the ''personal lives'' of journalists who criticized Uber's practices. Another article described an aerial tracking tool known as ''God View'' that displayed the personal information of Riders using Uber's services. These reports led to considerable consumer uproar and calls by consumers to stop using Uber's services. In an effort to respond to consumer concerns, Uber issued a statement describing its policies concerning access to Rider and Driver data. As part of that statement, Uber promised that all ''access to rider and driver accounts is being closely monitored and audited by data security specialists on an ongoing basis, and any violations of the policy will result in disciplinary action, including the possibility of termination and legal action.''

As alleged in the proposed complaint, Uber has not monitored or audited its employees' access to Rider and Driver personal information on an ongoing basis since November 2014. In fact, between approximately August 2015 and May 2016, Uber did not timely follow up on automated alerts concerning the potential misuse of consumer personal information, and for approximately the first six months of this period only monitored access to account information belonging to a set of internal high-profile users, such as Uber executives. During this time, Uber did not otherwise monitor internal access to personal information unless an employee specifically reported that a co-worker had engaged in improper access. The proposed complaint alleges that Uber's representation that it closely monitored and audited internal access to consumers' personal information was false or misleading in violation of Section 5 of the FTC Act in light of Uber's subsequent failure to monitor and audit such access between August 2015 and May 2016.

The proposed complaint also alleges that Uber failed to provide reasonable security for consumer information stored in a third-party cloud storage service provided by Amazon Web Services (''AWS'') called the Amazon Simple Storage Service (the ''Amazon S3 Datastore''). Uber stores a variety of files in the Amazon S3 Datastore that contain sensitive personal information, including full and partial back-ups of Uber databases. These back-ups contain a broad range of Rider and Driver personal information, including, among other things, names, email addresses, phone numbers, driver's license numbers and trip records with precise geolocation information.

From July 13, 2013 to July 15, 2015, Uber's privacy policy described the security measures Uber used to protect the personal information it collected from consumers, stating that such information ''is securely stored within our databases, and we use standard, industry-wide commercially reasonable security practices such as encryption, firewalls and SSL (Secure Socket Layers) for protecting your information—such as any portions of your credit card number which we retain . . . and geo-location information.'' Additionally, Uber's customer service representatives offered assurances about the strength of Uber's security practices to consumers who were reluctant to submit personal information to Uber.

As described below, the proposed complaint alleges that the above statements violated Section 5 of the FTC Act because Uber engaged in a number of practices that, taken together, failed to provide reasonable security to prevent unauthorized access to Rider and Driver personal information in the Amazon S3 Datastore. Specifically, Uber allegedly:

- Until approximately September 2014, failed to implement reasonable access controls to safeguard data stored in the Amazon S3 Datastore. For example, Uber (1) permitted engineers to access the Amazon S3 Datastore with a single, shared AWS access key that provided full administrative privileges over all data stored there; (2) failed to restrict access to systems based on employees' job functions; and (3) failed to require multi-factor authentication for access to the Amazon S3 Datastore;
- Until approximately September 2014, failed to implement reasonable security training and guidance;
- Until approximately September 2014, failed to have a written information security program; and
- Until approximately March 2015, stored sensitive personal information in the Amazon S3 Datastore in clear, readable text, rather than encrypting the information.

As a result of these failures, on or about May 12, 2014, an intruder was able to gain access to Uber's Amazon S3 Datastore using an access key that one of Uber's engineers had posted to GitHub, a code-sharing site used by software developers. This key was publicly posted and granted full administrative privileges to all data and documents stored within Uber's Amazon S3 Datastore. The intruder accessed one file that contained sensitive personal information belonging to Uber Drivers, including over 100,000 unencrypted names and driver's license numbers, 215 unencrypted names and bank account and domestic routing numbers, and 84 unencrypted names and Social Security numbers. Uber did not discover the breach until September 2014, at which time Uber took steps to prevent further unauthorized access.

The proposed consent order contains provisions designed to prevent Uber from engaging in similar acts and practices in the future.

Part I of the proposed order prohibits Uber from making any misrepresentations about the extent to which Uber monitors or audits internal access to consumers' Personal Information or the extent to which Uber protects the privacy, confidentiality, security, or integrity of consumers' Personal Information.

Part II of the proposed order requires Uber to implement a mandated comprehensive privacy program that is reasonably designed to (1) address privacy risks related to the development and management of new and existing products and services for consumers, and (2) protect the privacy and confidentiality of consumers' personal information.

Part III of the proposed order requires Uber to undergo biennial assessments of its mandated privacy program by a third party.

Parts IV through VIII of the proposed order are reporting and compliance provisions. Part IV requires dissemination of the order now and in the future to all current and future principals, officers, directors, and managers, and to persons with managerial or supervisory responsibilities relating to the subject matter of the order. Part V mandates that Uber submit a compliance report to the FTC one year after issuance of the order and submit additional notices as specified. Parts VI and VII require Uber to retain documents relating to its compliance with the order, and to provide such additional information or documents necessary for the Commission to monitor compliance. Part VIII states that the Order will remain in effect for 20 years.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–17526 Filed 8–18–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0179; Docket 2017–0053 Sequence 5]

Submission for OMB Review; Service Contracts Reporting Requirements

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an existing information clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement for Service Contracts Reporting Requirements. A notice published in the **Federal Register** at 82 FR 24349 on May 26, 2017. No comments were received.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Submit comments in response to OMB Control 9000–0179, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with OMB Control 9000–0179 at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''OMB Control 9000–0179'' on your attached document.

- *Mail:* General Services Administration, FAR Secretariat (MVCB), ATTN: Ms. Joanne Sosa, 1800 F Street NW., Washington, DC 20405.

Instructions: Please submit comments only and cite OMB Control 9000–0179, in all correspondence related to this case. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Office of Acquisition Policy, at 202–501–1448 or via email at *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Section 743(a) of Division C of the Consolidated Appropriations Act, 2010 (Pub. L. 111–117) requires executive agencies covered by the Federal Activities Inventory Reform (FAIR) Act (Pub. L. 105–270), except DoD, to submit to the Office of Management and Budget (OMB) annually an inventory of activities performed by service contractors. DoD is exempt from this reporting requirement because 10 U.S.C. 2462 and 10 U.S.C. 2330a(c) already require DoD to develop an annual service contract inventory.

House Report 111–366 notes, in connection with section 743, that, ''in the absence of complete and reliable information on the extent of their reliance on service contractors, Federal agencies are not well-equipped to determine whether they have the right balance of contractor and in-house resources needed to accomplish their missions. Therefore, this rule intends to supplement agency annual service contract reporting requirements with the contractor provided service contract reporting information.

The information is to be submitted pursuant to clauses 52.204–14 and 52.204–15. Certain prime service contractors will provide annually—

a. The contract number, and, as applicable, order number;

b. The total dollar amount invoiced for services performed during the previous Government fiscal year under the contract;

c. The number of contractor direct labor hours expended on the services performed during the previous Government fiscal year; and

d. Data reported by subcontractors.

The prime contractor shall require each first-tier subcontractor performing under the contract to provide annually—

a. The subcontract number (including subcontractor name and if available, Unique Entity Identifier number; and

b. The number of first-tier subcontractor direct-labor hours expended on the services performed during the previous Government fiscal year.

In order to invoice the government for time-and-material/labor-hour (T&M/LH) and cost-reimbursement contracts, contractors already track labor hours expended, so the rule will cover T&M/LH and cost-reimbursement contracts over the simplified acquisition threshold.

Fixed price contracts are covered if the estimated total value is at $500,000 or more in FY 2016 and thereafter.

For indefinite-delivery contracts, including but not limited to, indefinite-delivery indefinite-quantity (IDIQ) contracts, Federal Supply Schedule (FSS) contracts, Governmentwide Acquisition contracts (GWACs), and multi-agency contracts, reporting requirements will be determined based on the expected dollar amount and type of the orders issued under the contracts.

The burden has increased from the one in **Federal Register** Notice 78 FR 16268 dated March 14, 2013 due to more respondents being included in the overall total based on FY 2016 FPDS data. The threshold for Fixed-price contract reports are now covered if the estimated total value is at $500,000 or more.

B. Annual Reporting Burden

Respondents: 111,172.
Responses/respondent: 1.
Total annual Responses: 111,172.
Preparation hours per response: 2.
Total response burden hours: 222,344.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0179, Service Contracts Reporting Requirements, in all correspondence.

Dated: August 16, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2017–17593 Filed 8–18–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–0739]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments are due within 30 days of this notice.

Proposed Project

CDC Oral Health Management Information System (OMB Control Number 0920–0739, expiration date 5/31/2017)—Reinstatement with Change. Division of Oral Health (DOH), National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC works with state health departments to improve the oral health of the nation. Targeted efforts include building and/or maintaining an effective public health capacity for the implementation, evaluation, and dissemination of evidence-based practices in oral health disease prevention and advancement of oral health. Through a cooperative agreement program (Program Announcement DP13–1307), CDC has provided funding to 21 states over a 5-year period. This cooperative agreement went into effect in September 2013 and builds upon previously funded collaborations between CDC and state-based oral health programs.

Currently, CDC does not have approval to collect annual progress and activity reports from state-based oral health programs using the Chronic Disease Management Information System (CDMIS). The information collected in the Management Information System (MIS) improves CDC's ability to disseminate information about successful public health approaches that are potentially replicable and adaptable for use in other states.

CDC requests a reinstatement with change to continue collecting information for two additional years. The estimated burden decreased from 255 to 171 hours as programs no longer have to repeat the initial entry of administrative data after the first year. The estimated burden for system maintenance and annual reporting is three hours for Basic-level awardees. The estimated burden for system maintenance and annual reporting is nine hours for Enhanced-level awardees. State awardees submit reports to CDC annually; however, states may enter updates in the MIS at any time.

CDC collects all information electronically and uses this information to monitor awardee activities and to provide any needed technical assistance or follow-up support.

There are no costs to respondents other than their time. The total estimated annualized burden hours are 171.

ESTIMATED ANNUALIZED BURDEN OF HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Program Awardees Basic Level	Annual Progress Report	3	1	3
Program Awardees Enhanced Level	Annual Progress Report	18	1	9

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–17581 Filed 8–18–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–0214; Docket No. CDC–2017–0063]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, 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. This notice invites comment on the National Health Interview Survey (NHIS). The annual National Health Interview Survey is a major source of general statistics on the health of the U.S. population.

DATES: Written comments must be received on or before October 20, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0063 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

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 of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

National Health Interview Survey (NHIS) (OMB Control No. 0920–0124, Exp. 12/31/2019)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C.), as amended, authorizes that the Secretary of Health and Human Services (HHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability of the population of the United States.

The annual National Health Interview Survey (NHIS) is a major source of general statistics on the health of the U.S. population and has been in the field continuously since 1957. This voluntary and confidential household-based survey collects demographic and health-related information from a nationally-representative sample of households and noninstitutionalized, civilian persons throughout the country. NHIS data have long been used by government, academic, and private researchers to evaluate both general health and specific issues, such as smoking, diabetes, health care coverage, and access to health care. The survey is also a leading source of data for the Congressionally-mandated ''Health US'' and related publications, as well as the single most important source of statistics to track progress toward Departmental health objectives.

The 2018 NHIS questionnaire remains largely unchanged from its 2017 version, with the exception of new supplements that are being added on asthma and cancer control. These supplements replace those from 2017 on receipt of culturally and linguistically appropriate health care services, epilepsy, cognitive disability, complementary health, hepatitis B/C screening, vision, and heart disease and stroke prevention. Continuing from 2017 are questions about access to and utilization of care and barriers to care, chronic pain, diabetes, disability and functioning, family food security, ABCS of heart disease and stroke prevention, immunizations, smokeless tobacco and e-cigarettes, and children's mental health.

In addition, in the last quarter of 2018, a portion of the regular 2018 NHIS sample will be used to carry out a dress rehearsal and systems test of the redesigned NHIS questionnaire that is scheduled for launch in January 2019. The redesigned questionnaire revises the NHIS both in terms of content and

structure in order to (1) improve the measurement of covered health topics, (2) reduce respondent burden by shortening the length of the questionnaire and seamlessly integrating supplements, (3) harmonize overlapping content with other federal health surveys, (4) establish a long-term structure of ongoing and periodic topics, and (5) incorporate advances in survey methodology and measurement.

As in past years, and in accordance with the 1995 initiative to increase the integration of surveys within the DHHS, respondents to the 2018 NHIS will serve as the sampling frame for the Medical Expenditure Panel Survey. In addition, a subsample of NHIS respondents and/or members of commercial survey panels may be identified to participate in short, Web-based methodological and cognitive testing activities to evaluate the redesigned questionnaire and/or inform the development of new rotating and supplemental content using Web and/or mail survey tools.

There is no cost to the respondents other than their time. Clearance is sought for three years, to collect data for 2018–2020.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Adult Household Member	Main Household Composition and Family Core.	39,375	1	23/60	15,094
Sample Adult	Main Adult Core	31,500	1	15/60	7,875
Adult Family Member	Main Child Core	12,250	1	10/60	2,042
Adult Family Member	Main Supplements	45,000	1	20/60	15,000
Adult Household Member	Redesigned Family Core	5,625	1	23/60	2,156
Sample Adult	Redesigned Adult Core	4,500	1	15/60	1,125
Adult Family Member	Redesigned Child Core	1,750	1	10/60	292
Adult Family Member	Methodological Projects	15,000	1	20/60	5,000
Adult Family Member	Reinterview Survey	5,000	1	5/60	417
Total					49,000

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–17582 Filed 8–18–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–E–0264; FDA–2013–E–0263; and FDA–2013–E–0218]

Determination of Regulatory Review Period for Purposes of Patent Extension; RECUVYRA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for RECUVYRA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that animal drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by October 20, 2017. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by February 20, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 20, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 20, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and

identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2013–E–0264; FDA–2013–E–0263; and FDA–2013–E–0218 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; RECUVYRA.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins on the earlier date when either a major environmental effects test was initiated for the drug or when an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360b(j)) became effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA has approved for marketing the animal drug product RECUVYRA (fentanyl). RECUVYRA is indicated for the control of postoperative pain associated with surgical procedures in dogs. Subsequent to this approval, the USPTO received patent term restoration applications for RECUVYRA (U.S. Patent Nos. 6,299,900; 6,818,226; and 6,916,486) from Acrux DDS Pty. Ltd., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated April 26, 2016, FDA advised the USPTO that this animal drug product had undergone a regulatory review period and that the approval of RECUVYRA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for RECUVYRA is 2,092 days. Of this time, 2,037 days occurred during the testing phase of the regulatory review period, while 55 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the FD&C Act (21 U.S.C. 355(i)) became effective:* October 3, 2006. The applicant claims August 31, 2005, as the date the investigational new animal drug application (INAD) became effective. However, FDA records indicate that the INAD effective date was October 3, 2006, which was the date a major health or environmental effects test began.

2. *The date the application was initially submitted with respect to the animal drug product under section 512 of the FD&C Act (21 U.S.C. 360b):* April 30, 2012. The applicant claims April 18, 2012, as the date the new animal drug application (NADA) for RECUVYRA (NADA 141–337) was initially submitted. However, FDA records indicate that NADA 141–337 was submitted on April 30, 2012.

3. *The date the application was approved:* June 23, 2012. FDA has verified the applicant's claim that NADA 141–337 was approved on June 23, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,279 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in 21 CFR 60.30, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely (see **DATES**) and contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: August 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17566 Filed 8–18–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–2363]

Electronic Study Data Submission; Data Standards; Support for Standard for Exchange of Nonclinical Data Implementation Guide Version 3.1

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA or Agency) Center for Drug Evaluation and Research (CDER) is announcing support for the 3.1 version of Clinical Data Interchange Standards Consortium (CDISC) Standard for Exchange of Nonclinical Data (SEND IG 3.1), the end of support for the 3.0 version of SEND IG, and an update to the FDA Data Standards Catalog (Catalog). (See *http://www.fda.gov/forindustry/datastandards/studydatastandards/default.htm*.) SEND IG 3.1 has been available from CDISC (*www.cdisc.org*) since July 2016. FDA is encouraging sponsors and applicants to use SEND IG 3.1 in investigational study data provided in regulatory submissions to CDER.

FOR FURTHER INFORMATION CONTACT: Ron Fitzmartin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1115, Silver Spring, MD 20993–0002, 301–796–5333, email: *CDERDataStandards@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On December 17, 2014, FDA published final guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Standardized Study Data'' (eStudy Data), posted on FDA's Study Data Standards Resources Web page at *https://www.fda.gov/forindustry/datastandards/studydatastandards/default.htm.* The eStudy Data guidance implements the electronic submission requirements of section 745A(a) of the Food, Drug and Cosmetic Act (21 U.S.C. 379k–1(a)) for study data contained in new drug applications (NDAs), abbreviated new drug applications (ANDAs), biologics license applications (BLAs), and investigational new drug applications (INDs) to FDA's Center for Biologics Evaluation and Research or CDER by specifying the format for electronic submissions. The initial timetable for implementing electronic submission requirements for study data was December 17, 2016 (24 months after issuance of final guidance for NDAs, BLAs, ANDAs, and 36 months for INDs). The eStudy Data guidance states that a **Federal Register** notice will specify the transition date for all version updates (with the month and day for the transition date corresponding to March 15).

The transition date for support of version 3.1 of CDISC SEND IG is March 15, 2018. Although SEND IG version 3.1 is supported as of this **Federal Register** notice and sponsors or applicants are encouraged to begin using it, the new version will only be required in submissions for studies that start after March 15, 2019. The Catalog will list March 15, 2019, as the ''date requirement begins.'' When multiple versions of an FDA-supported standard are listed in the Catalog, sponsors or applicants can select a version to use.

The transition date for the end of FDA support for SEND IG 3.0 is March 15, 2018. Therefore, FDA support for SEND IG 3.0 will end for studies that start after March 15, 2019. The Catalog will be updated to list March 15, 2019, as the ''date support ends.''

II. Electronic Access

Persons with access to the Internet may obtain the referenced material at *https://www.fda.gov/ectd.*

Dated: August 15, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17567 Filed 8–18–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–1956]

Identifying Trading Partners Under the Drug Supply Chain Security Act; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Identifying Trading Partners Under the Drug Supply Chain Security Act'' (draft trading partner guidance). FDA is issuing this guidance to assist industry and State and local governments in understanding how to categorize the entities in the drug supply chain in accordance with the Drug Supply Chain Security Act (DSCSA). This guidance explains how to determine when certain statutory requirements will apply to entities that may be considered trading partners in the drug supply chain. FDA is also soliciting public input specific to the activities of ''private-label distributors'' of drug products and whether those activities fall within the definitions under DSCSA of the various trading partners.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by October 20, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–1956 for ''Identifying Trading Partners Under the Drug Supply Chain Security Act; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Melissa Mannion, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3130, *drugtrackandtrace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Identifying Trading Partners Under the Drug Supply Chain Security Act.'' The DSCSA (Title II of Pub. L. 113–54) establishes new requirements to develop and enhance drug distribution security by 2023. It does this, in part, by defining different types of entities in the drug supply chain as *trading partners* (*i.e.,* manufacturers, repackagers, wholesale distributors, third-party logistics providers, and dispensers). Among other things, the DSCSA requires that trading partners of manufacturers, wholesale distributors, dispensers, and repackagers must meet the applicable requirements for being ''authorized trading partners.'' In addition, the DSCSA outlines requirements for specific trading partners, including drug product tracing and licensure requirements. FDA has received questions about which types of entities are included in each of the trading partner definitions and this guidance is intended to help clarify and explain the relevant statutory provisions. The guidance covers who is considered to be a manufacturer, a repackager, a wholesale drug distributor, a third-party logistics provider, and a dispenser for purposes of certain DSCSA requirements.

II. Additional Issues for Consideration: Specific Request for Comments and Information

In addition to comments on the draft guidance generally, FDA is requesting comments specifically related to the activities of private-label distributors (PLDs), and whether those activities fall within the definitions under DSCSA of the various trading partners. FDA considers a PLD to be an entity that owns and distributes a manufactured product under its own label or trade name. Because there are many different business models for PLDs, resulting in situations where a PLD could be considered a manufacturer, wholesale distributor, or dispenser, we are asking for comments on how the different business models might impact a PLD's status as an authorized trading partner under the DSCSA.

This draft guidance is being issued consistent with FDA's good guidance practices (see 21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Identifying Trading Partners under the Drug Supply Chain Security Act.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: August 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17569 Filed 8–18–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0451]

Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 047

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (FDA Recognized Consensus Standards). This publication, entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 047'' (Recognition List Number: 047), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices.

DATES: Submit electronic or written comments concerning this document at any time. These modifications to the list of recognized standards are effective August 21, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2004–N–0451 for ''Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 047.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday. FDA will consider any comments received in determining whether to amend the current listing of modifications to the list of recognized standards, Recognition List Number: 047.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

An electronic copy of Recognition List Number: 047 is available on the Internet at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm.* See Section IV for electronic access to the searchable database for the current list of FDA recognized consensus standards, including Recognition List Number: 047 modifications and other standards related information. Submit written requests for a single hard copy of the document entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 047'' to Scott Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5514, Silver Spring, MD 20993, 301–796–6287. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8144.

FOR FURTHER INFORMATION CONTACT: Scott Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5514, Silver Spring, MD 20993, 301–796–6287, *CDRHStandardsStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 204 of the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Pub. L. 105–115) amended section 514 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360d). Amended section 514 allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device premarket review submissions or other requirements.

In the **Federal Register** notice of February 25, 1998 (63 FR 9561), FDA announced the availability of a guidance entitled ''Recognition and Use of Consensus Standards.'' The notice described how FDA would implement its standard recognition program and provided the initial list of recognized

standards. The guidance was updated in September 2007 and is available at *https://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm077295.pdf.*

Modifications to the initial list of recognized standards published in the **Federal Register** can be accessed at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm.*

These notices describe the addition, withdrawal, and revision of certain standards recognized by FDA. The Agency maintains hypertext markup language (HTML) and portable document format (PDF) versions of the list of FDA Recognized Consensus Standards. Additional information on the Agency's standards program is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/default.htm.*

II. Modifications to the List of Recognized Standards, Recognition List Number: 047

FDA is announcing the addition, withdrawal, correction, and revision of certain consensus standards the Agency is recognizing for use in premarket submissions and other requirements for devices. FDA is incorporating these modifications to the list of FDA Recognized Consensus Standards in the Agency's searchable database. FDA is using the term ''Recognition List Number: 047'' to identify the current modifications.

In table 1, FDA describes the following modifications: (1) The withdrawal of standards and their replacement by others, if applicable; (2) the correction of errors made by FDA in listing previously recognized standards; and (3) the changes to the supplementary information sheets of recognized standards that describe revisions to the applicability of the standards.

In section III, FDA lists modifications the Agency is making that involve the initial addition of standards not previously recognized by FDA.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
A. Anesthesiology			
		No new entries at this time.	
B. Biocompatibility			
2–114	2–246	ASTM F1877—16 Standard Practice for Characterization of Particles.	Withdrawn and replaced with newer version.
2–155		ASTM F2147—01 (Reapproved 2016) Standard Practice for Guinea Pig: Split Adjuvant and Closed Patch Testing for Contact Allergens.	Reaffirmation.
2–177	2–247	ISO 10993–6 Third edition 2016–12–01 Biological evaluation of medical devices—Part 6: Tests for local effects after implantation.	Withdrawn and replaced with newer version.
2–235	2–248	ISO 10993–4 Third edition 2017–04 Biological evaluation of medical devices—Part 4: Selection of tests for interactions with blood.	Withdrawn and replaced with newer version. Extent of recognition.
C. Cardiovascular			
3–121	3–149	ISO 25539–1 Second edition 2017–02 Cardiovascular implants—Endovascular devices—Part 1: Endovascular prostheses.	Withdrawn and replaced with newer version.
3–142		ISO/TS 17137 First edition 2014–05–15 Cardiovascular implants and extracorporeal systems—Cardiovascular absorbable implants.	Extent of recognition.
D. Dental/Ear, Nose, and Throat (ENT)			
4–96	4–230	ANSI/ADA Standard No. 30–2013/ISO 3107 Dental Zinc Oxide/Eugenol & Zinc Oxide/Non-Eugenol Cements.	Withdrawn and replaced with newer version. Extent of recognition.
4–193		ANSI/ADA Standard No. 15–2008 (R2013)/ISO 22112 Artificial Teeth for Dental Prostheses.	Extent of recognition.
4–215		ANSI/ADA Standard No. 96–2012 Dental Water-based Cements.	Extent of recognition.
E. General I (Quality Systems/Risk Management) (QS/RM)			
5–90	5–117	ISO 15223–1 Third edition 2016–11–01 Medical devices—symbols to be used with medical device labels, labelling, and information to be supplied—part 1: General requirements.	Withdrawn and replaced with newer version.
5–91	5–118	ANSI/AAMI/ISO 15223–1: 2016 Medical devices—symbols to be used with medical device labels, labelling, and information to be supplied—part 1: General requirements.	Withdrawn and replaced with newer version.
5–107		IEC 80369–5: Edition 1.0 2016–03 Small-bore connectors for liquids and gases in healthcare applications—Part 5: Connectors for limb cuff inflation applications [Including CORRIGENDUM 1 (2017)].	Technical corrigendum added.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
F. General II (Electrical Safety/Electromagnetic Compatibility) (ES/EMC)			
		No new entries at this time.	
G. General Hospital/General Plastic Surgery (GH/GPS)			
6–70		ASTM E825–98 (Reapproved 2016) Standard Specification for Phase Change-Type Disposable Fever Thermometer for Intermittent Determination of Human Temperature.	Reaffirmation.
6–124		ASTM E1104–98 (Reapproved 2016) Standard Specification for Clinical Thermometer Probe Covers and Sheaths.	Reaffirmation
6–125		ASTM E1965–98 (Reapproved 2016) Standard Specification for Infrared Thermometers for Intermittent Determination of Patient Temperature.	Reaffirmation.
6–297	6–384	ISO 1135–4 Sixth edition 2015–12–01 Transfusion equipment for medical use-Part 4: Transfusion sets for single use, gravity feed.	Withdrawn and replaced with newer version.
6–319	6–385	IEC 60601–2–19 Edition 2.1 2016–04 CONSOLIDATED VERSION Medical electrical equipment—Part 2–19: Particular requirements for the basic safety and essential performance of infant incubators [Including AMENDMENT 1 (2016)].	Withdrawn and replaced with newer version including amendment.
6–320	6–386	IEC 60601–2–20 Edition 2.1 2016–04 CONSOLIDATED VERSION Medical electrical equipment—Part 2–20: Particular requirements for the basic safety and essential performance of infant transport incubators [Including AMENDMENT 1 (2016)].	Withdrawn and replaced with newer version including amendment.
6–324	6–387	IEC 60601–2–50 Edition 2.1 2016–04 CONSOLIDATED VERSION Medical electrical equipment—Part 2–50: Particular requirements for the basic safety and essential performance of infant phototherapy equipment [Including AMENDMENT 1 (2016)].	Withdrawn and replaced with newer version including amendment.
6–325	6–388	IEC 60601–2–21 Edition 2.1 2016–04 CONSOLIDATED VERSION Medical electrical equipment—Part 2–21: Particular requirements for the basic safety and essential performance of infant radiant warmers [Including AMENDMENT 1 (2016)].	Withdrawn and replaced with newer version including amendment.
6–336	6–389	IEC 60601–2–2 Edition 6.0 2017–03 Medical electrical equipment—Part 2–2: Particular requirements for the basic safety and essential performance of high frequency surgical equipment and high frequency surgical accessories.	Withdrawn and replaced with newer version.
6–342	6–390	IEC 80601–2–35 Edition 2.1 2016–04 CONSOLIDATED VERSION Medical electrical equipment—Part 2–35: Particular requirements for the basic safety and essential performance of heating devices using blankets, pads or mattresses and intended for heating in medical use [Including AMENDMENT 1 (2016)].	Withdrawn and replaced with newer version including amendment.
6–367	6–391	USP 40–NF35:2017, Sodium Chloride Irrigation	Withdrawn and replaced with newer version.
6–368	6–392	USP 40–NF35:2017, Sodium Chloride Injection	Withdrawn and replaced with newer version.
6–369	6–393	USP 40–NF35:2017, Nonabsorbable Surgical Suture	Withdrawn and replaced with newer version.
6–370	6–394	USP 40–NF35:2017, <881> Tensile Strength	Withdrawn and replaced with newer version.
6–371	6–395	USP 40–NF35:2017, <861> Sutures—Diameter	Withdrawn and replaced with newer version.
6–372	6–396	USP 40–NF35:2017, <871> Sutures—Needle Attachment	Withdrawn and replaced with newer version.
6–373	6–397	USP 40–NF35:2017, Sterile Water for Irrigation	Withdrawn and replaced with newer version.
6–374	6–398	USP 40–NF35:2017, Heparin Lock Flush Solution	Withdrawn and replaced with newer version.
6–375	6–399	USP 40–NF35:2017, Absorbable Surgical Suture	Withdrawn and replaced with newer version.
H. In Vitro Diagnostics (IVD)			
7–206	7–270	I/LA–20 3rd Edition Analytical Performance Characteristics, Quality Assurance, and Clinical Utility of Immunological Assays for Human Immunoglobulin E Antibodies of Defined Allergen Specificities.	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
7–263	7–271	CLSI M100 27th Edition Performance Standards for Antimicrobial Susceptibility Testing.	Withdrawn and replaced with newer version.
		I. Materials	
8–58	8–447	ISO 5832–3 Fourth edition 2016–10–15 Implants for surgery—Metallic materials—Part 3: Wrought titanium 6-aluminium 4-vanadium alloy.	Withdrawn and replaced with newer version. Extent of recognition.
8–125	8–448	ASTM F2004–16 Standard Test Method for Transformation Temperature of Nickel-Titanium Alloys by Thermal Analysis.	Withdrawn and replaced with newer version.
8–165	8–449	ASTM F1058–16 Standard Specification for Wrought 40Cobalt-20 Chromium-16Iron-15Nickel-7Molybdenum Alloy Wire, Strip, and Strip Bar for Surgical Implant Applications (UNS R30003 and UNS R30008).	Withdrawn and replaced with newer version.
8–185	8–450	ASTM F451–16 Standard Specification for Acrylic Bone Cement.	Withdrawn and replaced with newer version.
8–187		ISO 13779–1:2008 Second edition 2008–10–01 Implants for surgery—Hydroxyapatite—Part 1: Ceramic hydroxyapatite.	Withdrawn.
8–195		ASTM F2024–10 (Reapproved 2016) Standard Practice for X-ray Diffraction Determination of Phase Content of Plasma-Sprayed Hydroxyapatite Coatings.	Reaffirmation.
8–201	8–451	ASTM F2214–16 Standard Test Method for *In Situ* Determination of Network Parameters of Crosslinked Ultra High Molecular Weight Polyethylene (UHMWPE).	Withdrawn and replaced with newer version.
8–202		ASTM F2183–02 (Reapproved 2008) Standard Test Method for Small Punch Testing of Ultra-High Molecular Weight Polyethylene Used in Surgical Implants (Withdrawn 2017).	Withdrawn.
8–205	8–452	ASTM F1635–16 Standard Test Method for *in vitro* Degradation Testing of Hydrolytically Degradable Polymer Resins and Fabricated Forms for Surgical Implants.	Withdrawn and replaced with newer version.
8–216	8–453	ASTM F1295–16 Standard Specification for Wrought Titanium-6 Aluminum-7Niobium Alloy for Surgical Implant Applications (UNS R56700).	Withdrawn and replaced with newer version.
8–226		ASTM F603–12 (Reapproved 2016) Standard Specification for High-Purity Dense Aluminum Oxide for Medical Application.	Reaffirmation.
8–333		ASTM F2393–12 (Reapproved 2016) Standard Specification for High-Purity Dense Magnesia Partially Stabilized Zirconia (Mg-PSZ) for Surgical Implant Applications.	Reaffirmation.
8–396	8–454	ASTM F2129–17 Standard Test Method for Conducting Cyclic Potentiodynamic Polarization Measurements to Determine the Corrosion Susceptibility of Small Implant Devices.	Withdrawn and replaced with newer version.
8–428		ASTM F1581–08 (Reapproved 2016) Standard Specification for Composition of Anorganic Bone for Surgical Implants.	Reaffirmation.
8–410	8–455	ASTM F2902–16 Standard Guide for Assessment of Absorbable Polymeric Implants.	Withdrawn and replaced with newer version.
		J. Nanotechnology	
		No new entries at this time.	
		K. Neurology	
		No new entries at this time.	
		L. Obstetrics-Gynecology/Gastroenterology/Urology (OB-Gyn/G/Urology)	
		No new entries at this time.	
		M. Ophthalmic	
10–69	10–103	ANSI Z80.18–2016 American National Standard for Ophthalmics—Contact Lens Care Products—Vocabulary, Performance Specifications, and Test Methodology.	Withdrawn and replaced with newer version.
10–92	10–104	ANSI Z80.20–2016 American National Standard for Ophthalmics—Contact Lenses—Standard Terminology, Tolerances, Measurements and Physicochemical Properties.	Withdrawn and replaced with newer version.
		N. Orthopedic	
11–175		ASTM F1582–98 (Reapproved 2016) Standard Terminology Relating to Spinal Implants.	Reaffirmation.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
11–242	.....	ASTM F1839–08 (Reapproved 2016) Standard Specification for Rigid Polyurethane Foam for Use as a Standard Material for Testing Orthopaedic Devices and Instruments.	Reaffirmation.
11–269	.....	ASTM F2423–11 (Reapproved 2016) Standard Guide for Functional, Kinematic, and Wear Assessment of Total Disc Prostheses.	Reaffirmation.
11–280	.....	ASTM F2624–12 (Reapproved 2016) Standard Test Method for Static, Dynamic, and Wear Assessment of Extra-Discal Single Level Spinal Constructs.	Reaffirmation.
11–309	.....	ASTM F116–12 (Reapproved 2016) Standard Specification for Medical Screwdriver Bits.	Reaffirmation.
		O. Physical Medicine	
		No new entries at this time.	
		P. Radiology	
12–234	12–306	NEMA MS 12–2016 Quantification and Mapping of Geometric Distortion for Special Applications.	Withdrawn and replaced with newer version.
		Q. Software/Informatics	
13–66	13–88	ISO/IEEE 11073–10417 Third edition 2017–04 Health informatics—Personal health device communication—Part 10417: Device specialization—Glucose meter.	Withdrawn and replaced with newer version.
13–67	.....	ISO/IEEE 11073–10418 First edition 2014–03–01 Health informatics—Personal health device communication—Part 10418: Device specialization: International Normalized Ratio (INR) monitor [including TECHNICAL CORRIGENDUM 1 (2016)].	Technical Corrigendum added.
		R. Sterility	
14–288	14–501	ASTM F1886/F1886M–16 Standard Test Method for Determining Integrity of Seals for Flexible Packaging by Visual Inspection.	Withdrawn and replaced with newer version.
14–338	14–502	ISO 11138–1 Third edition 2017–03 Sterilization of health care products—Biological indicators—Part 1: General requirements.	Withdrawn and replaced with newer version.
14–358	.....	ANSI/AAMI/ISO 14160:2011/(R)2016 Sterilization of health care products—Liquid chemical sterilizing agents for single-use medical devices utilizing animal tissues and their derivatives—Requirements for characterization, development, validation and routine control of a sterilization process for medical devices.	Reaffirmation. Extent of recognition.
14–361	.....	ISO 14160 Second edition 2011–07–01 Sterilization of health care products—Liquid chemical sterilizing agents for single-use medical devices utilizing animal tissues and their derivatives—Requirements for characterization, development, validation and routine control of a sterilization process for medical devices.	Extent of recognition.
14–485	14–503	USP 40–NF35:2017, <61> Microbiological Examination of Nonsterile Products: Microbial Enumeration Tests.	Withdrawn and replaced with newer version.
14–486	14–504	USP 40–NF35:2017, <71> Sterility Tests	Withdrawn and replaced with newer version.
14–487	14–505	USP 40–NF35:2017, <85> Bacterial Endotoxins Test	Withdrawn and replaced with newer version.
14–488	14–506	USP 40–NF35:2017, <161> Medical Devices-Bacterial Endotoxin and Pyrogen Tests.	Withdrawn and replaced with newer version.
14–493	14–507	USP 40–NF35:2017, <62> Microbiological Examination of Nonsterile Products: Tests for Specified Microorganisms.	Withdrawn and replaced with newer version.
14–494	14–508	USP 40–NF35:2017, <55> Biological Indicators—Resistance Performance Tests.	Withdrawn and replaced with newer version.
14–495	14–509	USP 40–NF35:2017, <1229.5> Biological Indicators for Sterilization.	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
S. Tissue Engineering			
15–20	15–49	ASTM F2027–16 Standard Guide for Characterization and Testing of Raw or Starting Materials for Tissue-Engineered Medical Products.	Withdrawn and replaced with newer version.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

III. Listing of New Entries

In table 2, FDA provides the listing of new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 047.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS

Recognition No.	Title of standard [1]	Reference No. and date
A. Anesthesiology		
1–121	Anaesthetic and respiratory equipment—Low-pressure hose assemblies for use with medical gases.	ISO 5359 Fourth edition 2014–10–01.
1–122	Anaesthetic and respiratory equipment—Oropharyngeal airways	ISO 5364 Fifth edition 2016–09–01.
1–123	Anaesthetic and respiratory equipment—Laryngoscopes for tracheal intubation	ISO 7376 Second edition 2009–08–15.
1–124	Inhalational anaesthesia systems—Part 7: Anaesthetic systems for use in areas with limited logistical supplies of electricity and anaesthetic gases.	ISO 8835–7 First edition 2011–11–01.
1–125	Suction catheters for use in the respiratory tract	ISO 8836 Fourth edition 2014–10–15.
1–126	Anaesthetic and respiratory equipment—Supralaryngeal airways and connectors.	ISO 11712 First edition 2009–05–15.
1–127	Tracheobronchial tubes—Sizing and marking	ISO 16628 First edition 2008–11–15.
1–128	Anaesthetic and respiratory equipment—Dimensions of noninterchangeable screw-threaded (NIST) low-pressure connectors for medical gases.	ISO 18082 First edition 2014–06–15.
B. Biocompatibility		
	No new entries at this time.	
C. Cardiovascular		
	No new entries at this time.	
D. Dental/Ear, Nose, and Throat (ENT)		
4–231	Dentistry—Testing of adhesion to tooth structure	ISO/TS 11405 Third edition 2015–02–01.
4–232	Dentistry—Base polymers—Part 1: Denture base polymers	ISO 20795–1 Second edition 2013–03–01.
4–233	Dentistry—Base polymers—Part 2: Orthodontic base polymers	ISO 20795–2 Second edition 2013–03–01.
4–234	Dental Base Polymers	ANSI/ADA Standard No.139–2012.
4–235	Orthodontic Brackets and Tubes	ANSI/ADA Standard No.100–2012/ISO 27020.
4–236	Manual Toothbrushes	ANSI/ADA Standard No.119–2015.
4–237	Powered Toothbrushes	ANSI/ADA Standard No.120–2009 (R2014)/ISO 20127.
4–238	Dentistry—Powered toothbrushes—General requirements and test methods	ISO 20127 First edition 2005–03–15.
4–239	Cochlear Implant Systems: Requirements for Safety, Functional Verification, Labeling and Reliability Reporting.	ANSI/AAMI CI 86:2017.
E. General I (Quality Systems/Risk Management) (QS/RM)		
5–119	Small-bore connectors for liquids and gases in healthcare applications—Part 5: Connectors for limb cuff inflation applications.	ANSI/AAMI/ISO 80369–5: 2016.
F. General II (Electrical Safety/Electromagnetic Compatibility) (ES/EMC)		
19–22	Technical Information Report Risk management of radio-frequency wireless coexistence for medical devices and systems.	AAMI TIR69: 2017.
19–23	Primary batteries—Part 4: Safety of lithium batteries	IEC 60086–4 Edition 4.0 2014–09.
19–24	Primary batteries—Part 5: Safety of batteries with aqueous electrolyte	IEC 60086–5 Edition 4.0 2016–07.
19–25	Safety requirements for secondary batteries and battery installations—Part 1: General safety information.	IEC 62485–1 Edition 1.0 2015–04.
19–26	Safety requirements for secondary batteries and battery installations—Part 2: Stationary batteries.	IEC 62485–2 Edition 1.0 2010–06.
19–27	Safety requirements for secondary batteries and battery installations—Part 3: Traction batteries.	IEC 62485–3 Edition 2.0 2014–07.
19–28	Safety requirements for secondary batteries and battery installations—Part 4: Valve-regulated lead-acid batteries for use in portable appliances.	IEC 62485–4 Edition 1.0 2015–01.
19–29	American National Standard for Evaluation of Wireless Coexistence	IEEE/ANSI C63.27–2017.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS—Continued

Recognition No.	Title of standard [1]	Reference No. and date
G. General Hospital/General Plastic Surgery (GH/GPS)		
6–400	Standard Test Method for Coring Testing of Huber Needles	ASTM F3212–16.
H. In Vitro Diagnostics (IVD)		
7–272	Mass Spectrometry for Androgen and Estrogen Measurements in Serum	CLSI C57 First edition.
7–273	Methods for the Identification of Cultured Microorganisms Using Matrix-Assisted Laser Desorption/Ionization Time-of-Flight Mass Spectrometry.	CLSI M58.
I. Materials		
8–456	Implants for surgery—Plasma-sprayed unalloyed titanium coatings on metallic surgical implants—Part 1: General requirements.	ISO 13179–1 First edition 2014–06–01.
8–457	Implants for surgery—Calcium phosphates—Part 3: Hydroxyapatite and beta-tricalcium phosphate bone substitutes.	ISO 13175–3 First edition 2012–10–01.
8–458	Standard Reference Test Method for Making Potentiodynamic Anodic Polarization Measurements.	ASTM G5–14.
8–459	Pyrometry	SAE/AMS2750 Rev. E 2012–07.
J. Nanotechnology		
18–5	Standard Guide for Size Measurement of Nanoparticles Using Atomic Force Microscopy.	ASTM E2859–11.
18–6	Standard Guide for Measurement of Electrophoretic Mobility and Zeta Potential of Nanosized Biological Materials.	ASTM E2865–12.
18–7	Standard Guide for Measurement of Particle Size Distribution of Nanomaterials in Suspension by Nanoparticle Tracking Analysis (NTA).	ASTM E2834–12.
18–8	Standard Practice for Calculation of Mean Sizes/Diameters and Standard Deviations of Particle Size Distributions.	ASTM E2578–07 (Reapproved 2012).
K. Neurology		
	No new entries at this time.	
L. Obstetrics-Gynecology/Gastroenterology/Urology (OB-Gyn/G/Urology)		
	No new entries at this time.	
M. Ophthalmic		
	No new entries at this time.	
N. Orthopedic		
11–321	Standard Specification for Total Elbow Prostheses	ASTM F2887–17.
O. Physical Medicine		
16–200	Wheelchairs—Part 19: Wheeled mobility devices for use as seats in motor vehicles.	ISO 7176–19 Second edition 2008–07–15.
P. Radiology		
	No new entries at this time.	
Q. Software/Informatics		
13–89	Health informatics—Personal health device communication—Part 10406: Device specialization—Basic electrocardiograph (ECG) (1- to 3-lead ECG).	ISO/IEEE 11073–10406 First edition 2012–12–01.
13–90	Health Informatics—Personal Health Device Communication, Part 10417: Device Specialization—Glucose Meter.	IEEE Std 11073–10417–2015.
13–91	Health informatics—Personal health device communication—Part 10419: Device specialization—Insulin pump.	ISO/IEEE 11073–10419 First edition 2016–06–15.
13–92	Health informatics—Personal health device communication—Part 10421: Device specialization—Peak expiratory flow monitor (peak flow).	ISO/IEEE 11073–10421 First edition 2012–11–01.
13–93	Health informatics—Personal health device communication, Part 10422: Device Specialization—Urine Analyzer.	IEEE Std 11073–10422–2016.
13–94	Health informatics—Personal health device communication—Part 10424: Device specialization—Sleep Apnoea Breathing Therapy Equipment (SABTE).	ISO/IEEE 11073–10424 First edition 2016–06–15.
13–95	Health informatics—Personal health device communication—Part 10425: Device specialization—Continuous glucose monitor (CGM).	ISO/IEEE 11073–10425 First edition 2016–06–15.
13–96	Standard for Software Cybersecurity Network-Connectable Products, Part 1: General Requirements.	UL 2900–1 Ed.1 2017.
13–97	Health software—Part 1: General requirements for product safety	IEC 82304–1 Edition 1.0 2016–10.
R. Sterility		
	No new entries at this time.	

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS—Continued

Recognition No.	Title of standard [1]	Reference No. and date
S. Tissue Engineering		
15–50	Standard Guide for Quantifying Cell Viability within Biomaterial Scaffolds	ASTM F2739–16.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

IV. List of Recognized Standards

FDA maintains the current list of FDA Recognized Consensus Standards in a searchable database that may be accessed at *https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm.* FDA will be incorporating the modifications and revisions described in this notice into the database and, upon publication in the **Federal Register**, this recognition of consensus standards will be effective. FDA will be announcing additional modifications and revisions to the list of recognized consensus standards in the **Federal Register**, as needed, once a year, or more often if necessary.

V. Recommendation of Standards for Recognition by FDA

Any person may recommend consensus standards as candidates for recognition under section 514 of the FD&C Act by submitting such recommendations, with reasons for the recommendation, to *CDRHStandardsStaff@fda.hhs.gov.* To be considered, such recommendations should contain, at a minimum, the following information: (1) Title of the standard, (2) any reference number and date, (3) name and electronic or mailing address of the requestor, (4) a proposed list of devices for which a declaration of conformity to this standard should routinely apply, and (5) a brief identification of the testing or performance or other characteristics of the device(s) that would be addressed by a declaration of conformity.

Dated: August 16, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17603 Filed 8–18–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–2936]

Content of Risk Information in the Major Statement in Prescription Drug Direct-to-Consumer Broadcast Advertisements; Establishment of a Public Docket; Request for Information and Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for information and comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is establishing a public docket to assist with its development of recommendations regarding the communication of risk information in direct-to-consumer (DTC) broadcast advertisements for prescription drugs and biologics.

DATES: Although you can comment at any time, to ensure that the Agency considers your comment in our development of recommendations, submit either electronic or written information and comments by November 20, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–2936 for ''Content of Risk Information in the Major Statement in Prescription Drug Direct-to-Consumer Broadcast Advertisements.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly

available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: *Regarding human prescription drugs:* Julie Chronis, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3203, Silver Spring, MD 20993–0002, 301–796–1200.

Regarding human prescription biological products: Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

The prescription drug advertising regulations require that broadcast advertisements containing product claims include information relating to the advertised drug's major side effects and contraindications in either the audio or audio and visual parts of the advertisement (21 CFR 202.1(e)(1)); this is often called the *major statement.* The regulations also require that broadcast advertisements contain a brief summary of all necessary information related to side effects and contraindications or that ''adequate provision'' be made for dissemination of the approved package labeling in connection with the broadcast presentation (21 CFR 202.1(e)(1)). This requirement to make ''adequate provision'' is generally fulfilled when a firm gives consumers the option of obtaining the FDA-required labeling or other information via a toll-free telephone number, through print advertisements or product brochures, through information disseminated at health care provider offices or pharmacies, and through the internet. See the guidance for industry entitled ''Consumer-Directed Broadcast Advertisements,'' available at *http://www.fda.gov/ForIndustry/FDABasicsforIndustry/ucm234622.htm.*

From a public health standpoint, FDA is interested in helping to ensure that when firms choose to advertise directly to consumers and patients, such advertisements provide clear and useful information to that audience. There is concern that the major statement, as currently implemented in DTC broadcast advertisements for prescription drugs, is not fulfilling this purpose. Some believe it is often too long, which may result in reduced consumer comprehension, minimization of important risk information, and, potentially, therapeutic noncompliance caused by fear of side effects (Ref. 1). At the same time, there is concern that DTC broadcast advertisements do not include adequate risk information or that they leave out important information (Refs. 2 and 3).

The Office of Prescription Drug Promotion (OPDP) within FDA's Center for Drug Evaluation and Research (CDER) is investigating through empirical research the effectiveness of a *limited risks plus disclosure* strategy to inform the Agency's decision making in this area. (For more information about OPDP's proposed study, see 79 FR 9217, February 18, 2014.) Through the research and through this request for information and comments, OPDP is exploring the usefulness of limiting the risks in the major statement for most DTC broadcast advertisements for prescription drugs to those that are severe (life-threatening), serious, or actionable, coupled with a disclosure to alert consumers that there are other product risks not included in the advertisement. (For example, a disclosure could be, ''This is not a full list of risks and side effects. Talk to your health care provider and read the patient labeling for more information.'') For the purposes of this request for information and comments, please consider the following definitions:

- *Severe risk*—a serious risk that is life-threatening (see *serious risk*).
- *Serious risk*—the risk of reactions from using the drug that may result in inpatient hospitalization or prolonged existing hospitalization, a persistent or significant disability or incapacity, or a congenital anomaly or birth defect. Reactions that do not require hospitalization, cause a disability, or cause a birth defect may still be considered serious risks when, based on appropriate medical judgment, they may jeopardize the patient and may require medical or surgical intervention to prevent one of the outcomes previously listed.
- *Actionable risk*—a risk the patient would know (*e.g.,* pre-existing condition or allergy) or recognize (*e.g.,* observable physical or mental symptom) and can act upon to help mitigate the risk (*e.g.,* get immediate medical help to prevent a bad outcome); for example, ''Stop using the product and get immediate medical help if you have swelling of the face, lips, tongue, or throat.''

However, we note that while some drug products may not have severe, serious, or actionable risks as described in this document, all DTC prescription drug broadcast advertisements are required to present a fair balance of risk information when presenting information relating to the effectiveness of the drug (21 CFR 202.1(e)(5)). Therefore, to avoid a misleading presentation regarding a drug's risk-benefit profile, prescription drug advertisements that provide information about a drug's effectiveness would be expected to contain some risk information, even if the risks are not severe, serious, or actionable.

II. Request for Information and Comments

Interested persons are invited to provide detailed information and comments on the content of risk information in DTC broadcast advertisements for prescription drugs. FDA is particularly interested in responses to the following questions:

1. What data are available regarding the impact of the current approaches to communication of risk information in DTC prescription drug broadcast advertisements on consumer comprehension of the information in the advertisement, including the impact on comprehension of product benefits and risk information?

2. What are the potential effects of only including risks from the FDA-approved product labeling that are *severe, serious,* or *actionable* (as previously defined) in the major statements of DTC prescription drug broadcast advertisements? Are there other ways of characterizing which risks should be included in the major statement? Please explain.

3. When a DTC prescription drug broadcast advertisement presents information relating to the effectiveness of a prescription drug that does not have severe, serious, or actionable risks, what types of risk could be included in the major statement?

4. What criteria should be used to distinguish risk information that is most

material to patient or consumer audiences versus risk information that is material primarily to the prescriber or other health care providers? What data are available to answer this question?

5. What criteria should be used to determine which risk information that is material to patient or consumer audiences to include in the major statement for DTC prescription drug broadcast advertisements to best protect the public health? What data are available to answer this question?

6. What is the potential impact of including (or conversely, of not including), in the major statement for DTC prescription drug broadcast advertisements, additional language that states that there are other risks not included in the advertisement while simultaneously encouraging dialogue between patients and their health care providers? (For example, additional language could include, ''This is not a full list of risks and side effects. Talk to your health care provider and read the patient labeling for more information.'') What data are available to answer this question?

7. What data are available on consumers' comprehension of the difference between levels (*i.e.,* severity) of risk? Would it be in the interest of public health to include a signal before the risk information that frames and categorizes the overall level of risk associated with the product? One approach may be to include an opening statement tailored to the risk profile of the drug. For example, drugs could be divided into three defined categories and include the corresponding opening statements:

a. For drugs with *severe,* life-threatening risks: ''[Drug] can cause severe, life-threatening reactions. These include . . . .''

b. For drugs with *serious* but not life-threatening risks: ''[Drug] can cause serious reactions. These include . . . .''

c. For drugs with no severe or serious risks: ''[Drug] can cause reactions. These include . . . .''

8. Should potential food and drug interactions be disclosed in DTC prescription drug broadcast advertisements, and if so, what criteria should be used to identify these interactions?

FDA will consider all information and comments submitted.

III. References

The following references are on display in the Dockets Management Staff office (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov*.

1. Delbaere, M. and M.C. Smith, ''Health Care Knowledge and Consumer Learning: The Case of Direct-to-Consumer Drug Advertising,'' *Health Marketing Quarterly,* vol. 23, issue 3, pp. 9–29, 2006.

2. Friedman, M. and J. Gould, ''Consumer Attitudes and Behaviors Associated With Direct-to-Consumer Prescription Drug Marketing,'' *Journal of Consumer Marketing,* vol. 24, issue 2, pp. 100–109, 2007.

3. Frosch, D.L., P.M. Krueger, R.C. Hornik, P.F. Cronholm, and F.K. Barg, ''Creating Demand for Prescription Drugs: A Content Analysis of Television Direct-to-Consumer Advertising,'' *The Annals of Family Medicine,* vol. 5, issue 1, pp. 6–13, 2007.

Dated: August 15, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17563 Filed 8–18–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Charter Renewal of the National Vaccine Advisory Committee

AGENCY: National Vaccine Program Office, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services is hereby giving notice that the charter for the National Vaccine Advisory Committee (NVAC) has been renewed.

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, U.S. Department of Health and Human Services, Room 715H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Phone: (202) 690–5566; email: *nvac@hhs.gov.*

SUPPLEMENTARY INFORMATION: NVAC is a non-discretionary Federal advisory committee. The establishment of NVAC was mandated under Section 2105 (42 U.S.C. Section 300aa–5) of the Public Health Service Act, as amended (PHS Act). The Committee is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App.). NVAC advises and makes recommendations to the Director, National Vaccine Program (NVP), on matters related to the Program's responsibilities. The Assistant Secretary for Health is appointed to serve as the Director, NVP.

To carry out its mission, NVAC (1) studies and recommends ways to encourage the availability of an adequate supply of safe and effective vaccination products in the United States; (2) recommends research priorities and other measures the Director of the NVP should take to enhance the safety and efficacy of vaccines; (3) advises the Director of the NVP in the implementation of Sections 2102 and 2103 of the PHS Act; and (4) identifies annually for the Director of the NVP the most important areas of governmental and non-governmental cooperation that should be considered in implementing Sections 2101 and 2103 of the PHS Act.

On July 21, 2017, the Acting Assistant Secretary for Health approved renewal of the NVAC charter with minor amendments. The new charter was effected and filed with the appropriate Congressional committees and Library of Congress on July 30, 2017. Renewal of the NVAC charter gives authorization for the Committee to continue to operate until July 30, 2019.

A copy of the NVAC charter is available on the Web site for the National Vaccine Program Office at *http://www.hhs.gov/nvpo/nvac.* A copy of the charter also can be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The Web site address for the FACA database is *http://www.facadatabase.gov/.*

Dated: August 14, 2017.

Melinda Wharton,

Acting Director, National Vaccine Program Office.

[FR Doc. 2017–17527 Filed 8–18–17; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Division of Behavioral Health; Office of Clinical and Preventive Services; Zero Suicide Initiative—Support

Announcement Type: New.

Funding Announcement Number: HHS–2018–IHS–ZSI–0001.

Catalog of Federal Domestic Assistance Number: 93.933.

Key Dates

Application Deadline Date: October 12, 2017.

Review Date: October 16–20, 2017.

Earliest Anticipated Start Date: November 1, 2017.

Signed Tribal Resolution Due Date: October 12, 2017.

Proof of Non-Profit Status Due Date: October 12, 2017.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS), Office of Clinical and Preventive Service, Division of Behavioral Health (DBH), is accepting applications for cooperative agreements for Zero Suicide Initiative (ZSI)—to develop a comprehensive model of culturally informed suicide care within a system of care framework. This program was first established by the Consolidated Appropriations Act of 2017, Public Law 115–31, 131 Stat. 135 (2017). This program is authorized under the Snyder Act, 25 U.S.C. 13 and the Indian Health Care Improvement Act, Subchapter V–A (Behavioral Health Programs), 25 U.S.C. 1665 *et seq.*

Background

For at least the past fifteen years deaths by suicide have been steadily increasing. On April 22, 2016, the Centers for Disease Control and Prevention's National Center for Health Statistics released a data report, *Increase in Suicide in the United States, 1999–2014,* which underscores this fact.

- From 1999 through 2014, the age-adjusted suicide rate in the United States increased 24%, from 10.5 to 13.0 per 100,000 population, with the pace of increase greater after 2006.
- Suicide rates increased from 1999 through 2014 for both males and females and for all ages 10–74.
- The percent increase in suicide rates for females was greatest for those aged 10–14, and for males, those aged 45–64.
- The most frequent suicide method in 2014 for males involved the use of firearms (55.4%), while poisoning was the most frequent method for females (34.1%).

There is a sizable disparity when comparing the rate for the general U.S. population to the rate for American Indians and Alaska Natives (AI/AN). During 2007–2009, the suicide rate for AI/ANs was 1.6 times greater than the U.S. all-races rate for 2008 (18.5 vs. 11.6 per 100,000 population).[1]

The 'Zero Suicide' initiative is a key concept of the National Strategy for Suicide Prevention (NSSP) and is a priority of the National Action Alliance for Suicide Prevention (*Action Alliance*). The 'Zero Suicide' model focuses on developing a system-wide approach to improving care for individuals at risk of suicide who are currently utilizing health and behavioral health systems. This award will support implementation of the 'Zero Suicide' model within federal, Tribal, and urban Indian health care facilities and systems that provide direct care services to AI/AN in order to raise awareness of suicide, establish integrated system of care, and improve outcomes for such individuals.

Applicants are encouraged to visit: *https://www.surgeongeneral.gov/library/reports/national-strategy-suicide-prevention/full_report-rev.pdf* to access a copy of the 2012 National Strategy.

Purpose

The purpose of this cooperative agreement is to improve the system of care for those at risk for suicide by implementing a comprehensive, culturally informed, multi-setting approach to suicide prevention in Indian health systems. This award represents a continuation of IHS's efforts to implement the Zero Suicide approach in Indian Country. Existing efforts have focused on training, technical assistance, and consultation for several 'pilot' AI/AN Zero Suicide communities. As a result of these efforts, both the unique opportunities and challenges of implementing Zero Suicide in Indian Country have been identified. To best capitalize on opportunities and surmount such challenges, this award focuses on the core Seven Elements of the Zero Suicide model as developed by the Suicide Prevention Resource Center (SPRC):

- Lead—Create a leadership-driven, safety-oriented culture committed to dramatically reducing suicide among people under care. Include survivors of suicide attempts and suicide loss in leadership and planning roles;
- Train—Develop a competent, confident, and caring workforce;
- Identify—Systematically identify and assess suicide risk among people receiving care;
- Engage—Ensure every individual has a pathway to care that is both timely and adequate to meet his or her needs. Include collaborative safety planning and restriction of lethal means;
- Treat—Use effective, evidence-based treatments that directly target suicidal thoughts and behaviors;
- Transition—Provide continuous contact and support, especially after acute care; and
- Improve—Apply a data-driven, quality improvement approach to inform system changes that will lead to improved patient outcomes and better care for those at risk.

More specifically, each applicant will be required to address the following goals in their project narrative.

- Establishment of a leadership-driven commitment to transform the way suicide care is delivered within AI/AN health systems. Associated activities should describe the organizational steps to broaden the responsibility for suicide care to the entire system and emphasize the specific role of leadership to ensure that it is achieved.
- Assessment of training needs and creation of a training plan to develop and advance the skills of health care staff and providers at all levels. The aim of such trainings must target increased competence and confidence in the delivery of culturally informed, evidence-based suicide care.
- Implementation of policies and procedures for comprehensive clinical standards, including universal screening, assessment, treatment, discharge planning, follow-up, and means restriction for all patients under care and at risk for suicide (see *https://www.jointcommission.org/sea_issue_56/*).
- Development of strategy to collect, analyze, use, and disseminate data to enhance and better inform suicide care across the health system.
- Application of evidence-based practices to screen, assess, and treat individuals at risk for suicide that incorporates culturally informed practices and activities.
- Development of a Suicide Care Management Plan for every individual identified as at risk of suicide to include continuous monitoring of the individual's progress through their electronic health record (EHR) or other data management system, and adjust treatment as necessary. The Suicide Care Management Plan must include the following:
  - Protocols for safety planning and reducing access to lethal means;
  - Rapid follow-up of adults who have attempted suicide or experienced a suicidal crisis after being discharged from a treatment facility *e.g.,* local emergency departments, inpatient psychiatric facilities, including direct linkage with appropriate health care agencies to ensure coordinated care services are in place;
  - Protocols to ensure client safety, especially among high-risk adults in health care systems who have attempted suicide, experienced a suicidal crisis, and/or have a serious mental illness. This must include outreach telephone contact within 24 to 48 hours after discharge and securing an appointment within 1 week of discharge.

Applicants are encouraged to visit *http://zerosuicide.sprc.org* to review the Zero Suicide strategies and tools required for this grant program.

[1] Trends in Indian Health U.S. Dept. of Health and Human Services, Public Health Service, Indian Health Service, Office of Planning, Evaluation and Legislation, Division of Program Statistics

Because relatively few resources currently exists that promote the use of culturally informed practices and activities for use with Evidence Based Practices (EBPs) in the treatment of suicide risk, applicants are also encouraged to explore, develop, and catalogue culturally informed practices and activities, and, utilize such activities and practices in conjunction with EBPs where appropriate. Applicants are expected to include how they plan to incorporate the use of culturally informed practices and activities in the Project Narrative.

In addition to the Web site noted above, applicants may provide information on research studies to show that the services/practices applicants plan to implement are evidence-based. This information is usually published in research journals, including those that focus on minority populations. If this type of information is not available, applicants may provide information from other sources, such as unpublished studies or documents describing formal consensus among recognized experts.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2018 is approximately $2,000,000. Individual award amounts are anticipated to be approximately $400,000. The amount of funding available for non-competing and continuation awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately five (5) awards will be issued under this program announcement.

Project Period

The project period is for three years and will run consecutively from November 1, 2017, to October 31, 2020.

Cooperative Agreement

Cooperative agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. However, the funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated.

Substantial Involvement Description for Cooperative Agreement

IHS is interested in assessing the extent to which strategies employed by grantees are consistent with the Zero Suicide model, assessing the feasibility of implementing the Zero Suicide model in health care settings, and determining the outcomes associated with implementation. Enhanced evaluation questions may also be required of grantees to address these key evaluation goals.

The following is a partial list of the level of involvement by IHS and other expectations of the grantee/awardee:

A. IHS Programmatic Involvement

(1) Approve proposed key positions/personnel.

(2) Facilitate linkages to other IHS/federal government resources and help grantees access appropriate technical assistance.

(3) Assure that the grantee's projects are responsive to IHS's mission, specifically the implementation of Zero Suicide Initiative.

(4) Coordinate cross-site evaluation participation in grantee and staff required monitoring conference calls.

(5) Promote collaboration with other IHS and federal health and behavioral health initiatives, including the Substance Abuse Mental Health Services Administration (SAMHSA), the National Action Alliance for Suicide Prevention (NAASP), the National Suicide Prevention Lifeline (NSPLL), and the Suicide Prevention Resource Center (SPRC).

(6) Provide technical assistance on sustainability issues.

B. Grantee/Awardee Cooperative Agreement Award Activities

(1) Seek IHS's approval for key positions to be filled. Key positions include, but are not limited to, the Project Director and Evaluator.

(2) Consult and accept guidance from IHS staff on performance of programmatic and data collection activities to achieve the goals of the cooperative agreement.

(3) Maintain ongoing communication with IHS including a minimum of one call per month, keeping federal program staff informed of emerging issues, developments, and problems as appropriate.

(4) Invite the IHS Program Official to take part in policy, steering, advisory, or other task forces.

(5) Maintain ongoing collaboration with the IHS National Evaluation contractor, the Suicide Prevention Resource Center, and the National Suicide Prevention Lifeline.

(6) Provide required documentation for monthly and annual reporting, and data surveillance around suicidal behavior in selected health and behavioral health care systems.

The following are examples of types of direct services that could be provided using the award (be sure to describe your use of grant funds for these activities in Project Narrative):

- Hire new staff or pay for salary;
- Universal Screening of all individuals receiving care to identify risk of suicidal thoughts and behaviors;
- Conducting comprehensive risk assessment of individuals identified at risk for suicide, and ensure reassessment as appropriate;
- Implementation of effective, evidence-based treatments that specifically treat suicidal ideation and behaviors;
- Training of clinical staff to provide direct treatment in suicide prevention and evaluate individual outcomes throughout the treatment process;
- Training of the health care workforce in suicide prevention evidence-based, best-practice services relevant to their position, including the identification, assessment, management and treatment, and evaluation of individuals throughout the overall process;
- Ensuring that the most appropriate, least restrictive treatment and support is provided, including brief intervention and follow-up from crisis, respite and residential care, and partial or full hospitalization; and
- Developing protocols for every individual identified as at risk of suicide to continuously monitor the individual's progress through their electronic health record (EHR) or other data management system to include the following:
  - Protocols for safety planning and reducing access to lethal means;
  - Rapid follow-up of adults who have attempted suicide or experienced a suicidal crisis after being discharged from a treatment facility *e.g.,* local emergency departments, inpatient psychiatric facilities, including direct linkage with appropriate health care agencies to ensure coordinated care services are in place; and
  - Protocols to ensure client safety, especially among high-risk adults in health care systems who have attempted suicide, experienced a suicidal crisis, and/or have a serious mental illness. This must include outreach telephone

contact within 24 to 48 hours after discharge and securing an appointment within 1 week of discharge.

The following are examples of types of program operations and development that could be provided using the award (be sure to describe your use of grant funds for these activities in Project Narrative):

- Hire new staff or pay for salary;
- Transforming the health system to include a leadership-driven, safety-oriented culture committed to dramatically reducing suicide among people under care, and to accept and embed the Zero Suicide model within their agencies;
- Developing partnerships with other service providers for service delivery;
- Adopting and/or enhancing your computer system, management information system (MIS), electronic health records (EHRs), etc., to document and manage client needs, care process, integration with related support services, and outcomes;
- Training/education/workforce development to aid current staff or other providers in the community identify mental health or substance abuse issues or provide effective services consistent with the purpose of the grant program; and
- Developing policy(ies) to support needed service system improvements (*e.g.,* rate-setting activities, establishment of standards of care, adherence to the National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care, development/revision of credentialing, licensure, or accreditation requirements).

III. Eligibility Information

I.

1. Eligibility

To be eligible for this new funding opportunity under this announcement, an applicant must be defined as one of the following under 25 U.S.C. 1603:

- A Federally recognized Indian Tribe as defined by 25 U.S.C. 1603(14).
- A Tribal organization as defined by 25 U.S.C. 1603(26).
- An urban Indian organization as defined by 25 U.S.C. 1603(29); operating an Indian health program operated pursuant to as contract, grant, cooperative agreement, or compact with the IHS pursuant to the ISDEAA, (25 U.S.C. 5301 *et seq.*). Applicants must provide proof of non-profit status with the application, *e.g.,* 501(c)(3).

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required, such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the Estimated Funds Available section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

Tribal Resolution

An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include Tribal resolutions from all affected Tribes to be served. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

An official signed Tribal resolution must be received by the DGM prior to a Notice of Award (NoA) being issued to any applicant selected for funding. However, if an official signed Tribal resolution cannot be submitted with the electronic application submission prior to the official application deadline date, a draft Tribal resolution must be submitted by the deadline in order for the application to be considered complete and eligible for review. The draft Tribal resolution is not in lieu of the required signed resolution, but is acceptable until a signed resolution is received. If an official signed Tribal resolution is not received by DGM when funding decisions are made, then a NoA will not be issued to that applicant and they will not receive any IHS funds until such time as they have submitted a signed resolution to the Grants Management Specialist listed in this Funding Announcement.

Proof of Non-Profit Status

Organizations claiming non-profit status must submit proof. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS DGM by obtaining documentation confirming delivery (*i.e.* FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *http://www.ihs.gov/dgm/funding/.* Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114 or (301) 443–5204.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single-spaced and not exceed 5 pages).
- Project Narrative (must be single-spaced and not exceed 20 pages).
  - Background information on the organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Tribal Resolution(s).
- Letters of Support from organization's Board of Directors.
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required in order to receive IDC).
- Organizational Chart (optional).
- Documentation of current Office of Management and Budget (OMB) Financial Audit (if applicable).

Acceptable forms of documentation include:

- Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or

○ Face sheets from audit reports. These can be found on the FAC Web site: *https://harvester.census.gov/facdissem/Main.aspx*

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Proposal

A. *Project Narrative:* This narrative should be a separate Word document that is no longer than 20 pages and must: be single-spaced; type written; have consecutively numbered pages; use black type not smaller than 12 points; and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly answer all questions listed under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they will not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to this possible cooperative agreement award. If the narrative exceeds the page limit, only the first 20 pages will be reviewed. The 20-page limit for the narrative does not include the work plan, timeline, standard forms, Tribal resolutions, table of contents, budget, budget justifications, narratives, and/or other appendix items.

Applicants must include the following required application components:

- Cover letter.
- Table of contents.
- Abstract (must be single-spaced and should not exceed one page).
- Project Narrative (must be single-spaced and not exceed 20 pages total).

○ Includes: Population of Focus and Statement of Need; Organizational Structure and Capacity; Implementation Approach; and Local Data Collection and Performance Measurement.

B. *Budget/Budget Narrative (Not to exceed 4 pages):* This must include a line item budget with a narrative justification for all expenditures identifying reasonable allowable, allocable costs necessary to accomplish the goals and objectives as outlined in the project narrative. Budget should match the scope of work described above.

3. Submission Dates and Times

Applications must be submitted electronically through *Grants.gov* by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. *Grants.gov* will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact *Grants.gov* Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Gettys (*Paul.Gettys@ihs.gov*), DGM Grant Systems Coordinator, by telephone at (301) 443–2114 or (301) 443–5204. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a *Grants.gov* tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Search Grants'' link on the homepage. Follow the instructions for submitting an application under the Package tab. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant needs to submit a paper application instead of submitting electronically through *Grants.gov*, a waiver must be requested. Prior approval must be requested and obtained from Mr. Robert Tarwater, Director, DGM, (see Section IV.6 below for additional information). A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Robert.Tarwater@ihs.gov.* The waiver must: (1) Be documented in writing (emails are acceptable), before submitting a paper application, and (2) include clear justification for the need to deviate from the required electronic grants submission process.

Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions and the mailing address to submit the application. A copy of the written approval must be submitted along with the hardcopy of the application that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding. Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact *Grants.gov* Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting *Grants.gov*, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through *Grants.gov* as the registration process for SAM and *Grants.gov* could take up to fifteen working days.
- Please use the optional attachment feature in *Grants.gov* to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this funding announcement.

• After electronically submitting the application, the applicant will receive an automatic acknowledgment from *Grants.gov* that contains a *Grants.gov* tracking number. The DGM will download the application from *Grants.gov* and provide necessary copies to the appropriate agency officials. Neither the DGM nor the DBH will notify the applicant that the application has been received.

• Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, you may access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *http://www.ihs.gov/dgm/policytopics/.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 20-page narrative should include only the first year of activities; information for multi-year projects should be included as an appendix. See ''Multi-year Project Requirements'' at the end of this section for more information. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 70 points is required for funding. Points are assigned as follows:

1. Criteria

A. Population Focus/Statement of Need (20 points)

The criteria in this section being evaluated includes the scope and scale of suicide behavior within the community served and systems challenges to providing comprehensive (see 7 Elements), culturally informed suicide care to those at risk for suicide. The following aspects will be assessed:

• A clear description of the proposed catchment area and demographic information on the population(s) to receive services through the targeted systems or agencies, *e.g.,* race, ethnicity, Federally recognized Tribe, language, age, socioeconomic status, sex, and other relevant factors, such as literacy.

• Presentation of the prevalence of suicidal behavior (*i.e.,* ideation, attempts, and deaths) within the population(s) of focus, including any current limitations of data collection in the health system. In addition, discuss how the proposed project will address disparities in access, service use, and outcomes for the population(s) of focus.

• Documentation of the need for an enhanced infrastructure (system/process improvements) to increase the capacity to implement, sustain, and improve comprehensive, integrated, culturally informed, evidence-based suicide care within the identified health care system that is consistent with the purpose of the program as stated in this announcement. This may also include a clear description of any service gaps, staff/provider training deficits, service delivery fragmentations, and other barriers that could impact comprehensive suicide care for patients seen in the health system.

Documentation of need may come from a variety of qualitative and quantitative sources. Examples of data sources for the quantitative data that could be used are local epidemiologic data (Tribal Epidemiology Centers, IHS Area offices), state data (*e.g.,* from state needs assessments), and/or national data (*e.g.,* SAMHSA's National Survey on Drug Use and Health or from National Center for Health Statistics/Centers for Disease Control reports, and census data). Additionally, you may also submit data obtained as a result participating in any previous Zero Suicide model training or technical assistance activity (*e.g.,* Zero Suicide Academy, Community of Learning, Workforce Survey, Organization Self Study, etc.). This list is not exhaustive; applicants may submit other valid data, as appropriate for the applicant's program.

B. Organizational Infrastructure/Capacity (25 points)

This section focuses on how the organization may capitalize on existing resources, such as human capital, quality initiatives, collaborative agreements, and surveillance capabilities, as a means of overcoming barriers to a comprehensive, culturally informed, system of suicide care. The following aspects will be assessed:

• Thorough description of experience (successes and/or challenges) with the Zero Suicide model (*e.g.,* attended a Zero Suicide Academy, etc.) or similar collaborative efforts (*e.g.* patient centered medical home, behavioral integration, trauma-informed systems, and improving patient care, etc.).

• Discussion of the applicant Tribe or Tribal organization experience with and capacity (or detailed plan) to provide culturally informed practices and activities for specific populations of focus.

• Identification of how all departments/units/divisions will be involved in administering this project. May also include how applicant organization currently (or plans to) collaborate with other organizations and agencies to provide care, including critical transition of care.

• Describe the resources available for the proposed project (*e.g.,* facilities, equipment, information technology systems, and financial management

systems, data sharing agreement, MOUs, etc.).

• Listing of all staff positions for the project, such as Project Director, project coordinator, and other key personnel, showing the role of each and their level of effort and qualifications. Demonstrate successful project implementation for the level of effort budgeted for Project Director, Project Coordinator, and other key staff.

Include position descriptions as attachments to the application for the Project Director, project coordinator, and all key personnel. Position descriptions should not exceed one page each.

Note: Attachments will not count against the 20 page maximum.

For individuals that are currently on staff, include a biographical sketch (not to include personally identifiable information) for Project Director, project coordinator, and other key positions. Describe the experience of identified staff in suicide care, behavioral health & primary care integration, quality and process improvement, and related work within the community/communities. Include each biographical sketch as attachments to the project proposal/application. Biographical sketches should not exceed one page per staff member. Reviewers will not consider information past page one.

Note: Attachments will not count against the 20 page maximum.

Do not include any of the following:

- Personally Identifiable Information;
- Resumes; or
- Curriculum Vitae.

C. Implementation Approach/Plan (30 points)

The criteria being evaluated is the quality of your strategic approach and logical steps to implement a Zero Suicide Initiative within your health system. The following aspects will be assessed:

• A viable plan to address each of the 7 Elements in a systematic, measureable, and interrelated manner. Evidence of plan to the identification, use, and measurement of the use of culturally informed practices and activities. Please Include a Project Timeline as part of this section.

• A clear description of strategies to engage the highest levels of leadership and a broad cross section of the hospital system in order to develop organizational commitment, participation and sustainability (Letters of Commitment should be included as attachments). If the program is to be managed by a consortium or Tribal organization, identify how the project office relates to the member community/communities.

• A contingency plan that addresses short-term maintenance and long-term sustainability. How will continuity be maintained if/when there is a change in the operational environment (*e.g.,* health care system leadership, staff turnover, change in project leadership, change in elected officials, etc.) to ensure project stability over the life of the grant. Additionally, describe long-term plan for sustainability of the ZSI model beyond the life of Cooperative Agreement project period.

• *Describe:* (a) how achievement of goals will increase the health system's capacity to provide timely, integrated, culturally informed, evidenced-based system of suicide care; (b) how project activities will increase the capacity of the health system to collaborate with community-based organizations to plan and improve the overall delivery of suicide care; and (c) what overall impact that the successful implementation of this ZSI model will have on the specific AI/AN community served.

• Include input of survivors of suicide attempts and suicide loss in assessing, planning and implementing your project.

D. Data Collection, Performance Assessment & Evaluation (20 points)

In this area applicants need to clearly demonstrate the ability to collect and report on required data elements associated with Zero Suicide and this particular project; and engage in all aspects of local and national evaluation. The following aspects will be assessed:

• Ability to collect and report on the required performance measures specified in the Data Collection and Performance Management section.

• A clear, specific plan for data collection, management, analysis, and reporting. Indication of the staff person(s) responsible for tracking the measureable objectives that are identified above.

• Description of your plan for conducting the local performance assessment as specified above and evidence of your ability to conduct the assessment.

• Description of the quality improvement process that will be used to track progress towards your performance measures and objectives, and how these data will be used to inform the ongoing implementation of the project and beyond.

E. Categorical Budget and Budget Justification (5 points)

Applicants must provide a budget and narrative justification for proposed project budget. The following aspects will be assessed:

• Evidence of reasonable, allowable costs necessary to achieve the objective outlined in the project narrative.

• Description of how the budget aligns with the overall scope of work.

• Please use Budget/Budget Narrative Template Worksheet to support your responses in this section.

The Biographical Sketch, Timeline Chart, Local Data Collection Plan Worksheet, and Budget/Budget Narrative templates can be downloaded at the ZSI Web site.

Multi-Year Project Requirements

Projects requiring a second and third year must include a brief project narrative and budget (one additional page per year) addressing the developmental plans for each additional year of the project.

Additional Documents Can Be Uploaded as Appendix Items in *Grants.gov*

• Work plan, logic model and/or time line for proposed objectives.

• Position descriptions for key staff.

• Resumes of key staff that reflect current duties.

• Consultant or contractor proposed scope of work and letter of commitment (if applicable).

• Current Indirect Cost Agreement.

• Organizational chart.

• Map of area identifying project location(s).

• Additional documents to support narrative (*i.e.* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the IHS Program to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Applicants will be notified by DGM, via email, to outline minor missing components (*i.e.,* budget narratives, audit documentation, key

contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval, 70, and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application. The summary statement will be sent to the Authorized Organizational Representative that is identified on the face page (SF–424) of the application. The IHS program office will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved but Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved,'' but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2018 the approved but unfunded application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS grants management official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative Agreements are administered in accordance with the following regulations and policies:

A. The criteria as outlined in this program announcement.

B. Administrative Regulations for Grants:

- Uniform Administrative Requirements for HHS Awards, located at 45 CFR part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *https://www.doi.gov/ibc/services/finance/indirect-Cost-Services/indian-tribes.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Per DGM policy, all reports are required to be submitted electronically by attaching them as a ''Grant Note'' in GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, a summary of progress to date or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report (FFR or SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at *https://pms.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Federal Sub-Award Reporting System (FSRS)

This award may be subject to the Transparency Act sub-award and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with

information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier sub-awards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 sub-award obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project period start date was October 1, 2010 or after, and (2) the primary awardee will have a $25,000 sub-award obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting.

For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at *http://www.ihs.gov/dgm/policytopics/.*

D. Compliance With Executive Order 13166 Implementation of Services Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements

Recipients of federal financial assistance (FFA) from HHS must administer their programs in compliance with federal civil rights law. This means that recipients of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age and, in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see *http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/.*

The HHS Office for Civil Rights (OCR) also provides guidance on complying with civil rights laws enforced by HHS. Please see *http://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html;* and *http://www.hhs.gov/civil-rights/index.html.* Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see *http://www.hhs.gov/civil-rights/for-individuals/disability/index.html.* Please contact the HHS OCR for more information about obligations and prohibitions under federal civil rights laws at *https://www.hhs.gov/ocr/about-us/contact-us/index.html* or call 1–800–368–1019 or TDD 1–800–537–7697. Also note it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations. For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at: *https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53.*

Pursuant to 45 CFR 80.3(d), an individual shall not be deemed subjected to discrimination by reason of his/her exclusion from benefits limited by federal law to individuals eligible for benefits and services from the IHS.

Recipients will be required to sign the HHS–690 Assurance of Compliance form which can be obtained from the following Web site: *http://www.hhs.gov/sites/default/files/forms/hhs-690.pdf,* and send it directly to the: U.S. Department of Health and Human Services, Office of Civil Rights, 200 Independence Ave. SW., Washington, DC 20201.

F. Federal Awardee Performance and Integrity Information System (FAPIIS)

The IHS is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS) before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance. An applicant may review and comment on any information about itself that a federal awarding agency previously entered. IHS will consider any comments by the applicant, in addition to other information in FAPIIS in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 45 CFR 75.205.

As required by 45 CFR part 75 Appendix XII of the Uniform Guidance, non-federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than $10,000,000 for any period of time during the period of performance of an award/project.

Mandatory Disclosure Requirements

As required by 2 CFR part 200 of the Uniform Guidance, and the HHS implementing regulations at 45 CFR part 75, effective January 1, 2016, the IHS must require a non-federal entity or an applicant for a federal award to disclose, in a timely manner, in writing to the IHS or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.

Submission is required for all applicants and recipients, in writing, to the IHS and to the HHS Office of Inspector General all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. 45 CFR 75.113.

Disclosures must be sent in writing to:

U.S. Department of Health and Human Services, Indian Health Service, Division of Grants Management, ATTN: Robert Tarwater, Director, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, (Include ''Mandatory Grant Disclosures'' in subject line), Office: (301) 443–5204, Fax: (301) 594–0899, Email: *Robert.Tarwater@ihs.gov;*

AND

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue SW., Cohen Building, Room 5527, Washington, DC 20201, URL: *http://oig.hhs.gov/fraud/report-fraud/index.asp,* (Include ''Mandatory Grant Disclosures'' in subject line), Fax: (202) 205–0604 (Include ''Mandatory Grant Disclosures'' in subject line) or Email: *MandatoryGranteeDisclosures@oig.hhs.gov.*

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371. Remedies for noncompliance, including suspension or debarment (See 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Sean Bennett, LCSW, BCD, Public Health Advisor, Division of Behavioral Health, 5600 Fishers Lane, Mail Stop: 08N34, Rockville, MD 20857, Telephone: (301)

443–0104, Fax: (301) 443–5610, Email: *Sean.Bennett@ihs.gov.*

2. Questions on grants management and fiscal matters may be directed to: Andrew Diggs, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2241, Fax: (301) 594–0899, Email: *Andrew.Diggs@ihs.gov.*

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 594–0899, EMail: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: August 12, 2017.

Michael D. Weahkee,

RADM, Assistant Surgeon General, U.S. Public Health Service, Acting Director, Indian Health Service.

[FR Doc. 2017–17599 Filed 8–18–17; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the meetings.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Library and Informatics Review Committee.

Date: November 2–3, 2017.

Time: November 2, 2017, 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Time: November 3, 2017, 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Contact Person: Joseph Rudolph, Ph.D., Acting Scientific Review Officer, NLM, Chief and Scientific Review Officer, CSR, Center for Scientific Review, NIH, 6701 Rockledge Drive, Room 5216, Bethesda, MD 20817, 301–408–9098, *josephru@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: August 15, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17542 Filed 8–18–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0464]

Imposition of Conditions of Entry for Certain Vessels Arriving to the United States From the Federated States of Micronesia

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that it will impose conditions of entry on vessels arriving from the Federated States of Micronesia. Conditions of entry are intended to protect the United States from vessels arriving from countries that have been found to have deficient port anti-terrorism measures in place.

DATES: The policy announced in this notice will become applicable September 5, 2017.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Juliet Hudson, International Port Security Evaluation Division, United States Coast Guard, telephone 202–372–1173, *Juliet.J.Hudson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Discussion

The authority for this notice is 5 U.S.C. 552(a) (''Administrative Procedure Act''), 46 U.S.C. 70110 (''Maritime Transportation Security Act''), and Department of Homeland Security Delegation No. 0170.1(II)(97.f). As delegated, section 70110(a) authorizes the Coast Guard to impose conditions of entry on vessels arriving in U.S. waters from ports that the Coast Guard has not found to maintain effective anti-terrorism measures.

On May 3, 2016 the Coast Guard found that ports in the Federated States of Micronesia failed to maintain effective anti-terrorism measures and that the Federated States of Microneisa's designated authority oversight, access control, security monitoring, security training programs, and security plans drills and exercises are all deficient.

On July 7, 2016, as required by 46 U.S.C. 70109, the Federated States of Micronesia was notified of this determination and given recommendations for improving antiterrorism measures and 90 days to respond. To date, we cannot confirm that the Federated States of Micronesia has corrected the identified deficiencies.

Accordingly, beginning September 5, 2017, the conditions of entry shown in Table 1 will apply to any vessel that visited a port in the Federated States of Micronesia in its last five port calls.

TABLE 1—CONDITIONS OF ENTRY FOR VESSELS VISITING PORTS IN THE FEDERATED STATES OF MICRONESIA

No.	Each vessel must:
1	Implement measures per the vessel's security plan equivalent to Security Level 2 while in a port in the Federated States of Micronesia. As defined in the ISPS Code and incorporated herein, ''Security Level 2'' refers to the ''level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident.''
2	Ensure that each access point to the vessel is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel while the vessel is in ports in the Federated States of Micronesia.

TABLE 1—CONDITIONS OF ENTRY FOR VESSELS VISITING PORTS IN THE FEDERATED STATES OF MICRONESIA—Continued

No.	Each vessel must:
3	Guards may be provided by the vessel's crew; however, additional crewmembers should be placed on the vessel if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or provided by outside security forces approved by the vessel's master and Company Security Officer. As defined in the ISPS Code and incorporated herein, ''Company Security Officer'' refers to the ''person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer.''
4	Attempt to execute a Declaration of Security while in a port in the Federated States of Micronesia.
5	Log all security actions in the vessel's security records.
6	Report actions taken to the cognizant Coast Guard Captain of the Port (COTP) prior to arrival into U.S. waters.
7	In addition, based on the findings of the Coast Guard boarding or examination, the vessel may be required to ensure that each access point to the vessel is guarded by armed, private security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in U.S. ports. The number and position of the guards has to be acceptable to the cognizant COTP prior to the vessel's arrival.

The following countries currently do not maintain effective anti-terrorism measures and are therefore subject to conditions of entry: Cambodia, Cameroon, Comoros, Cote d'Ivoire, Equatorial Guinea, the Federated States of Micronesia, the Republic of the Gambia, Guinea-Bissau, Iran, Liberia, Libya, Madagascar, Nauru, Nigeria, Sao Tome and Principe, Syria, Timor-Leste, Venezuela, and Yemen. This list is also available in a policy notice available at *https://homeport.uscg.mil* under the Maritime Security tab; International Port Security Program (ISPS Code); Port Security Advisory link.

Dated: June 29, 2017.

Charles W. Ray,

Deputy Commandant for Operations.

[FR Doc. 2017–17652 Filed 8–18–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0103]

Agency Information Collection Activities: Passenger List/Crew List

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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than October 20, 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 1651–0103 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*). This process is conducted in accordance with 5 CFR 1320.8. 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: Passenger List/Crew List.

OMB Number: 1651–0103.

Form Number: Form I–418.

Current Actions: CBP proposes to extend the expiration date of this information collection with an increase to the estimated burden hours. There is no change to the information collected.

Type of Review: Extension (without change).

Abstract: CBP Form I–418 is prescribed by CBP, for use by masters, owners, or agents of vessels in complying with Sections 231 and 251 of the Immigration and Nationality Act (INA). This form is filled out upon arrival of any person by commercial vessel at any port within the United States from any place outside the United States. The master or commanding officer of the vessel is responsible for providing CBP officers at the port of arrival with lists or manifests of the persons on board such conveyances.

CBP is in the process of amending its regulations to allow for the electronic submission of the data elements required on CBP Form I–418. This form is provided for in 8 CFR 251.1 and 251.3. A copy of CBP Form I–418 can be found at *https://www.cbp.gov/newsroom/publications/forms?title=i-418&=Apply.*

Affected Public: Businesses.

Estimated Number of Respondents: 79,337.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Hours: 79,337.

Dated: August 16, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–17596 Filed 8–18–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0019]

Agency Information Collection Activities: Vessel Entrance or Clearance Statement

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 (PRA). 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 October 20, 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 1651–0019 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). This process is conducted in accordance with 5 CFR 1320.8. 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: Vessel Entrance or Clearance Statement.

OMB Number: 1651–0019.

Form Number: CBP Form 1300.

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).

Abstract: CBP Form 1300, *Vessel Entrance or Clearance Statement,* is used to collect essential commercial vessel data at time of formal entrance and clearance in U.S. ports. The form allows the master to attest to the truthfulness of all CBP forms associated with the manifest package, and collects information about the vessel, cargo, purpose of entrance, certificate numbers, and expiration for various certificates. It also serves as a record of fees and tonnage tax payments in order to prevent overpayments. CBP Form 1300 was developed through agreement by the United Nations Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. This form is authorized by 19 U.S.C. 1431, 1433, and 1434, and provided for by 19 CFR part 4, and accessible at *http://www.cbp.gov/newsroom/publications/forms?title=1300.*

Affected Public: Businesses.

Estimated Number of Respondents: 12,000.

Estimated Number of Responses per Respondent: 22.

Estimated Total Annual Responses: 264,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 132,000.

Dated: August 16, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–17597 Filed 8–18–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. Bayamón, PR, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. Bayamón, PR, has been approved to gauge petroleum and certain petroleum products and

accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 27, 2016.

DATES: Intertek USA, Inc. was accredited and approved, as a commercial gauger and laboratory as of September 27, 2016. The next triennial inspection date will be scheduled for September 2019.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500 N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., Hwy 28 KM 2.0, Luchetti Industrial Park, Bayamón, PR 00961, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurement.

Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–02	D 1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
	D 2163	Standard Test Method for Determination of Hydrocarbons in Liquefied Petroleum (LP) Gases and Propane/Propene Mixtures by Gas Chromatography.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*

Dated: August 15, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–17568 Filed 8–18–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2016–N141; FF04RKCL00–167–FXRS12610400000]

Amenity Fees at Clarks River National Wildlife Refuge, KY

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to implement fees.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce our intent to implement amenity fees at Clarks River National Wildlife Refuge (Refuge), located in Kentucky, as authorized by the Federal Lands Recreation Enhancement Act (REA). We will implement annual hunting and fishing fees and special permit fees for commercial recreational activities. Under REA provisions, the Refuge will identify and post the specific fees.

DATES: Submit your written comments on this action no later than February 20, 2018. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you reference or provide. Such information may lead to a final decision that differs from this proposal.

Unless we publish a notice in the **Federal Register** withdrawing this action, we will implement the amenity fees on February 20, 2018.

ADDRESSES: Submit your comments by one of the following methods:

- *U.S. mail:* U.S. Fish and Wildlife Service, Attn. Project Leader, P.O. Box 89, Benton, KY 42025.
- *Fax:* (270) 527–5052.
- *Email: clarks_river@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Johnson, at (270) 527–5770.

SUPPLEMENTARY INFORMATION:

Introduction

We, the U.S. Fish and Wildlife Service (Service), announce our intent to implement amenity fees at Clarks River National Wildlife Refuge (Refuge), located in Kentucky, as authorized by the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801–6814; REA). Under REA provisions, the Refuge will identify and post the specific fees.

Planned Fees

Under section 3 of the REA, we will implement the following fees at the Refuge:

- A $15 annual hunting and fishing permit for adults, and a $5.00 annual hunting and fishing permit for seniors. There is no fee for youth under the age of 16.

• A minimum of $50 annual recreational special use permit for commercial recreational activities.

These permits will not only allow the Refuge to better track visitor numbers and usage of the Refuge and harvest data, but will also provide the Refuge with fees to be used to offset expenses for road and parking lot maintenance, boundary maintenance, brochures, public education programs, law enforcement salaries, and expansion/improvements of visitor amenities. It is our policy to allow only activities that are appropriate and compatible with the Refuge's purposes.

Background

In accordance with regulations governing the National Wildlife Refuge System (50 CFR part 25, subpart E) a Refuge may implement fees and other reasonable charges for public recreational use of lands administered by that Refuge. When considering fees, a Refuge is required by our regulations to evaluate the following:

• The direct and indirect cost to the Government;
• The benefits to a permit holder;
• The public interest served;
• Comparable fees charged by non-Federal public agencies; and
• The economic and administrative feasibility of fee collection.

The National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Refuge Administration Act), as amended by the National Wildlife Refuge Improvement Act of 1997, allows National Wildlife Refuges to provide wildlife-dependent recreation to visitors, but these laws require Refuges to manage for the conservation of fish, wildlife, and habitat for present as well as future generations of Americans. To fulfill the obligations, the Refuge plans to use collected fees to defray costs associated with visitor amenities.

Public Availability of Comments

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.

Federal Lands Recreation Enhancement Act Authorities and Requirements

In December 2004, the REA became law (16 U.S.C. 6801–6814). The REA provides authority for the Secretaries of the Department of the Interior and Agriculture to establish, modify, charge, and collect recreation fees for use of some Federal recreation lands and waters, and contains specific provisions addressing public involvement in the establishment of recreation fees. The REA also directs the Secretaries of the Departments of the Interior and Agriculture to publish advance notice in the **Federal Register** whenever bureaus establish new recreation fee areas under their respective jurisdictions.

Next Steps

Should public comment provide substantive reasons why we should not implement the proposed fee program at the Refuge, we may reevaluate our plan and publish a subsequent notice in the **Federal Register** withdrawing this action. Otherwise, we will implement the proposed fee program at the Clarks River National Wildlife Refuge on the date specified in the **DATES** section of this document, and the Refuge will post fee amounts and expenditures onsite.

Authority: 16 U.S.C. 6801–6814.

Dated: May 3, 2017.

Mike Oetker,

Acting Regional Director, Southeast Region.

Editor's Note: This document was received at the Office of the Federal Register on August 16, 2017.

[FR Doc. 2017–17623 Filed 8–18–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX17EE000101100]

Federal Advisory Committee: National Geospatial Advisory Committee

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given of a meeting of the National Geospatial Advisory Committee (NGAC). The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, has been established to advise the Chair of the Federal Geographic Data Committee (FGDC) on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure (NSDI), and the implementation of Office of Management and Budget (OMB) Circular A–16.

DATES: The meeting will be held from 8:30 a.m. to 5:00 p.m. on September 6, 2017, and from 8:30 a.m. to 4:00 p.m. on September 7, 2017 (times are Eastern Daylight Time).

ADDRESSES: The meeting will be held at the National Conservation Training Center (NCTC), 698 Conservation Way, Shepherdstown, WV 25443. Send your comments to Group Federal Officer by email to *gs-faca-mail@usgs.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. John Mahoney, Senior Advisor to the Executive Director, FGDC, U.S. Geological Survey (USGS); phone (206) 220–4621; email *jmahoney@usgs.gov.*

SUPPLEMENTARY INFORMATION: The NGAC provides advice and recommendations related to management of Federal and national geospatial programs, the development of the NSDI, and the implementation of Office of Management and Budget Circular A–16 and Executive Order 12906. The NGAC will review and comment upon geospatial policy and management issues and will provide a forum to convey views representative of non-federal stakeholders in the geospatial community. NGAC is one of the primary ways that the FGDC collaborates with its broad network of partners.

Agenda

—FGDC Update
—NSDI Strategic Plan Framework
—2017 NGAC Guidance
—Landsat Advisory Group
—Key Geospatial Data Initiatives, including the 3D Elevation Program, the National Address Database, and Imagery

Meetings of the NGAC are open to the public. Additional information about the meeting is available at *https://www.fgdc.gov/ngac.*

Members of the public who wish to attend the meeting must register in advance. Registrations are due by September 1, 2017. While the meeting will be open to the public, registration is required for entrance to the NCTC facility, and seating may be limited due to room capacity. The meeting will include an opportunity for public comment on September 7, 2017. Attendees wishing to provide public comment should register by September 1, 2017. Please register by contacting Lucia Foulkes at the FGDC, USGS; phone (703) 648–4142; email *lfoulkes@usgs.gov.* Comments may also be submitted to the NGAC in writing. Please send written comments to USGS, FGDC, 12201 Sunrise Valley Drive, Room 2A323A, Reston, VA 20192.

Public Disclosure of Comments: Before including your address, phone number, email address, or other

personal identifying information in your comment, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may 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.

John Mahoney,

Senior Policy Advisor, Federal Geographic Data Committee.

[FR Doc. 2017–17561 Filed 8–18–17; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 13–39]

Masters Pharmaceutical, Inc.; Order

On August 14, 2017, the United States Court of Appeals for the District of Columbia Circuit granted the Agency's motion to dissolve the stay of my Order of September 8, 2015, revoking DEA Certificate of Registration No. RD0277409 issued to Masters Pharmaceutical, Inc. *See Masters Pharmaceutical, Inc.,* v. *Drug Enforcement Administration,* No. 15–1335 (D.C. Cir. Aug. 14, 2017) (Order). Accordingly, I order that DEA Certificate of Registration No. RD0277409 issued to Masters Pharmaceutical, Inc., be, and it hereby is, revoked. I further order that any application of Masters Pharmaceutical, Inc., to renew or modify this registration, be, and it hereby is, denied. This Order is effective at 12:01 a.m. on August 16, 2017.

Dated: August 15, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–17638 Filed 8–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 17–17]

Arnold E. Feldman, M.D.; Decision and Order

On January 24, 2017, the Assistant Administrator, Diversion Control Division, issued an Order to Show Cause to Arnold E. Feldman, M.D. (Respondent), of Baton Rouge, Louisiana. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration No. BF4179203, and the denial of his application for a registration, on the ground that he ''do[es] not have authority to handle controlled substances in the State of Louisiana, the [S]tate in which [he is] registered . . . and [is] applying'' for registration. Show Cause Order, at 1.

As to the jurisdictional basis for the proceeding, the Show Cause Order alleged that Respondent is ''registered . . . as a data-waived/100 practitioner in [s]chedules II–V pursuant to [Registration No.] BF4179203 with a registered address at 505 East Airport [Blvd.], Baton Rouge, Louisiana,'' and that this registration does not expire until ''September 30, 2018.'' *Id.* The Order also alleged that ''[o]n July 31, 2013, [Respondent] applied for a separate . . . [r]egistration as a practitioner in [s]chedules II–V with a registered address of 505 East Airport [Blvd.], Baton Rouge, Louisiana.'' *Id.*

As to the substantive ground for the proceeding, the Show Cause Order alleged that Respondent's ''[a]uthority to prescribe and administer controlled substances in the State of Louisiana was suspended effective October 19, 2016.'' *Id.* at 2. The Order then asserted that as a consequence of Respondent's ''lack of authority to handle controlled substances in the State of Louisiana,'' Respondent's registration is subject to revocation and his application must be denied. *Id.*

The Show Cause Order notified Respondent of his right to request a hearing on the allegation or to submit a written statement while waiving his right to a hearing and the procedure for electing either option. *Id.* (citing 21 CFR 1301.43). In addition, the Order notified Respondent of his right to submit a corrective action plan pursuant to 21 U.S.C. 824(c)(2)(C). *Id.* at 2–3.

On February 23, 2017, Respondent requested a hearing on the allegation. Letter from Respondent to Hearing Clerk, Office of Administrative Law Judges (Feb. 23, 2017). The same day, the matter was assigned to Administrative Law Judge Charles Wm. Dorman (hereinafter, ALJ), who issued an order (also on Feb. 23) directing the Government to file evidence supporting the allegation by March 10, 2017 at 2 p.m., as well any motion for summary disposition. Briefing Schedule For Lack Of State Authority Allegations, at 1. The ALJ's order also provided that if the Government moved for summary disposition, Respondent's opposition was due by March 24, 2017 at 2 p.m. *Id.*

The next day, Respondent emailed the ALJ's law clerk seeking a continuance in order to engage counsel. Email from Respondent to ALJ's law clerk (Feb. 24, 2017). Respondent explained that he was seeking the continuance because ''I have court cases pending in multiple jurisdictions including a Mar 16 hearing, a Mar 20 hearing in Mississippi and appeals in Louisiana and Mississippi and California.'' *Id.* Respondent subsequently sought '' 'a continuance of at least 120 days' due to constant court appearances in Louisiana, Mississippi, and California.'' Order Denying The Respondent's Request For Continuance, at 1 (Feb. 27, 2017). Noting that his Briefing Schedule order ''provided the Respondent [with] a date to respond, *if the government files such a motion,*'' the ALJ reasoned that ''[b]ecause the government ha[d] not filed a motion for summary disposition . . . Respondent's request . . . is premature.'' *Id.*

On March 2, 2017, the Government filed its Motion for Summary Disposition. As support for its motion, the Government provided: (1) A copy of Respondent's registration; (2) his July 30, 2013 application for registration as a hospital/clinic; (3) the Decision and Order of the Louisiana State Board of Medical Examiners (Aug. 15, 2016) which ordered the suspension of his medical license for a period of two years to begin 30 days from the date of the Order, and a subsequent Order of the Board (Sept. 13, 2016), which extended the commencement of the suspension until October 14, 2016; (4) a copy of a judgment issued by the Civil District Court for the Parish of Orleans which stayed the Board's Order from October 14, 2016 through October 19, 2016 and further ordered the Board to ''show cause'' as to ''why the stay should not continue''; and (5) a Declaration of a Diversion Investigator as to various matters, including that the Board's Order had gone into effect on October 19, 2016. Mot. for Summ. Disp., at Appendix A–E.

On March 10, 2017, counsel for Respondent entered a notice of appearance. On March 23, 2017, Respondent filed his Reply to the Government's Motion.

Therein, ''Respondent acknowledge[d] that his license to practice medicine in . . . Louisiana has been suspended in accordance with the . . . Board of Medical Examiners' Order.'' Resp. Reply, at 1. Respondent contended, however, ''that there are material questions of fact and law that require resolution in a plenary, evidentiary proceeding.''

According to Respondent, these issues were that he possesses ''an active and unrestricted'' license to practice medicine in Alabama and ''a full and unrestricted Alabama Controlled

Substance Certificate.'' *Id.* at 2. Respondent argued that ''none of the cases cited by the Government'' address the situation ''where a physician has lost authority to practice in one state, while retaining unrestricted authority in another.'' *Id.* at 3. He also argued that the Agency's longstanding rule that a practitioner must possess authority under the laws of the State in which he engages in professional practice ''is based on the indiscriminate intermingling of'' 21 U.S.C. 823 and 824, ''each of which deals with different aspects of the control and enforcement authority to dispense controlled substances.'' *Id.* at 3. He further contended that while section 823 mandates that the Attorney General register the applicant if he ''is authorized to dispense controlled substances under the laws of the State in which he practices,'' ''[t]he term 'practitioner' does not appear in'' section 824 and the latter provision ''does not speak to a physician's authorization to practice or dispense under the laws of the state in which the registrant practices.'' *Id.* at 4.

In Respondent's view, section 824 authorizes revocation ''only if the registrant *is no longer authorized by State law* to engage in the dispensing of controlled substances . . . under state law.'' *Id.* at 4–5. He also maintained that ''[t]he fact that Congress employed the term 'practitioner' in'' section 823(f) but not in section 824 ''is a clear indication that it did not intend to authorize revocation or suspension of a [registration] where a registrant has continued to maintain authority to practice and dispense under the laws of any state.'' *Id.; see also id.* at 5 & n.16 (''Where Congress includes particular language in one section of a statute but omits it in another . . . it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.'') (quoting *Keene Corp. v United States,* 508 U.S. 200, 208 (1993) (other citation omitted)).

Finally, Respondent contended that ''[t]he Government's indiscriminate intermingling of [sections 823 and 824], and its misinterpretation of 21 U.S.C. 824(a)(3) amount to a violation of [his] constitutional right to travel.'' *Id.* at 6. He explained that ''[t]heoretically, [he] should be able to pack up and remove himself and his practice from Louisiana to . . . Alabama, where he is authorized to practice medicine and dispense controlled substances. But[] his constitutional right to do so is impaired by the Government's misinterpretation of its authority to revoke'' his registration. *Id.*

On April 3, 2017, the ALJ granted the Government's Motion. The ALJ found that ''Respondent conceded in his Reply that his Louisiana medical license is currently suspended'' and that ''it is undisputed that . . . Respondent lacks state authorization to handle controlled substances in Louisiana, where [he is] registered, and where [he] has applied for an additional'' registration. R.D. 6. Because Respondent is registered in Louisiana, the ALJ found it irrelevant that Respondent holds a license to practice medicine in Alabama. *Id.* at 4. The ALJ noted that ''both the CSA's 'definition of the term ''practitioner'' and the registration provision applicable to practitioners make clear that a practitioner must be currently authorized to dispense controlled substances by the State in which he practices in order to obtain and maintain a registration,' '' and that Agency's interpretation has been upheld by the Fourth Circuit. *Id.* (quoting *Rezik A. Saqer,* 81 FR 22122, 22125 (2016) and citing *Hooper* v. *Holder,* 481 Fed. App'x 826 (4th Cir. 2012)). The ALJ further reasoned that ''Respondent's analysis is counter to the way the DEA has interpreted the CSA for nearly forty years.'' *Id.* at 5 (citing *Saqer,* 81 FR at 22126 (citing *Frederick Marsh Blanton,* 43 FR 27616 (1978))).

The ALJ also rejected Respondent's contention that the Agency's interpretation impairs his constitutional right to travel. *Id.* at 5–6. The ALJ noted that under DEA regulations, '' '[a] separate registration is required for each principal place of business.' '' *Id.* at 5 (quoting 21 CFR 1301.12(a)). The ALJ also noted that in 2006, the Agency issued a final rule which ''clarif[ied] that a practitioner must obtain a separate DEA registration for each state in which he or she practices'' and that '' '[j]ust as a license to practice medicine in one State does not authorize a practitioner to practice in any other State, a DEA registration based on a particular State's license cannot authorize dispensing controlled substances in another State.' '' *Id.* at 6 (quoting *Clarification of Registration Requirements for Individual Practitioners,* 71 FR 69478, 69479 (2006) and citing *Joe W. Morgan,* 78 FR 61961, 61965 n.13 (2013)). The ALJ thus explained that ''Respondent is able to pack up and remove himself and his practice from Louisiana to Alabama—he just cannot dispense or prescribe controlled substances there unless he first obtains a separate DEA registration for his Alabama location in accordance with 21 CFR 1301.12(a).'' *Id.* The ALJ thus recommended that I revoke Respondent's registration and deny any pending applications. *Id.* at 7.

Respondent filed Exceptions to the ALJ's Recommended Decision. On May 1, 2017, the ALJ forwarded the record to me for Final Agency Action.

Having considered the record and Respondent's Exceptions, I reject Respondent's various contentions and adopt the ALJ's Recommended Decision. I will therefore also adopt the ALJ's recommendation that I revoke Respondent's registration and deny his application. I make the following findings.

Findings of Fact

Respondent is the holder of DEA Certificate of Registration No. BF4179203, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of: ''The Pain Treatment CTR of B.R.,'' 505 E. Airport Blvd., Baton Rouge, Louisiana. Mot. for Summ. Disp., Appendix A. Under this registration, Respondent also holds an identification number (XF4179203), *id.,* pursuant to which he is authorized to dispense or prescribe schedule III through V ''narcotic controlled substances which have been approved by the Food and Drug Administration . . . specifically for use in maintenance or detoxification treatment'' to up to 100 patients. 21 CFR 1301.28(a). Respondent's registration (and identification number) do not expire until September 30, 2018. Mot. for Summ. Disp., Appendix A.

On July 30, 2013, Respondent submitted an application to register an entity known as ''First Choice Surgery Center of BA'' as a Hospital/Clinic, at the same address as above. *Id.* Appendix B. This application remains pending before the Agency.

Respondent also holds a medical license issued by the Louisiana State Board of Medical Examiners. However, on August 15, 2016, the Board suspended his medical license for a period of two years; this Order became effective on or about October 19, 2016.[1] *See* Mot. for Summ. Disp., Appendices B & E; Resp.'s reply, at 1. Accordingly, I find that Respondent

[1] While ''[t]he suspension was to commence after [30] days,'' the Board, following flooding in the Baton Rouge area, extended the effective date of the suspension until October 14, 2016. Mot., Appendix C, at 1. On October 12, 2016, the Civil District Court for the Parish of Orleans stayed enforcement of the Board's Order through October 19, 2016, and directed the Board to show cause on October 19, 2016 as to ''why the stay should not continue.'' Mot., Appendix D, at 1. However, it is undisputed that the court lifted the stay and that the Board's Order has gone into effect. Mot., Appendix E, at 2 (DI Declaration); *see also* Resp.'s Reply at 1.

currently lacks authority to dispense controlled substances under the laws of the State of Louisiana.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA), ''upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining *and maintaining* a practitioner's registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton,* 43 FR 27616 (1978).

Respondent acknowledges that the Agency's precedents ''do indeed reveal a consistent [and in his view] uncritical repetition of th[is] claim, to an extent . . . that the proposition has come to attain near sacrosanct status.'' Exceptions, at 2. As he did before the ALJ, he contends that the Agency's rule ''is based on the indiscriminate intermingling of'' the registration requirements of section 823 and the suspension/revocation authority of section 824. *Id.* at 3. He again argues that because ''the term 'practitioner' is employed solely in 21 U.S.C. 823'' and ''does not appear in section 824'' this ''is a clear indication that [Congress] did not intend to authorize an automatic, summary revocation . . . where a registrant has continued to maintain authority to practice and dispense under the laws of any state.'' *Id.* at 4.

Respondent is mistaken. As the Agency has repeatedly noted, the Agency's rule actually derives from the text of section 802(21), which defines the term ''practitioner,'' and section 823(f). Notably, in section 802(21), Congress defined ''the term 'practitioner' [to] mean[ ] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). The text of this provision makes clear that a physician is not a practitioner within the meaning of the CSA if he is not ''licensed, registered or otherwise permitted, by the jurisdiction in which he practices . . . to dispense [or] administer . . . a controlled substance in the course of professional practice.'' *Id.*

To the same effect, Congress, in setting the requirements for obtaining a practitioner's registration, directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Thus, based on these provisions, the Agency held nearly forty years ago that ''[s]tate authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance *and maintenance* of a Federal controlled substances registration.'' *Blanton,* 43 FR at 27617 (revoking physician's registration based on one-year suspension of his state license) (emphasis added).

As the ALJ recognized, the CSA also provides that ''[a] separate registration shall be required at each principal place of business or professional practice where the applicant . . . dispenses controlled substances.'' 21 U.S.C. 822(e).[2] Based on this provision, the Agency has further explained that, because the issuance of a registration is dependent on a practitioner having authority to dispense controlled substances under the laws of a particular state, a registration issued for a location in one state cannot authorize the practitioner to engage in controlled substance dispensing in another state. *See Clarification of Registration Requirements for Individual Practitioners,* 71 FR 69478 (2006); 21 CFR 1301.12(a) & (b)(3). *See also United States* v. *Moore,* 423 U.S. 122, 140–41 (1975) (''Registration of physicians and other practitioners is mandatory if the applicant is authorized to dispense drugs . . . under the law of the State in which he practices. [21 U.S.C.] Sec. 823(f). In the case of a physician, this scheme contemplates that he is authorized by the State to practice medicine and to dispense drugs in connection with his professional practice.'').[3]

Notably, while Respondent holds a medical license in Alabama, his registration authorizes him to dispense controlled substances only in the State of Louisiana. Moreover, the Show Cause Order proposes only the revocation of this registration[4] and the denial of his application for an additional registration in Louisiana. Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, and Respondent is no longer authorized to dispense controlled substances under the laws of Louisiana, the State in which he is registered and has applied for an additional registration, revocation of his registration and denial of his application are the appropriate sanctions. *See, e.g., Hooper,* 76 FR at 71371–72; *Sheran Arden Yeates,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988); *Blanton,* 43 FR at 27616.

As noted above, Respondent contends that Congress' use of the word ''registrant'' rather the word ''practitioner'' in section 824 is a clear indication that it did not intend to authorize an automatic, summary revocation . . . where a registrant has continued to maintain authority to practice and dispense under the laws of any state.'' Exceptions, at 4. A practitioner is, however, a particular category of registrant and thus falls within section 824(a). Given the provisions of section 802(21) and 823(f), it is not clear why Congress needed to use the word ''practitioner'' in section 824(a) to authorize the Agency to effectuate the policy expressed by sections 802(21) and 823(f). Moreover, Respondent ignores that there is a good reason for why Congress used different language in sections 823(f) and 824(a) to describe the class of persons who are subject to each provision, and this reason provides no support for Respondent's contention.

Section 823(f) is specifically applicable to those applicants seeking registration as a practitioner, which is just one of eight different categories of registration under the CSA. *See generally* 21 U.S.C. 823. By contrast, section 824(a), which authorizes the imposition of sanctions against a registrant based on any one of five findings, is applicable to *all categories* of registrants under the CSA, including Respondent. *See, e.g., James L. Hooper,*

[2] *See also* 21 U.S.C. 822(b) (''Persons registered by the Attorney General . . . to . . . dispense controlled substances . . . are authorized to possess . . . or dispense such substances . . . to the extent authorized by their registration and in conformity with the other provisions of this subchapter.'').

[3] While the CSA was amended in 1984 to provide the Agency with authority to deny a practitioner's registration on public interest grounds, the requirement that a practitioner be ''authorized to dispense . . . controlled substances under the laws of the States in which he practices,'' 21 U.S.C. 823(f), was unaltered by this legislation.

[4] There is no evidence in the record as to whether Respondent holds a DEA registration in Alabama. Nor does this matter, because the Government proposes only the revocation of his Louisiana registration and the denial of his application for a second registration in that State.

76 FR 71371 (2011), *pet. for rev. denied Hooper* v. *Holder,* 481 Fed. Appx. 826, 829 (4th Cir. 2012).

As explained above, the Agency's rule that revocation is warranted whenever a practitioner is no longer authorized to dispense controlled substances under the laws of the state in which he engages in professional practice is derived from the specific provisions of the Act which define the term ''practitioner'' and set forth the registration requirements which are specifically applicable to practitioners.[5] *Hooper,* 76 FR at 71371–72. Indeed, were I to adopt Respondent's view, he would be allowed to maintain his registration even though his lack of state authority bars him from obtaining a registration in Louisiana in the first place. 21 U.S.C. 823(f).

Moreover, under DEA regulations, a practitioner's registration is good for a period of three years, after which a practitioner must submit a renewal application. Yet that renewal application remains subject to section 823(f), which requires that ''the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' Respondent's view leads to the illogical result that a practitioner would need to hold state authority to obtain his initial registration and any subsequent renewal of the registration, but would not need to hold state authority during the intervening period between the granting of his initial application and the granting of his renewal application.

I reject Respondent's contention and adhere to the Agency's longstanding and consistent interpretation of the Act, which has been affirmed by two courts of appeals. *See Hooper* v. *Holder,* 481 Fed. Appx. at 828; *Maynard* v. *DEA,* 117 Fed. Appx. 941, 945 (5th Cir. 2004). As the Fourth Circuit explained in *Hooper,* in rejecting the practitioner's contention that the agency's revocation of his registration ignored the discretion granted by section 824 and read the suspension option out of the statute:

> We find Hooper's contention unconvincing. Section 824(a) does state that the [Agency] may ''suspend or revoke'' a registration, but the statute provides for this sanction in five different circumstances, only one of which is loss of a State license. Because § 823(f) and § 802(21) make clear that a practitioner's registration is dependent upon the practitioner having state authority to dispense controlled substances, the [Agency's] decision to construe § 824(a)(3) as mandating revocation upon suspension of a state license is not an unreasonable interpretation of the CSA. The [Agency's] decision does not ''read[] the suspension option'' out of the statute, because that option may still be available for the other circumstances enumerated in § 824(a).

481 Fed. Appx., at 828. *See also Maynard,* 117 Fed. Appx. at 945 (5th Cir. 2004) (upholding revocation of DEA registration after Texas DPS summarily suspended practitioner's controlled substance registration, noting that the Agency ''has construed the CSA to require revocation when a registrant no longer possesses valid state authority to handle controlled substances''; ''We agree with [the] argument that it may have been arbitrary and capricious had the DEA failed to revoke [the physician's] registration under the circumstances.'').

Respondent makes an additional argument beyond that made in *Hooper.* He contends that ''[it] is noteworthy that [section] 824(a) . . . employs the word *'may'* in authorizing the Attorney General to revoke or suspend a registration, when *among other factors,* the registrant *is no longer authorized by State law* to engage in the dispensing of controlled substances.'' Exceptions, at 5. In Respondent's view, ''under [section] 824(a), the loss of state authority is only one of several factors that may result in suspension or revocation of a practitioner's DEA registration.'' *Id.* He thus maintains that ''[t]he correct interpretation is that [section] 802(21) and [section] 823(f) require state authority in order for the Administrator to *grant* an application for registration, but [section] 824(a)(3) only renders a loss of state authority a *discretionary factor* in determining whether to suspend or revoke an existing registration.'' *Id.* Respondent thus contends that Agency's ''practice of deciding these cases on summary disposition without providing [him with] the opportunity to present other evidence supporting continued registration not only violates the plain language of the [CSA] . . . it also denies [him] the due process rights to which he is entitled under the'' Administrative Procedure Act. *Id.* at 6.

Respondent cites no authority for his contention that the various grounds set forth in section 824(a) pursuant to which the Agency is authorized to suspend or revoke a registration are merely ''discretionary factors'' in the same manner as are the public interest factors of section 823. Indeed, his argument is refuted by the texts of section 823(f) and 824(a) and the history of the CSA.

Notably, section 823(f) instructs that ''[i]n determining the public interest, the following factors shall be considered'' and then lists the five factors. 21 U.S.C. 823(f). By contrast, section 824(a) makes no reference to ''factors.'' Rather, the provision begins with the word ''Grounds'' and then states that ''[a] registration pursuant to section 823 of this title . . . may be suspended or revoked by the Attorney General upon a finding that'' one of the five different grounds apply to the registrant.[6] *Id.* § 824(a).

Had Congress intended that the various findings set forth in section 824(a) be treated as ''discretionary factors,'' it would have done so by using language similar to that it used in section 823(f). *See Jama* v. *ICE,* 543 U.S. 335, 341 (2005) (''We do not lightly assume that Congress has omitted from its adopted text requirements that it nonetheless intends to apply, and our reluctance is even greater when Congress has shown elsewhere in the same statute that it knows how to make such a requirement manifest.'').

Rather, the findings enumerated in section 824(a) are grants of authority, each of which provides an independent and adequate ground to impose a sanction on a registrant. *See Alfred S. Santucci,* 67 FR 68688 (2002) (''Loss of state authority is an independent ground to revoke a practitioner's registration under 21 U.S.C. 824(a)(3).''); *VI Pharmacy, Rushdi Z. Salem,* 69 FR 5584, 5585 (2004) (''Pursuant to 21 U.S.C. 824(a)(1), falsification of a DEA application constitutes independent grounds to revoke a registration.'');

[5] Section 824(a)(3) grants authority applicable to all categories of DEA registrants (and not only practitioners) as well as each of the enumerated findings. As explained in *Hooper,* this general grant of authority in imposing a sanction must be reconciled with the CSA's specific provisions which mandate that a practitioner hold authority under state law in order to obtain and maintain a DEA registration. 76 FR, at 71371–72 (quoting *Gozlon-Peretz* v. *United States,* 498 U.S. 395, 407 (1991) (''A specific provision controls over one of more general application.'') and *Bloate* v. *United States,* 130 S.Ct. 1345, 1354 (2010) (quoting *D. Ginsberg & Sons, Inc., v. Popkin,* 285 U.S. 204, 208 (1932) (''General language of a statutory provision, although broad enough to include it, will not be held to apply to a matter specifically dealt with in another part of the same enactment.'')).

[6] As noted above, Respondent invokes the canon of statutory construction that ''[w]here Congress includes particular language in one section of a statute but omits it in another . . . , it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion''; he argues that it is significant that while Congress used the word ''practitioner'' in section 823, it used the word ''registrant'' in section 824(a). Exceptions, at 4 (quoting *Keene Corp.,* 508 U.S. at 208 (other citation omitted)). Contrary to Respondent's contention, the correct comparison is between the language of section 823(f), which states that ''[i]n determining the public interest, the following factors shall be considered,'' and the language of section 824(a), which authorizes the Agency to suspend or revoke a registration upon making one of the five enumerated ''finding[s].''

Lazaro Guerra, 68 FR 15226, 15227 (2003) (''mandatory exclusion from participation in the Medicare program pursuant to 42 U.S.C. 1320a–7(a) . . . is an independent ground for revoking a DEA registration'' (citing 21 U.S.C. 824(a)(5)). *See also Richard B. Lynch, Jr.,* 50 FR 7844, 7845 (1985) (Agency made findings under section 824(a) (1), 824(a)(2), and 824(a)(3); ''The Administrator concludes that there are three independent statutory grounds for denial of the subject application.'').

The Agency's interpretation is buttressed by the CSA's legislative history. As originally enacted, the CSA granted the Attorney General authority to suspend or revoke a registration: upon a finding that the registrant—

(1) has materially falsified any application filed pursuant to or required by this title [the CSA] or title III [the Controlled Substance Import Export Act (CSIEA), 21 U.S.C. 951–971];

(2) has been convicted of a felony under [the CSA or CSIEA] or any other law of the United States, or of any State, relating to any substance defined in this title as a controlled substance; or

(3) has had his state license or registration suspended, revoked, or denied by competent state authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.

Pub. L. 91–513, § 304, 84 Stat. 1255 (codified at 21 U.S.C. 824(a)).[7]

Describing this provision, the House Report explained that ''[s]ubsection (a) of this section empowers the Attorney General to revoke or suspend any registration issued under this title if it is found that the holder has falsified his application, lost his State license, or has been convicted of a felony violation relating to any controlled substance.'' H. Rep. No. 91–1444 (1970), *as reprinted in* 1970 U.S.C.C.A.N. 4566, 4608–09. Absent from this statement is any discussion that in determining the sanction, the Attorney General was required to consider not only whether a registrant had lost his state authority, but also whether he had also materially falsified his application or had been convicted of a felony related to a controlled substance.

Moreover, while in 1984, Congress amended the CSA by granting the Attorney General authority to deny an application for a practitioner's registration and to revoke an existing registration on public interest grounds, it did so to increase the Agency's authority to respond to the ''[i]mproper diversion of controlled substances by practitioners,'' which Congress explained ''is one of the most serious aspects of the drug abuse problem.'' H. Rep. No. 98–1030, at 266 (1984), *as reprinted in* 1984 U.S.C.C.A.N. 3182, 3448. The House Report explained that ''effective Federal actions against practitioners has been severely inhibited by the limited authority in current law to deny or revoke practitioner registrations'' and that ''the current limited grounds for revoking or denying a practitioner's registration have been cited as contributing to the problem of diversion of dangerous drugs.'' *Id.* Finding that ''the overly limited bases in current law for denial or revocation of a practitioner's registration do not operate in the public interest,'' Congress amended section 823(f) ''*to expand the authority* of the Attorney General to deny a practitioner's registration application'' based upon a finding ''that registration would be 'inconsistent with the public interest.'" *Id.* (emphasis added).

While Congress also amended section ''824(a) to add to the current bases for denial, revocation, or suspension of registration a finding that registration would be inconsistent with the public interest on the grounds specified in [section] 823, which will include consideration of the new factors added by'' the amendment, *id.* at 266–67, Congress did not otherwise alter the text of section 824(a), which makes clear that the various paragraphs of this provision are findings, each of which provides an independent and adequate ground to support agency action against a registration, and not discretionary factors to be considered by the Agency. Indeed, Respondent points to nothing in the language of section 824 or the CSA's legislative history to support his position, which would fundamentally alter the scope of the Agency's authority under section 824.

Nor is there any merit to Respondent's contention that denying him ''the opportunity to present other evidence supporting [his] continued registration'' denies him due process. Exceptions, at 6. As explained above, in a proceeding brought against a practitioner under section 824(a)(3), the only fact that is material is whether the practitioner is currently authorized to dispense controlled substances under laws of the state in which he practices and is registered. Because ''other evidence supporting [his] continued registration'' is not material to the outcome of this proceeding, and Respondent was provided with the opportunity to put forward evidence disputing the only material fact at issue, I reject his contention that the use of summary disposition denied him due process. *See Rezik A. Saqer,* 81 FR 22122, 22124 (2016) (citing cases).

I therefore reject each of Respondent's Exceptions. Based on the ALJ's finding that Respondent is not currently authorized to dispense controlled substances in Louisiana, the State in which he holds the DEA registration at issue in this proceeding and seeks an additional registration, I will adopt the ALJ's recommended order that I revoke his registration and deny his application.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. BF4179203 issued to Arnold E. Feldman, M.D., as well as DATA Identification No. XF4179203, be, and they hereby are, revoked. I further order that the Application of Arnold E. Feldman, M.D., for a registration as a Hospital/Clinic, as well any application to renew the above the registration or for any other registration in the State of Louisiana, be, and it hereby is, denied. This ORDER is effective immediately.[8]

Dated: August 14, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–17640 Filed 8–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Duarte Nursery, Inc. and John Duarte,* Civil Action Number 2:13–cv–02095–KJM–DB, was lodged with the United States District Court for the Eastern District of California, Sacramento District, on August 15, 2017.

This proposed Consent Decree concerns an answer and counterclaim filed by the United States on May 7, 2014, against Duarte Nursery, Inc. and

[7] *Cf. Reiter* v. *Sonotone Corp.,* 442 U.S.C. 330, 339 (1979) (''Canons of construction ordinarily suggest that terms connected by a disjunctive be given separate meanings, unless the context dictates otherwise[.]) (citing *FCC* v. *Pacifica Foundation,* 438 U.S. 726, 739–40 (1978)).

[8] Based on the Board's findings with respect to the sixth charge of the Administrative Complaint, which found that he violated state law by prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification thereof or in other than a legal or legitimate manner,'' I find that the public interest necessitates that this Order be effective immediately. Mot. for Summ. Disp., Appendix C, at 13, 15; *see also* 21 CFR 1316.67.

John Duarte, pursuant to Sections 301(a) and 309(d) of the Clean Water Act, 33 U.S.C. 1311(a) and 1319(d), to obtain injunctive relief from and impose civil penalties against the Counterclaim-Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Counterclaim-Defendants to restore the impacted areas and/or perform mitigation and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Andrew Doyle, Senior Attorney, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, and refer to *United States* v. *Duarte Nursery, Inc. and John Duarte,* DJ # 90–5–1–4–19984.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of California, Sacramento District, 501 I Street, Room 4–200, Sacramento, CA 95814. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2017–17634 Filed 8–18–17; 8:45 am]

BILLING CODE 4410–15–P

OFFICE OF MANAGEMENT AND BUDGET

OMB Sequestration Update Report to the President and Congress for Fiscal Year 2018

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of availability of the OMB Sequestration Update Report to the President and Congress for FY 2018.

SUMMARY: OMB is issuing the *OMB Sequestration Update Report to the President and Congress for Fiscal Year 2018* to report on the status of the discretionary caps and on the compliance of pending discretionary appropriations legislation with those caps. For fiscal year 2017, the report finds enacted appropriations to be within the spending limits. For fiscal year 2018, the report finds that, if the current limits remain unchanged, under OMB's estimates of actions to date by the House of Representatives for the 12 annual appropriations bills would result in a sequestration of approximately $72.4 billion in defense programs. The report also finds that actions or funding guidance by the Senate would result in a sequestration of approximately $2.0 billion in defense programs and $3.8 billion for non-defense programs. Finally, the report also contains OMB's Preview Estimate of the Disaster Relief Funding Adjustment for FY 2018.

DATES: *Date: August 20, 2017.* Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 requires the Office of Management and Budget (OMB) to issue a Sequestration Update Report on August 20th of each year. With regard to this update report and to each of the three required sequestration reports, section 254(b) specifically states the following:

> SUBMISSION AND AVAILABILITY OF REPORTS.—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the **Federal Register**.

ADDRESSES: The OMB Sequestration Reports to the President and Congress is available on-line on the OMB home page at: *https://www.whitehouse.gov/omb/public-releases/omb-reports.*

FOR FURTHER INFORMATION CONTACT: Thomas Tobasko, 6202 New Executive Office Building, Washington, DC 20503, Email address: *ttobasko@omb.eop.gov,* telephone number: (202) 395–5745, FAX number: (202) 395–4768. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

Mick Mulvaney,

Director.

[FR Doc. 2017–17595 Filed 8–18–17; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: The National Endowment for the Humanities will hold nine meetings of the Humanities Panel, a Federal advisory committee, during September, 2017. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

ADDRESSES: The meetings will be held at Constitution Center at 400 7th Street SW., Washington, DC 20506, unless otherwise indicated.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW., Room, 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. *Date:* September 5, 2017
   This meeting will discuss applications for the Humanities Initiatives at Historically Black Colleges and Universities grant program, submitted to the Division of Education Programs.
2. *Date:* September 6, 2017
   This meeting will discuss applications for the Humanities Initiatives at Hispanic-Serving Institutions grant program, submitted to the Division of Education Programs.
3. *Date:* September 6, 2017
   This meeting will discuss applications on the subjects of Art and Culture for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.
4. *Date:* September 7, 2017
   This meeting will discuss applications on the subject of U.S. History for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.
5. *Date:* September 7, 2017
   This meeting will discuss applications for the Humanities Initiatives at Hispanic-Serving Institutions grant program, submitted to the Division of Education Programs.
6. *Date:* September 8, 2017
   This meeting will discuss applications for the Humanities Initiatives at Hispanic-Serving Institutions grant program, submitted to the Division of Education Programs.
7. *Date:* September 11, 2017

This meeting will discuss applications on the subject of U.S. History for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

8. *Date:* September 12, 2017
This meeting will discuss applications on the subjects of Mobile and Place-Based projects for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

9. *Date:* September 14, 2017
This meeting will discuss applications on the subjects of World History and Art for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: August 16, 2017.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2017–17584 Filed 8–18–17; 8:45 am]

BILLING CODE 7536–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–265; CP2017–266; MC2017–170 and CP2017–268]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 23, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2017–265; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 15, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Matthew R. Ashford; *Comments Due:* August 23, 2017.

2. *Docket No(s).:* CP2017–266; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 15, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Matthew R. Ashford; *Comments Due:* August 23, 2017.

3. *Docket No(s).:* MC2017–170 and CP2017–268; *Filing Title:* Request of the United States Postal Service to Add Alternative Delivery Provider Reseller 1 Contracts to the Competitive Products List, and Notice of Filing (Under Seal) of Contract and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 15, 2017; *Filing Authority:* 39 CFR 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Katalin K. Clendenin; *Comments Due:* August 23, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–17608 Filed 8–18–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2017–267]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning rates not of general applicability for Inbound Parcel Post (at Universal Postal Union (UPU) Rates). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 23, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to rates not of general applicability for Inbound Parcel Post (at Universal Postal Union (UPU) Rates).

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2017–267; *Filing Title:* Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability for Certain Inbound Parcel Post (at UPU Rates), and Application for Non-Public Treatment; *Filing Acceptance Date:* August 15, 2017; *Filing Authority:* 39 U.S.C. 3633 and 39 CFR 3015.5; *Public Representative:* Katalin K. Clendenin; *Comments Due:* August 23, 2017.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–17592 Filed 8–18–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81402; File No. SR–CFE–2017–002]

Self-Regulatory Organizations; CBOE Futures Exchange, LLC; Notice of Filing of a Proposed Rule Change Regarding Recordkeeping Requirements

August 15, 2017.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 7, 2017 CBOE Futures Exchange, LLC (''CFE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC''). CFE filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act (''CEA'') [2] on August 7, 2017.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to amend CFE Rules 502 and 535 related to recordkeeping requirements. The scope of this filing is limited solely to the application of the proposed rule amendments to security futures that may be traded on CFE. Although no security futures are currently listed for trading on CFE, CFE may list security futures for trading in the future. The text of the proposed rule change is attached as Exhibit 4 to the filing but is not attached to the publication of this notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE 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. CFE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CFE Rule 502 sets forth CFE's requirements relating to record retention periods and the inspection and delivery of books and records. CFE Rule 535 provides that any CFE Trading Privilege Holder subject to CFTC Regulation 1.31 [3] that violates CFTC Regulation 1.31 shall be deemed to have violated Rule 535. Rule 535 also includes the text of CFTC Regulation 1.31 within Rule 535.

The CFTC recently issued a final rulemaking regarding recordkeeping requirements which amends CFTC Regulation 1.31.[4] The amendments to CFTC Regulation 1.31 become effective on August 28, 2017. CFE is proposing to amend Rules 502 and 535 to conform them to amended CFTC Regulation 1.31. Rule 502 continues to provide for a five year record retention period consistent with CFTC Regulation 1.31. In conformity with amended CFTC Regulation 1.31, CFE is proposing to amend Rule 502 to provide that required books and records exclusively created and maintained on paper shall be readily accessible during the first two years of that five year period and that electronic books and records shall be readily accessible for the entire five year period. CFE is proposing to amend Rule 535 to replace the previous text of CFTC Regulation 1.31 with the new text of CFTC Regulation 1.31. CFE is proposing to amend Rule 535 to modernize and make technology neutral the form and manner in which regulatory records must be kept, as well as rationalize the current rule text for ease of understanding, consistent with the changes made to CFTC Regulation 1.31. Specifically, the proposed changes to Rule 535 eliminate the requirement for a records entity to: (1) Keep electronic regulatory records in their native file format; (2) retain any electronic record in a non-rewritable, non-erasable format; and (3) engage a third-party technical consultant.

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

[3] 17 CFR 1.31.

[4] 82 FR 24479 (May 30, 2017).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(5)[6] and 6(b)(7)[7] in particular in that it is designed:

• To prevent fraudulent and manipulative acts and practices,

• to promote just and equitable principles of trade, and

• to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

The proposed rule change would align CFE's rules related to recordkeeping with the CFTC's amended recordkeeping requirements. The Exchange believes that the proposed rule change furthers the ability of the Exchange to regulate its market by providing for updated and enhanced recordkeeping requirements (which include, among other things, a requirement to keep electronic records readily accessible for a [sic] five years).

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, in that the proposed rule change is consistent with the CFTC's amended recordkeeping requirements. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory in that the rule amendments included in the proposed rule change would apply equally to all CFE Trading Privilege Holders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change will become operative on August 28, 2017. At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[8]

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–CFE–2017–002 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–CFE–2017–002. 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–CFE–2017–002, and should be submitted on or before September 11, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17549 Filed 8–18–17; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(7).

[8] 15 U.S.C. 78s(b)(1).

[9] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81399; File No. SR–LCH SA–2017–007]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Margin Framework and Default Fund Methodology for Options on Index Credit Default Swaps

August 15, 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 August 1, 2017, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared primarily by LCH SA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend its (i) Reference Guide: CDS Margin Framework (''CDSClear Margin Framework'' or ''Framework'') and (ii) CDSClear Default Fund Methodology (''Default Fund Methodology'') to incorporate terms and to make conforming and clarifying changes to allow options on index credit default swaps (''CDS Options'') to be cleared by LCH SA.[3] A separate proposed rule change has been submitted concurrently (SR–LCH SA–2017–006) with respect to amendments to LCH SA's rule book and other relevant procedures to incorporate terms and to make conforming and clarifying changes to allow options on index credit default swaps (''CDS'') to be cleared by LCH SA. The launch of clearing CDS Options will be contingent on LCH SA's receipt of all necessary regulatory approvals, including the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] All capitalized terms not defined herein have the same definition as the Framework or Default Fund Methodology, as applicable.

approval by the Commission of the proposed rule change described herein and SR–LCH–SA–2017–006.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In connection with the clearing of CDS Options, LCH SA proposes to modify its CDSClear Margin Framework and Default Fund Methodology to manage the risk arising from clearing CDS Options and to streamline the descriptions in the existing CDSClear Margin Framework and Default Fund Methodology to take into account CDS Options and improve the organization and clarity of the CDSClear Margin Framework and Default Fund Methodology.

(i). CDSClear Margin Framework

The CDSClear Margin Framework will be reorganized to include a new introductory section covering the overall new structure of the Framework, which will include a description of the CDSClear pricing methodology and margin methodologies for single-name CDS, index CDS, and CDS Options. The margin methodologies used to calculate total initial margin will consist of seven components, *i.e.,* self-referencing margin, spread margin, short charge, wrong way risk margin, interest rate risk margin, recovery rate margin, and vega margin. In addition, the Framework will also cover liquidity margin to account for liquidation cost or potential losses as a result of concentrated or illiquid positions, credit event margin to account for the risk of recovery rate changes during the credit event processes, and variation margin to account for observed mark-to-market changes as additional margin charges. Finally, the methodology for FX rate adjustments that are necessary for U.S. dollar denominated products cleared by LCH SA is described in relevant sections of the Framework.

a. Pricing Methodology

A new section on CDSClear pricing methodology is created as new Section 2 in the Framework to cover both CDS pricing (section 2.1) and CDS Options pricing (section 2.2). LCH SA does not propose any change to the methodology currently used to price CDS under Section 2.1 but because pricing is an input used by various margin components to calculate total initial margin, LCH SA believes it is appropriate to remove the CDSClear pricing methodology from the existing spread margin section and incorporate it under the new Section 2.

New section 2.2 describes the methodology that will be used to price CDS Options. LCH SA proposes to adopt a market standard model which makes certain adjustments to address the limitations of the classic Black-Scholes model and that is made available on Bloomberg (the ''Bloomberg Model'') and is commonly used by both dealers and buy-side participants in order to facilitate communication on index swaptions. The limitations of the classic Black-Scholes model include the inability to reflect the contractual cash flow exchanged upfront upon the exercise of the option. Neglecting the upfront cash flow exchange would have a significant impact for deeply in-the-money payer options because setting the underlying par spread curve flat at the strike level would considerably reduce the risk duration and, therefore, the potential profits and losses (''P&Ls'') resulting from the option exercise with respect to such options. In addition, if a credit event occurs with respect to the underlying index CDS after the option was traded but before its expiry, the resulting loss would be settled if and only if the option is exercised, and settlement would occur on the day of exercise. Finally, the strike and spot for price-based CDS Options are expressed in price terms rather than in spread terms and, therefore, require price-to-spread conversion before using the Bloomberg Model. LCH SA proposes to incorporate the upfront cash flow amount to be exchanged upon exercise and the cash payment resulting from the settlement of credit events that would occur between the trade date and the expiry into the payoff amount at expiry in the CDS Option price definition. In addition, consistent with the Bloomberg Model, LCH SA also proposes to implement an adjusted spread in the log normal distribution by calibrating the spread to match the implied forward price, based on market quoted spreads, with certain assumptions made to improve the calibration in order to be able to price CDS Indices with a closed formula as the Bloomberg Model.

Revised section 2.3 covers the market data for CDS and CDS Options. Section 2.3.1 describes the market data LCH SA uses to build the database for single-name CDS covering the 10-year look-back period, which is the same as the description in the existing CDSClear Margin Framework with very minor technical edits to improve headings and to correct typographical errors.

New section 2.3.2 addresses implied volatility in the pricing of CDS Options. LCH SA proposes to rely on the stochastic volatility inspired or ''SVI'' model to construct volatility surfaces and to use the model to price or reprice a CDS Option as well as to interpolate the various implied volatilities obtained from the Bloomberg Model described above in a consistent manner. The choice of the SVI model is based upon considerations that the model is an appropriate fit with the historical data and that it guarantees a volatility surface free of static arbitrage (such as calendar and butterfly arbitrage) if the appropriate parameters are selected.

New section 2.3.3 describes the sources of historical data for CDS Option prices used by LCH SA to construct the database covering the 10-year look-back period. These sources consist of Markit's history of composite prices and specific dealers' history of prices. LCH SA will then use this data to extract historical implied volatility. In order to ensure that only SVI paramertizations that model the shape of the volatility curves well would be used in the construction of the time series, LCH SA would use a pre-defined coefficient of determination to measure how well the data fits the statistical model. Section 2.3.3 also describes other data to be used for purposes of constructing historical implied volatility in the case of missing at-the-money (''ATM'') volatility and SVI data points in the historical time series. If an option price cannot be obtained through members' contribution (as described below) or Markit, LCH SA may use the price from the then on-the-run series or use a proxy to determine the ATM volatility returns from other similar options or from the index spread returns.

Finally, new section 2.3.4 provides the source of new daily pricing data for CDS Options that will be used to update implied volatility on a daily basis. Similar to the current end-of-day pricing mechanism for CDS, LCH SA will require members to contribute prices on options for all strikes that are a multiple of five bps for iTraxx Europe Main or 25 bps for iTraxx Europe Crossover of a

given expiry when the members have at least an open position on one strike for that expiry. Members' contributed prices will be used for marking the options book if a quorum of three distinct contributions (underlying, expiry, strike) is recorded per option. Otherwise, LCH SA will fall back to Markit's composite prices or use pre-defined rules to fill in missing data.

b. Total Initial Margin

A new Section 3 is created to provide the total initial margin framework. New section 3.1 provides a summary of the total initial margin framework, including a brief description of each of the seven components of the total initial margin.

New section 3.2 provides an overview of the risks captured by each margin component and the additional margin charges, as well as cash-flow specific considerations and adjustments made to the margin framework specific to U.S. dollar denominated CDS contracts. This re-organized overview is substantively consistent with the description in existing section 3.1.1 of the CDSClear Margin Framework except for the addition of the new vega margin which is proposed in connection with the clearing of CDS Options.

i. Self-Referencing Margin

New Section 3.3 sets forth self-referencing margin, a component of the total initial margin, for both CDS and CDS Options. In the case of CDS, self-referencing margin is designed to cover the specific wrong way risk relating to a Clearing Member selling protection on itself through a CDS index or a client selling protection on the Clearing Member. Self-referencing margin reflects the P&L impact resulting from the Clearing Member defaulting on a sold-protection position in CDS referencing its own name with zero recovery. In the case of CDS Options, the P&L impact resulting from a Clearing Member defaulting on a sold-protection position in CDS referencing its own name can be calculated by taking the difference between the current option value and the option value incorporating a loss amount in the underlying CDS index.

ii. Spread Margin

New Section 3.4 sets forth spread margin for both CDS and CDS Options. There is no change proposed to the spread margin calculation for CDS, which would continue to be calculated using a value-at-risk model to build a distribution of potential losses from simulated scenarios based on the joint credit spread and volatility variations observed in the past. LCH SA then determines the expected shortfall based on a quantile of the worst losses that could happen in the case of unfavorable credit spread and volatility fluctuations within each 5-day scenario and takes the difference in P&Ls of each portfolio between the average of the prices beyond the 99.7 percent quantile of the portfolio and the current mark-to-market price of the portfolio as the expected shortfall. In addition, because the European Market Infrastructure Regulation (EMIR) limits margin reduction from portfolio margining to no greater than 80 percent of the sum of the margins for each product calculated on an individual basis, LCH SA would determine the spread margin to be the maximum between the expected shortfall of the portfolio and 20 percent of the sum of the expected shortfalls across instruments.

The methodology for calculating spread margin would be the same for CDS Options, with two adjustments. First, in addition to simulated credit spreads, simulated volatilities would be calculated by defining a shifted volatility curve for each option expiry date. Both simulated credit spreads and simulated volatilities would be used to produce simulated option values as an input in the value-at-risk model to generate the expected shortfall. Second, in order to properly account for the impact of CDS Options which expire within the 5-day margin period of risk, LCH SA proposes to add to the Section 3.4 spread margin provisions regarding an assessment of whether a CDS Option would be exercised on expiry by considering the present value of an option on the date of expiry. If the assessment determines that the option would be exercised, LCH SA would take the resulting index CDS position into account in the expected shortfall calculation for the following days within the margin period of risk.

LCH SA is also proposing to move the discussion of margin impact related to clearing CDX IG/HY contracts to Section 3.4 without any substantive change and to delete the current Section 3 on ''CDX IG/HY Specificity'' in the CDSClear Margin Framework. This reorganization of the CDSClear Margin Framework is intended to streamline the presentation because the same spread margin methodology that applies to European CDS contracts would equally apply to U.S. dollar denominated contracts, with certain considerations given to the use of U.S. interest rate benchmarks, FX adjustment, use of shifted FX rate for computing historical expected shortfalls, and an FX haircut, as described in Section 3 of the current CDSClear Margin Framework.

iii. Short Charge

New Section 3.5 sets forth short charge for both CDS and CDS Options, which replaces the former Section 4.1. As with the existing Framework, the purpose of the short charge is to address the jump-to-default risk, *i.e.,* the P&L impact, when liquidating a defaulting member's portfolio, as a result of one or more reference entities in the portfolio experiencing a default. The definition of the short charge remains the greater of (x) the ''global short charge,'' derived from the Clearing Member's largest, or ''top,'' net short exposure (in respect of any CDS contracts) and its top net short exposure amongst the three ''riskiest'' reference entities (in respect of any entity type) that are most probable to default in its portfolio, and (y) a ''high yield short charge,'' (''HY short charge'') derived from a member's top net short exposure (in respect of high yield CDS) and its top two net short exposures amongst the three ''riskiest'' reference entities (in the high yield category) in its portfolio. In addition, because wrong way risk margin considers the P&L impact as a result of the Clearing Member's top two net short exposures in respect of senior financial CDS, it is relevant to calculate a financial short charge to reflect the jump-to-default P&L impact resulting from the default of the two financial entities with the largest net short exposures.

The steps for determining the net short exposure and default probability per entity also remain the same with respect to CDS portfolios. LCH SA would define the net short exposure at the portfolio level, aggregating net notional by entity, applying a recovery rate and subtracting the variation margin already collected with respect to each entity, either as a single name or as part of an index. Because there are various transaction types and contract terms based on different ISDA definitions, LCH SA would calculate each reference entity's net exposure based on transaction types and contract terms across various possible scenarios, sum the exposures together according to the scenarios, and retain the worst scenario as the reference entity's net short exposure.

With respect to the determination of the short exposure for CDS Options, LCH SA believes that it would be appropriate to consider the P&L impact of a credit event experienced by a constituent of an index CDS underlying the CDS Option on the value of the option. Rather than repricing the option each day based on the spread level of

the underlying index and the ATM volatility level, LCH SA proposes to adopt an approximation approach to define the change in the option price relative to the total loss in the underlying index so as to expedite the calculation. The amount of such change would represent the impact on the option premiums as a function of the loss amount to be delivered at the option expiry if the option is exercised. Such change in option price would then be calibrated on a loss interval for each eligible option as a polynomial function and the calculation of this loss function would be performed at the option instrument level.

The total short exposures with respect to each reference entity would be the sum of (i) the net short exposure for the CDS contracts referencing such entity and (ii) the losses resulting from the CDS Options on index CDS with such entity as a constituent. A total short exposure will be calculated for each entity except for an entity experiencing a credit event or an entity that is a member or member's affiliate with respect to which a self-referencing margin is imposed. LCH SA will then be able to select the entity or entities for purposes of calculating the global short charge, HY short charge, and financial short charge.

In order to accommodate the addition of CDS Options to CDSClear's clearing services, LCH SA proposes to make certain adjustments to the short charge calculation. First, when calculating the total short exposure for each reference entity, including an entity that is a constituent of an index CDS underlying an option, the total short exposure would be calculated for each day within the 5-day margin period of risk using a simulated credit spread and ATM volatility data for both CDS and CDS options, instead of using the current spread as is the case for CDS only in the existing Framework.

Second, after entities are selected for calculating the global short charge, HY short charge and financial short charge, if a portfolio includes CDS Options, as a result of the non-linearity of options products, the total short exposure would not be the sum of the P&L impacts of each individual entity's default. Therefore, LCH SA proposes to calculate each of the global short charge, HY short charge and financial short charge by considering the combined P&L impacts of simultaneous defaults of the selected entities.

Third, because the total short exposure for each reference entity would be calculated using a simulated credit spread and ATM volatility data for both CDS and CDS Options, the global short charge, HY short charge and financial short charge derived from the selected entities' total short exposures would represent the jump-to-default risk and the market risk (*i.e.,* spread moves) from both the CDS contracts and the CDS Options contracts at the portfolio level on each day within the 5-day margin period of risk in the simulated scenario. In order to calculate the short charge margin that reflects the P&L impact of the jump-to-default risk only at the portfolio level and the spread margin that reflects the P&L impact that comes from spread and ATM volatility moves, LCH SA would compare three expected shortfall amounts at the portfolio level: (i) The expected shortfall reflecting the P&Ls consisting of spread margin, the global short charge, the HY short charge and the financial short charge (ES_1), (ii) the expected shortfall reflecting the P&Ls consisting of spread margin, global short charge and HY short charge (ES_2), and (iii) the expected shortfall reflecting the P&Ls consisting of spread margin (ES_3). If ES_1 exceeds ES_2, the excess amount would be the result of the financial short charge, which is the jump-to-default component of the wrong way risk and should be allocated to the wrong way risk margin. If ES_2 exceeds ES_3, the excess amount would represent the jump to default risk and should be allocated to the short charge margin. In addition, as stated above, EMIR limits the effect of margin reduction from portfolio margining to no greater than 80 percent of the sum of the margins for each product calculated on an individual basis. Thus, LCH SA would also calculate an expected shortfall reflecting the P&L impact of the spread and ATM volatility moves (ES_4) at a product level and then use 20 percent of ES_4 as the minimum floor for the spread margin.

Finally, new Section 3.5 will also consider the impact of option expiry on the P&L as part of the short charge calculation. In this respect, LCH SA would consider two cases: (i) The option exercise decision occurs before the occurrence of two credit events, and therefore, the credit events would have no impact on the option exercise decision and would only impact the P&L if the option is exercised upon expiry; and (ii) the two credit events occur before the option exercise decision and therefore, would have impact on the option exercise. LCH SA would use the worst case in the short charge calculation.

iv. Interest Rate Risk Margin/Recovery Risk Margin/Wrong-Way Risk Margin/Vega Margin

New Section 3.6 sets forth interest rate risk margin for both CDS and CDS Options, which replaces the former Section 7 in the existing CDSClear Margin Framework. The methodology for calculating interest rate risk margin remains the same, except to provide for repricing CDS Option positions using the same ''bump'' parameters up and down computed by taking the 99.7 quantile of the interest rate return based on the same sample of dates in the spread historical database.

New Section 3.7 sets forth recovery rate risk margin for CDS, which replaces Section 6 in the existing CDSClear Margin Framework. The methodology for calculating recovery rate risk margin is the same as the existing Framework. Because recovery rate risk margin applies to only single-name CDS, no adjustment or change is necessary to accommodate the addition of CDS Options to the CDSClear services because the options are on index CDS.

New Section 3.8 sets forth wrong way risk margin, which replaces Section 5 in the existing CDSClear Margin Framework. The methodology for calculating wrong way risk margin is the same as the existing Framework with minor revisions to streamline the description and to improve readability.

New Section 3.9 sets forth a new margin component, *i.e.,* vega margin, which would apply to CDS Options only. Because LCH SA uses ATM options to calculate volatility returns in all volatility scenarios, the derived expected shortfall would not fully capture the risk of volatility changes in the options premium relative to the strikes, *i.e.,* the skew risk and the risk of changes in the volatility of volatility. Therefore, LCH SA is proposing to add vega margin to the total initial margin in order to capture the skew risk and the volatility of volatility risk. The vega margin would first calculate the risk of skew and volatility of volatility independently by estimating option premium changes when the skew is shifted by an extreme move, which is calibrated as a quantile of the distribution of each parameter in the historical data set gathered by LCH SA, for each time series of an available parameter. LCH SA would then define shifts of the skew by multiplying a standard deviation of the returns of historical skews by a percentile for a given probability threshold. Then, LCH SA would also consider similar shocks on the volatility of volatility alone. Finally, LCH SA would also consider

scenarios of combined risk of skew and volatility of volatility and choose the worst P&L for the index family produced in these scenarios as the total vega margin charge.

c. Additional Margins

LCH SA proposes to create a new Section 4 in the CDSClear Margin Framework, which would cover (i) liquidity and concentration risk margin from Section 8 of the existing CDSClear Margin Framework, (ii) accrued coupon liquidation risk margin from Section 9 of the existing CDSClear Margin Framework, and (iii) credit event margin from Section 10 of the existing CDSClear Margin Framework.

i. Liquidity and Concentration Risk Margin

New Section 4.1 sets forth liquidity and concentration risk margin, which is moved from Section 8 of the existing CDSClear Margin Framework. Liquidity and concentration risk margin is designed to mitigate the P&L impact as a result of an illiquid or concentrated position in a defaulting member's portfolio. The methodology for calculating liquidity and concentration risk margin for CDS contracts is the same as the existing Framework with minor revision to streamline the description and to improve readability. In order to accommodate the addition of CDS Options to the existing clearing services, LCH SA proposes changes to the existing liquidity and concentration risk margin methodology to cover portfolios containing CDS Options.

To calculate the liquidity charge for portfolios including CDS Options, LCH SA would consider the options separately from CDS in the portfolio. Given that the market will require options to be liquidated as a delta-hedged package, LCH SA would delta-hedge the positions underlying the options and most likely auction the options as a package separate from the remainder of the portfolio. LCH SA will attempt to source the hedges from the CDS part of the defaulting member's portfolio using a delta hedging algorithm to ensure minimal hedging costs before sourcing the hedges from the market.

After the options package is delta-hedged, from the bidders' perspective, the pricing of the auction package would consist of hedging the vega of the delta-neutral options package at different resolutions consecutively until the portfolio is fully unwound. The cumulative costs incurred in the successive vega hedging would reflect the liquidity charge for the options.

The liquidity charge for the entire portfolio will be the sum of the liquidity charge computed for the CDS component of the portfolio and the liquidity charge computed for the options component of the portfolio.

ii. Accrued Coupon Liquidation Risk Margin

New Section 4.2 sets forth accrued coupon liquidation risk margin for both CDS and CDS Options. The accrued coupon liquidation risk margin with respect to CDS remains the same as section 9 of the existing CDSClear Margin Framework with minor edits to improve clarity and readability. In addition, changes are proposed to address the accrued coupon liquidation risk for CDS Options. Because accrued coupon liquidation risk margin is designed to cover the accrued coupon payment during the 5-day liquidation period, LCH SA would be exposed to a coupon payment risk for an option only if the option expiry falls within the 5-day liquidation period and the option is exercised. Therefore, accrued coupon for options contracts with an expiry more than 5 days away will be zero and accrued coupon for options contracts with expiry falling within the 5-day liquidation period will be the accrued coupon for 5 days if the options are exercised. LCH SA would consider the option exercise decision based on the current spread level +/− ½ of the bid-offer on the underlying to reflect the cost of monetizing an in-the-money option.

iii. Credit Event Margin

New Section 4.3 sets forth credit event margin, which is moved from section 10 of the existing CDSClear Margin Framework. The overall approach to the calculation of the credit event margin remains the same with certain revisions to streamline the presentation and to improve clarity and readability. With respect to ''hard'' credit events, because the recovery rate is unknown before the auction occurs, LCH SA would impose credit event margin to cover an adverse 25 percent absolute recovery rate move from the credit event determination date to, and including, the auction date. After the auction, when the recovery rate is known, Credit Event Margin is no longer required, and cash flows are exchanged in advance through the Variation Margin to extinguish any risk of the future payment not being made. However, because of the addition of CDS Options, LCH SA proposes a number of changes to the calculation of credit event margin. First, if several credit events occur, LCH SA proposes to calculate the credit event margin with respect to each affected CDS and CDS Option contract by considering adverse recovery moves that could be a combination of upwards, downwards and flat on the different entities depending on the portfolio, instead of summing the credit event margin covering adverse 25 percent adverse recovery rate move for each reference entity as in the case of linear CDS. The aggregation of the P&L at the affected CDS and CDS Option contracts level would be the credit event margin at the portfolio level. After the credit event margin is calculated for each portfolio, the combination of adverse recovery rate moves retained for a particular Clearing Member's portfolio would also be used in the spread margin calculation in order to virtually shift the strikes of all option contracts experiencing the credit event. Second, currently, LCH SA separates credit event margin calculations with respect to the portfolio of a Clearing Member that is the protection seller of the CDS experiencing a credit event and the portfolio of a Clearing Member that is the protection buyer of the CDS experiencing a credit event. The protection seller would be required to pay a credit event margin and the protection buyer would pay a so-called ''IM Buyer'', which corresponds to a margin charged to the buyer in the event of a credit event and is calculated in the same way as the calculation of the credit event margin with the only difference being the change in the direction of the shocks. With the addition of CDS Options, LCH SA proposes to use one terminology ''credit event margin'' calculated using the same methodology as the existing credit event margin calculation with respect to a Clearing Member's portfolio containing a contract affected by the credit event regardless of whether the Clearing Member is a protection buyer or protection seller.

Finally, with respect to restructuring events or so-called ''soft'' credit events, because different auctions may be held depending on the maturity of the contracts and therefore, the recovery rate could be different across all the contracts with various maturity dates, LCH SA proposes to consider each maturity separately instead of netting all positions with the same reference entity. For each given reference entity experiencing a restructuring event with respect to a given maturity, the calculation of the credit event margin is similar to that used for hard credit events.

d. Cash Flows, Contingency Variation Margin and Extraordinary Margin

New Sections 5, 6 and 7 set forth cash flow exchanges (in the form of variation margin, price alignment interest, quarterly coupon payments or upfront payments), contingency variation margin, and extraordinary margin. These sections are moved from Sections 11, 12 and 3.4 of the existing CDSClear Margin Framework without substantive change and with minor revisions to eliminate redundancy and improve clarity and readability.

e. Appendix

The new Section 8 Appendix sets forth the settlement agent and FX provider, FX haircut and quanto with respect to CDX IG/HY contracts. These are moved from Section 3.1.2, 3.3.2 and 3.3.3 of the existing CDSClear Margin Framework without substantive change.

(ii). Default Fund Methodology

LCH SA also proposes to modify its Default Fund Methodology to incorporate terms for CDS Options and to make certain clarifying and conforming changes to the Default Fund Methodology.

Section 1 of the Default Fund Methodology, which outlines the stress risk framework, would be amended in Sections 1.1, 1.2, 1.3, and 1.4 to make formatting changes and clarifying changes to the text for readability.

Section 2 of the Default Fund Methodology sets forth the methodology used to calculate default fund, which is designed to cover the potential impact of the default of two or more Clearing Members in stressed market conditions in excess of initial margin held by LCH SA. Section 2.1 currently provides an overview of the framework for such methodology. The fundamental piece of the methodology is to identify stress testing scenarios to introduce market moves in so-called ''extreme but plausible'' market conditions beyond those applied to the margin calculation. Such stress testing scenarios would then be applied to Clearing Members' portfolios to calculate the P&L impacts and the sum of the two highest stress testing losses over initial margin (''STLOIM'') across all Clearing Members' portfolios. From there, LCH SA adds a 10 percent buffer to be the size of the default fund. Because of the addition of CDS Options, LCH SA proposes to amend Section 2.1 to take into account the new vega margin designed to address the skew risk and volatility of volatility risk particular to CDS Options that are not covered in the spread margin calculation. As a result, a stressed vega margin (in addition to the existing stressed spread margin and stressed short charge) would be calculated under the stress test scenarios. LCH SA would then calculate stress test losses (*i.e.,* the sum of the stressed spread margin, stressed short charge and stressed vega margin) over initial margin components designed to cover the market risk and default risk (*i.e.,* the spread margin, short charge, wrong way risk margin and vega margin). Clarification changes are also made to the explanation of stressed spread margin and stress short charge.

Section 2.2 of the Default Fund Methodology would be modified to separate the description of the methodology for calculating P&L from the description of the stress testing scenarios. The description of the stress scenarios would be retained in Section 2.2 with certain clarifying changes for readability, and the description of the methodology for calculating the P&L for purposes of spread moves and short charge would be removed from Section 2.2 and replaced with new Sections 2.3 and 2.4. The various scenarios considered for the Default Fund Methodology would also be renumbered under new subsections 2.2.1 (Standard Scenarios), 2.2.2 (Dislocation Scenarios), 2.2.3 (SPAN Scenarios), 2.2.4 (2× Lehman Scenarios), 2.2.5 (Black Monday Scenario), 2.2.6 (Theoretical Scenarios), 2.2.7 (Theoretical 4× Bear Sterns Scenario), and 2.2.8 (Correlation Breakdown). A new set of scenarios would also be added in Section 2.2.9 (Volatility Scenarios), which considers movements in the implied ATM volatilities of index families, in both historical and theoretical stress scenarios.

New Section 2.3 of the Default Fund Methodology sets forth the new calculation of the stressed spread margin component of the STLOIM. Consistent with the changes made to the CDSClear Margin Framework, the new calculation of stressed spread margin would consider ATM implied volatility moves for options and the stressed spread margin would be calculated in two scenarios: (i) Historical scenarios covering credit spread moves and ATM implied volatility movements in combination, and (ii) theoretical scenarios covering credit spread movements and ATM implied volatility moves independently. For CDS, only scenarios covering spread moves would be considered.

New Section 2.4 of the Default Fund Methodology would set forth the stressed short charge component of the STLOIM calculation and would incorporate terms to account for the addition of CDS Options. The new stressed short charge calculation would follow the methodology of the short charge calculation as part of the total initial margin to take into account the non-linear nature of options, except that the number of default entities assumed is higher for stressed short charge than the number of defaults assumed for normal short charge. As under the existing Default Fund Methodology, the stressed short charge will cover the greater of (i) a ''Global Stressed Short Charge,'' which considers the entity having the largest exposure and the two highest exposures among the three entities most likely to default in the Clearing Member's portfolio, (ii) a ''Financial Stressed Short Charge,'' which considers the two entities having the largest exposure among senior financial entities and the highest exposure among the three senior financial entities most likely to default in the Clearing Member's portfolio, and (iii) a ''High Yield Stressed Short Charge,'' which considers the two entities having the largest exposure among entities in the high yield index family and the two highest exposures among the three entities among the high yield entities most likely to default in the Clearing Member's portfolio.

New Section 2.5 of the Default Fund Methodology would add a new stressed vega margin component to the STLOIM calculation. As noted above with respect to the CDSClear Margin Framework, vega margin is included with respect to CDS Options to address skew risk and volatility of volatility risk. The stressed vega margin component of the STLOIM calculation would be calculated in the same manner as the vega margin component of the CDSClear Margin Framework, but would use a higher quantile than the regular vega margin calculation.

New Section 2.6 of the Default Fund Methodology, entitled Exercise Management, would account for the impact of CDS Options which expire within the 5-day liquidation period. If the time to expiry with respect to an option in a defaulting member's portfolio is less than or equal to five days, LCH SA would consider the impact of option exercise in four permutations for each stress scenario to account for the default and extreme spread moves occurring before or after option expiry. LCH SA would then select the permutation generating the largest loss for any particular scenario. Section 2.6.1 of the Default Fund Methodology then sets forth the calculations for the exercise decision in respect of CDS Options and 2.6.2 describes the impact of the exercise

decision. For options that are expiring, if the option is deemed exercised, the ''bumped'' price will not be calculated in respect of the CDS option, but on the underlying index into which the CDS option would be exercised. With respect to these options exercised and converted to index CDS contracts, Section 2.6.3 of the Default Fund Methodology then provides that the resulting index contracts will lead to a change in the consideration of net short exposures and therefore, the global, financial and HY stressed net short exposures need to be calculated, which would affect the determination of the stressed short charge.

New Section 2.7 would set forth the P&L scenarios that are considered as part of the Default Fund Methodology. New Section 2.7.1 would set forth the stressed spread margin calculation with respect to specific products. In the case of CDS Options, the product is identified with the index family and series of the underlying index, such that the option P&L for each product can be added to the P&L for linear contracts and offsets may be made between the two groups. If the P&L at the product level is positive, a haircut is applied. Sections 2.7.2 then provides for a stressed short charge that is a component of the stressed initial margin calculation in Section 2.7.3. Under Section 2.7.4, the stressed initial margin calculation is then compared across historical scenarios, theoretical spread scenarios, and theoretical implied volatility scenarios.

Finally, the sections on Credit Quality Margin and Default Fund Additional Margin would be renumbered as new sections 3.1 and 3.2, respectively, and would be updated to incorporate terms for CDS Options and to account for the imposition of vega margin in respect of CDS Options.

2. Statutory Basis

LCH SA believes that the proposed rule change in connection with the clearing of CDS Options is consistent with the requirements of Section 17A of the Act and the regulations thereunder, including the standards under Rule 17Ad–22.[4] Section 17(A)(b)(3)(F)[5] of the Act requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. As noted above, the proposed rule change is designed to manage the risk arising from the clearing of CDS Options and to streamline the description of the existing margin framework and default fund methodology for CDS to take into account CDS Options and improve the organization and clarity of the CDSClear Margin Framework and Default Fund Methodology.

LCH SA believes that the proposed changes to the CDSClear Margin Framework and the Default Fund Methodology satisfy the requirements of Rule 17Ad–22(b)(2), (b)(3), (e)(1), (e)(4) and (e)(6).[6]

Rule 17Ad–22(b)(2) requires a clearing agency to use margin requirements to limit its credit exposures to participants under normal market conditions and to use risk-based models and parameters to set margin requirements.[7] Rule 17Ad–22(b)(3) requires each clearing agency acting as a central counterparty for security-based swaps to maintain sufficient financial resources to withstand, at a minimum, a default by the two participant families to which it has the largest exposure in extreme but plausible market conditions (the ''cover two standard''). Rule 17Ad–22(e)(4) requires a covered clearing agency to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing and settlement processes by maintaining sufficient financial resources,[8] and Rule 17Ad–22(e)(6) requires a covered clearing agency that provides central counterparty services to cover its credit exposures to its participants by establishing a risk-based margin system that meets certain minimum requirements.[9]

As described above, LCH SA proposes to amend its margin framework to manage the risks associated with clearing CDS Options. Specifically, the proposed rule change amends the existing spread margin and short charge components of the total initial margin to take into account implied volatility in the calculation of the spread margin and short charge as well as updating interest rate risk margin, recovery rate risk margin and wrong-way risk margin components of total initial margin to incorporate CDS Options. In addition, the proposed rule change adds the new vega margin to account for the skew risk and volatility of volatility risk specific to CDS Options. These changes are designed to use a risk-based model to set margin requirements and use such margin requirements to limit LCH SA's credit exposures to participants in clearing CDS and/or CDS Options under normal market conditions, consistent with Rule 17Ad–22(b)(2). LCH SA also believes that its risk-based margin methodology takes into account, and generates margin levels commensurate with, the risks and particular attributes of each of the CDS and CDS Options at the product and portfolio levels, appropriate to the relevant market it serves, consistent with Rule 17Ad–22(e)(6)(i) and (v). In addition, LCH SA believes that the margin calculation under the revised CDSClear Margin Framework would sufficiently account for the 5-day liquidation period for house account portfolio and 7-day liquidation period for client portfolio and therefore, is reasonably designed to cover LCH SA's potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default, consistent with Rule 17Ad–22(e)(6)(iii). LCH SA also believes that the new pricing methodology with respect to CDS Options, based on widely accepted and used Bloomberg Model with appropriate adjustments, as supplemented by methodology for circumstances in which pricing data are not readily available, would generate reliable data set to enable LCH SA to calculate spread margin, consistent with Rule 17Ad–22(e)(6)(iv).

Further, Rule 17Ad–22(b)(3) requires a clearing agency acting as a central counterparty for security-based swaps to establish policies and procedures reasonably designed to maintain the cover two standard.[10] Similarly, Rule 17Ad–22(e)(4)(ii) requires a covered clearing agency that provides central counterparty services for security-based swaps to maintain financial resources additional to margin to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, meeting the cover two standard.[11] LCH SA believes that its Default Fund Methodology, with the modifications described herein, will appropriately incorporate the risk of clearing CDS Options, which, together with the proposed changes to the CDSClear Margin Framework, will be reasonably designed to ensure that LCH SA maintains sufficient financial resources to meet the cover two

[4] 17 CFR 240.17Ad–22.

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 240.17Ad–22(b)(2), (b)(3), (e)(1), (e)(4), and (e)(6).

[7] 17 CFR 240.17Ad–22(b)(22).

[8] 17 CFR 240.17Ad–22(e)(4)(i).

[9] 17 CFR 240.17Ad–22(e)(6)(i).

[10] 17 CFR 240.17Ad–22(b)(3).

[11] 17 CFR 240.17Ad–22(e)(4)(ii).

standard, in accordance with Rule 17Ad–22(b)(3) and (e)(4)(ii).[12]

LCH SA also believes that the proposed rule change is consistent with Rule 17Ad–22(e)(1), which requires each covered clearing agency's policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. As described above, the proposed rule change would streamline the description of margin methodology and default fund sizing methodology in CDSClear Margin Framework and Default Fund Methodology. LCH SA believes that these change would improve the organization and clarity of these policies and provide for a clear and transparent legal basis for LCH SA's margin requirements and default fund contributions, consistent with Rule 17Ad–22(e)(1).

For the reasons stated above, LCH SA believes that the proposed rule change with respect to CDSClear Margin Framework and Default Fund Methodology in connection with clearing of CDS Options are consistent with the requirements of prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions, and assuring the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, in accordance with 17(A)(b)(3)(F) of the Act.[13]

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[14] LCH SA does not believe that the proposed rule change would impose burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the proposed changes to CDSClear Margin Framework and Default Fund Methodology would apply equally to all Clearing Members whose portfolio includes CDS and/or CDS Options. Because the margin methodology and default fund sizing methodology are risk-based, consistent with the requirements in Rule 17Ad–22(b)(2) and (e)(6), depending on a Clearing Member's portfolio, each Clearing Member would be subject to a margin requirement and default fund contribution commensurate with the risk particular to its portfolio. Such margin requirement and default fund contribution impose burdens on a Clearing Member but such burdens would be necessary and appropriate to manage LCH SA's credit exposures to its CDSClear participants and to maintain sufficient financial resources to withstand a default of two participant families to which LCH SA has the largest exposures in extreme but plausible market conditions, consistent with the requirements under the Act as described above. Therefore, LCH SA does not believe that the proposed rule change would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

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–LCH SA–2017–007 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–LCH SA–2017–007. 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 LCH SA and on LCH SA's Web site at *http://www.lch.com/asset-classes/cdsclear.*

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–LCH SA–2017–007 and should be submitted on or before September 11, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17546 Filed 8–18–17; 8:45 am]

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[12] 17 CFR 240.17Ad–22(b)(3) and (e)(4)(ii).

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 15 U.S.C. 78q–1(b)(3)(I).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81398; File No. SR–BOX–2017–26]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Rule 2120 (Trading Conduct and Order & Decorum on the Trading Floor) and Amend Rule 12140 (Imposition of Fines for Minor Rule Violations) To Adopt Rule Violations and Sanctions Applicable to the Trading Floor

August 15, 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 August 9, 2017, BOX Options Exchange LLC (''BOX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt Rule 2120, Trading Conduct and Order & Decorum on the Trading Floor, to enable the Exchange to enforce compliance with the Trading Conduct and Order & Decorum rules and amend Rule 12140 (Imposition of Fines for Minor Rule Violations) to adopt violations and sanctions applicable to the Trading Floor. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to (i) adopt Rule 2120 to enable the Exchange to establish and enforce compliance with trading conduct and order and decorum on the trading floor; and (ii) amend Rule 12140 to adopt rule violations and sanctions applicable to the Trading Floor[3] under the Exchange's Minor Rule Violation Plan (''MRVP''). The Exchange proposes these rules in conjunction with the approval of BOX's recent filing to adopt rules for an open outcry Trading Floor.[4]

Proposed Rule 2120

First, the Exchange proposes to adopt Rule 2120 which governs trading conduct and order & decorum on the Trading Floor. The Exchange proposes that Rule 2120(a) states [sic] that upon the determination of an Options Exchange Official that a Floor Participant's conduct on the Trading Floor of the Exchange is such that it violates the provisions of (b) through (d) discussed below, impairs the maintenance of a fair and orderly market, or impairs public confidence in the operations of the Exchange, a Floor Participant of the Exchange may be fined pursuant to the Bylaws and Rules of the Exchange. This shall also apply to a Floor Participant's failure to adequately supervise an employee to ensure his compliance with this rule. A Floor Participant adversely affected by a determination made under this Section may obtain review thereof in accordance with the provisions of the Rule 12000 Series. Fines imposed by an Options Exchange Official hereunder shall not preclude further disciplinary action by the Exchange pursuant to the Bylaws and Rules of the Exchange. The Exchange notes that this rule is based on the rules of NYSE Arca (''Arca'').[5]

Next, the Exchange proposes Rule 2120(b) which governs the Standards of Dress and Conduct. The Exchange proposes that all Floor Participants are required to act in a manner consistent with a fair and orderly market and with the maintenance of public confidence in the Exchange. Accordingly, the Exchange proposes appropriate standards pertaining to dress and conduct on the Trading Floor. Proposed Rule 2120(b)(1) details the Standards of Dress on the Trading Floor. Specifically, all persons on the Trading Floor, whether Floor Participants, employees of Floor Participants or visitors, shall at all times, whether prior to, during or after trading sessions, be dressed in a manner appropriate for business purposes and in accordance with good taste and professional standards. The term ''good taste'' shall be interpreted in a conservative manner. The Exchange may impose additional standards of dress or otherwise modify these standards of dress by means of a written policy that will be distributed to Floor Participants. The Exchange again notes that this provision is based on the rules of Arca.[6]

Next, the Exchange proposes to adopt 2120(b)(2) which governs the Standard of Conduct on the Trading Floor. Specifically, all persons on the Trading Floor are required to conduct themselves in accordance with a seemly and professional standard of behavior. Further, no person while on the Trading Floor shall: (i) Engage in any act or practice that may be detrimental to the interest or welfare of the Exchange; or (ii) engage in any act or practice that may serve to disrupt or hinder the ordinary and efficient conduct of business; or (iii) engage in any act or practice that may serve to jeopardize the safety or welfare of any other individual; or (iv) act in a disorderly manner, which includes, but is not limited to, the use of abusive or indecorous language. Further, with regard to the Standards of Conduct provision, the Exchange further proposes that (i) the entry of food or drink may be permitted at the discretion of the Exchange and that alcoholic beverages may not be consumed on the Trading Floor at any time; (ii) Smoking

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Trading Floor'' or ''Options Floor'' means the physical trading floor of the Exchange located in Chicago. The Trading Floor shall consist of at least one ''Crowd Area'' or ''Pit''. A Crowd Area or Pit shall be marked with specific visible boundaries on the Trading Floor, as determined by the Exchange. All series for a particular option class will be allocated to the same Crowd Area. A Floor Broker must open outcry an order in the corresponding Crowd Area. *See* BOX Rule 100(a)(67).

[4] *See* Securities Exchange Release No. 81292 (August 2, 2017), 82 FR 37144 (August 8, 2017) (Order Approving SR–BOX–2016–48 as modified by Amendment Nos. 1 and 2).

[5] *See* NYSE Arca Rule 6.2(b). There are no substantive differences between proposed Rule 2120(a) and Arca Rule 6.2(b).

[6] *See* NYSE Arca Rule 6.2(c).The Exchange notes that it is not copying NYSE Arca Rule 6.2(c)(1)(A–D), as the Exchange believes that the listed dress code requirements and restrictions are unnecessary. The Exchange believes the language in proposed Rule 2120(b)(1) is sufficient.

in any form, any kind of tobacco use, or any expectorating on the Trading Floor, is prohibited; [7] (iii) Running on the Trading Floor, which shall mean any movement at a degree of speed which may disrupt other occupants of the Trading Floor, is prohibited; (iv) Standing on chairs, furniture, booths, ladders, stools and similar items is prohibited; and (v) No object of any kind may be placed in the Pit if it could obstruct the flow of people in or out of the Pit. This includes all chairs, stools or other furniture. The Exchange notes that these proposed provisions are based on the rules of Arca.[8]

Next, the Exchange proposes Rule 2120(c)(1) which governs Trading Floor Badges, Admission By Badge Only. Specifically, the Exchange proposes that admission to the Trading Floor will be by badge only except in the case of certain designated Options Exchange Officials. While on the Trading Floor, all persons must at all times display appropriate badges. All Trading Floor employees seeking admission to the Trading Floor without a badge must be identified by the Options Exchange Official or representative thereof and supplied with a temporary badge. Non-Floor Participant employees of Floor Participants seeking admission without a badge must be identified by a Floor Participant and supplied with a temporary badge, and the Floor Participant may be subject to a fine in the event of continual failure of its employees to have appropriate badges. The Exchange notes that this proposed rule is based on the rules of Arca.[9]

The Exchange then proposes Rule 2120(c)(2) which governs the Withdrawal of Trading Floor Badges. Specifically, the Exchange proposes that in the event that any Floor Participant's Letter of Guarantee is revoked by a Clearing Participant in accordance with the procedures stated in Rule 8070, such Floor Participant will not be entitled to enter into transactions on the Trading Floor until and unless a new Letter of Guarantee has been issued to such Floor Participant by a Clearing Participant. Accordingly, the Exchange will withdraw promptly the Trading Floor badge of any Floor Participant whose Letter of Guarantee has been properly revoked, and will retain such badge under its control until the Floor Participant is subsequently covered by a Letter of Guarantee. A Floor Participant whose badge has been withdrawn under this Rule may, so long as his Floor Participant status continues, gain access to the Trading Floor by means of his Floor Participant identification pass, but may not enter into any transactions thereon. The Exchange notes that this proposed rule is based on the rules of Arca.[10]

Next, the Exchange proposes Rule 2120(d) which details the rules and regulations regarding visitors on the Trading Floor. Specifically, the Exchange proposes that (1) Visitors must be the invited guests of a Floor Participant or of certain designated members of the Exchange staff. Other non-Floor Participant employees are not permitted to invite visitors to the Trading Floor; (2) Visitors must be signed in by the inviting Floor Participant or staff personnel, and wear a visitors badge at all times when on the Trading Floor. The inviting Floor Participant will be responsible for the visitor's conduct on the Trading Floor and for the return of badges and must accompany such visitors at all times while they are on the Trading Floor; (3) Visitors may not enter the Crowd Area, block passageways, or otherwise disrupt or impair activity on the Trading Floor; (4) Persons associated with Floor Participants may visit the Floor only upon an invitation under the terms of subsection (1), above; (5) The Exchange may restrict visiting on the Trading Floor in any manner at any time when the Exchange deems that the presence of some or all visitors may interfere with orderly Trading Floor procedures. The Exchange notes that this rule is based on the rules of Arca.[11]

Next, the Exchange proposes Rule 2120(e) which details Exclusion from the Trading Floor. Specifically, the Exchange proposes Rule 2120(e)(1) which states that an Options Exchange Official or an officer of the Exchange may exclude a Participant and any associated person of the Participant from the Trading Floor for breaches of regulations that relate to administration of order, decorum, health, safety and welfare on the Exchange that occurred on the Trading Floor or on the premises immediately adjacent to the Trading Floor. Specifically, Participants shall be excluded if they pose an immediate threat to the safety of persons or property, are seriously disrupting Exchange operations, or are in possession of a firearm. Participants so excluded may be excluded for a period of up to five business days. The Exchange notes that this rule is based on the rules of PHLX.[12]

Additionally, the Exchange proposes Rule 2120(e)(2). Specifically, the Exchange proposes that if a Participant shall be excluded for a period exceeding forty-eight (48) hours, an expedited hearing (''Expedited Hearing'') will be held before the Chair of the Hearing Committee or his or her designee (''Expedited Hearing Officer'') within forty-eight (48) business hours after the Participant's exclusion from the Trading Floor. Written notice will be provided to the Participant of the date, time and place of the hearing. The Participant may be represented by counsel. The Expedited Hearing Officer shall conduct an Expedited Hearing. The Expedited Hearing Officer shall allow both the Participant or his or her representative and Exchange staff to present arguments. The Expedited Hearing Officer shall make a determination of whether to continue the Participant's exclusion from the Trading Floor for a period of up to five (5) business days. The determination shall be based on the severity of the threat posed to persons on the Trading Floor, the disruptiveness caused by the actor and the safety and welfare of persons on the Trading Floor.

[7] This prohibition shall apply at all times whether or not the Trading Floor is in session.

[8] *See* Arca Rule 6.2(c)(2). The Exchange notes that there are no substantive differences between proposed Rule 2120(b)(2) and Arca Rule 6.2(c)(2).

[9] *See* Arca Rule 6.2(d)(1). The Exchange notes that there are no substantive differences between proposed Rule 2120(c)(1) and Arca Rule 6.2(d)(1).

[10] *See* Arca Rule 6.2(d)(2). The Exchange notes that there are no substantive differences between proposed Rule 2120(c)(2) and Arca Rule 6.2(d)(2).

[11] *See* Arca Rule 6.2(e). The Exchange notes a few minor differences between the proposed rules regarding visitors on the BOX Trading Floor and those rules of Arca. First, the Exchange did not copy any reference to an ''OTP Firm floor manager,'' as such managers or their equivalent are not present on the BOX Trading Floor. Second, the Exchange notes that there is a small difference between proposed Rule 2120(d)(5) and Arca Rule 6.2(e)(6). The Exchange proposes to allow the Exchange to restrict visiting on the Trading Floor in any manner at any time while Arca gives this authority to the Options Floor Manager. The Exchange notes that it did not copy this language as an Options Floor Manager or its equivalent does not exist on the BOX Trading Floor. Third, the Exchange notes that it did not copy Arca Rules 6.2(e)(4) and (7), as these rules do not apply to the BOX Trading Floor. While all visitors are allowed on the BOX Trading Floor, they must be invited by the Exchange or a Floor Participant. *See* proposed Rule 2120(d)(1). Arca Rule 6.2(e)(4) allows OTP Holders and OTP Firms who are not normally engaged on the Options Trading Floor to visit without an invitation. The Exchange believes that this distinction is unnecessary as all visitors to the BOX Trading Floor must be invited by a Floor Participant or a member of the Exchange staff pursuant to proposed Rule 2120(d)(1). Further, Arca Rule 6.2(e)(7) states that a group of visitors comprising more than fifteen persons may not enter the Trading Floor without prior approval of the Exchange. The Exchange believes that this rule is also unnecessary, as proposed Rule 2120(d)(5) allows the Exchange to restrict visiting on the Trading Floor in any manner at any time regardless of the size of the visiting group. As such, the Exchange believes that not including Arca Rules 6.2(e)(4) and (7) is reasonable and in line with the proposed rules discussed herein.

[12] *See* PHLX Rule 60(b)(i). The Exchange notes that there are no substantive differences between proposed Rule 2120(e)(1) and 60(b)(i).

The Expedited Hearing Officer shall make a ruling at the time of the hearing and a written decision will be provided to the Participant following the hearing. Participants shall not be excluded from electronic trading, but will not be permitted to be physically present on the Trading Floor for the duration of any exclusion. The Exchange notes that this rule is based on the rules of PHLX .[13]

Further, the Exchange proposes Rule 2120(e)(3) which states that exclusion from the Trading Floor may not be the exclusive sanction for breaches of this Rule and the regulations thereunder. In addition to exclusion, a Participant may also be subject to a fine or the matter may be referred to the Hearing Committee where it shall proceed in accordance with the Rule 12000 Series. The Exchange notes that this rule is based on the rules of PHLX. [14]

Lastly, the Exchange proposes the procedure to be followed when a Participant is to be excluded from the Trading Floor. Specifically, the Exchange proposes that there is no further right of appeal. The determination that a Participant shall be excluded is final. There is no appeal from such determination. Further, the Exchange proposes that a report in appropriate form shall be made to the SEC. However, no report shall be made in a case where a clerical employee is excluded for a breach of regulations relating to order, decorum, health, safety and welfare or administration of the Exchange.[15] The Exchange notes that this rule is based on the rules of PHLX.[16]

Imposition of Fines for Minor Rule Violations

Exchange Rule 12140 provides that in lieu of commencing a disciplinary proceeding, the Exchange may, subject to the certain requirements set forth in the Rule, impose a fine, not to exceed $5,000, on any Options Participant, or person associated with or employed by an Options Participant, with respect to any Rule violation listed in Rule 12140(d) and proposed (e) discussed below. Any fine imposed pursuant to this Rule that (i) does not exceed $2,500 and (ii) is not contested, shall be reported on a periodic basis, except as may otherwise be required by Rule 19d–1 under the Act or by any other regulatory authority. Further, the Rule provides that any person against whom a fine is imposed under the Rule shall be served with a written statement setting forth (i) the Rule(s) allegedly violated; (ii) the act or omission constituting each such violation; (iii) the fine imposed for each violation; and (iv) the date by which such determination becomes final and such fine must be paid or contested, which date shall be not less than twenty-five (25) calendar days after the date of service of such written statement. The Exchange now proposes to reword the last sentence of Rule 12140(a). Specifically, the Exchange proposes to state that the Exchange will proceed under this Rule only for violations that are minor in nature. Any other violation will be addressed pursuant to Rule 12030 or 12040.

Next, the Exchange proposes to amend Rule 12140 to adopt section (e) which details Trading Floor Violations Subject to Fines and their applicable sanctions.

First, the Exchange proposes to adopt 12140(e)(1), General Responsibilities of Floor Brokers pursuant to BOX Rule 7570. Under this rule, a Floor Broker who, when handling an order, fails to use due diligence to cause the order to be executed at the best price or prices available to him in accordance with the Rules of the Exchange shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$500.
Second Occurrence ..	$1,000.
Third Occurrence	$2,000.
Subsequent Occurrences.	Formal Disciplinary Action.

Next, the Exchange proposes to adopt 12140(e)(2), Failure to Properly Record Orders pursuant to BOX Rule 7580(e). Under this rule, any Floor Participant who fails to comply with the order format and system entry requirements on the Trading Floor shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$500.
Second Occurrence ..	$1,000.
Third Occurrence	$2,000.
Subsequent Occurrences.	Formal Disciplinary Action.

The Exchange then proposes to adopt 12140(e)(3), Failure to Properly Execute a QOO Order, pursuant to BOX Rule 7600. Under this rule, any Floor Participant who fails to properly execute a QOO Order shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$500.
Second Occurrence ..	$1,000.
Third Occurrence	$2,000.
Subsequent Occurrences.	Formal Disciplinary Action.

The Exchange proposes to adopt 12140(e)(4), Trading Conduct and Order & Decorum on the Trading Floor, pursuant to proposed Rule 2120(b)–(d) discussed above. Under this rule, violations of Rule 2120 related to Trading Floor Conduct and decorum shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$250.
Second Occurrence ..	$500.
Third Occurrence	$1,000.
Subsequent Occurrences.	Formal Disciplinary Action.

The Exchange then proposes to adopt 12140(e)(5), Discretionary Transactions. Under this rule, violations of Rule 7590 regarding Discretionary Transactions shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$250.
Second Occurrence ..	$500.
Third Occurrence	$1,000.
Subsequent Occurrences.	Formal Disciplinary Action.

Next, the Exchange proposes to adopt Rule 12140(e)(6), Floor Participant Not Available to Reconcile an Uncompared Trade pursuant to Rule 8530. Under this proposed rule, violations of Rule 8530 regarding the resolution of uncompared trades shall be subject to the following fines:

[13] *See* PHLX Rule 60(c). The Exchange notes that there is a minor difference between proposed Rule 2120(e)(2) and PHLX Rule 60(c). Specifically, the Exchange did not include references to the ''Business Conduct Committee,'' as such committee does not exist on BOX. The Exchange instead proposes that the Expedited Hearing will be held before the Chair of the Hearing Committee or his or her designee. The Exchange believes that this change is appropriate as this change better aligns the rule with BOX's disciplinary rules.

[14] *See* PHLX Rule 60(c)(iv). The Exchange notes that there are no substantive differences between proposed Rule 2120(e)(3) and PHLX Rule 60(c)(iv).

[15] The Exchange notes that a clerical employee is not considered an ''associated person'' under the Exchange Act, and therefore no report shall be made if a clerical employee is in violation of rules and regulations relating to order, decorum, health, safety and welfare or administration of the Exchange. *See* 15 U.S.C. 78c(a)(18).

[16] *See* PHLX Rule 60 Commentary (b). The Exchange notes that there are no substantive differences between proposed Rule 2120(e)(4) and PHLX Rule 60 Commentary (b).

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$500.
Second Occurrence ..	$1,000.
Third Occurrence	$2,000.
Subsequent Occurrences.	Formal Disciplinary Action.

The Exchange then proposes to adopt Rule 12140(e)(7), Floor Participant Communications and Equipment, pursuant to Rule 7660. Under this proposed rule, violations of Rule 7660 regarding Floor Participant Communications and Equipment shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$250.
Second Occurrence ..	$500.
Third Occurrence	$1,000.
Subsequent Occurrences.	Formal Disciplinary Action.

Next, the Exchange proposes Rule 12140(e)(8), Improper Vocalization of a Trade pursuant to Rule 100(b)(5). Under this proposed rule, violations of Rule 100(b)(5) regarding the requirements for public outcry shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$250.
Second Occurrence ..	$500.
Third Occurrence	$1,000.
Subsequent Occurrences.	Formal Disciplinary Action.

The Exchange then proposes to adopt Rule 12140(e)(9), Floor Market Maker Failure to Comply with Quotation Requirements pursuant to Rule 8510(c)(2). Under this rule, violations of Rule 8510(c)(2) regarding a Floor Market Maker's Obligations of Continuous Open Outcry Quoting shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$250.
Second Occurrence ..	$500.
Third Occurrence	$1,000.
Subsequent Occurrences.	Formal Disciplinary Action.

The Exchange proposes Rule 12140(e)(10), Floor Market Maker Quote Spread Parameters pursuant to Rule 8510(d)(1). Under this proposed rule, violations of Rule 8510(d)(1) regarding legal bid/ask differential requirements on the Trading Floor shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	Letter of Caution.
Second Occurrence ..	$250.
Third Occurrence	$500.
Subsequent Occurrences.	Formal Disciplinary Action.

Next, the Exchange proposes Rule 12140(e)(11), Floor Broker Failure to Honor the Priority of Bids and Offers pursuant to Rule 7610(d). Under this proposed rule, violations of Rule 7610(d) regarding a Floor Broker's obligations in determining Time Priority Sequence shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$500.
Second Occurrence ..	$1,000.
Third Occurrence	$2,000.
Subsequent Occurrences.	Formal Disciplinary Action.

The Exchange then proposes Rule 12140(e)(12), Floor Broker Failure to Identify a Broker Dealer Order, pursuant to Rule IM–7580–2. Under this proposed rule, violations of Rule IM–7580–2 regarding a Floor Broker's responsibility to identify its orders shall be subject to the following fines:

Number of violations within any rolling 24-month period	Sanction
First Occurrence	$250.
Second Occurrence ..	$500.
Third Occurrence	$1,000.
Subsequent Occurrences.	Formal Disciplinary Action.

The Exchange notes that the proposed violations listed above are substantially similar to the rules of NYSE Arca's Minor Rule Plan regarding violations and sanctions applicable to a physical trading floor.[17]

[17] *See* Arca Rule 10.12(k). The Exchange notes that it did not adopt all of Arca's Minor Rule Plan violations and sanctions, as some rules were not applicable to BOX. Specifically, BOX did not copy the following Arca Rules as they were not applicable because the corresponding rule does not exist on BOX. They are: 10.12(k)(i)(7), 10.12(k)(i)(10), 10.12(k)(i)(11), 10.12(k)(i)(12), 10.12(k)(i)(21), 10.12(k)(i)(22), 10.12(k)(i)(23), 10.12(k)(i)(24), 10.12(k)(i)(25), 10.12(k)(i)(26), 10.12(k)(i)(29), 10.12(k)(i)(30), 10.12(k)(i)(33), 10.12(k)(i)(34), 10.12(k)(i)(37), 10.12(k)(i)(38), 10.12(k)(i)(44) and 10.12(k)(i)(45). Because these rules do not exist on BOX, there cannot be a corresponding MRVP fine under proposed Rule 12140(e). Next, the Exchange did not copy the following Arca Rules, as BOX believes they are covered under other proposed BOX MRVP rules. They are: 10.12(k)(i)(3) covered under proposed Rule 12140(e)(3), 10.12(k)(i)(6) covered under proposed Rule 12140(e)(9), 10.12(k)(i)(13) covered under proposed Rule 12140(e)(7), 10.12(k)(i)(17) covered under proposed Rule 12140(e)(4), 10.12(k)(i)(19) covered under proposed Rule 12140(e)(4), 10.12(k)(i)(27) covered under proposed Rule 12140(e)(7), 10.12(k)(i)(31) covered under proposed Rule 12140(e)(4), 10.12(k)(i)(32) covered under proposed Rule 12140(e)(4), 10.12(k)(i)(35) covered under Rule 12140(d)(10)(the Exchange notes that this is an existing Rule found in the BOX MRVP and is also applicable to the Trading Floor), 10.12(k)(i)(36) covered under proposed Rule 12140(e)(4) and 10.12(k)(i)(39) covered under proposed Rule 12140(e)(9). Further, the Exchange did not copy Arca Rule 10.21(k)(i)(42) because the Exchange believes that the inclusion of this rule is unnecessary given the unique nature of the BOX Trading Floor. Specifically, the Trading Floor relies heavily on the technology used to submit QOO orders for execution. Because the technology will not allow orders to be submitted before or after trading hours, the Exchange believes that the inclusion of this rule is unnecessary. Lastly, the Exchange notes that the proposed sanctions are lower when compared to Arca. The Exchange believes the proposed sanction amounts are appropriate as they are in line with BOX's current MRVP sanctions.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[18] in general, and Section 6(b)(5) of the Act,[19] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest.

Proposed Rule 2120

The Exchange believes that proposed Rule 2120, Trading Conduct and Order and Decorum on the Trading Floor, imposes reasonable restrictions and requirements that are designed to further the objectives of the Act. Specifically, the proposed rules are designed to maintain order on the Trading Floor and apply to all Floor Participants. Additionally, these rules are based on those of competing options exchanges that also have trading floors.[20]

Imposition of Fines for Minor Rule Violations

The Exchange believes that the proposed changes to Rule 12140 are consistent with and further the

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *See supra* notes 5, 6, 8, 9, 10, 11, 12, 13, 14 and 16.

objectives of the Act. Additionally, the Exchange believes that the proposal is consistent with Section 6(b)(6) of the Act[21] which requires the rules of an exchange provide that its members be appropriately disciplined for violations of the Act as well as the rules and regulations thereunder, by imposing pre-set fine amounts for breaches of order and decorum to reflect the severity of the violation and provide an appropriate form of deterrence for violations of Exchange Rules and the regulations thereunder. In addition, because existing BOX Rule 12140 provides procedural rights to a person fined under the Exchange's MRVP to contest the fine and permits a hearing on the matter, the Exchange believes that the proposal is consistent with Sections 6(b)(7) and 6(d)(1) of the Act,[22] because it provides a fair procedure for the disciplining of Participants and persons associated with Participants.

The Exchange believes that the preset fines for Trading Floor violations are appropriate to deter Floor Participants from violating requirements and restrictions which are necessary for the orderly operation of the Trading Floor. The fines should create further deterrents for certain activity on the Trading Floor which disrupts the orderly operation of the Trading Floor. Further, the minor rule plan assists the regulatory staff in protecting its market to the benefit of the public. Finally, the Exchange believes that the proposal is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, because Rule 12140 strengthens the Exchange's ability to carry out its oversight and enforcement responsibilities as an SRO in cases where full disciplinary proceedings may be unsuitable in view of the minor nature of the particular violation. Additionally, these rules are based on those of a competing options exchange [sic] that also has a trading floor.[23]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule changes being proposed are similar to the rules of Arca and PHLX.[24] Further, the proposal relates to the Exchange's role and responsibilities as a self-regulatory organization and the manner in which it disciplines its Participants and associated persons for violations of its Rules.

As such, 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.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[25] and Rule 19b–4(f)(6) thereunder.[26] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Exchange has stated that it is requesting this waiver because the disciplinary rules contained in this proposed rule change need to be in place for the Exchange to operate its recently approved Trading Floor and waiver of the operative delay will allow the Exchange to commence operation of the Trading Floor in a timely manner while ensuring that proper disciplinary rules are in place. The Exchange explained that the proposed rules are similar to the rules of other Exchanges and that it provided Participants on the Exchange with notice of the disciplinary rules contained in the proposed rule change via regulatory circular. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because this waiver will enable the Exchange to begin operating its Trading Floor with trading conduct and order and decorum rules in place and with a Minor Rule Violation Plan that incorporates violations concerning activities related to the Trading Floor. The Commission further notes that the proposed rules are based on the rules of other exchanges with trading floors. For this reason, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[27]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[28] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2017–26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2017–26. 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

[21] 15 U.S.C. 78f(b)(6).

[22] 15 U.S.C. 78f(b)(7) and (d)(1).

[23] *See supra* note 17.

[24] *See supra* notes 5, 6, 8, 9, 10, 11, 12, 13, 14, 16 and 17.

[25] 15 U.S.C. 78s(b)(3)(A)(iii).

[26] 17 CFR 240.19b–4(f)(6).

[27] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[28] 15 U.S.C. 78s(b)(2)(B).

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 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–BOX–2017–26, and should be submitted on or before September 11, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17545 Filed 8–18–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32779; File No. 812–14723]

TIAA–CREF Funds, et al.

August 15, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

Applicants: TIAA–CREF Funds, TIAA–CREF Life Funds, College Retirement Equities Fund and TIAA Separate Account VA–1, each registered under the Act as an open-end management investment company with one or more series or accounts, and Teachers Advisors, LLC (''TA'') and TIAA–CREF Investment Management, LLC (''TCIM''), each registered as an investment adviser under the Investment Advisers Act of 1940.

Filing Dates: The application was filed on December 8, 2016 and amended on April 13, 2017 and July 11, 2017.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail.

Hearing requests should be received by the Commission by 5:30 p.m. on September 11, 2017 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: c/o Rachael Zufall, Nuveen, LLC, 8500 Andrew Carnegie Boulevard, Charlotte, NC 28262.

FOR FURTHER INFORMATION CONTACT: Asaf Barouk, Attorney-Advisor, at (202) 551–4029, or Kaitlin Bottock, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or trade fails.[1] The Funds will not borrow under the facility for leverage purposes and the loans' duration will be no more than 7 days.[2]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or certain other short term money market instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Among others, an Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment management agreements with the Funds and would receive no additional fee as compensation for its services in connection with the administration of the facility. The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[3]

[29] 17 CFR 200.30–3(a)(12).

[1] Applicants request that the order apply to the applicants and to any existing or future registered open-end or closed-end management investment company or series thereof for which TA or TCIM or any successor thereto or an investment adviser controlling, controlled by, or under common control with TA or TCIM or any successor thereto serves as investment adviser (each a ''Fund'' and collectively the ''Funds'' and each such investment adviser an ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization. The term ''Adviser'' does not include Nuveen Fund Advisors, LLC, and the term ''Funds'' does not include any registered investment companies for which Nuveen Fund Advisors, LLC serves as investment adviser. The Funds that are closed-end management investment companies will not participate as borrowers in the interfund lending facility.

[2] Any Fund, however, will be able to call a loan on one business day's notice.

[3] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

4. Applicants assert that the facility does not raise the concerns underlying section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[4] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[5]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the open-end Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of the open-end Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

[4] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[5] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81403; File No. SR–ISE–2017–79]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Supplementary Material .14 of Rule 504, Entitled ''Series of Options Contracts Open for Trading''

August 15, 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 August 10, 2017, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[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 proposes a proposal to amend Supplementary Material .14 of Rule 504, entitled ''Series of Options Contracts Open for Trading.''

The text of the proposed rule change is set forth below. Proposed new language is italicized; deleted text is in brackets.

* * * * *

Rule 504. Series of Options Contracts Open for Trading

(a)–(h) No change.

Supplementary Material to Rule 504

.01–.13 No change.

.14 Notwithstanding 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 Core S&P 500 ETF (''IVV''),* and the SPDR Dow Jones Industrial Average ETF (''DIA'') options will be $1 or greater.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 504 by modifying the strike setting regime for the iShares Core S&P 500 ETF (''IVV'') options. 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''), which is an exchange-traded fund (''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 ETP underlying, SPY and IVV options are listed in the same manner as equity options under the Rules.

IVV options currently trade at $5 intervals above a $200 strike price, whereas IVV options at or below a $200 strike price trade in $1 intervals. Further, pursuant to Supplementary Material .12 of Rule 504, the Exchange may open for trading Short Term Option Series on the Short Term Option Opening Date that expire on the Short Term Option Expiration Date at strike price intervals of (i) $0.50 or greater where the strike price is less than $100, and $1 or greater where the strike price is between $100 and $150 for all option classes that participate in the Short Term Options Series Program; (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program; or (iii) $2.50 or greater where the strike price is above $150.

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 wide range of S&P 500 Index-based options 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 Supplementary Material .14 of Rule 504 to allow IVV options to trade in $1 increments above a strike price of $200. Specifically, the Exchange proposes to amend Supplementary Material .14 of Rule 504 to state that the interval between strike prices of series of options on Units of IVV 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 IVV 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.

Pursuant to the strike price intervals established pursuant to Rule 504(h), 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 pursuant to 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 options 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 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, which is an ETF that is identical in all material respects to the IVV ETF.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] 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

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

the Section 6(b)(5)[7] 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, IVV options currently trade in wider $5 intervals above a $200 strike price, whereas these options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on IVV options 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 IVV options intervals increase by 500%. This proposal remedies the 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 a prior rule change.[8]

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,[9] 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 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,[10] 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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay because this proposal permits listing IVV options in a manner permitted by the Chicago Board Options Exchange, Incorporated,[15] and will provide investors with an alternative venue for trading IVV options. 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.[16] Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or

[7] *Id.*

[8] *See* Securities Exchange Act Release No. 72998 (September 4, 2014), 79 FR 53813 (September 10, 2014) (Notice of Filing of Proposed Rule Change, Regarding Strike Price Intervals for SPY and DIA Options) (SR–ISE–2014–42).

[9] *See* Supplementary Material .14 to Rule 504.

[10] *Id.*

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 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, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] *See* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048).

[16] *See* NASDAQ PHLX LLC Rule 1012.05(a)(iv)(C); The Nasdaq Options Market LLC Rules, Chapter IV, Section 6, Supplementary Material .01(c); Miami International Securities Exchange, LLC Rule 404, Interpretations and Policies .10.

[17] 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).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2017–79 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2017–79. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2017–79 and should be submitted on or before September 11, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81401; File No. SR–Phlx–2017–68]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 925 To Create a Limited Exception to the Exchange's Procedures To Designate an Inactive Nominee as an Effective Permit Holder Intra-Day and Make a Non-Substantive Change to the Pricing Schedule

August 15, 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 August 7, 2017 NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (i) amend Rule 925 to create a limited exception to the Exchange's existing procedures to designate an Inactive Nominee as an effective permit holder and (ii) make a non-substantive change to its Pricing Schedule related to the fees assessed to Inactive Nominees.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.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 (i) amend Rule 925 to create a limited exception to the Exchange's existing procedures to designate an Inactive Nominee [3] as an effective permit holder and (ii) make a non-substantive change to its Pricing Schedule related to the fees assessed to Inactive Nominees.

Rule 925

Today, the Exchange allows members on the Exchange's trading floor to designate an ''Inactive Nominee'' pursuant to Rule 925. Rule 925(i) requires, among other criteria, that an individual must be approved as eligible to hold a permit in accordance with the Exchange's By-Laws and Rules in order to be eligible for Inactive Nominee status. Additionally, the member organization with whom an Inactive Nominee is affiliated must pay an Inactive Nominee Fee for the privilege of maintaining the Inactive Nominee status.[4] Furthermore, the Rule stipulates that an Inactive Nominee does not have any rights or privileges of a permit holder unless and until the Inactive Nominee becomes an effective permit holder and all applicable Exchange fees are paid.

When a member organization desires to designate an Inactive Nominee as an effective permit holder, Rule 925(ii)(a) states that the member organization is required to notify the Exchange's

[3] The term ''inactive nominee'' shall mean a natural person associated with and designated as such by a member organization and who has been approved for such status and is registered as such with the Membership Department. An inactive nominee shall have no rights or privileges under a permit unless and until said inactive nominee becomes admitted as a member of the Exchange pursuant to the By-Laws and Rules of the Exchange. An inactive nominee merely stands ready to exercise rights under a permit upon notice by the member organization to the Membership Department on an expedited basis. *See* Rule 1(l).

[4] The Exchange currently charges an Inactive Nominee Fee of $600 for a six month period, which will be assessed to the member organization at a rate of $100 per month for the applicable six month period unless the member organization provides proper notice of its intent to terminate an inactive nominee prior to the first day of the next billing month. An inactive nominee's status expires after six months unless it has been reaffirmed in writing by the member organization or is sooner terminated. A member organization will be assessed the Inactive Nominee Fee every time the status is reaffirmed. *See* the Exchange's Pricing Schedule at: *http://nasdaqphlx.cchwallstreet.com/NASDAQPHLXTools/PlatformViewer.asp?selectednode=chp_1_4_10&manual=%2Fnasdaqomxphlx%2Fphlx%2Fphlx-rulesbrd%2F.*

Membership Department, in writing, prior to the opening of trading on any business day the name of such Inactive Nominee. Further, the notice must identify the name of the permit holder that the Inactive Nominee will be acting on behalf of as well as the expected duration that such Inactive Nominee will remain activated.[5]

The Exchange now proposes to create a limited exception to the Exchange's existing procedures to designate an Inactive Nominee as an effective permit holder. In particular, the Exchange proposes to adopt a new provision at Rule 925(ii)(b) to permit member organizations to designate an Inactive Nominee intra-day in the event of an unforeseen emergency,[6] provided that such intra-day designations must be approved by the Exchange's Chief Regulatory Officer (''CRO'') or his/her designee prior to such Inactive Nominee becoming an effective permit holder. Other than to reduce the time period and to require prior approval of the CRO or his/her designee in the manner described above, the Exchange is not proposing any other changes to its existing procedures to designate an Inactive Nominee as an effective permit holder. Therefore, if a member organization seeks to obtain coverage on the trading floor intra-day due to unforeseen circumstances such as sudden illness, the proposed rule would still require the member organization to notify the Membership Department, in writing, of its desire to designate an Inactive Nominee as an effective permit holder intra-day. The notice must contain all of the information required under paragraph (ii)(a) (*i.e.,* the name of such Inactive Nominee, the name of the permit holder that the Inactive Nominee will be acting on behalf of, and the expected duration that such Inactive Nominee will remain activated). Finally, the CRO or his/her designee must approve the member organization's intra-day designation in order for the Inactive Nominee to become an effective permit holder.

The Exchange believes that the proposed rule change is reasonable and would serve to enhance the application of Rule 925 by allowing members to quickly obtain coverage on the trading floor in limited cases where an unforeseen emergency arises intra-day, therefore making it impossible for a member to notify the Membership Department within the required time period under the current Rule. While these extraordinary circumstances rarely arise, the proposed rule change would give the CRO (or his/her designee in the CRO's absence) the flexibility to approve the intra-day designation so that members are not adversely affected by unforeseen factors that prevented them from notifying the Exchange within the allotted time period. Because each individual on the floor is required to have a permit in order to trade, such emergencies could especially affect members who have small propriety businesses on the Exchange trading floor and therefore rely on these Inactive Nominees as their only substitutes. Similarly, since the time the Exchange adopted rules establishing the Inactive Nominee,[7] the number of permit holders associated with a member organization on the Exchange trading floor has decreased. For the foregoing reasons, the Exchange seeks to address these extraordinary circumstances and allow its members to obtain coverage in such cases so that they may continue to conduct their businesses efficiently. The Exchange further believes that requiring the CRO's approval of the intra-day designation would serve as a check to ensure that such designations would be made on a limited case-by-case basis.

Pricing Schedule

The Exchange is also proposing a non-substantive amendment to its Pricing Schedule at Section VI.A relating to the fees assessed to Inactive Nominees. In particular, Section VI.A of the Exchange's Pricing Schedule states that an Inactive Nominee is also assessed the Trading Floor Personnel Registration Fee.[8] As part of a previous filing, the Exchange renamed this fee as a ''Clerk Fee'' but inadvertently retained the reference to ''Trading Floor Personnel Registration Fee'' in Section VI.A.[9] The Exchange now proposes to replace the term ''Trading Floor Personnel Registration Fee'' with ''Clerk Fee'' in this section. The Exchange will continue to assess Inactive Nominees the Clerk Fee as it is being assessed today.[10]

2. *Statutory Basis*

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] 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.

As discussed above, the Exchange believes that the proposed changes will allow members additional flexibility in obtaining coverage on the trading floor. Inactive Nominees are essentially a pool of eligible individuals who can substitute for traders on the Exchange's floor. By allowing members flexibility in obtaining coverage intra-day in limited circumstances as described above, the Exchange believes that the proposal would assist in facilitating the smooth functioning of its market operations, consistent with Section 6(b)(5) of the Act. The Exchange further believes that the proposed changes would allow members to have a prepared roster of substitute traders who are available even in unforeseen emergencies, which should help to facilitate transactions in securities and remove impediments to, and perfect the mechanism of, a free and open market, also consistent with Section 6(b)(5) of the Act.

Finally, the Exchange believes it is appropriate to make the non-substantive change in its Pricing Schedule to replace the obsolete reference to ''Trading Floor Personnel Registration Fee'' with ''Clerk Fee'' so that members and investors have a clear and accurate understanding of the Exchange's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

Because the purpose of the proposal is to provide members with additional flexibility to obtain coverage intra-day in limited circumstances and to make a non-substantive change as discussed

[5] Inactive Nominees are essentially a pool of eligible individuals who can substitute for traders on the Exchange trading floor. The Inactive Nominee allows a member to have flexibility in obtaining coverage on the trading floor. An Inactive Nominee stands ready to assume a membership upon notice by the member requesting that a specific permit be transferred intra-firm on an expedited and temporary basis. This transfer allows an Inactive Nominee to become an effective member of the Exchange. For example, an Inactive Nominee might serve on behalf of a trader who needs to take leave for surgery, or could serve when a trader takes vacation leave. This allows a member organization to have full staff available to conduct business on the Exchange trading floor.

[6] Such circumstances include sudden illness, family emergencies or other unavoidable factors.

[7] *See* Securities Exchange Act Release No. 39851 (April 10, 1998), 63 FR 19282 (April 17, 1998) (SR–PHLX–97–35) (order approving rule changes to establish the Inactive Nominee).

[8] This fee is in addition to the Inactive Nominee Fee. *See* note 4 above.

[9] *See* Securities Exchange Release No. 66004 (December 19, 2011), 76 FR 80442 (December 23, 2011) (SR–Phlx–2011–155).

[10] Today, an Inactive Nominee is assessed a Clerk Fee of $100 per month. *See* Section VI.A of the Pricing Schedule at: *http://nasdaqphlx.cchwallstreet.com/NASDAQPHLXTools/PlatformViewer.asp?selectednode=chp_1_4_10&manual=%2Fnasdaqomxphlx%2Fphlx%2Fphlx-rulesbrd%2F.*

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

above, 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.

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

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)(iii) of the Act [13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

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–Phlx–2017–68 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–Phlx–2017–68. 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–Phlx–2017–68 and should be submitted on or before September 11, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17548 Filed 8–18–17; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 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.

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81404; File No. SR–BatsBZX–2017–52]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 21.2, Days and Hours of Business

August 15, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 2, 2017, Bats BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 21.2, Days and Hours of Business.

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.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 parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 21.2 to clarify the trading hours for options on fund shares (''ETF's'') and exchange-traded notes (''ETNs''). Specifically, the Exchange seeks to amend Rule 21.2 to provide that options on ETF's and ETNs (collectively exchange-traded products or ''ETPs'') may be traded on the Exchange until 3:15 p.m. (CT) each business day. The Exchange notes that the proposed rule is based on C2 Options Exchange, Incorporated (''C2'') Rule 6.1 and NYSE MKT LLC (''NYSE MKT'') Rule 901NY Commentary .02.

Currently, Rule 21.2 provides that all options on ETPs will be traded on the Exchange until 3:15 p.m. (CT); however, industry practice and the Exchange's current practice allow the vast majority of options on ETPs to be traded until 3:00 p.m. (CT), while allowing certain options on ETPs to trade until 3:15 p.m. (CT).[5] This filing seeks to align BZX Rules with industry practice.

2. Statutory Basis

The Exchange 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. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) 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) 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 protect investors and the public interest by reducing potential confusing regarding BZX's trading hours for options on ETPs and aligning BZX's Rules regarding trading orders for options on ETPs with industry practice. The Exchange notes that the proposed rule is based on C2 Rule 6.1 and NYSE MKT Rule 901NY Commentary .02.

B. Self-Regulatory Organization's Statement on Burden on Competition

BZX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intermarket or intramarket competition as the proposed rule change will align BZX's Rules regarding trading orders for options on ETPs with industry practice. In addition, the proposed rule change does not modify the construct for trading hours but simply identifies the products that may close at 3:00 p.m. (CT) or 3:15 p.m. (CT), which is consistent with the industry.

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: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f)(6) of Rule 19b–4 thereunder.[7]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the 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–BatsBZX–2017–52 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–BatsBZX–2017–52. 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–BatsBZX–2017–52 and should be submitted on or before September 11, 2017.

[5] *See e.g.,* the trading hours of options on NYSE MKT and NYSE Arca Inc., available at, *https://www.nyse.com/markets/hours-calendars.*

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[8] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17551 Filed 8–18–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81400; File No. SR–NYSEArca–2017–56]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, To Facilitate the Listing and Trading of Certain Series of Investment Company Units Listed Pursuant to NYSE Arca Equities Rule 5.2(j)(3)

August 15, 2017.

On June 19, 2017, NYSE Arca, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to facilitate the listing and trading of certain series of investment company units listed pursuant to NYSE Arca Equities Rule 5.2(j)(3). The proposed rule change was published for comment in the **Federal Register** on July 7, 2017.[3] On August 8, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 21, 2017. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates October 5, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Amendment No. 1 (File No. SR–NYSEArca–2017–56).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17547 Filed 8–18–17; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 10091]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Maori Portraits: Gottfried Lindauer's New Zealand'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Maori Portraits: Gottfried Lindauer's New Zealand,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Fine Arts Museums of San Francisco, de Young Museum, San Francisco, California, from on or about September 9, 2017, until on or about April 1, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–17611 Filed 8–18–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10090]

Notice of Determinations: Culturally Significant Objects Imported for Exhibition Determinations: ''Beyond Impressionism—Paris, Fin-de-Siècle: The Art of Signac, Redon, Toulouse-Lautrec and Their Contemporaries'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Beyond Impressionism—Paris, Fin-de-Siècle: The Art of Signac, Redon, Toulouse-Lautrec and their Contemporaries,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Columbus Museum of Art, Columbus, Ohio, from on or about October 20, 2017, until on or about January 21, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81062 (June 30, 2017), 82 FR 31651.

[4] Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-nysearca-2017-56/nysearca201756.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–17610 Filed 8–18–17; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 290 (Sub-No. 392X); Docket No. AB 511 (Sub-No. 7X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Hartford City, Ind.; Central Railroad Company of Indianapolis—Discontinuance of Lease and Operation Authority—in Hartford City, Ind.

Norfolk Southern Railway Company (NSR) and Central Railroad Company of Indianapolis (CERA) (collectively, Applicants), have jointly filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for NSR to abandon, and for CERA to discontinue service over, an approximately 0.2-mile rail line between milepost RK 138.6 and milepost 138.8 in Hartford City, Ind. (the Line).[1] The Line traverses United States Postal Service Zip Code 47348.

Applicants have certified that: (1) No local or overhead traffic has moved over the Line for at least two years; (2) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (3) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on September 20, 2017, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by August 31, 2017. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 8, 2017, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemptions are void ab initio.

Applicants have filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by August 25, 2017. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by August 21, 2018, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *WWW.STB.GOV.*

Decided: August 16, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Rena Laws-Byrum,

Clearance Clerk.

[FR Doc. 2017–17598 Filed 8–18–17; 8:45 am]

BILLING CODE 4915–01–P

[1] The Line CERA seeks to discontinue service over is a portion of a 15.9-mile line that CERA was authorized to lease and operate pursuant to an agreement with NSR. *See Cent. R.R. Co. of Ind.—Lease & Operation Exemption—Norfolk S. Ry.,* FD 35300 (STB served Oct. 21, 2009).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemptions' effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemptions' effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,700. *See* 49 CFR 1002.2(f)(25). Effective September 1, 2017, the fee will become $1,800. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2017 Update,* EP 542 (Sub-No. 25), slip op. App. C at 20 (STB served July 28, 2017).

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting Notice

Meeting No. 17–03

The TVA Board of Directors will hold a public meeting on August 23, 2017, in the TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee. The public may comment on any agenda item or subject at a *public listening session* which begins at 9:30 a.m. (ET). Following the end of the public listening session, the meeting will be called to order to consider the agenda items listed below. On-site registration will be available until 15 minutes before the public listening session begins at 9:30 a.m. (ET). Preregistered speakers will address the Board first. TVA management will answer questions from the news media following the Board meeting.

STATUS: Open.

Agenda

1. Report of the Finance, Rates, and Portfolio Committee
   - A. Contribution to the TVA Retirement System
   - B. FY 2018 Financial Plan and Budget
   - C. Financing Authority
   - D. Rate Adjustment
2. Chair's Remarks
3. Approval of Minutes of the May 11, 2017, Board Meeting
4. Report From President and CEO

5. Continuation of Report of the Finance, Rates, and Portfolio Committee
   A. Standby Rates
6. Report of the Nuclear Oversight Committee
7. Report of the Audit, Risk, and Regulation Committee
   A. FY 2018 External Auditor Selection
   B. Board Practice on External Inquiries
8. Report of the People and Performance Committee
   A. Corporate Goals
   B. Dental Administration Contract
9. Report of the External Relations Committee
   A. Knoxville Office Complex
   B. Multiple Reservoirs Land Management Plan

For more information: Please call TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. People who plan to attend the meeting and have special needs should call (865) 632–6000. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: August 16, 2017.

Sherry A. Quirk,

General Counsel.

[FR Doc. 2017–17709 Filed 8–17–17; 11:15 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: National Flight Data Center Web Portal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. National Flight Data Center (NFDC) Web Portal forms are used to collect aeronautical information, detailing the physical description and operational status of all components of the National Airspace System (NAS).

DATES: Written comments should be submitted by September 20, 2017.

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 the attention of the Desk Officer, Department of Transportation/FAA, 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.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov.* Phone: (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0754.

Title: National Flight Data Center Web Portal.

Form Numbers: FAA Form 7900–1, 7900–2, 7900–3, 7900–4, 7900–7.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 5, 2017 (82 FR 16658). There were no comments. The National Flight Data Center (NFDC) is the authoritative government source for collecting, validating, storing, maintaining, and disseminating aeronautical data concerning the United States and its territories to support real-time aviation activities. The information collected ensures the safe and efficient navigation of the national airspace. The information collected is maintained in the National Airspace System Resources (NASR) database which serves as the official repository for NAS data and is provided to government, military, and private producers of aeronautical charts, publications, and flight management systems. The FAA is no longer collecting the information that was previously collected using Form 7900–5 or 7900–6.

Respondents: Approximately 5,173 representatives of U.S. public airports, U.S. privately-owned instrument landing systems, and non-Federal weather systems.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 40 minutes.

Estimated Total Annual Burden: 2,107 hours.

Issued in Washington, DC, on August 15, 2017.

Ronda L. Thompson,

FAA Information Collection Clearance Officer. Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–17644 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2006–24774]

Petition for Waiver of Compliance

Under Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that on April 25, 2017, the Minnesota Transportation Museum (MTM) requested renewal of a waiver of compliance from certain provisions of 49 CFR part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment.*

Specifically, MTM requests relief from part 232, Appendix B, § 232.17(b)(2) for passenger car maintenance requirements. MTM is a non-profit corporation that operates historic and educational excursion trains as the Osceola and St. Croix Valley Railway between Dresser, Wisconsin and Withrow, Minnesota, a distance of 25 miles, over Canadian National track. Operation of this train is from mid-April to the end of October primarily on weekends with occasional mid-week special event trains for approximately 70 operating days. MTM currently operates six coaches equipped with either LN, UC or D–22 type brakes that require a clean, oil, test, and stencil (COT&S) servicing, as prescribed in the Manual of Standards and Recommended Practices of the Association of American Railroads, S–4045, Passenger Equipment Maintenance Requirements, last published in 2013.

MTM requests a renewal of relief for the COT&S intervals for the coaches with the UC and LN type brake valves. MTM asserts that it has been performing the COT&S servicing at 24-month intervals instead of the 15-month intervals prescribed in part 232,

Appendix B, § 232.17(b)(2) with no decrease to public safety.

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 October 5, 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.). Under 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 on August 11, 2017.

John Karl Alexy,

Director, Office of Safety Analysis.

[FR Doc. 2017–17585 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2016–0116]

Notice of Application for Approval To Discontinue or Modify 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 document provides the public notice that on July 21, 2017, CSX Transportation, Inc. (CSXT) petitioned the Federal Railroad Administration (FRA) requesting reconsideration of a prior FRA decision granting conditional relief from certain provisions of 49 CFR part 236. FRA assigned the petition Docket Number FRA–2016–0116.

In a May 30, 2017 decision, the FRA's Railroad Safety Board (Board) conditionally approved CSXT's petition for a waiver of compliance from 49 CFR 236.60, *Switch Shunting Circuit; Use Restricted.* The Board stated in its decision the single condition of this relief was that it did not apply in Positive Train Control (PTC) territory or on tracks leading to PTC territory. CSXT states the May 30th decision did not provide an explanation why this condition was included.

As CSXT explains in its request for reconsideration, under the requirements of the Rail Safety Improvement Act of 2008 (Pub. L. 110–432, Oct. 16, 2008), and the Positive Train Control Enforcement and Implementation Act of 2015 (Pub. L. 114–73, 129 Stat. 576, 582, Oct. 29, 2015), all required PTC hardware must be installed on or before December 31, 2018. CSXT has determined that, to date, there are approximately 250 switches utilizing shunt only protection on subdivisions where PTC has been installed or must be installed by December 31, 2018. CSXT states that excluding all PTC territory and tracks leading to PTC territory from the waiver would require it to modify these 250 switches by adding track circuit breaks to each location on or before December 31, 2018. CSXT asserts that while it remains on track to meet its PTC hardware installation requirement, also requiring these shunt-only protected switches to be modified puts CSXT's ability to meet this deadline into serious jeopardy, because it would add a significant amount of unplanned work to Engineering Department employees.

As an alternative to this requirement to modify shunt only protected switches in PTC territory, CSXT requests that the Board modify the waiver to allow CSXT to grandfather the current 250 shunt-only protected switches located in PTC territory or on tracks leading to PTC territory into this waiver.

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 October 5, 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.). Under 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/privacy Notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC, on August 14, 2017.

John Karl Alexy,

Director, Office of Safety Analysis.

[FR Doc. 2017–17586 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in Norwalk, Connecticut and Indianapolis, Indiana. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before January 18, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Alan Tabachnick, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–8541. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice follow:

1. *Project name and location:* Walk Bridge Replacement Project, Norwalk, Connecticut. *Project sponsor:* Connecticut Department of Transportation (CTDOT). *Project description:* The project consists of removing the existing railroad bridge structure and replacing it with two side-by-side 240-foot open-deck through truss vertical lift spans across the Norwalk River. Each would have separate mechanical and electrical equipment and controls so that each span can work independently of the other, or in unison as needed. *Final agency actions:* Section 4(f) determination; a Section 106 Memorandum of Agreement, dated May 25, 2017; project-level air quality conformity; and a Finding of No Significant Impact, dated July 17, 2017. *Supporting documentation:* Environmental Assessment, dated August 2016, and the July 6, 2017, Determination of Adequacy issued by the Connecticut Office of Policy and Management on the Record of Decision prepared by the Connecticut Department of Transportation in accordance with the Connecticut Environmental Policy Act (CEPA).

2. *Project name and location:* IndyGo Red Line Rapid Transit Project—Phase 1, Indianapolis, Indiana, and Marion County. *Project Sponsor:* Indiana Public Transportation Corporation (IndyGo). *Project description:* The project establishes a 13.1-mile long bus rapid transit (BRT) corridor with 28 stations; transit signal priority (TSP) at all 36 signalized intersections; minor curb realignments near stations and at intersections; removal or limiting 34 existing left turns (but including new U-turn locations for access to local businesses and destinations); and limited expansion of existing corridor right of way (ROW) along College Avenue and Meridian Street. *Final agency actions:* Section 4(f) *de minimis* impact determination, a Section 106 Memorandum of Agreement dated December 6, 2016, project-level air quality conformity, and a determination of the applicability of a Documented Categorical Exclusion pursuant to 23 CFR 771.118(d) dated October 19, 2016. *Supporting documentation:* Documented Categorical Exclusion checklist and supporting materials dated September, 2016.

Lucy Garliauskas,

Associate Administrator Planning and Environment.

[FR Doc. 2017–17539 Filed 8–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0148]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel REFLECTION; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0148. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version

of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel REFLECTION is:

—*Intended Commercial Use of Vessel:* ''Sailboat charter service for up to 6 passengers.''

—*Geographic Region:* ''Florida.''

The complete application is given in DOT docket MARAD–2017–0148 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–17579 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0146]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MONI; Invitation for Public Comments

AGENCY: Maritime Administration.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0146. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MONI is:

—*Intended Commercial Use of Vessel:* ''Model yacht for Vicem Yacht at boat shows and chartering for recreational passenger use.''

—*Geographic Region:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.''

The complete application is given in DOT docket MARAD–2017–0146 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2017–17578 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0144]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LELANTA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0144. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LELANTA is:

—*Intended Commercial Use of Vessel:* ''day sailing near shore''

—*Geographic Region:* ''New York, Rhode Island, Connecticut, Massachusetts, South Carolina.''

The complete application is given in DOT docket MARAD–2017–0144 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–17577 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0140]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SIRIUS; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0140. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SIRIUS is:

—*Intended Commercial Use of Vessel:* ''Charter Service. Twelve Passengers or less. No fishing.''

—*Geographic Region:* Mississippi, Alabama and Florida.

The complete application is given in DOT docket MARAD–2017–0140 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its

rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–17573 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0147]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SUMMER WIND; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0147. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SUMMER WIND is:

—*Intended Commercial Use of Vessel:* ''Six Pack Sailing Charter Vessel.''

—*Geographic Region:* ''California''.

The complete application is given in DOT docket MARAD–2017–0147 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–17574 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0139]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SAGAMORE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0139. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SAGAMORE is:

—*Intended Commercial Use of Vessel:* ''Uninspected passenger vessel service, carrying no more than 6 passengers.''

—*Geographic Region:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey.''

The complete application is given in DOT docket MARAD–2017–0139 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–17580 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0142]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel E JEAN; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0142. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel E JEAN is:

—*Intended Commercial Use of Vessel:* Private Vessel Charters.

—*Geographic Region:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, East Florida, California, Oregon, Washington, Hawaii, and Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound]).''

The complete application is given in DOT docket MARAD–2017–0142 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–17572 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0141]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel DESTINY; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0141. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel DESTINY is:

—*Intended Commercial Use of Vessel:* Day-use passenger leisure.

—*Geographic Region:* California.

The complete application is given in DOT docket MARAD–2017–0141 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–17571 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0150]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel REEL VIKING; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0150. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel REEL VIKING is:

—*Intended Commercial Use of Vessel:* ''Six Passenger Sport Fishing Charters''

—*Geographic Region:* ''California''.

The complete application is given in DOT docket MARAD–2017–0150 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in

the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–17570 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–X0145]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LADY KATH; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 20, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0145. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LADY KATH is:

—*Intended Commercial Use of Vessel:* ''Passenger sightseeing inland only.''

—*Geographic Region:* ''Florida.''

The complete application is given in DOT docket MARAD–2017–0145 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

By Order of the Maritime Administrator.

Dated: August 16, 2017.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2017–17576 Filed 8–18–17; 8:45 am]

BILLING CODE 4910–81–P

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Federal Register

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Monday, August 21, 2017

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