



FEDERAL REGISTER

Vol. 82

Wednesday,

No. 162

August 23, 2017

Pages 39953–40066

OFFICE OF THE FEDERAL REGISTER



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Title 3—**Memorandum of August 15, 2017****The President****Elevation of U.S. Cyber Command to a Unified Combatant Command****Memorandum for the Secretary of Defense**

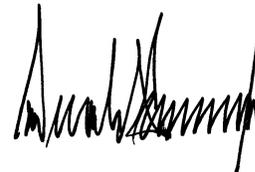
Pursuant to my authority as the Commander in Chief and under sections 161 and 167b of title 10, United States Code, and in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, I direct that U.S. Cyber Command be established as a Unified Combatant Command. I also direct the Secretary of Defense to recommend an officer for my nomination and Senate confirmation as commander in order to establish U.S. Cyber Command as a Unified Combatant Command.

I assign to U.S. Cyber Command: (1) all the general responsibilities of a Unified Combatant Command; (2) the cyberspace-related responsibilities previously assigned to the Commander, U.S. Strategic Command; (3) the responsibilities of Joint Force Provider and Joint Force Trainer; and (4) all other responsibilities identified in section 167b of title 10, United States Code. The comprehensive list of authorities and responsibilities for U.S. Cyber Command will be included in the next update to the Unified Command Plan.

I further direct that the Secretary of Defense, in coordination with the Director of National Intelligence, provide a recommendation and, as appropriate, a plan to me regarding the future command relationship between the U.S. Cyber Command and the National Security Agency.

Consistent with section 161(b)(2) of title 10, United States Code, and section 301 of title 3, United States Code, you are directed to notify the Congress on my behalf.

You are authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, appearing to be the name of Donald Trump, written in a cursive style.

THE WHITE HOUSE,
Washington, August 15, 2017

Rules and Regulations

Federal Register

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

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0781]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Matanzas River, St. Augustine, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule and vertical clearance that governs the Crescent Beach Bridge (SR 206) across the Atlantic Intracoastal Waterway (Matanzas River), mile 788.6, at St. Augustine, Florida. The temporary deviation is necessary to complete rehabilitation work on the bridge. This temporary deviation allows the bridge single-leaf operations on a schedule with an advanced notice for a double-leaf opening and a two foot reduction in the vertical clearance of the bridge. This action is intended to allow for the contractor to conduct necessary rehabilitation work on the bascule spans with little to no effect on navigation.

DATES: This deviation is effective without actual notice from August 23, 2017 through 4 p.m. on November 30, 2017. For the purposes of enforcement, actual notice will be used from August 17, 2017 at 7 a.m. until August 23, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0781 is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email LT Allan Storm, U.S. Coast Guard Sector Jacksonville, Waterways Management Division;

telephone 904–714–7616, email Allan.H.Storm@uscg.mil.

SUPPLEMENTARY INFORMATION: The Florida Department of Transportation (FDOT) requested a temporary deviation from the operating schedule and a vertical clearance reduction that governs the Crescent Beach Bridge (SR 206), Atlantic Intracoastal Waterway (Matanzas River), mile 788.6, St. Augustine, Florida. The bridge is a double leaf bascule bridge with a 20 foot vertical clearance in the closed position.

The deviation period is from 7 a.m. on August 17, 2017 to 4 p.m. on November 30, 2017. During this period, the bridge is allowed single leaf operations on a twice an hour schedule and with a two hour notice for a double leaf opening with a two foot reduction in the vertical clearance on the closed position. From 7 a.m. to 4 p.m., Monday through Friday and 7 a.m. to 7 p.m., Saturday and Sunday, the bridge will open on the hour and half hour. The vertical clearance will be reduced to 18 feet for the duration of the deviation period.

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

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

Dated: August 17, 2017.

Barry L. Dragon,

Director, Bridge Branch, Seventh Coast Guard District.

[FR Doc. 2017–17819 Filed 8–22–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0716]

RIN 165–AA00

Safety Zone; Marine Event Held in the Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a fireworks display within the Captain of the Port (COTP) Long Island Sound (LIS) Zone. This temporary final rule is necessary to provide for the safety of life on navigable waters during these events. Entry into, transit through, mooring or anchoring within the limited access area is prohibited unless authorized by the COTP LIS.

DATES: This rule is effective from 7:30 p.m. to 9:30 p.m. on August 31, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2017–0716 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact Petty Officer Amber Arnold, Prevention Department, Coast Guard Sector Long Island Sound, telephone (203) 468–4583, email Amber.D.Arnold@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LIS Long Island Sound
NPRM Notice of Proposed Rulemaking
NAD 83 North American Datum 1983

II. Background Information and Regulatory History

This rulemaking establishes a safety zone for the Pvro Engineering Inc. fireworks display. The Pyro Engineering Inc. fireworks display is a recurring marine event with regulatory history. A safety zone was established for this event in 2016 via a temporary final rule

entitled, "Safety Zones; Marine Events held in the Sector Long Island Sound Captain of the Port Zone." This rulemaking was published on August 8, 2016 in the **Federal Register** (81 FR 52335).

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." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. The event sponsor was late in submitting the scheduling details of the event. This late submission did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before the event takes place. It is impracticable to publish an NPRM because we must establish the safety zone by August 31, 2017. Thus, waiting for a comment period to run is also contrary to the public interest as it would inhibit the Coast Guard's mission to keep the ports and waterways safe.

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

III. Legal Authority and Need for Rule

The Coast Guard is issuing this temporary rule under authority in 33 U.S.C. 1231. The COTP LIS has determined that the safety zone established by this temporary final rule is necessary to provide for the safety of life on navigable waterways before, during and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone for a fireworks display that will take place on August 31, 2017, with a rain date of September 1, 2017 from 7:30 p.m. to 9:30 p.m. The location of the safety zone includes all waters of Great Peconic Bay, Southampton, NY in approximate position 40°55'00" N., 072°27'31" W. (NAD 83).

This rule prevents vessels from entering, transiting, mooring, or anchoring within the area specifically designated as a safety zone and restricts vessel movement around the location of the fireworks display to reduce the

safety risks associated with it during the period of enforcement unless authorized by the COTP or designated representative.

The Coast Guard will notify the public and local mariners of the safety zone through appropriate means, which may include, but are not limited to, publication in the **Federal Register**, the Local Notice to Mariners, and Broadcast Notice to Mariners.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

The Coast Guard determined that this rulemaking is not a significant regulatory action for the following reasons: (1) The enforcement of the safety zone will be relatively short in duration; (2) persons or vessels desiring to enter the safety zone may do so with permission from the COTP LIS or a designated representative; (3) the safety zone is designed in a way to limit impacts on vessel traffic, permitting vessels to navigate in other portions of the waterway not designated as a safety zone; and (4) the Coast Guard will notify the public of the enforcement of this rule via appropriate means, such as via Local Notice to Mariners and Broadcast Notice to Mariners to increase public awareness of this safety zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations

that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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 Orders 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.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This temporary rule involves the establishment of a temporary safety zone. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.ID. A Record of Environmental Consideration (REC) for Categorical Excluded Actions will be available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0716 to read as follows:

§ 165.T01–0716 Safety Zone; Marine Event held in the Captain of the Port Long Island Sound Zone.

(a) *Location.* The regulated area for the fireworks display is that area within a 1000 foot radius of the launch platform or launch site within the navigable waters of Great Peconic Bay, Southampton, NY in approximate position 40°55'00" N., 072°27'31" W. (NAD 83).

(b) *Enforcement period.* This rule will be enforced from 7:30 p.m. to 9:30 p.m. on August 31, 2017, with a rain date of September 1, 2017.

(c) *Definitions.* The following definitions apply to this section: A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the COTP, Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. “Official patrol vessels” may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Sector Long Island Sound. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(d) *Regulations.* (1) The general regulations contained in § 165.23 apply. (2) In accordance with the general regulations in § 165.23, entry into or movement within the zone is prohibited unless authorized by the COTP, Long Island Sound.

(3) Any vessel given permission to deviate from these regulations must comply with all directions given to them by the COTP Sector Long Island Sound, or the designated on-scene representative.

(4) Any vessel given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Sector Long Island Sound, or the designated on-scene representative.

(5) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

Dated: August 3, 2017.

A.E. Tucci,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2017–17867 Filed 8–22–17; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 111

First-Class Package Service—Retail

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service™ is amending *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®), in various sections, as a result of the transfer of First-Class Mail® Parcels, a market-dominant product, to the competitive product list.

DATES: *Effective Date:* September 3, 2017.

FOR FURTHER INFORMATION CONTACT: Karen Key at (202) 268–7492, Jacqueline Erwin at (202) 268–2158, or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: On July 20, 2017, the Postal Regulatory Commission (PRC) conditionally approved the Postal Service’s request to transfer First-Class Mail Parcels, a market-dominant retail product for lightweight parcels, to the competitive product list. The PRC’s approval was conditioned on the subsequent proposal, review, and approval of prices for the transferred product.

On July 28, 2017, pursuant to Governors’ Decision 16–9, the Postal Service filed a notice of price change seeking to implement new prices and a name change for First-Class Mail Parcels. On August 9, 2017, the Commission approved the new prices and name change.

First-Class Mail Parcels will be renamed First-Class Package Service—Retail and will continue to be available at retail with the same service and content restrictions.

Additionally, the existing single-piece First-Class Package Service price

category will be renamed First-Class Package Service—Commercial.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

[Globally revise the DMM to change the current name of First-Class Package Service to First-Class Package Service—Commercial.]

* * * * *

100 Retail Mail Letters, Cards, Flats, and Parcels

101 Physical Standards

* * * * *

[Revise the heading of 6.0 to read as follows:]

6.0 Additional Physical Standards for First-Class Mail and First-Class Package Service—Retail

6.1 Maximum Weight

[Revise the text of 6.1 to read as follows:]

First-Class Mail or First-Class Package Service—Retail cannot exceed 13 ounces.

* * * * *

6.4 Parcels

[Revise the introductory text of 6.4 to read as follows:]

First-Class Package Service—Retail parcels are eligible for USPS Tracking and Signature Confirmation service. A First-Class Package Service—Retail parcel is:

* * * * *

[Add new item d to read as follows:]

d. A mailpiece that does not exceed 108 inches in combined length and girth.

* * * * *

102 Elements on the Face of a Mailpiece

* * * * *

3.0 Placement and Content of Mail Markings

* * * * *

[Revise the heading and text of 3.3 to read as follows:]

3.3 First-Class Mail and First-Class Package Service—Retail Markings

Each single-piece price First-Class Mail and First-Class Package Service—Retail piece must have a delivery address but is not required to bear a price marking.

* * * * *

[Revise the heading of 130 to read as follows:]

130 Retail Mail First-Class Mail and First-Class Package Service—Retail

133 Prices and Eligibility

Overview

* * * * *

[Revise the heading of 2.0 to read as follows:]

2.0 Basic Eligibility Standards for First-Class Mail and First-Class Package Service—Retail

* * * * *

1.0 Prices and Fees

[Revise the heading and introductory text of 1.1 to read as follows:]

1.1 First-Class Mail Single-Piece and First-Class Package Service—Retail Price Application

The single-piece prices are applied as follows:

* * * * *

d. The First-Class Package Service—Retail parcel price applies to parcel-size pieces under 101.3.0 and to flat-size pieces that do not meet the standards in 101.2.0.

[Revise the heading and first sentence of 1.2 to read as follows:]

1.2 Price Computation for First-Class Mail and First-Class Package Service—Retail

First-Class Mail and First-Class Package Service—Retail prices are charged per ounce or fraction thereof; any fraction of an ounce is considered a whole ounce. * * *

* * * * *

1.4 Keys and Identification Devices

[Revise the first sentence of 1.4 to read as follows:]

Keys and identification devices (such as identification cards and uncovered identification tags) that weigh 13 ounces or less may be returned at the applicable single-piece First-Class Mail Flats price plus the fee. * * *

* * * * *

[Revise the heading of 2.0 to read as follows:]

2.0 Basic Eligibility Standards for First-Class Mail and First-Class Package Service—Retail

2.1 Description of Service

[Revise the text of 2.1 to read as follows:]

First-Class Mail and First-Class Package Service—Retail receive expeditious handling and transportation. The USPS does not guarantee the delivery of First-Class Mail and First-Class Package Service—Retail within a specified time.

2.2 Defining Characteristics

2.2.1 Inspection of Contents

[Revise the text of 2.2.1 to read as follows:]

First-Class Mail and First-Class Package Service—Retail are sealed against postal inspection.

2.2.2 Forwarding and Return Service

[Revise the text of 2.2.2 to read as follows:]

The price of First-Class Mail and First-Class Package Service—Retail include forwarding service to a new address for up to 12 months and return service if the mailpiece is undeliverable.

2.2.3 Extra Services

[Revise the first sentence of 2.2.3 to read as follows:]

First-Class Mail, Priority Mail, and First-Class Package Service—Retail are the only products eligible to receive the following extra services: Registered Mail services and Certified Mail services. * * *

3.0 Content Standards

3.1 General Eligibility

[Revise the introductory text of 3.1 to read as follows:]

With the exception of restricted material as described in 601.8.0, any mailable item may be mailed as First-Class Mail and First-Class Package Service—Retail.

3.2 Bills and Statements of Account

[Revise the introductory text of 3.2 to read as follows:]

Bills and statements of account must be mailed as First-Class Mail, First-Class Package Service—Retail, Priority Mail, or Priority Mail Express and are defined as follows:

* * * * *

3.3 Personal Information

[Revise the text of 3.3 to read as follows:]

Mail containing personal information must be mailed as First-Class Mail, First-Class Package Service—Retail, Priority Mail, or Priority Mail Express. Personal information is any information specific to the addressee.

3.4 Handwritten and Typewritten Material

[Revise the text of 3.4 to read as follows:]

Mail containing handwritten or typewritten material must be mailed as First-Class Mail, First-Class Package Service—Retail, Priority Mail, or Priority Mail Express.

* * * * *

3.6 Prohibited Air Transportation

[Revise the text of 3.6 to read as follows:]

All First-Class Mail and First-Class Package Service—Retail are subject to limitations for air transportation in 601.9.0.

134 Postage Payment Methods

Overview

[Revise the heading of 1.0 to read as follows:]

1.0 Postage Payment Methods for First-Class Mail and First-Class Package Service—Retail

* * * * *

[Revise the heading of 1.0 to read as follows:]

1.0 Postage Payment Methods for First-Class Mail and First-Class Package Service—Retail

1.1 Payment Method

[Revise the text of 1.1 to read as follows:]

Postage for single-piece First-Class Mail and First-Class Package Service—Retail must be paid with affixed postage stamps (604.1.0), postage evidencing system postage (604.4.0), or precanceled stamps (604.3.0).

* * * * *

1.3 More Than One Mailer

[Revise the text of 1.3 to read as follows:]

When two or more individuals or organizations, or a party acting as their agent, mail in one package the bills, statements of account, or other letters of the individuals or organizations, to an addressee in common, First-Class Mail or First-Class Package Service—Retail postage may be paid on the weight of the entire package of aggregated mail. Postage is not required on each individual piece.

1.4 More Than One Letter

[Revise the introductory text of 1.4 to read as follows:]

An individual or organization may mail in one package more than one of the mailer's own letters and pay First-Class Mail or First-Class Package Service—Retail postage on the weight of the entire package of letters if: * * *

1.5 Agent

[Revise the text of 1.5 to read as follows:]

Any agent of a licensing authority may forward completed applications in one envelope to an office of the licensing authority and pay First-Class Mail or First-Class Package Service—Retail postage on the weight of the piece.

135 Mail Preparation

Overview

[Revise the heading of 1.0 to read as follows:]

1.0 Preparation for First-Class Mail and First-Class Package Service—Retail

[Revise the heading of 1.0 to read as follows:]

1.0 Preparation for First-Class Mail and First-Class Package Service—Retail

[Revise the introductory of 1.0 to read as follows:]

The following standards apply to single-piece First-Class Mail and First-Class Package Service—Retail:

[Revise the text of items a and b to read as follows:]

a. Each piece of First-Class Mail or First-Class Package Service—Retail must have a delivery address, but is not required to bear a price marking.

b. There are no sorting requirements for single-piece First-Class Mail or First-Class Package Service—Retail, but five or more letter-size pieces bearing metered postage must be faced with the addresses in one direction and bundled. Bundling of letter-size pieces is not required if they fill a letter tray.

136 Deposit

Overview

[Revise the heading of 1.0 to read as follows:]

1.0 Deposit for First-Class Mail and First-Class Package Service—Retail

* * * * *

[Revise the heading of 1.0 to read as follows:]

1.0 Deposit for First-Class Mail and First-Class Package Service—Retail

[Revise the text of 1.0 to read as follows:]

Single-piece First-Class Mail letters and cards and First-Class Package Service—Retail may be deposited into any collection box, mail receptacle, or at any place where mail is accepted if the full required postage is paid with adhesive stamps. Metered mail must be deposited in locations under the jurisdiction of the licensing Post Office, except as permitted under 604.4.0.

* * * * *

200 Commercial Mail Letters, Cards, Flats, and Parcels

* * * * *

207 Periodicals

* * * * *

4.0 Basic Eligibility Standards

* * * * *

4.7 Eligible Formats

4.7.1 Complete Copies

[Revise the second sentence of 4.7.1 to read as follows:]

* * * Incomplete copies (for example, those lacking pages or parts of pages) are subject to the applicable First-Class Mail, First-Class Package Service—Retail, First-Class Package Service—Commercial, USPS Marketing Mail, USPS Retail Ground, or Package Services prices.

* * * * *

4.10 Back Issues and Reprints

[Revise the second sentence of 4.10 to read as follows:]

* * * Other mailings of back issues or reprint copies, including permanently bound back issues or reprint copies, are subject to the applicable First-Class Mail, First-Class Package Service—Retail, First-Class Package Service—Commercial, USPS Marketing Mail, USPS Retail Ground, or Package Services prices.

* * * * *

5.0 Applying for Periodicals Authorization

* * * * *

5.2 Mailing While Application Pending

5.2.1 Mailing Before Approval

[Revise the second sentence of 5.2.1 to read as follows:]

* * * Postage at the applicable First-Class Mail, First-Class Package Service—Retail, First-Class Package Service—Commercial, USPS Marketing Mail, or Package Services prices must be paid while the application is pending.

5.2.2 Record of Deposits

[Revise the third and fourth sentences of 5.2.2 to read as follows:]

* * * No record is kept of postage paid at First-Class Mail, First-Class Package Service—Retail, or First-Class Package Service—Commercial, prices or of postage not paid by advance deposit account. Records are kept for single-piece First-Class Mail or First-Class Package Service—Retail price mailings that may qualify for a refund under the exception in 5.3.6e.

5.3 Decision on Application

* * * * *

5.3.6 No Refund

No refund is made for:

* * * * *

[Revise the text of item e to read as follows:]

e. Postage paid at Priority Mail Express or First-Class Mail, First-Class Package Service—Retail, or First-Class Package Service—Commercial, prices. Exception: When postage is deposited at single-piece First-Class Mail or First-Class Package Service—Retail prices because a mailing presorted and prepared as Periodicals mail is less than 200 pieces or 50 pounds, a refund may be authorized.

* * * * *

7.0 Mailing to Nonsubscribers or Nonrequesters

* * * * *

7.9.7 Excess Noncommingled Mailing

[Revise the second sentence of 7.9.7 to read as follows:]

* * * These copies are subject to the appropriate Priority Mail Express, First-Class Mail, First-Class Package Service—Retail, First-Class Package Service—Commercial, Priority Mail, USPS Marketing Mail, USPS Retail Ground, or Package Services price.

7.9.8 Mixed Mailing

[Revise the second sentence of 7.9.8 to read as follows:]

* * * That portion is subject to the appropriate Priority Mail Express, First-Class Mail, First-Class Package Service—Retail, First-Class Package Service—Commercial, Priority Mail, USPS Marketing Mail, USPS Retail Ground, or Package Services price.

* * * * *

10.0 Preferred Periodicals

* * * * *

10.6 Mailing While Application Pending

10.6.1 Mailing Before Approval

[Revise the second sentence of 10.6.1 to read as follows:]

* * * Until approval is given, postage must be paid at the Outside-County prices (for authorized Periodicals publications), or at the First-Class Mail, First-Class Package Service—Retail, First-Class Package Service—Commercial, USPS Marketing Mail, or Package Services prices (if the publication is in a pending status for Periodicals mailing privileges).

10.6.2 Record of Deposits

[Revise the third sentence of 10.6.1 to read as follows:]

* * * No record is kept if First-Class Mail, First-Class Package Service—Retail, or First-Class Package Service—Commercial, postage is paid or if postage is not paid by advance deposit account.

* * * * *

10.7 Decision on Application

* * * * *

10.7.5 No Refunds

No refund is made for:

* * * * *

[Revise the text of item f to read as follows:]

f. Postage paid at Priority Mail Express, First-Class Mail or First-Class Package Service—Retail prices.

* * * * *

11.0 Basic Eligibility

* * * * *

11.5 Copies Mailed by Public

[Revise the text of 11.5 to read as follows:]

The single-piece First-Class Mail, First-Class Package Service—Retail, Priority Mail, USPS Retail Ground, or Package Services price is charged on copies of publications mailed by the

general public and on copies returned to publishers or news agents.

* * * * *

28.0 Enter and Deposit

* * * * *

28.2 Basic Standards

[Revise the second sentence of 28.2 to read as follows:]

* * * The First-Class Mail, Mail First-Class Package Service—Retail, First-Class Package Service—Commercial, USPS Marketing Mail, Parcel Select, or USPS Retail Ground price must be paid on all copies mailed by the public or by a printer to a publisher. * * *

* * * * *

240 Commercial Mail USPS Marketing Mail

243 Prices and Eligibility

1.0 Prices and Fees

* * * * *

1.4 Fees

* * * * *

1.4.2 Weighted Fee

[Revise the second sentence of 1.4.2 to read as follows:]

* * * Weighted fee equals single-piece First-Class Mail, First-Class Package Service—Retail, or Priority Mail price multiplied by 2.472.

* * * * *

[Revise the heading and text of 3.7 to read as follows:]

3.7 Residual Mail Subject to First-Class, Mail First-Class Package Service—Retail, or Priority Mail Prices

Pieces prepared as USPS Marketing Mail (i.e., that bear USPS Marketing Mail price markings, ACS codes, etc.) that do not qualify for Enhanced Carrier Route, automation, or Presorted USPS Marketing Mail prices are subject to the single-piece First-Class Mail, First-Class Package Service—Retail, or Priority Mail prices as applicable for the weight of the mailpiece. Metered pieces weighing over 13 ounces but less than 16 ounces that do not qualify for USPS Marketing Mail prices and any pieces that do not qualify for USPS Marketing Mail prices for which First-Class Mail, First-Class Package Service—Retail, or Priority Mail service is desired must be re-enveloped or otherwise prepared so that they do not bear USPS Marketing Mail markings, endorsements, and ACS codes and must bear the proper First-Class Mail, First-Class Package Service—Retail, or Priority Mail price markings and ACS codes. Mailers who have

pieces (other than metered pieces weighing over 13 ounces but less than 16 ounces) that do not qualify for USPS Marketing Mail prices but that are prepared as USPS Marketing Mail and who do not desire to receive First-Class Mail, First-Class Package Service—Retail, or Priority Mail service for those pieces may enter their mailpieces “as is” (i.e., bearing the USPS Marketing Mail markings and endorsements), provided the requirements in 244.1.0, are met.

* * * * *

244 Postage Payment and Documentation

* * * * *

5.0 Residual Pieces

[Revise the heading and introductory text of 5.1 to read as follows:]

5.1 Residual USPS Marketing Mail Subject to First-Class Mail or First-Class Package Service—Retail Prices

Mailers who have pieces weighing 13 ounces or less that do not qualify for USPS Marketing Mail prices but that are prepared as USPS Marketing Mail must pay single-piece First-Class Mail or First-Class Package Service—Retail postage for such pieces. If mailers do not desire to receive First-Class Mail service for such pieces they may enter the mailpieces “as is” (i.e., bearing the USPS Marketing Mail markings and endorsements), under the following conditions:

* * * * *

[Revise the first sentence of item b to read as follows:]

b. Mail bearing metered or precanceled stamp postage must pay the difference between the postage affixed at the USPS Marketing Mail prices and the single-piece First-Class Mail or First-Class Package Service—Retail prices by means of an advance deposit account or by affixing a meter stamp for the appropriate amount to Form 3600–R.

* * *

* * * * *

[Revise the first sentence of item c to read as follows:]

c. Mail bearing permit imprints must pay the appropriate single-piece First-Class Mail or First-Class Package Service—Retail prices by completing Form 3600–R. * * *

* * * * *

500 Additional Services

503 Extra and Additional Services

1.0 Basic Standards for All Extra Services

* * * * *

1.4 Eligibility for Extra Services

* * * * *

1.4.1 Eligibility—Domestic Mail

* * * * *

Exhibit 1.4 Eligibility—Domestic Mail

[Add First-Class Package Service—Retail under the “Eligible Mail” column for Registered Mail services, Certified Mail services, Insurance services, Certificate of Mailing, Certificate of Bulk Mailing, Return Receipt, COD services, and Special Handling-Fragile.]

[Under the “Eligible Mail” column for Signature Confirmation revise First-Class Mail to read First-Class Package Service—Retail. Delete “parcels only” in the parenthetical.]

[Under the “Eligible Mail” column for Signature Confirmation Restricted Delivery, Adult Signature services, and USPS Tracking, revise First-Class Mail to read First-Class Package Service—Retail. Delete the #2 notation.]

* * * * *

4.0 Insured Mail

* * * * *

4.3 Basic Standards

4.3.1 Description

* * * The following additional standards apply to insured mail:

* * * * *

[Revise the text of item e to read as follows:]

e. First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, and Priority Mail pieces may be insured, if they contain matter that is eligible to be mailed at USPS Marketing Mail, USPS Retail Ground, or Package Services prices.

* * * * *

4.3.2 Ineligible Matter

The following types of mail may not be insured:

* * * * *

[Revise the text of item e to read as follows:]

e. Matter mailed at First-Class Mail, First-Class Package Service—Retail, or Priority Mail prices that consists of items required to be mailed at First-Class Mail prices.

* * * * *

10.0 Special Handling

10.1 Basic Standards

* * * * *

10.1.2 Bees and Poultry

[Revise the text of 10.1.2 to read as follows:]

Unless sent Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service—Retail, or First-Class Package Service, special handling-fragile is required for parcels containing honeybees or baby poultry.

* * * * *

505 Return Services

1.0 Business Reply Mail (BRM)

1.1 BRM Postage and Fees

1.1.1 Basic BRM

[Revise the first sentence of 1.1.1 to read as follows:]

For basic BRM, a permit holder is required to pay an annual permit fee as provided under 1.2 and a per-piece fee under 1.1.7 in addition to the applicable Retail First-Class Mail (metered for letters), First-Class Package Service—Retail, or Priority Mail postage for each returned piece.

* * * * *

1.3 Basic Standards

1.3.1 Description

[Revise first and second sentence of 1.3.1 to read as follows:]

Business Reply Mail (BRM) service enables a permit holder to receive First-Class Mail, First-Class Package Service—Retail, and Priority Mail back from customers. The permit holder guarantees payment of the applicable Retail First-Class Mail, First-Class Package Service—Retail, or Priority Mail postage, plus a per piece fee, on all returned BRM which includes any incomplete, blank, or empty BRM cards and envelopes and any mailable matter with a BRM label affixed. * * *

* * * * *

507 Mailer Services

1.0 Treatment of Mail

* * * * *

1.4 Basic Treatment

* * * * *

1.4.5 Extra Services

Mail with extra services is treated according to the charts for each class of mail in 1.5, except that:

[Revise the text of items a and b to read as follows:]

a. Undeliverable-as-addressed Certified Mail is treated as First-Class Mail and First-Class Package Service—Retail.

b. All insured First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, and Priority Mail, pieces are forwarded and returned at no additional charge. All insured USPS Marketing Mail, USPS Retail

Ground, Package Services, and Parcel Select pieces are forwarded or returned.
* * * * *

1.5 Treatment for Ancillary Services by Class of Mail

[Revise the heading and introductory text of 1.5.1 to read as follows:]

1.5.1 First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, and Priority Mail

Undeliverable-as-addressed First-Class Mail (including postcards), First-Class Package Service—Retail, First-Class Package Service, and Priority Mail pieces are treated under Exhibit 1.5.1, with these additional conditions:
* * * * *

[Revise the third sentence of item b to read as follows:]

b. * * * Undeliverable First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, or Priority Mail pieces with any alternative addressing format are returned with the reason for nondelivery attached, only if the address is incorrect or incomplete or the mail is undeliverable for another reason as shown in Exhibit 1.4.1; however, if such mail is endorsed Change Service Requested, piece is disposed of and an ACS record is provided for the same reasons.
* * * * *

[Revise the text of item d to read as follows:]

d. First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, or Priority Mail pieces bearing USPS Marketing Mail markings and endorsements under 202 and 244.5.1 for letters, flats, and parcels, receives forwarding, return, and address correction services for USPS Marketing Mail under 1.5.3.

e. “Change Service Requested” is not permitted for the following:
* * * * *

[Revise the text of items e2 and e3 to read as follows:]

2. First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, or Priority Mail pieces containing hazardous materials under 601.8.0.

3. First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, or Priority Mail pieces with an extra service other than USPS Tracking or Signature Confirmation.

[Revise the introductory text of item f to read as follows:]

f. Address Change Service under 4.0 is available for First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, and Priority Mail

pieces with the ACS participant code for an authorized ACS participant and a valid ancillary service endorsement. Mailers participating in OneCode ACS under 4.2.6 may print an Intelligent Mail barcode on First-Class Mail automation letters instead of a participant code and endorsement. The only endorsements permitted on First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, and Priority Mail valid ACS pieces are “Address Service Requested”, “Change Service Requested” or “Electronic Service Requested” subject to the following:
* * * * *

[Revise the heading of Exhibit 1.5.1 to read as follows:]

Exhibit 1.5.1 Treatment of Undeliverable First-Class Mail, First-Class Package Service—Retail, First-Class Package Service and Priority Mail
* * * * *

“Change Service Requested”
* * * * *

Restrictions (for Options 1 and 2)

The following restrictions apply:

1. This endorsement is limited to use on valid mailpieces bearing a proper ACS participant code and only for:
* * * * *

[Revise the text of (b) to read as follows:]

(b) First-Class Mail, First-Class Package Service—Retail, and First-Class Package Service (excluding hazardous materials).
* * * * *

1.5.2 Periodicals

Undeliverable-as-addressed (UAA) Periodicals publications (including publications pending Periodicals authorization) are treated as described in Exhibit 1.5.2, with these additional conditions:
* * * * *

[Revise the third sentence of item e to read as follows:]

e. * * * Each returned piece is charged the single-piece First-Class Mail or First-Class Package Service—Retail price for the weight and shape of the piece, and the letter-size nonmachinable surcharge if applicable, or the Priority Mail price for the weight and destination of the piece. * * *
* * * * *

Exhibit 1.5.2 Treatment of Undeliverable Periodicals
* * * * *

“Address Service Requested”¹

If no change-of-address order on file:

[Revise the text under “If no change-of-address order on file:” to read as follows:]

Piece returned with reason for nondelivery attached (only return postage charged at single-piece First-Class Mail or First-Class Package Service—Retail price or Priority Mail single-piece price, as appropriate for weight of piece).

If change-of-address order on file:
* * * * *

[Revise the text in the second bullet to read as follows:]

■ After 60-day period: Piece returned with new address or reason for nondelivery attached (in either case, only return postage charged at single-piece First-Class Mail or First-Class Package Service—Retail price or Priority Mail single-piece price, as appropriate for weight of piece).
* * * * *

1.5.3 USPS Marketing Mail and Parcel Select Lightweight

Undeliverable-as-addressed (UAA) USPS Marketing Mail and Parcel Select Lightweight pieces are treated as described in Exhibit 1.5.3, with these additional conditions:
* * * * *

[Revise the text of item h to read as follows:]

h. A returned piece endorsed “Return Service Requested” is charged the applicable single-piece First-Class Mail or First-Class Package Service—Retail price for the weight and shape of the piece, and the nonmachinable surcharge if applicable, or the Priority Mail price for the weight and destination of the piece.
* * * * *

Exhibit 1.5.3 Treatment of Undeliverable USPS Marketing Mail and Parcel Select Lightweight
* * * * *

“Address Service Requested”

(Shipper Paid Forwarding/Return participants via ACS only)
Shipper Paid Forwarding/Return Option 1

If no change-of-address order on file:

[Revise the text under “If no change-of-address order on file:” to read as follows:]

Parcel returned with reason for nondelivery attached; postage due charged as follows: At applicable First-Class Mail, First-Class Package

Service—Retail, or Priority Mail single-piece price for the weight of the parcel.
* * * * *

Shipper Paid Forwarding/Return Option 2

If no change-of-address order on file:

[Revise the text under “If no change-of-address order on file:” to read as follows:]

Piece returned with reason for nondelivery attached; postage due charged as follows: At applicable First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price for the weight of the parcel. Separate notice provided (electronic ACS fee is charged).

If change-of-address order on file:

[Revise the text in the first bullet to read as follows:]

■ Months 1 through 12: Parcel forwarded. Forwarding postage is charged to the mailer as follows: At applicable First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price for the weight of the parcel. Separate notice of new address provided (electronic ACS fee charged).

Shipper Paid Forwarding/Return Option 3

If no change-of-address order on file:

[Revise the text under “If no change-of-address order on file:” to read as follows:]

Piece returned with reason for nondelivery attached; postage due charged as follows: At applicable First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price for the weight of the parcel. Separate notice provided (electronic ACS fee is charged).

If change-of-address order on file:

[Revise the text in all three bullets to read as follows:]

■ Months 1 through 12: Parcel forwarded. Forwarding postage is charged to the mailer as follows: At applicable First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price for the weight of the parcel. Separate notice of new address provided (electronic ACS fee charged).

■ Months 13 through 18: Parcel returned with new address attached; return postage is charged to mailer as follows: At applicable First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price for the weight of the parcel. Separate notice of new address provided (electronic ACS fee is charged).

■ After month 18: Parcel returned with reason for nondelivery; return

postage is charged to mailer as follows: At applicable First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price for the weight of the parcel. Separate notice of reason for nondelivery provided (electronic ACS fee is charged).

“Address Service Requested—BPRS”

(BPRS participants only)

* * * * *

If change-of-address order on file:

[Revise the text in the first bullet to read as follows:]

■ Months 1 through 12: Piece forwarded (no charge to addressee); separate ACS notice of new address provided (ACS address correction fee and forwarding postage charged at single-piece First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price, as appropriate for weight of piece, via mailer’s ACS participant code).

* * * * *

“Return Service Requested”

(Except for BPRS participants)

Option 1

[Revise the second sentence to read as follows:]

* * * In either case, only return postage is charged at First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price, as appropriate for weight of piece.

Option 2

* * * * *

In all cases (regardless of whether a change-of-address order is on file):

[Revise the second sentence to read as follows:]

* * * In either case, both the address correction fee is charged, and return postage is charged at First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price, as appropriate for weight of piece.

* * * * *

“Change Service Requested”

(Shipper Paid Forwarding participants via ACS only)

* * * * *

If change-of-address order on file:

[Revise the text in the first bullet to read as follows:]

■ Months 1 through 12: Parcel forwarded; postage due charged to the mailer as follows; at applicable First-Class Mail, First-Class Package Service—Retail, or Priority Mail single-piece price for the weight of the parcel;

separate notice of new address provided (electronic ACS fee charged).

* * * * *

1.8 Returning Mail

* * * * *

[Revise the heading and introductory text of 1.8.3 to read as follows:]

1.8.3 Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service—Retail, and First-Class Package Service

Mailpieces sent as Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service—Retail, or First-Class Package Service that cannot be delivered as addressed or forwarded to a new address, unless otherwise requested by the sender, are returned to the sender at no additional charge. Excluding pieces containing live animals, the following are disposed of by the USPS:

* * * * *

[Revise the text of item b to read as follows:]

b. First-Class Mail First-Class Package Service—Retail, or First-Class Package Service pieces with a valid ACS participant code and endorsed “Change Service Requested.”

* * * * *

1.9 Dead Mail

1.9.1 Basic Information

* * * The disposition of dead mail items is as follows:

* * * * *

[Revise the text of item b to read as follows:]

e. Except for unendorsed USPS Marketing Mail, undeliverable USPS Marketing Mail, USPS Retail Ground, Package Services, and insured First-Class Mail, First-Class Package Service—Retail, or First-Class Package Service pieces containing USPS Marketing Mail, USPS Retail Ground, or Package Services enclosures, that cannot be returned because of an incorrect, incomplete, illegible, or missing return address is opened and examined to identify the sender or addressee.

* * * * *

2.0 Forwarding

* * * * *

2.2 Forwardable Mail

* * * * *

2.2.3 Discontinued Post Office

[Revise the text of 2.2.3 to read as follows:]

All Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service—Retail, First-Class

Package Service, Periodicals, USPS Retail Ground, and Package Services pieces addressed to a discontinued Post Office may be forwarded without added charge to a Post Office that the addressee designates as more convenient than the office to which the USPS ordered the mail sent.

2.2.4 Rural Delivery

[Revise the text of 2.2.4 to read as follows:]

When rural delivery service is established or changed, a customer of any office receiving mail from the rural carrier of another office may have all Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, Periodicals, USPS Retail Ground, and Package Services pieces forwarded to the latter office for delivery without added charge, if the customer files a written request with the postmaster at the former office.

* * * * *

2.2.6 Mail for Military Personnel

[Revise the first sentence of 2.2.6 to read as follows:]

All Priority Mail Express, First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, Periodicals, USPS Retail Ground, and Package Services mailpieces addressed to persons in the U.S. Armed Forces (including civilian employees) serving where U.S. mail service operates is forwarded at no added charge when the change of address is caused by official orders.

* * * * *

2.3 Postage for Forwarding

* * * * *

[Revise the heading and text of 2.3.3 to read as follows:]

2.3.3 Priority Mail, First-Class Mail, First-Class Package Service—Retail, and First-Class Package Service

Priority Mail, First-Class Mail (including postcards), First-Class Package Service—Retail, and First-Class Package Service mailpieces are forwarded without charge when postage is fully prepaid by the sender.

* * * * *

2.3.5 USPS Marketing Mail and Parcel Select Lightweight

[Revise the second sentence of 2.3.5 to read as follows:]

* * * Shipper Paid Forwarding/ Return (under 4.2.9) provides mailers of USPS Marketing Mail and Parcel Select Lightweight parcels an option of paying forwarding postage on those parcels, or return postage if undeliverable, at the

applicable single-piece First-Class Mail, First-Class Package Service—Retail, or Priority Mail price, instead of the addressee paying postage due charges.

* * *

* * * * *

4.0 Address Correction Services

4.1 Address Correction Service

* * * * *

4.1.5 Other Classes

[Revise the first sentence of 4.1.5 to read as follows:]

When possible, “on-piece” address correction is provided for Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, USPS Marketing Mail, USPS Retail Ground, Package Services, and Parcel Select pieces.

* * * * *

5.0 Package Intercept

* * * * *

[Revise the first sentence of 5.1.2 to read as follows:]

5.1.2 Eligibility

[Revise the first sentence of 5.1.2 to read as follows:]

Except under 5.1.3, Package Intercept service is available for Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, Parcel Select, USPS Retail Ground, Bound Printed Matter, Media Mail, or Library Mail mailpieces with a tracking barcode, addressed to, from, or between domestic destinations (608.2.0) that do not require a customs declarations label, and measuring not more than 108 inches in length and girth combined.

* * * * *

* * * * *

5.2 Postage and Fees

[Revise the first sentence of 5.2 to read as follows:]

Customers must pay a nonrefundable per-piece fee once the USPS successfully intercepts the mailpiece. Priority Mail Express, Priority Mail, First-Class Mail, and First-Class Package Service—Retail, pieces being redirected to the sender are not relabeled or subject to additional postage.

* * * * *

7.0 Pickup on Demand Service

* * * * *

7.2 Basic Standards

7.2.1 Availability

* * * Incidental amounts of other postage-affixed, full-price mail also may

be collected when Pickup on Demand service is provided for:

* * * * *

[Revise the text of item c to read as follows:]

c. First-Class Package Service—Retail.

* * * * *

508 Recipient Services

1.0 Recipient Options

* * * * *

1.8 Commercial Mail Receiving Agencies

* * * * *

1.8.3 Addressee and CMRA Agreement

In delivery of the mail to the CMRA, the addressee and the CMRA agree that:

* * * * *

[Revise the sixth sentence of item b to read as follows:]

b. * * * At the end of the 6-month remail period the CMRA may return to the Post Office only First-Class Mail, First-Class Package Service—Retail, Priority Mail, Priority Mail Express, accountable mail, or USPS Retail Ground received for the former addressee (customer).

[Revise the third sentence of item c to read as follows:]

c. * * * Upon approval, the CMRA may return to the Post Office only First-Class Mail, First-Class Package Service—Retail, Priority Mail, Priority Mail Express, accountable mail, and USPS Retail Ground received for the former customer.

* * * * *

7.0 Premium Forwarding Service

* * * * *

7.2 Preparation

7.2.1 Weekly Priority Mail Shipments

* * * Regardless of any mailer’s ancillary service endorsement on a mailpiece, and provided it fits within the shipment container, all mail is included in the weekly Priority Mail shipment, except as follows:

* * * * *

b. Mailpieces that do not fit in the shipment container, or that require a scan or signature at delivery, are scanned (when applicable) and then rerouted separately to the temporary address, subject to the following:

[Revise the text of item b1 to read as follows:]

1. Priority Mail Express, Priority Mail, First-Class Package Service—Retail, First-Class Package Service pieces and Periodicals parcels are rerouted separately at no additional charge.

* * * * *

d. Any mailpiece arriving postage due at the Post Office serving a customer's primary address is not included in the weekly Priority Mail shipment and will be rerouted separately as follows:

[Revise the text of item d1 to read as follows:]

1. First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, and Priority Mail pieces are charged only for the original postage due amount.

* * * * *

7.3 Premium Forwarding Service Commercial

* * * * *

7.3.3 Conditions

Only the authorized recipient (or legal agent) of the business' (or organization's) mail may activate the request for PFS-Commercial service. PFS-Commercial service is subject to these conditions:

* * * * *

[Revise the text of item e to read as follows:]

e. Except under 7.3.3g, the following products may be included in a PFS-Commercial service container: Priority Mail, First-Class Mail, First-Class Package Service—Retail, and First-Class Package Service pieces.

* * * * *

600 Basic Standards For All Mailing Services

* * * * *

602 Addressing

1.0 Elements of Addressing

* * * * *

1.3 Address Elements

All mail not bearing a simplified address must bear a delivery address that contains at least the following elements in this order from the top line:

* * * * *

e. ZIP Code where required:

* * * * *

[Revise the text of item e2 to read as follows:]

2. Unless required above, ZIP Codes may be omitted from single-piece price First-Class Mail (including Priority Mail), First-Class Package Service—Retail, USPS Retail Ground, and pieces bearing a simplified address.

* * * * *

4.0 Detached Address Labels (DALs) and Detached Marketing Labels (DMLs)

* * * * *

4.4 Disposition of Excess or Undeliverable Material

4.4.1 Excess Material

* * * The mailer must choose one of the following options for each DAL mailing and the items:

* * * * *

[Revise the second sentence of item d to read as follows:]

d. * * * Additional material must be sent prepaid to the delivery Post Office as First-Class Mail, First-Class Package Service—Retail, Priority Mail, or Priority Mail Express.

* * * * *

4.5 Postage

* * * * *

4.5.3 Returns

[Revise the first sentence of 4.5.3 to read as follows:]

Postage for excess or undeliverable DALs that are properly endorsed or for items being returned is computed at the single-piece price (First-Class Mail, First-Class Package Service—Retail, Priority Mail, or Package Services) applicable to the combined weight of the DAL and the accompanying item, regardless of whether both are returned.

* * *

* * * * *

604 Postage Payment Methods and Refunds

* * * * *

4.0 Postage Meters and PC Postage Products ("Postage Evidencing Systems")

* * * * *

4.6 Mailings

4.6.1 Mailing Date Format

* * * The mailing date format used in the indicia is also subject to the following conditions:

a. Complete Date. Mailers must use a complete date for the following:

[Revise the text of item a1 to read as follows:]

1. All Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service—Retail, and First-Class Package Service pieces.

* * * * *

4.6.3 Deposit of Mail

Mailers must deposit or enter mailpieces with metered or PC Postage indicia according to the following conditions:

[Revise the first sentence of item a to read as follows:]

a. Mailers may deposit Priority Mail Express, Flat Rate Priority Mail, Priority

Mail weighing one pound or less, single-piece price First-Class Mail, First-Class Package Service—Retail, single-piece price Media Mail, and single-piece price Library Mail items with a metered or PC Postage indicia at any postal facility, preferably within the area of the customer's local Post Office.

* * * * *

8.0 Insufficient or Omitted Postage

8.1 Insufficient Postage

* * * * *

8.1.2 Undeliverable and Refused Mail

Mail with insufficient postage that is refused by the addressee or otherwise undeliverable is:

* * * * *

[Revise the text of item b to read as follows:]

b. Returned to the sender and delivered when the sender pays the total deficient postage and additional postage for forwarding or return if other than First-Class Mail or First-Class Package Service—Retail, and with a return address.

* * * * *

8.1.6 Registered Mail With Insufficient Postage

[Revise the first sentence of 8.1.6 to read as follows:]

If shortpaid Registered Mail is found in ordinary mail, with only the First-Class Mail or First-Class Package Service—Retail, price of postage paid, the piece is delivered to the addressee as ordinary First-Class Mail or First-Class Package Service—Retail.

* * * * *

8.3 Mailable Matter Without Postage in or on Mail Receptacles

* * * * *

8.3.4 Partial Distribution

[Revise the text of 8.3.4 to read as follows:]

If there is a distribution of pieces to some, but not all, addresses on a route, pieces are returned to the delivery unit for use in computing the postage due. First-Class Mail or First-Class Package Service—Retail prices are applied to matter that would require First-Class Mail or First-Class Package Service—Retail postage if mailed. For other matter, if the piece weighs less than 16 ounces, the applicable single-piece First-Class Mail, First-Class Package Service—Retail, or Priority Mail price based on the weight of the piece is applied, or USPS Retail Ground or an applicable Package Services price is applied, whichever is lower. If the piece weighs 16 ounces or more, the USPS

Retail Ground or applicable Package Services price is applied.

* * * * *

9.0 Exchanges and Refunds

* * * * *

9.2 Postage and Fee Refunds

* * * * *

9.2.3 Full Refund

A full refund (100%) may be made when:

* * * * *

[Revise the first sentence of item 1 to read as follows:]

1. If a First-Class Mail, First-Class Package Service—Retail, First-Class Package Service, USPS Retail Ground or Package Services mailpiece is torn or defaced during USPS handling so that the addressee or intended delivery point cannot be identified. * * *

* * * * *

609 Filing Indemnity Claims for Loss or Damage

1.0 General Filing Instructions

* * * * *

1.4 When to File

File claims as follows:

* * * * *

b. Lost Articles: Customers must file a claim within the time limits in the chart below.

Mail Type or Service

* * * * *

[Revise the sixth line item to read as follows:]

APO/FPO/DPO Insured Mail and registered Mail (Priority Mail, First-Class Mail, First-Class Package Service—Retail, SAM, or PAL)

* * * * *

700 Special Standards

703 Nonprofit USPS Marketing Mail and Other Unique Eligibility

1.0 Nonprofit USPS Marketing Mail

* * * * *

1.9 Mailing While Application Pending

* * * * *

1.9.2 Postage Record

[Revise the text of 1.9.2 to read as follows:]

While an application, or confirmation of authorization, is pending postage must be paid at applicable First-Class Mail, First-Class Package Service—Retail, or Priority Mail prices, or at applicable USPS Marketing Mail prices. The USPS records the difference between postage paid at regular USPS

Marketing Mail prices and the postage that would have been paid at Nonprofit USPS Marketing Mail prices. No record is kept if postage is paid at First-Class Mail, First-Class Package Service—Retail, or Priority Mail prices.

1.9.3 Refund

* * * No refund is made:

* * * * *

[Revise the text of item b to read as follows:]

b. If postage was paid at First-Class Mail, First-Class Package Service—Retail, or Priority Mail prices.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires, Attorney, Federal Compliance.

[FR Doc. 2017-17799 Filed 8-22-17; 8:45 am]

BILLING CODE 7710-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10-90, 14-58; FCC 17-87]

Connect America Fund, ETC Annual Reports and Certifications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, by eliminating several rules that are either duplicative of other reporting requirements or are simply no longer necessary, the Federal Communications Commission (Commission) streamlines the annual reporting requirements for eligible telecommunications carriers (ETCs) that receive high-cost universal service support. The Commission also re-emphasizes the importance of providing the public with access to non-confidential information filed by ETCs, and it directs the Universal Service Administrative Company (USAC) to work closely with state and Tribal governments and other stakeholders to improve public access to the information that ETCs will continue to file.

DATES: Effective September 22, 2017.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Wireline Competition Bureau, (202) 418-7400 or TTY: (202) 418-0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in WC Docket Nos. 10-90,

14-58; FCC 17-87, adopted on July 6, 2017 and released on July 7, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street SW., Washington, DC 20554, or at the following Internet address: http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0714/FCC-17-87A1.pdf

I. Report and Order

1. In this Report and Order, by eliminating several rules that are either duplicative of other reporting requirements or are simply no longer necessary, the Commission streamlines the annual reporting requirements for eligible telecommunications carriers (ETCs) that receive high-cost universal service support. The Commission also re-emphasizes the importance of providing the public with access to non-confidential information filed by ETCs, and it directs the Universal Service Administrative Company (USAC) to work closely with state and Tribal governments and other stakeholders to improve public access to the information that ETCs will continue to file. In doing so, the Commission reduces ETCs' regulatory burdens while strengthening the tools for program oversight in furtherance of its goal of protecting the high cost universal support program against waste, fraud, and abuse.

2. Discussion. Based on the record before us, the Commission finds that it can eliminate all elements of the Commission's annual high-cost reporting rules on which it sought comment without compromising its ability to monitor whether ETCs are using high-cost universal service support for its intended purpose. The Commission agrees with the vast majority of commenters that note "reporting obligations should be effectively and efficiently tailored to monitoring ETCs' modified service obligations." At the same time, the Commission reiterates the importance of providing access to non-confidential information to the public and to states, U.S. Territories, and Tribal governments.

3. Network outage reporting. First, because the Commission's Network Outage Reporting System (NORS) already collects detailed outage information, and does so in a more timely fashion than the FCC Form 481, the Commission eliminates the rule requiring that ETCs' annual reports include detailed information about any outages affecting voice service for at least 30 minutes that they have

experienced in the prior calendar year. Moreover, given the sensitive nature of this data to both national security and commercial competitiveness, most ETCs seek confidential treatment of their outage reporting. Centralizing the Commission's collection of outage information in NORS will reduce the burden on ETCs of filing multiple requests for confidential treatment for the same information. It will also allow USAC to make more of an ETC's Form 481 data publicly available.

4. Most commenters support eliminating this duplicative requirement. The Commission disagrees with those commenters that suggest that reporting this information imposes no additional costs on carriers. Even if a carrier has information on outages readily available, preparing and submitting duplicative documentation entails costs. The Commission also disagrees with suggestions that, because some states have deregulated telecommunications services in their states, the Commission should retain certain federal reporting requirements. Because carriers already have a federal obligation to file this information through NORS, the Commission finds it inappropriate to continue to require carriers to incur additional costs solely to provide states with this information directly where the Commission has determined it is unnecessary for its own high-cost universal service oversight. To the extent that state agencies want network outage information for their own purposes, they can, and some do, obtain such information through their own mechanisms.

5. *Unfulfilled service requests.* Second, the Commission eliminates the requirement that ETCs report the number of service requests they receive but do not fulfill. The underlying purpose of this rule when adopted was to allow the Commission to monitor rate-of-return carriers' progress in deploying broadband pursuant to the reasonable request standard. Based on the Commission's implementation, however, it finds that the rule as written is not appropriately tailored to further the goal. Absent uniform and clear standards for how individual carriers evaluate such requests, the data reported cannot support any meaningful evaluation. In the *Rate-of-Return Reform Order*, 81 FR 24282, April 25, 2016, the Commission replaced the reasonable request standard, the primary reason the Commission originally adopted this reporting requirement, with defined broadband obligations. Thus, now most high-cost recipients—particularly rate-of-return carriers regardless of whether they elected to receive model-based

support or remain on the reformed support mechanisms—have specific broadband deployment obligations that the Commission will be able to monitor through their annual submission of information about the exact locations to which they built in the prior calendar year. Even if the Commission provided ETCs with additional guidance, this objective metric is a more efficient way to measure compliance than reporting unfulfilled requests, which requires a subjective determination as to whether to include the data. The Commission therefore eliminates this specific reporting requirement for all ETCs.

6. Most commenters support this outcome. As with the other reporting requirements the Commission is eliminating, and for the same reasons, the Commission disagrees with those commenters that argue that reporting this information imposes no additional costs and that the Commission should continue collecting this information for the use of state commissions. In the *Rate-of-Return Reform Order*, the Commission directed USAC to provide the public access to ETCs' non-confidential location information and develop an online map that will enable the public to visualize service availability. Because the Commission believes the information USAC will make available online will be more useful to the public and equally useful to state commissions, the Commission also declines to modify the requirement, as one commenter suggests.

7. *Complaint reporting.* Third, the Commission eliminates the obligation that ETCs annually report the number of complaints per 1,000 subscribers for voice and broadband services. Consumers who have complaints about ETCs can file complaints with the Commission's Consumer and Governmental Affairs Bureau (CGB) or with states. CGB collects detailed information from each complainant, including the location and nature of the complaint. The Commission's experience to date is that the high-level complaint data currently collected on Form 481 is not as useful as the detailed data already collected by CGB through the complaint process, in part because the Form 481 data do not currently contain information about individual complaints. The Commission therefore eliminates this reporting requirement and direct the Wireline Competition Bureau (WCB) to consult with CGB to ensure that the Commission collects the necessary complaint data to adequately measure the performance of carriers receiving universal service funding.

8. Most commenters support elimination of this duplicative

requirement. Again, the Commission disagrees with commenters who argue that reporting this information entails no additional costs, and that the Commission should continue collecting this information for the use of state commissions. One commenter expresses support for clarifying terms to make the information more useful; however, the Commission finds that its existing collection of detailed information from consumer complaints filed with CGB is sufficient for its oversight purposes.

9. *Pricing information.* Fourth, the Commission eliminates the obligation of ETCs to report annually information regarding the pricing of their voice and broadband service offerings. As implemented in FCC Form 481, ETCs are required to submit information regarding their voice rates as of January 1 of each year, and separately list rates for each wire center to the extent the rates vary, as well as indicate whether service is provided on a flat rate, measured or metered basis. For broadband offerings, ETCs must separately list each service offering that meets or exceeds the Commission's minimum requirements and, if they do not have uniform rates across the study area, report each rate for individual exchanges. The net result is a detailed worksheet with multiple rates listed for each wire center.

10. As a practical matter, the Commission has not made sufficient use of this pricing data to support its continued collection. The Commission primarily relies on the urban rate survey to develop annually the reasonable comparability benchmarks for both voice and broadband services, and annual certifications from providers that their rates do not exceed those benchmarks. The Commission therefore concludes that the public interest would be served by discontinuing this particular information collection.

11. Most commenters support removing this reporting requirement. The Commission disagrees again with commenters arguing that reporting this information requires no additional costs, and that the Commission should continue collecting this information for the use of state commissions. One commenter suggests that carriers only report what is needed to show compliance with the "reasonable comparability" benchmark; as noted above, the Commission finds that it already requires submission of what is needed to show compliance with that benchmark through the urban rate survey and annual certifications.

12. *Service quality certification.* Fifth, the Commission eliminates the requirement that an ETC certify its

compliance with applicable service quality standards and consumer protection rules. Given that ETCs have an independent obligation to comply with all applicable service quality standards and consumer protection rules, the Commission finds that this certification is unnecessary for its oversight of ETCs. Any failure to comply with rules and requirements can be pursued regardless of whether a certification of compliance with those rules has been made. Both the Commission and USAC already have sufficient authority to investigate, audit, and pursue recovery of high-cost support for violation of program rules.

13. Commenters generally support eliminating this requirement. For the same reasons as stated above, the Commission again disagrees with commenters suggesting that providing this certification would not entail any additional costs, and that the Commission should continue collecting these certifications for states' own oversight purposes.

14. *Filing of duplicate FCC Forms 481.* Finally, contingent upon USAC's completion of the rollout of an online portal for recipients of high cost services, the Commission will no longer require ETCs to file duplicate copies of Form 481 with the FCC and with states, U.S. Territories, and/or Tribal governments beginning in 2018. In the *Rate-of-Return Reform Order*, the Commission directed USAC to "timely publish through electronic means all non-confidential high-cost data in open, standardized, electronic formats, consistent with the principles of the Office of Management and Budget's Open Data Policy," and directed WCB "to work with USAC to put appropriate protections in place for ETCs to seek confidential treatment of a limited subset of the information. Entities, such as states and Tribal governments, which already have access to confidentially filed information for ETCs[] within their jurisdiction, will continue to have access to such information through the online database." If USAC completes the rollout of its online portal after the 2018 Form 481 filing date, the Commission will no longer require ETCs to file duplicate copies of Form 481 beginning in 2019. The Commission concludes that centralizing all filing requirements with USAC would benefit state and Tribal governments by reducing the need to sort through, in some cases, dozens of paper documents containing the same information as what will be available more readily through an online tool. The Commission reiterates to USAC the importance of working closely with state and Tribal

governments and other stakeholders to provide the public with easy access to non-confidential data filed by ETCs.

15. Only two states and no Tribal governments raised concerns regarding this proposal. Those commenters argue that it would be burdensome for states to actively seek ETCs' reported information from USAC. As others note, it is likely less burdensome for a state commission to log onto USAC's system and access carriers' reports than for ETCs, especially small companies, to submit their reports to the commissions in states in which they operate. Nonetheless, in light of state commenters' concerns, the Commission directs USAC to work with states and Tribal governments to facilitate their access to carriers' submitted data. Other commenters generally express support for removing the duplicate filing requirement, although several commenters expressed some concern about access to ETCs' confidential data provided through USAC's new online system. However, as the Commission explained in the *Rate-of-Return Reform Order*, "[e]ntities, such as states and Tribal governments, which already have access to confidentially filed information for ETCs[] within their jurisdiction, will continue to have access to such information through the online database"; entities without such access will not newly gain access to confidential information. In light of those commenters' concerns, the Commission reiterates its direction to USAC to ensure appropriate protections for ETCs seeking confidential treatment of specific information, pursuant to Section 0.459 of the Commission's rules, and to make public the non-confidential data it receives. USAC's publishing of non-confidential data will improve the public's access to the data without compromising the confidentiality of sensitive information.

16. At this time, the Commission declines to eliminate any other ETC reporting requirements. Other information the Commission requires ETCs to report is necessary to enable it to fulfill its oversight responsibilities and to protect against waste, fraud, and abuse. Notwithstanding, the Commission will continue to evaluate its reporting requirements to identify other requirements that the Commission may be able to streamline or eliminate at a future point.

17. This document contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the

PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In this present document, the Commission has assessed the effects that might affect small businesses, which includes most businesses with fewer than 25 employees, in the Final Regulatory Flexibility Analysis (FRFA) below.

18. As required by the Regulatory Flexibility Act of 1980 (RFA) as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Further Notice of Proposed Rulemaking* adopted in March 2016 (*Rate-of-Return Reform FNPRM*, 81 FR 21511, April 12, 2016). The Commission sought written public comment on the proposals in the *Rate-of-Return Reform FNPRM*, including comment on the IRFA. The Commission did not receive any relevant comments in response to this IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

19. In this Report and Order, the Commission streamlines the annual reporting requirements for eligible telecommunications carriers (ETCs) that receive high-cost universal service support by eliminating several rules that are either duplicative of other reporting requirements or are simply no longer necessary. The Commission also reinforces the importance of providing the public with access to non-confidential information filed by ETCs and direct the Universal Service Administrative Company (USAC) to work closely with state and Tribal governments and other stakeholders to improve public access to the information that ETCs will continue to file. In doing so, the Commission reduces ETCs' regulatory burden while strengthening the tools for program oversight in furtherance of its goal of protecting the high cost universal support program against waste, fraud, and abuse.

20. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules adopted herein. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small

organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small-business concern” under the Small Business Act. A small-business concern” is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

21. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission’s actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three comprehensive small entity size standards that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA’s Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 28.8 million businesses. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.” Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.” U.S. Census Bureau data published in 2012 indicate that there were 89,476 local governmental jurisdictions in the United States. The Commission estimates that, of this total, as many as 88,761 entities may qualify as “small governmental jurisdictions.” Thus, the Commission estimates that most governmental jurisdictions are small.

22. The Report and Order does not impose any specific reporting, recordkeeping, or compliance requirements for entities, including small entities. Instead, by removing certain reporting requirements, the Report and Order streamlines existing reporting requirements. In particular, the Report and Order eliminates ETCs’ obligations to report (1) network outage information; (2) unfulfilled service requests; (3) the number of complaints received by an ETC per 1,000 subscribers for both voice and broadband services; and (4) pricing for

voice and broadband services. The Report and Order also eliminates the requirement that an ETC certify its compliance with applicable service quality standards and consumer protection rules, as well as the requirement that ETCs must file duplicate copies of Form 481 with the FCC and with states, U.S. Territories, and/or Tribal governments.

23. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include (among others) the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. The Commission has considered all of these factors subsequent to receiving substantive comments from the public and potentially affected entities. The Commission has considered the economic impact on small entities, as identified in comments filed in response to the *Rate-of-Return Reform FNPRM* and its IRFA, in reaching its final conclusions and taking action in this proceeding.

24. In the *Rate-of-Return Reform FNPRM*, the Commission sought comment on whether to eliminate or modify several ETC reporting requirements. In the Report and Order, the Commission ultimately declined to modify any of the requirements, as some commenters suggest. Instead, as explained above, the Report and Order completely eliminates certain reporting requirements. Thus, the Report and Order does not impose any economic impact on affected entities, including small entities, but only reduces the burdens those entities face. The Commission further notes in the Report and Order that it will continue to evaluate its reporting requirements to identify other requirements that the Commission may be able to streamline or eliminate.

25. The Commission will send a copy of the Report and Order, including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Report and Order, including the FRFA, to the Chief Counsel for

Advocacy of the Small Business Administration. A copy of the Report and Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

26. Accordingly, *it is ordered*, pursuant to the authority contained in sections 1, 2, 4(i), 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, and 405 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 1302, that this Report and Order *is adopted*, effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**.

27. *It is further ordered* that part 54 of the Commission’s rules, 47 CFR part 54 *is amended* as set forth below, and such rule amendments *shall be effective* immediately upon announcement in the **Federal Register** of OMB approval.

List of Subjects in 47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, Internet, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

- 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

- 2. Amend § 54.313 by revising paragraph (a) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

(a) Any recipient of high-cost support shall provide the following:

(1) Certification that the carrier is able to function in emergency situations as set forth in § 54.202(a)(2);

(2) A certification that the pricing of the company’s voice services is no more than two standard deviations above the applicable national average urban rate for voice service, as specified in the most recent public notice issued by the Wireline Competition Bureau and Wireless Telecommunications Bureau;

(3) A certification that the pricing of a service that meets the Commission’s

broadband public interest obligations is no more than the applicable benchmark to be announced annually in a public notice issued by the Wireline Competition Bureau, or is no more than the non-promotional price charged for a comparable fixed wireline service in urban areas in the states or U.S. Territories where the eligible telecommunications carrier receives support;

(4) The recipient's holding company, operating companies, affiliates, and any branding (a "dba," or "doing-business-as company" or brand designation), as well as universal service identifiers for each such entity by Study Area Codes, as that term is used by the Administrator. For purposes of this paragraph, "affiliates" has the meaning set forth in section 3(2) of the

Communications Act of 1934, as amended;

(5) To the extent the recipient serves Tribal lands, documents or information demonstrating that the ETC had discussions with Tribal governments that, at a minimum, included:

(i) A needs assessment and deployment planning with a focus on Tribal community anchor institutions;

(ii) Feasibility and sustainability planning;

(iii) Marketing services in a culturally sensitive manner;

(iv) Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and

(v) Compliance with Tribal business and licensing requirements. Tribal business and licensing requirements include business practice licenses that

Tribal and non-Tribal business entities, whether located on or off Tribal lands, must obtain upon application to the relevant Tribal government office or division to conduct any business or trade, or deliver any goods or services to the Tribes, Tribal members, or Tribal lands. These include certificates of public convenience and necessity, Tribal business licenses, master licenses, and other related forms of Tribal government licensure.

(6) The results of network performance tests pursuant to the methodology and in the format determined by the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology.

* * * * *

[FR Doc. 2017-17794 Filed 8-22-17; 8:45 am]

BILLING CODE 6712-01-P

Proposed Rules

Federal Register

Vol. 82, No. 162

Wednesday, August 23, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

[Docket No. PRM–30–66; NRC–2017–0159]

Naturally-Occurring and Accelerator-Produced Radioactive Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of docketing and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking from Matthew McKinley on behalf of the Organization of Agreement States (OAS) (the Petitioner) dated April 14, 2017, requesting that the NRC revise its regulations to add radionuclides and their corresponding activities to the list of “Quantities of Licensed Material Requiring Labeling.” The petition was docketed by the NRC on June 21, 2017, and has been assigned Docket No. PRM–30–66. The NRC is examining the issues raised in PRM–30–66 to determine whether they should be considered in rulemaking. The NRC is requesting public comment on this petition.

DATES: Submit comments by November 6, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2017–0159. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: Carol.Gallagher@nrc.gov. For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply

confirming receipt, then contact us at 301–415–1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

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

FOR FURTHER INFORMATION CONTACT: Robert MacDougall, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5175, email: Robert.MacDougall@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0159 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2017–0159.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One

White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0159 in your comment submission.

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

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

II. The Petitioner

The membership of OAS consists of state radiation control directors and staff from the 37 Agreement States who are responsible for the implementation of their respective Agreement State programs. The purpose of the OAS is to provide a mechanism for the Agreement States to work with each other and with the NRC on regulatory issues associated with their respective agreements.

III. The Petition

The petitioner request that the NRC amend its existing regulations in appendix B to part 30 of title 10 of the *Code of Federal Regulations* (10 CFR), to specifically add the appropriate radionuclides and their corresponding activities to the list of “Quantities of Licensed Material Requiring Labeling.” The requirements in 10 CFR 30.35, “Financial Assurance and Recordkeeping for Decommissioning,” refer to the list in appendix B to 10 CFR part 30 to determine the need for a decommissioning funding plan and the amount of financial assurance required for sealed and unsealed sources. The petition states that the list in appendix B to 10 CFR part 30 is outdated and does not include conforming updates

resulting from the 2005 amendment of the Energy Policy Act. The OAS petition is available in ADAMS under Accession No. ML17173A063.

IV. Discussion of the Petition

The petitioner believe that patient health and safety is being compromised due to licensing delays of important diagnostic and therapeutic products that utilize radioisotopes that are not listed in the appendix B table in 10 CFR part 30. The petitioner assert that when the Energy Policy Act was amended in 2005 to include discrete naturally-occurring and accelerator-produced radioactive materials (NARM) into the definition of byproduct material, that 10 CFR part 30, schedule B, exempt quantities for licensing was updated to include certain NARM isotopes. They note however that 10 CFR part 30, appendix B, "Quantities of Licensed Material Requiring Labeling," which is the driver for the decommissioning funding plan and financial assurance, was not updated. As a result, the OAS believes that state regulators are forced to apply overly burdensome financial assurance obligations or evaluate on a case-by-case basis special exemptions for new products. They feel that this results in delays in using these improved products or discourages their development.

The petitioner point out that the NRC's Advisory Committee on the Medical Uses of Isotopes evaluated the financial assurance requirements for germanium-68 generators and concluded that these requirements were too restrictive and would prevent or deter the use of promising gallium-68 diagnostic imaging agents for patients. Authorization for granting specific exemption from the decommissioning funding plan requirement for Ge-68/Ga-68 generators was developed. A rulemaking action to provide a permanent regulatory solution has been initiated; however, the petition notes that the OAS is disappointed that the rule would address only this one isotope.

Rather than issue exemptions on a case-by-case basis, the petitioner assert the more appropriate way to address the inconsistency is to amend appendix B to 10 CFR part 30 to add appropriate radionuclides and their corresponding activities. The petition states that the failure to address this inconsistency puts an undue hardship on certain licensees with little or no radiation safety benefit, discourages the development of new beneficial products, and negatively impacts patient care.

V. Request for Comment

The NRC staff is requesting public comment on the following specific questions:

1. What products or technologies, other than the germanium-68 generators cited in the petition, are being or could be negatively affected because the radioactive materials required for these products or technologies are not currently listed on the table in appendix B of 10 CFR part 30?

2. Please provide specific examples of how the current NRC regulatory framework for decommissioning financial assurance has put an undue hardship on potential license applicants. Explain how this hardship has discouraged the development of beneficial new products, or otherwise imposed unnecessarily burdensome requirements on licensees or members of the public (e.g., users of medical diagnostic or therapeutic technologies) that depend on naturally-occurring or accelerator-produced radioactive materials (NARM).

3. Given NRC's current regulatory authority over the radiological safety and security of NARM, what factors should the NRC take into account in establishing possession limits for any of these materials that should be listed in appendix B of 10 CFR part 30?

4. Does this petition raise other issues not addressed by the questions above about labelling or decommissioning financial assurance for radioactive materials? Must these issues be addressed by a rulemaking, or are there other regulatory solutions that NRC should consider?

Dated at Rockville, Maryland, this 16th day of August, 2017.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary for the Commission.

[FR Doc. 2017-17690 Filed 8-22-17; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2017-0731]

RIN 1625-AA00

Safety Zone; Mississippi River; New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for

certain navigable waters of the Mississippi River. This action is necessary to provide for the safety of life on these navigable waters near New Orleans, LA, during a fireworks display on October 28, 2017. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port New Orleans (COTP) or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 7, 2017.

ADDRESSES: You may submit comments identified by docket number USCG-2017-0731 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander (LCDR) Howard Vacco, Sector New Orleans, at (504) 365-2281 or Howard.K.Vacco@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On July 17, 2017, the Coast Guard was notified of a fireworks display from 7:50 p.m. through 8:50 p.m. on October 28, 2017, to celebrate a wedding. The fireworks are to be launched from a barge in the Mississippi River at approximately MM 96.2, at New Orleans, LA. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port New Orleans (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a one-half range of the barge.

The purpose of this proposed rulemaking is to ensure the safety of vessels and the navigable waters within a one-half mile range of the fireworks barge before, during, and after the scheduled event. The Coast Guard

proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 7:50 p.m. through 8:50 p.m. on October 28, 2017. The safety zone would cover all navigable waters between mile marker (MM) 96 and 96.5 on the Mississippi River, Above Head of Passes. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and short duration of the waterway closure, which will remain in effect for one hour for a small section of the waterway. In addition, vessel traffic seeking to transit the area may seek permission from the COTP or his designated representative to do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions

with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of

power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 1 hour that would prohibit entry within one-half mile of a fireworks barge. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.ID. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and

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

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

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacyNotice>.

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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.T08–0731 to read as follows:

§ 165.T08–0731 Safety Zone; Mississippi River, New Orleans, LA.

(a) *Location.* The following area is a safety zone: All navigable waters of the Mississippi River between mile markers 96 and 96.5 Above Head of Passes.

(b) *Effective period.* This rule is effective from 7:50 p.m. through 8:50 p.m. on October 28, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of

this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port New Orleans (COTP) or designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of any changes in the planned schedule.

Dated: August 9, 2017.

Wayne R. Arguin,

Captain, U.S. Coast Guard, Captain of the Port New Orleans.

[FR Doc. 2017–17479 Filed 8–22–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 8

RIN 2900–AQ03

Eligibility for Supplemental Service-Disabled Veterans' Insurance

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its regulations governing the Service-Disabled Veterans' Insurance (S–DVI) program in order to explain that a person who was granted S–DVI as of the date of death under is not eligible for supplemental S–DVI because the insured's total disability did not begin after the date of the insured's application for insurance and while the insurance was in force under premium-paying conditions.

DATES: Comments must be received on or before October 23, 2017.

ADDRESSES: Written comments may be submitted through www.Regulations.gov; by mail or hand-delivery to: Director, Regulations Management (OOREG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026 (this

is not a toll-free telephone number). Comments should indicate that they are submitted in response to “RIN 2900–AQ03—Eligibility for Supplemental Service-Disabled Veterans' Insurance.” Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays). Please call (202) 461–4902 for an appointment (this is not a toll-free telephone number). In addition, comments may be viewed online through the Federal Docket Management System (FDMS) at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT: Paul Weaver, Department of Veterans Affairs Insurance Center (310/290B), 5000 Wissahickon Avenue, Philadelphia, PA 19144, (215) 842–2000, ext. 4263 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 1922(a), a veteran “suffering from a disability or disabilities for which compensation would be payable if 10 per centum or more in degree and except for which such person would be insurable according to the standards of good health” is eligible for S–DVI up to a maximum of \$10,000 upon “application in writing made within two years from the date service-connection of such disability is determined by the Secretary and payment of premiums as provided in this subchapter.” See 38 U.S.C. 1903 (amount of insurance). Section 1922(b) of title 38, United States Code, provides in pertinent part that a veteran who qualifies for insurance under 38 U.S.C. 1922(a) but who did not apply for such insurance and who was mentally incompetent from a service-connected disability, remained mentally incompetent until the date of death, and died before the appointment of a guardian or within 2 years after the appointment of a guardian “shall be deemed to have applied for and to have been granted such insurance, as of the date of death.” See 38 U.S.C. 1922(b). VA refers to insurance provided under 38 U.S.C. 1922(b) as “gratuitous” insurance.

“Any person insured under section 1922(a) [of title 38, United States Code.] who qualifies for a waiver of [S–DVI] premiums under [38 U.S.C.] 1912 . . . is eligible” for supplemental S–DVI up to \$30,000. 38 U.S.C. 1922A(a). Section 1912(a) of title 38, United States Code, states in pertinent part:

[P]ayment of premiums on insurance may be waived during the continuous total disability of the insured . . . if such disability began . . . after the date of the

insured's application for insurance, [and] . . . while the insurance was in force under premium-paying conditions . . . [.]

In *Martin v. Shinseki*, 26 Vet. App. 451, 458 (2014), the U.S. Court of Appeals for Veterans Claims (Veterans Court) held that a person granted S–DVI “as of the date of death” under section 1922(b) satisfies the first requirement for supplemental S–DVI in 38 U.S.C. 1922A(a), *i.e.*, insurance under 38 U.S.C. 1922(a), because a grant of S–DVI under section 1922(b) is treated, by operation of law, as an award of the insurance under section 1922(a). However, the Veterans Court also held that a person granted S–DVI under section 1922(b) is not eligible for supplemental S–DVI because the following two requirements for a premium waiver in section 1912(a) cannot be satisfied. First, the total disability of a person insured under S–DVI under 38 U.S.C. 1922(b) began before rather than after the date of application for S–DVI because as provided in the statute, the person is “deemed to have applied for and to have been granted such insurance[] as of the date of death.” See *Id.* at 458–59. Second, the insured's total disability did not begin while the S–DVI was in force under premium paying conditions because as explained above, the person was granted S–DVI as of the date of death under section 1922(b) and therefore, the insured would not have been required to pay premiums. See *Id.* at 459.

VA proposes to add section 8.34 to title 38, Code of Federal Regulations, which would codify the last two *Martin* holdings by explaining that a grant of supplemental S–DVI is precluded if S–DVI was granted under section 1922(b). This would reflect the Veterans Court's conclusion that the insured cannot qualify for a waiver of premiums under 38 U.S.C. 1912(a) because the insured's total disability did not begin after the date of the insured's application for insurance and while the insurance was in force under premium-paying conditions.

VA's proposed regulation would promote the continued viability of the S–DVI program. The S–DVI program is not self-supporting because S–DVI insureds pay standard premium rates which account for age but not their disabilities. See 38 U.S.C. 1922(a) (computation of premium rates). As a result, the S–DVI program requires an annual subsidy from the U.S. Treasury. VA's budget submission for FY 2017 requested an appropriation of \$77.6 million. VA estimates that, if veterans' beneficiaries were entitled to receive both gratuitous S–DVI and

supplemental S–DVI for which no premiums were paid due to the death of the insured, the costs to the S–DVI program would increase by more than \$1 million per year.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as proposed to be revised by this rulemaking, would represent VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures would be authorized. All existing or subsequent VA guidance would be read to conform with this rulemaking if possible or, if not possible, such guidance would be superseded by this rulemaking.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a “significant regulatory action,” which requires review by the Office of Management and Budget (OMB), as “any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.”

The economic, interagency, budgetary, legal, and policy implications of this proposed regulatory action have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be

found as a supporting document at www.regulations.gov, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at www.va.gov/orpm by following the link for “VA Regulations Published.”

Paperwork Reduction Act

This action contains no provision constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521); no new or proposed revised collections of information would be associated with this proposed rule.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would directly affect only individuals and would not directly affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule 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 1 year. This rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.103, Life Insurance for Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrissee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on August 15, 2017, for publication.

Dated: August 15, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

List of Subjects in 38 CFR Part 8

Life insurance, Veterans.

For the reasons stated in the preamble, VA proposes to amend 38 CFR part 8 as set forth below:

PART 8—NATIONAL SERVICE LIFE INSURANCE

■ 1. The authority citation for part 8 continues to read as follows:

Authority: 38 U.S.C. 501, 1901–1929, 1981–1988, unless otherwise noted.

■ 2. Adding new section 8.34 to read as follows:

§ 8.34 Ineligibility for insurance under section 1922A of title 38, U.S.C. (supplemental Service-Disabled Veterans' Insurance) if person insured under section 1922(b) of title 38, U.S.C.

A person who is granted Service-Disabled Veterans' Insurance under 38 U.S.C. 1922(b) is not eligible for supplemental Service-Disabled Veterans' Insurance under 38 U.S.C. 1922A.

(Authority: 38 U.S.C. 1912, 1922, 1922A)

[FR Doc. 2017–17587 Filed 8–22–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EPA–HQ–OAR–2015–0827; FRL–9966–91–OAR]

Public Hearing for Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022–2025 Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a public hearing to be held in Washington, DC on September 6, 2017 for the notice “Request for Comment on Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022–2025 Light-duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards” announced August 10, 2017 and

projected to be published on August 21, 2017. In the document signed on August 10, 2017, EPA announced 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 invited 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. EPA also requested 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 Mid-term Evaluation.

DATES: The public hearing will be held on September 6, 2017, at the location noted below under **ADDRESSES**. The hearing will begin at 9 a.m. and end when all parties present who wish to speak have had an opportunity to do so. Parties wishing to testify at the hearing should notify EPA by August 30, 2017, by sending an email to Hearing Registration ASD@epa.gov or by contacting the contact person listed below under **FOR FURTHER INFORMATION CONTACT**. Additional information regarding the hearing appears below under **SUPPLEMENTARY INFORMATION**. Any updates made to any aspect of the hearing, including any change to the location of the hearing, will be posted online at <https://www.epa.gov/regulations-emissions-vehicles-and-engines/midterm-evaluation-light-duty-vehicle-ghg-emissions>. The EPA does not intend to publish a notice in the **Federal Register** announcing any such updates. Please go to <https://www.epa.gov/regulations-emissions-vehicles-and-engines/midterm-evaluation-light-duty-vehicle-ghg-emissions> for more information on the public hearing.

ADDRESSES: The hearing will be held at the following location: Renaissance Washington, DC Downtown Hotel, 999 Ninth Street NW., Washington, DC, USA, 20001 (phone number 202–898–9000). A complete set of documents related to the Mid-term Evaluation are available for public inspection through the Federal eRulemaking Portal: <https://www.regulations.gov>, Docket Identification No. EPA–HQ–OAR–2015–0827. Documents can also be viewed at the EPA Docket Center, located at 1301 Constitution Avenue NW., Room 3334, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Christopher Lieske, Office of Transportation and Air Quality (OTAQ), Assessment and Standards Division (ASD), U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor MI 48105; telephone number: (734) 214–4584; fax number: (734) 214–4816; email address: Hearing Registration ASD@epa.gov.

SUPPLEMENTARY INFORMATION: The purpose of the public hearing is to provide the public an opportunity to present oral comments related to the notice “Request for Comment on Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022–2025 Light-duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards” projected to be published on August 21, 2017. Once EPA learns how many people have registered to speak at the public hearing, we will allocate an appropriate amount of time to each participant, allowing time for necessary breaks. In addition, we will reserve a block of time for anyone else in the audience who wants to give testimony. For planning purposes, each speaker should anticipate speaking for no more than five minutes, although we may need to shorten that time if there is a large turnout. We request that you bring two copies of your statement or other material for the EPA panel.

EPA will conduct the hearings informally, and technical rules of evidence will not apply. We will arrange for a written transcript of the hearing and keep the official record for the notice open until the close of the comment period to allow speakers to submit supplementary information. You may make arrangements for copies of the transcripts directly with the court reporter. Panel members may ask clarifying questions during the oral statements but will not respond to the statements at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Written comments must be received by the last day of the comment period.

How can I get copies of this document and other related information?

You may learn more about the Mid-term Evaluation by visiting EPA's Web site <https://www.epa.gov/regulations-emissions-vehicles-and-engines/midterm-evaluation-light-duty-vehicle>

greenhouse-gas-ghg or by searching the Mid-term Evaluation Docket Identification No. EPA-HQ-OAR-2015-0827 at www.regulations.gov.

Dated: August 18, 2017.

Ben Hengst,

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

[FR Doc. 2017-17866 Filed 8-22-17; 8:45 am]

BILLING CODE 6560-60-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 141222999-7741-01]

RIN 0648-BE77

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries Management Plan; Adjustments to the Pacific Sardine Harvest Guideline Control Rule

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

ACTION: Proposed rule.

SUMMARY: Under the framework procedures of the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP), NMFS proposes to revise the FRACTION parameter of the Pacific sardine harvest guideline (HG) control rule to use a 3-year average of ocean temperature data from the California Cooperative Oceanic Fisheries Investigations (CalCOFI) survey that takes place off southern and central California, rather than temperatures measured from the end of the Scripps Institution of Oceanography (SIO) Pier, and revise the upper bound of fraction from 15 percent to 20 percent. These changes are intended to better reflect the best available science and to better conserve and manage the northern subpopulation of Pacific sardine off the U.S. West Coast managed under the CPS FMP.

DATES: Comments must be received by September 22, 2017.

ADDRESSES: You may submit comments on this document identified by NOAA-NMFS-2015-0044 by any of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov#!/docketDetail;D=NOAA-NMFS-2015-0044, click the "Comment Now!" icon,

complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Barry A. Thom, Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; Attn: Joshua Lindsay.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT:

Joshua Lindsay, West Coast Region, NMFS, (562) 980-4034.

SUPPLEMENTARY INFORMATION: The HG control rule, in conjunction with the overfishing limit (OFL) and acceptable biological catch (ABC) control rules in the FMP, are used to set annual harvest levels for the northern subpopulation of Pacific sardine (hereafter, simply Pacific sardine), in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* The HG formula for Pacific sardine is $HG = [(Biomass-CUTOFF) * FRACTION * DISTRIBUTION]$ and was first established by Amendment 8 to the CPS FMP. FRACTION, expressed as a percentage, is dependent on oceanographic conditions, specifically ocean temperature, and is a proxy for E_{MSY} (the exploitation rate for deterministic equilibrium maximum sustainable yield (MSY)). The value used for FRACTION in the control rule is calculated annually and varies with water temperature (a higher fraction for warmer ocean temperatures and a lower fraction for cooler temperatures). The rationale for setting FRACTION in the HG in this manner is that the productivity of the sardine stock is correlated to ocean temperatures, with

sardines being more productive during times of higher ocean temperatures. FRACTION under the FMP is currently bounded between 5 and 15 percent, meaning that although the calculated E_{MSY} estimate for any given year may be higher or lower, FRACTION is bounded and is never allowed to be higher than 15 percent or lower than 5 percent.

Since 1999, the formula prescribed in the FMP used for calculating FRACTION has been based on an average 3-year sea surface temperature measured at the SIO Pier and an estimate of the relationship between Pacific sardine E_{MSY} and ocean temperatures of:

$$FRACTION = 0.248649805$$

$$T^2 - 8.190043975 T + 67.4558326$$

where T is the average three season sea surface temperature at SIO during the three preceding seasons.

In 2010, new research by scientists at the NMFS Southwest Fisheries Science Center (SWFSC) called into question the original relationship between SIO temperature and productivity used in the analysis to establish the existing FRACTION parameter and control rule in the FMP. In February 2013, the Pacific Fishery Management Council (Council) and the SWFSC convened a workshop to further examine the temperature-recruitment relationship used to inform FRACTION. The scientists at this workshop found that although a temperature-recruitment correlation based on SIO was still scientifically valid, a temperature index based on data from the California Cooperative Oceanic Fisheries Investigations (CalCOFI) survey (a compilation of temperatures measured throughout the southern California bight, from now on referred to as CalCOFI index) explained a more significant amount of sardine recruitment variability and success than the SIO index and was generally better aligned with ocean temperatures in the primary habitat of Pacific sardine (PFMC 2013).

Based on this new information, and a recommendation from their Scientific and Statistical Committee (SSC) that the CalCOFI index represented the best available science for Pacific sardine management, the Council adopted the use of the CalCOFI temperature index and a new temperature-recruitment relationship as follows:

$$E_{MSY} = 0.248649805 T^2 - 8.190043975 T + 67.4558326$$

This was adopted at their March 2014 meeting for use in the Pacific sardine OFL and ABC calculations and the Council stated their intent to also use the CalCOFI index in the calculation of

the HG control rule, pending analysis on the impact of that change to the operation of the HG rule.

As a result of further analyses presented to the Council on the use of the CalCOFI index to calculate FRACTION, the Council, at their November 2014 meeting, adopted and recommended to NMFS, and NMFS is proposing through this action, that the HG control rule be modified in the FMP so that the CalCOFI index and revised E_{MSY} formula above be used in the calculation of the FRACTION. Additionally, the Council recommended, and NMFS is proposing through this action, that the upper bound on FRACTION is revised from 15 percent to 20 percent. These changes better reflect best available science as well as provide for better alignment with the existing function of the current HG rule by providing an improved representation of the CalCOFI temperature data and new knowledge regarding the productivity of Pacific sardine.

Adjusting the upper bound of FRACTION from 15 percent to 20 percent is an attempt to scale the bounds on FRACTION to better reflect the mid-range of actual temperature readings observed in the CalCOFI data, thereby aligning the CalCOFI temperatures and the new temperature- E_{MSY} relationship in a manner more similar to the old SIO-based relationship and to where the 5 to 15 percent range fell relative to typical SIO temperatures, although still on the lower range. This distinction can be seen by looking at the median temperature and corresponding E_{MSY} for that temperature for both SIO and CalCOFI. The median of the observed SIO temperatures (16.98 degrees Celsius) equates to an E_{MSY} of 7 percent; thereby falling within the range of the FRACTION bounds of 5 to 15 percent. The median of the observed CalCOFI temperatures (15.72 degrees Celsius) however equates to an E_{MSY} of 18 percent, which is above an upper FRACTION bound of 15 percent. Therefore, increasing the upper bound of FRACTION to 20 percent allows FRACTION to be more in line with typical CalCOFI temperatures. By keeping the upper bound of FRACTION at 15 percent while using the new temperature index and E_{MSY} relationship, FRACTION would rarely vary up or down because it would be bounded in the lower range of typical CalCOFI temperatures. This change to the upper bound of FRACTION is an attempt to maintain consistency with the original intent of the HG under the CPS FMP, which was to have a FRACTION parameter that varied based

on the environmental conditions (*i.e.* temperature) experienced by the stock and to permit higher harvest rates to take advantage of periods when biomass and productivity are high, but still restrict harvest when biomass and productivity are low.

Additionally this revision mirrors an increase in the modeled stochastic estimate of MSY for Pacific sardine from 0.12 during the analysis for Amendment 8 to 0.18 (PFMC 1999 and PFMC 2014; Hurtado-Ferro and A. E. Punt.) when based on the updated analysis and the new simulation model developed to examine this action (Hurtado-Ferro and Punt 2013). This increase in the modeled stochastic MSY estimate reflects a statistically identified increase in the understanding of sardine productivity and the ability of the stock to withstand a higher average fishing rate. Additionally, results from the simulation model developed to examine the risks associated with the control rule and an assessment of changing to a new temperature recruit index showed that bounding FRACTION at 15 percent compared to 20 percent did not provide substantial benefits to the sardine stock from a long-term population perspective or benefits to the ecosystem with regards to the amount of sardine left unharvested as potential forage for predators. However, increasing the upper bound to 20 percent is expected to result in a higher yield to the fishery over the long term.

Classification

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

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

This proposed rule is not expected to be an EO 13771 regulatory action because this proposed rule is not significant under EO 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, for the following reasons:

The purpose of this rule is to use the best available science for calculating the FRACTION parameter in the Pacific

sardine HG control rule under the CPS FMP and this is expected to result, over the long term, in harvest guidelines of a similar level to the status quo, except the sardine stock should be more robust, over the long term, because the control rule would use better science. This is accomplished by incorporating the use of a new temperature index into the calculation that more accurately tracks sardine productivity and by revising the upper FRACTION bound to 20 percent.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide.

The small entities that would be affected by the proposed action are the vessels that harvest Pacific sardine as part of the West Coast CPS finfish fleet and are all considered small businesses under the above size standards. In 2014, there were approximately 81 vessels permitted to operate in the directed sardine fishery component of the CPS fishery off the U.S. West Coast: 58 vessels in the Federal CPS limited entry fishery off California (south of 39° N. lat.), and a combined 23 vessels in Oregon and Washington's state Pacific sardine fisheries. The average annual per vessel revenue in 2014 for the West Coast CPS finfish fleet was well below \$20.5 million; therefore, all of these vessels are considered small businesses under the RFA.

The proposed action is not expected to have direct or indirect socioeconomic impacts, and, therefore, it is not expected to reduce profitability of the affected entities. This action does not establish specific harvest limits and does not change the general function of the existing control rule, both of which might influence ex-vessel revenue and personal income. Instead, the proposed action only updates the environmental indicator underlying the FRACTION parameter of the HG control rule and modifies the control rule to reflect this new information. In general, the revised harvest control rule encompassing these changes is expected to produce similar quotas as the existing control rule.

The CPS FMP and its implementing regulations require NMFS to calculate annual harvest levels by applying the harvest control rule formulas, such as the HG rule, to the current stock

biomass estimate. Therefore, if the estimated biomass decreases or increases from one year to the next, so do the applicable quotas. Under the proposed action, harvest levels will continue to vary from year to year, primarily driven by changes in sardine productivity and therefore changes in biomass. The proposed change to the temperature index that dictates the FRACTION parameter in the HG control rule simply ensures that the best available science is used when calculating the HG for Pacific sardine. This rule would also adjust the upper bound of FRACTION from 15 percent to

20 percent. The reason for this change is that a FRACTION that ranges from 5 percent to 20 percent better reflects the mid-range of actual measured temperatures and more closely aligns with CalCOFI temperatures in a manner similar to where the 5 to 15 percent range fell, relative to the existing temperature index.

Based on the analysis above, the proposed action, if adopted, will not have a significant economic impact on a substantial number of these small entities. As a result, an Initial Regulatory Flexibility Analysis is not required, and none has been prepared.

References Cited

The complete citations for the references cited in this document can be obtained by contacting NMFS (see **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

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

Dated: August 17, 2017.

Samuel D. Rauch, III,

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

[FR Doc. 2017-17820 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-22-P

Notices

Federal Register

Vol. 82, No. 162

Wednesday, August 23, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 17, 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; (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 22, 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. 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) 720-8681.

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 Agricultural Statistics Service

Title: Agricultural Prices.

OMB Control Number: 0535-0003.

Summary of Collection: The

Agricultural Prices surveys provide data on the prices received by farmers and prices paid for production goods and services. This information is needed by the U.S. Department of Agriculture, National Agriculture Statistics Service (NASS) for the following purposes: (a) To compute Parity Prices in accordance with requirements of the Agricultural Adjustment Act of 1938 as amended (Title III, Subtitle A, Section 301a, (b) to estimate value of production, inventory values, and cash receipts from farming, (c) to determine the level for farmer owned reserves, (d) to provide guidelines for Risk Management Agency price selection options, (e) to determine Federal disaster prices to be paid, (f) establishing USDA's net farm income projections by the Economic Research Service and (g) to determine the grazing fee on Federal lands. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204.

Revisions were made to the Prices Paid Surveys and the Prices Received Survey for Grain. The Prices Paid Surveys will now collect both the price of the commodities listed, as well as the quantity sold. This will allow NASS to generate a weighted average price, instead of a straight average price for farm inputs. The Prices Received for Grain survey will be expanded to include all 50 States. This change is in response to additional funding provided by Congress to enhance the livestock feed expenses for all 50 States.

Need and Use of the Information: The NASS price program computes annual U.S. weighted average prices received by farmers for wheat, barley, oats, corn, grain sorghum, rice, cotton, peanuts, pulse crops and oilseeds based on monthly marketing. Estimates of prices received are used by NASS to determine the value of agricultural production. Prices estimates are used by many Government agencies as a general measure of commodity price changes,

economic analysis relating to farm income and alternative marketing policies, and for disaster and insurance payments. NASS estimates based on these surveys are used as a Principle Economic Indicator of the United States. These price estimates are also used to compute Parity Prices in accordance with requirements of the Agricultural Adjustment Act of 1938 as amended (Title III, Subtitle A, Section 301(a)).

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 68,485.

Frequency of Responses: Reporting: On occasion; Monthly; Annually; Biennially.

Total Burden Hours: 31,975.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017-17781 Filed 8-22-17; 8:45 am]

BILLING CODE 3410-20-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Louisiana Advisory Committee To Discuss Civil Rights Topics in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Louisiana Advisory Committee (Committee) will hold a meeting on Tuesday, September 5, 2017; and Friday, September 22, 2017, at 2:00 p.m. Central for a discussion on civil rights topics affecting the state.

DATES: The meeting will be held on Tuesday, September 5, 2017; and Friday, September 22, 2017, at 2:00 p.m. Central.

PUBLIC CALL INFORMATION:

- *Tuesday, September 5, 2017:* Dial: 888-778-8914, Conference ID: 9914394.

- *Friday, September 22, 2017:* Dial: 877-419-6600, Conference ID: 1968044.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at dbarreras@usccr.gov or 312-353-8311

SUPPLEMENTARY INFORMATION: Members of the public can listen to the

discussion. This meeting is available to the public through the following toll-free call-in number: 877-419-6600, conference ID: 1968044. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353-8324, or emailed to Carolyn Allen at callen@usccr.gov. Persons who desire additional information may contact the Midwestern Regional Office at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Louisiana Advisory Committee link (<http://www.facadatabase.gov/committee/committee.aspx?cid=251&aid=17>). Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion Selected Topic(s)
Next Steps
Public Comment
Adjournment

Dated: August 17, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-17798 Filed 8-22-17; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis (BEA), Commerce.

Title: Expenditures Incurred by Recipients of Biomedical Research and Development Awards from the National Institutes of Health (NIH).

OMB Control Number: 0608-0069.

Form Number: None.

Type of Request: Regular submission.

Number of Respondents: 120.

Average Hours per Response: 16 hours is the average, but may vary among respondents because of differences in institution structure, size, and complexity.

Estimated Total Annual Burden Hours: 1,920 hours.

Needs and Uses: The survey obtains the distribution of expenditures incurred by recipients of biomedical research awards from the National Institutes of Health (NIH) and will provide information on how the NIH award amounts are expended across several major categories. This information, along with wage and price data from other published sources, will be used to generate the Biomedical Research and Development Price Index (BRDPI). The Bureau of Economic Analysis (BEA) of the Department of Commerce develops this index for NIH under a reimbursable contract. The BRDPI is an index of prices paid for the labor, supplies, equipment, and other inputs required to perform the biomedical research the NIH supports in its intramural laboratories and through its awards to extramural organizations. The BRDPI is a vital tool for planning the NIH research budget and analyzing future NIH programs. A survey of award recipients is currently the only means for updating the expenditure category weights that are used to prepare the BRDPI.

A survey questionnaire with a cover letter that includes a brief description of, and rationale for, the survey will be sent to potential respondents by

September of 2017, 2018, and 2019. A report of the respondent's expenditures of the NIH award amounts following the proposed format for expenditure categories attached to the survey's cover letter, will be requested to be returned no later than December 8, which in most years will be approximately 120 days after mailing. Survey respondents will be selected on the basis of award levels, which determine the weight of the respondent in the biomedical research and development price index. BEA proposes to survey 150 organizations that receive NIH biomedical research awards. This will include the top 100 organizations in total awards received; 40 additional organizations that are not primarily in the "Research and Development (R&D) contracts" category; and 10 additional organizations that are primarily in the "R&D contracts" category. Based on awards data for FY 2015 by type of organization, the top 100 organizations received \$17.0 billion in awards (approximately 77 percent of total awards); the remaining awards-receiving organizations received \$5.2 billion.

Affected Public: Universities or other organizations that are NIH award recipients.

Frequency: Annual.

Respondent's Obligation: Voluntary.

Legal Authority: 45 CFR subpart C, Post-Award Requirements, sections 74.21 and 74.53; 42 U.S.C. 282; Economy Act (31 U.S.C. 1535 and 1536); and 15 U.S.C. 1525.

OMB Desk Officer: Jessica Park, (202) 395-9046.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jessica Park, OMB Desk Officer, phone number (202) 395-9046, or via email at jessica.park@omb.eop.gov.

Sheleen Dumas,

Departmental PRA Lead, Office of Chief Information Officer.

[FR Doc. 2017-17773 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-EA-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket B-53-2015]

Foreign-Trade Zone 119—Minneapolis-St. Paul, Minnesota; Application for Additional Production Authority; The Coleman Company, Inc.; Subzone 119I; Opening of Comment Period on Submission Containing New Evidence

The Foreign-Trade Zones (FTZ) Board is inviting public comment on a submission containing new evidence pertaining to the application of The Coleman Company, Inc. (Coleman) requesting unrestricted production authority within Subzone 119I at the Coleman facility located in Sauk Rapids, Minnesota. Specifically, the application requests unrestricted authority to produce personal flotation devices and flotation cushions using the following inputs in foreign status: Certain nylon and polyester woven fabrics; webbing of man-made fibers; neoprene fabrics; knit polyester fleece fabrics; and, water soluble sensing elements.

On July 31, 2017, Coleman made a submission to the FTZ Board that included new evidence in response to the examiner's preliminary recommendation not to approve the unrestricted authority. Public comment is invited on Coleman's submission through September 22, 2017. Rebuttal comments may be submitted through the subsequent 15-day period, until October 10, 2017. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below.

A copy of Coleman's submission will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via www.trade.gov/ftz.

For further information, contact Diane Finver at Diane.Finver@trade.gov or (202) 482-1367.

Dated: August 16, 2017.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2017-17854 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on September 7, 2017, 10:00 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda*Open Session*

1. Introductions and opening remarks by senior management.
2. Presentation on validated end-user.
3. Presentation on semiconductors and expansion of validated end-user.
4. Presentation by George Graveson, ODNI.
5. Open session report by regime representatives.
6. Report by working groups (composite, pumps and valves, bio, public domain, chemicals).
7. Update on plans for 2018/Public Comments/New Business/Close session.

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov, no later than August 31, 2017.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 15, 2017, pursuant to Section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. app. 2 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017-17868 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-JT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-055]

Carton-Closing Staples From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

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

DATES: August 23, 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 April 20, 2017, the Department of Commerce (the Department) initiated a less-than-fair-value (LTFV) investigation of imports of carton-closing staples from the People's Republic of China (PRC).¹ Currently, the preliminary determination is due no later than September 7, 2017.

Postponement of Preliminary Determination

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) of the Act permits the Department to postpone the preliminary determination until no later than 190

¹ See *Carton-Closing Staples from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation*, 82 FR 19351 (April 27, 2017).

days after the date on which the Department initiated the investigation if: (A) The petitioner² 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 10, 2017, the petitioner submitted a timely request that the Department postpone the preliminary determination in the LTFV investigation. The petitioner stated that it requests postponement to permit the Department to address all issues arising in this investigation, which has been affected by extensions for filings and anticipated future filings of information required to make a preliminary determination.

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 determination by 50 days (*i.e.*, 190 days after the date on which this investigation was initiated). As a result, the Department will issue its preliminary determination no later than October 27, 2017. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of publication of the preliminary determination, 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 16, 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. 2017-17853 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the Civil Nuclear Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Tuesday, September 5, 2017, from 11:00 a.m. to 12:00 p.m. Eastern Daylight Time (EDT). The deadline for members of the public to register to participate, 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 via conference call. The call-in number and passcode will be provided by email to registrants. Requests to register to participate (including to speak or for auxiliary aids) and any written comments should be submitted to: Mr. Devin Horne, Office of Energy & Environmental Industries, International Trade Administration, Room 28018, 1401 Constitution Ave. NW., Washington, DC 20230. (Fax: 202-482-5665; email: devin.horne@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: Mr. Devin Horne, Office of Energy & Environmental Industries, International Trade Administration, Room 28018, 1401 Constitution Ave. NW., Washington, DC 20230. (Phone: 202-482-0775; Fax: 202-482-5665; email: devin.horne@trade.gov).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs,

and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics To Be Considered: The agenda for the Tuesday, September 5, 2017 CINTAC meeting is as follows: Discussion on activities related to the U.S. Department of Commerce's Civil Nuclear Trade Initiative.

Members of the public wishing to attend the meeting must notify Mr. Devin Horne at the contact information above by 5:00 p.m. EDT on Wednesday, August 30, 2017 in order to pre-register to participate. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may not be possible to fill.

A limited amount of time will be available for brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 20 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Horne and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EDT on Wednesday, August 30, 2017. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers.

Any member of the public may submit written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 28018, 1401 Constitution Ave. NW., Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on Wednesday, August 30, 2017. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: August 18, 2017.

Jonathan Chesebro,

Acting Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2017-17869 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-DR-P

² The petitioner is North American Steel & Wire/ISM Enterprise.

DEPARTMENT OF COMMERCE**National Institute of Standards and Technology****Advisory Committee on Earthquake Hazards Reduction Meeting**

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will hold a meeting via webinar on Wednesday, September 6, 2017, from 3:00 p.m. to 5:00 p.m. Eastern Time. Interested members of the public will be able to view the meeting materials and participate from remote locations. The primary purpose of this meeting is to review and finalize the Committee's 2017 Report on the Effectiveness of the National Earthquake Hazards Reduction Program (NEHRP). The agenda may change to accommodate Committee business. The agenda and meeting materials will be posted on the NEHRP Web site at <http://nehrp.gov/>.

DATES: The ACEHR will hold a meeting via webinar on Wednesday, September 6, 2017, from 3:00 p.m. to 5:00 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: Questions regarding the meeting should be sent to the National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology (NIST), 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899-8604. For instructions on how to participate in the meeting via the webinar, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Tina Faecke, Management and Program Analyst, NEHRP, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899. She can also be contacted by email at tina.faecke@nist.gov, or by phone at (301) 975-5911.

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108-360). The Committee is currently composed of 15 members appointed by the Director of NIST, who were selected for their established records of distinguished service in their professional community, their knowledge of issues affecting NEHRP, and to reflect the wide diversity of technical disciplines, competencies, and

communities involved in earthquake hazards reduction. In addition, the Chairperson of the U.S. Geological Survey Scientific Earthquake Studies Advisory Committee serves as an ex-officio member of the Committee.

The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- the effectiveness of NEHRP in performing its statutory activities;
- any need to revise NEHRP; and
- the management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at <http://nehrp.gov/>.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the ACEHR will hold an open meeting via webinar on Wednesday, September 6, 2017, from 3:00 p.m. to 5:00 p.m. Eastern Time. The primary purpose of this meeting is to review and finalize the Committee's 2017 Report on the Effectiveness of the NEHRP. The agenda and meeting materials will be posted on the NEHRP Web site at <http://nehrp.gov/>.

All participants in the meeting are required to pre-register. Anyone wishing to participate must register by 5:00 p.m. Eastern Time, Wednesday, August 30, 2017. Please submit your first and last name, email address, and phone number to Tina Faecke at tina.faecke@nist.gov or (301) 975-5911. After pre-registering, participants will be provided with detailed instructions on how to join the webinar remotely. Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. Approximately 15 minutes will be reserved from 4:45 p.m.-5:00 p.m. Eastern Time for public comments. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Tina Faecke, tina.faecke@nist.gov by 5:00 p.m. Eastern time, Wednesday, August 30, 2017.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated, and those who were unable to participate are invited to submit written statements to NEHRP, National Institute of Standards and

Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899, or electronically by email to tina.faecke@nist.gov.

Kevin Kimball,
NIST Chief of Staff.

[FR Doc. 2017-17797 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN 0648-XE117

Groundfish Operational Assessment Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: NMFS and the Northeast Regional Stock Assessment Workshop (SAW) will convene a peer review of Operational Stock Assessments of twenty fish stocks. These stocks are managed by the New England Fishery Management Council and are included within the Northeast Multispecies Fishery Management Plan. This will be a formal, scientific peer review of operational assessments, which incorporate recent data. Results of the review will be used as a basis for management decisions for fish stocks in U.S. waters of the northwest Atlantic. Assessments are prepared by stock assessment scientists primarily from the Northeast Fisheries Science Center and reviewed by a panel of stock assessment experts. The public is invited to attend the presentations and discussions by reviewers and scientists who have participated in the stock assessment process.

DATES: The public portion of the Stock Assessment Review Committee Meeting will be held from September 11, 2017, through September 15, 2017. The meeting will commence on September 11, 2017, at 9 a.m. Eastern Daylight Time. Please see **SUPPLEMENTARY INFORMATION** for the daily meeting agenda.

ADDRESSES: The meeting will be held in the S.H. Clark Conference Room in the Aquarium Building of the National Marine Fisheries Service, Northeast Fisheries Science Center (NEFSC), 166 Water Street, Woods Hole, MA 02543.

FOR FURTHER INFORMATION CONTACT: Sheena Steiner, 508-495-2177; email: sheena.steiner@noaa.gov; or James

Weinberg, 508-495-2352; email: james.weinberg@noaa.gov

SUPPLEMENTARY INFORMATION: For further information, please visit the NEFSC Web site at <http://www.nefsc.noaa.gov/>.

Daily Meeting Agenda—Operational Assessments for 20 Groundfish Stocks *

Monday, September 11

9 a.m.–6 p.m.

Cod and Haddock stocks (Population Dynamics Branch)

Tuesday, September 12

9 a.m.–6 p.m.

Flounder stocks (Population Dynamics Branch)

Wednesday, September 13

9 a.m.–6 p.m.

Remaining Stocks (Population Dynamics)

Thursday, September 14

9 a.m.–12 p.m.

Remaining Stocks (Population Dynamics)

12 p.m.–6 p.m.

Discussion/Public Comment (Panel/Leads)

Friday, September 15

9 a.m.–3:30 p.m.

Review of Species Summaries (Panel/Leads)

4 p.m.

Adjourn

* Subject to Change

Special Accommodations

This meeting is physically accessible to people with disabilities. Special requests should be directed to Sheena Steiner at the NEFSC, 508-495-2177, at least 5 days prior to the meeting date.

Dated: August 18, 2017.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017-17821 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Cooperative Charting Programs

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

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing

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

DATES: Written comments must be submitted on or before October 23, 2017.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Matt Kroll, (240) 533-0063 or matt.kroll@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a current information collection. The U.S. Power Squadrons and the U.S. Coast Guard Auxiliary members report observations of changes that require additions, corrections or revisions to Nautical Charts. The information provided is used by NOAA, National Ocean Service, Office of Coast Survey to maintain and prepare chart additions that are used Nationwide by commercial and recreational navigators.

II. Method of Collection

Submissions are made via the Internet.

III. Data

OMB Control Number: 0648-0022.

Form Number: N/A.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; not-for-profit institutions.

Estimated Number of Respondents: 600.

Estimated Time per Response: 2 hours, 30 minutes.

Estimated Total Annual Burden Hours: 2,400.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: August 17, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017-17787 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-JE-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open public meeting.

SUMMARY: The Hydrographic Services Review Panel (HSRP) will hold a public meeting. Public comments are requested in advance or during the meeting. Information about the HSRP meeting, agenda, presentations, webinar, and background documents will be posted online at: <https://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings.htm>.

DATES: The meeting will be held September 11–13, 2017. The agenda and times are subject to change. For updates, please check online as noted above.

Location: Sheraton Portsmouth, 250 Market Street, Portsmouth, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

Lynne Mersfelder-Lewis, HSRP Program Manager, National Ocean Service, Office of Coast Survey, NOAA (N/NSD), 1315 East-West Highway, SSMC3 #6305, Silver Spring, Maryland 20910; telephone: 301-533-0064; email: Lynne.Mersfelder@noaa.gov.

SUPPLEMENTARY INFORMATION: The meeting is open to the public, seating will be available on a first-come, first-served basis, and public comment is encouraged. Public comment periods are scheduled each day and noted in the

agenda. Each individual or group making verbal comments will be limited to a total time of five (5) minutes and comments will be recorded. For those not onsite, comments can be submitted in writing via email or during the webinar in writing. Individuals who would like to submit written statements in advance or during the meeting, or who need information on the webinar should email Lynne.Mersfelder@noaa.gov. The HSRP will provide a webinar for which pre-registration is required. Sign-up information for the webinar will be posted online. The Hydrographic Services Review Panel (HSRP) is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere, the NOAA Administrator, on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice. The charter and other background information is located online at: <http://www.nauticalcharts.noaa.gov/ocs/hsrp/CharterBylawsHSLAStatute.htm>. Past HSRP public meeting summary reports, agendas, presentations, transcripts, webinars, and other information are available online at: <https://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings.htm>.

Matters To Be Considered: The panel is convening to hear Federal, state, regional and local partners, and stakeholders on issues relevant to NOAA's navigation services. The focus will be on national issues of hydrographic research, development, and technology related to autonomous and unmanned systems for navigation and there will also be a session on the Arctic. Navigation services include the data, products, and services provided by the NOAA programs and activities that undertake geodetic observations, gravity modeling, shoreline mapping, bathymetric mapping, hydrographic surveying, nautical charting, tide and water level observations, current observations, and marine modeling. This suite of NOAA products and services support safe and efficient navigation, resilient coasts and communities, and the nationwide positioning information infrastructure to support America's commerce. The Panel will hear from agencies, non-Federal organizations, private sector, and partners about their missions and their use of NOAA's navigation services, what value these services bring, and what improvements could be made.

Other matters may be considered such as New England regional navigation concerns including the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The agenda is subject to change.

Special Accommodations: This meeting is physically accessible to people with disabilities. Please direct requests for sign language interpretation or other auxiliary aids to Lynne.Mersfelder@noaa.gov by August 28, 2017.

Dated: August 17, 2017.

John Nyberg,

Acting Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017-17858 Filed 8-22-17; 8:45 am]

BILLING CODE 3510-JE-P

ELECTION ASSISTANCE COMMISSION

Technical Guidelines Development Committee

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), notice is hereby given that the U.S. Election Assistance Commission's (EAC) Technical Guidelines Development Committee (TGDC) will meet in open session on Monday, September 11, 2017 and Tuesday, September 12, 2017 at the U.S. Election Assistance Commission in Silver Spring, MD.

DATES AND TIMES: The meeting will be held on Monday, September 11, 2017, from 9:00 a.m. until 5:00 p.m., Eastern time, and Tuesday, September 12, 2017 from 9:00 a.m. to 1:00 p.m., Eastern time (estimated based on speed of business).

ADDRESSES: The meeting will take place at the U.S. Election Assistance Commission, 1335 East West Highway (First Floor Conference Room), Silver Spring, MD 20910, (301) 563-3919.

Agenda Information: Presentations and discussions at the meeting will include the following topics: (1) Update from the National Institute of Standards and Technology (NIST); (2) Review of Voluntary Voting System Guidelines (VVSG 2.0), Adoption Process and Transitioning Standards; (3) Security & Accessibility Meeting Update; (4) Overview and Discussion of Principles & Guidelines; (5) Overview & Update on Requirements and Test Assertions; (6) Cyber Security Presentation; and (7) Critical Infrastructure/MS-ISAC

Presentation. Committee members will discuss next steps in the adoption process for VVSG 2. The full meeting agenda will be posted in advance at <http://vote.nist.gov/>. All sessions of this meeting will be open to the public.

Members of the public may submit relevant written statements to the TGDC with respect to the meeting no later than 5:00 p.m. EDT on Tuesday, September 5, 2017. Statements may be sent via email at facboards@eac.gov, via standard mail addressed to the U.S. Election Assistance Commission, 1335 East West Highway, Suite 4300, Silver Spring, MD 20910, or by fax at 301-734-3108. All comments will also be posted on <http://vote.nist.gov/>.

The TGDC was established in accordance with the requirements of Section 221, of the Help America Vote Act of 2002 (Pub. L. 107-252, codified at 42 U.S.C 15361), to act in the public interest to assist the Executive Director of the U.S. Election Assistance Commission (EAC) in the development of voluntary voting system guidelines. Details regarding the TGDC's activities are available at <http://vote.nist.gov/>.

This meeting will be open to the public.

Bryan Whitener,

Director, National Clearinghouse on Elections, U.S. Election Assistance Commission.

[FR Doc. 2017-17793 Filed 8-22-17; 8:45 am]

BILLING CODE 4810-71-P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to OMB for an extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Chronic Beryllium Disease Prevention Program, OMB Control Number 1910-5112. This information collection request covers the information from DOE and DOE contractors that are subject to the Department's "Chronic Beryllium Disease Prevention Program." The regulations contained in the Chronic Beryllium Disease Prevention Program have been promulgated under authority of the Atomic Energy Act of 1954 and the Department of Energy Organization Act.

DATES: Comments regarding this collection must be received on or before September 22, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395-4718.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503, and to Bill McArthur, U.S. Department of Energy; Office of Health, Safety and Security, AU-11; 1000 Independence Avenue SW, Washington, DC 20585, (301) 903-9674, by fax at 301-903-7773, or by email at: bill.mcarthur@hq.doe.gov. Information about the collection instrument may be obtained at: <https://energy.gov/ehss/information-collection>.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to Bill McArthur, U.S. Department of Energy; Office of Health, Safety and Security, AU-11; 1000 Independence Avenue SW, Washington, DC 20585, (301) 903-9674, by fax at 301-903-7773, or by email at bill.mcarthur@hq.doe.gov.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *Current OMB Control Number:* 1910-5112; (2) *Information Collection Request Title:* Chronic Beryllium Disease Prevention Program; (3) *Type of Review:* renewal; (4) *Purpose:* This information collection request covers the information from DOE and DOE contractors that are subject to the Department's "Chronic Beryllium Disease Prevention Program," (10 CFR part 850). This collection provides the Department with the information needed to continue reducing the number of workers currently exposed to beryllium in the course of their work at DOE facilities managed by DOE or its contractors; minimize the levels and potential exposure to beryllium; to provide information to employees, to provide medical surveillance to ensure early detection of disease; and to permit oversight of the programs by DOE management; (5) *Annual Estimated Number of Respondents:* 5,936 (22 DOE sites and 5,914 workers affected by the rule); (6) *Annual Estimated Total Burden Hours:* 25,399; (7) *Number of Collections:* The information collection request contains six information and/or recordkeeping requirements; (8) *Annual Estimated Reporting and Recordkeeping*

Cost Burden: 1,441,230; (9) *Response Obligation:* Mandatory.

Statutory Authority: Atomic Energy Act of 1954, 42 U.S.C. 2201, and the Department of Energy Organization Act, 42 U.S.C. 7191 and 7254.

Issued in Washington, DC, on July 9, 2017.

Stephanie K. Martin,

Director, Office of Resource Management, Office of Environment, Health, Safety and Security.

[FR Doc. 2017-17843 Filed 8-22-17; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of section 131a. of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the European Atomic Energy Community (EURATOM) and the United States of America and the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Norway Concerning Peaceful Uses of Nuclear Energy.

DATES: This subsequent arrangement will take effect no sooner than September 7, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Goorevich, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202-586-0589 or email: Richard.Goorevich@nnsa.doe.gov.

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns a request for a four-year extension (April 2017 to April 2021) of the current programmatic approval for retransfer of U.S. obligated irradiated fuel rods between Studsvik Nuclear AB, Sweden, and Institutt for Energiteknikk, IFE facilities Halden and Kjeller, Norway. The rods are being transferred for irradiation service, various tests, and examinations, and will be returned to Studsvik Nuclear, Sweden, for further test and final disposal. The total shipping amounts will be the same as allowed under the current approval—a maximum of 30,000 grams uranium, 400 grams U-235 and 400 grams plutonium

in all shipments, combined, with a maximum of 100 grams of plutonium per shipment.

The current extension was approved in January 2014 and published in the **Federal Register** on January 16, 2014 (79 FR 2824) and is set to expire April 2017. If approved, the new extension, for four years, will extend to April 2021. Additional transactions are scheduled to occur between April 2017 and April 2021 and will be subject to the U.S.-EURATOM Agreement for Cooperation in the Peaceful Uses of Nuclear Energy.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of the United States origin will not be inimical to the common defense and security of the United States of America.

Dated: May 23, 2017.

For the Department of Energy.

David Huizenga,

Acting Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2017-17851 Filed 8-22-17; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 906-028]

Virginia Electric Power Company, Cushaw Hydro, LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On June 30, 2017, Virginia Electric Power Company (transferor) and Cushaw Hydro, LLC (transferee) filed an application for the transfer of license for the Cushaw Hydroelectric Project No. 906, from the transferor to the transferee. The project is located on the James River in Bedford and Amherst counties, Virginia. The project occupies Federal lands administered by the U.S. Forest Service.

The applicants seek Commission approval to transfer the license for the Cushaw Hydroelectric Project from the transferor to the transferee.

Applicant's Contacts: For Transferor: Ms. Cheri Yochelson, Senior Counsel, Virginia Electric Power Company, c/o Dominion Energy Services, Inc., 120 Tredegar Street, RS-2, Richmond, VA 23219, Phone: 804-819-2691, Email: cheri.m.yochelson@dominionenergy.com and Mr. Donald H. Clarke and Mr. Joshua E. Adrian, c/o Duncan, Weinberg, Genzer & Pembroke,

P.C., 1615 M Street NW., Suite 800, Washington, DC 20036, Phone: 202-467-6370, Emails: dhc@dwgp.com and jea@dwgp.com.

For Transferee: Mr. Mark A. Fendig, Cushaw Hydro, LLC, P.O. Box 13, Coleman Falls, VA 24536, Phone: 434-386-5557, Email: mfendig@asiva.net and Mr. Bob Wandrei, c/o Radford & Wandrei, PC, Bedford, VA 24523-1008, Phone: 540-586-3151, Email: rwandra@gmail.com.

FERC Contact: Patricia W. Gillis, (202) 502-8735, patricia.gillis@ferc.gov.

Deadline for Filing Comments, Motions To Intervene, and Protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-906-028.

Dated: August 17, 2017.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2017-17850 Filed 8-22-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17-52-000]

Republic Transmission, LLC; Notice of Update to the Petition for Declaratory Order

Take notice that on August 15, 2017, Republic Transmission, LLC (Republic) filed an update to its March 22, 2017 Petition for Declaratory Order for Incentive Rate Treatment, as more fully explained in the update to its petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern

time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern time on August 22, 2017.

Dated: August 17, 2017.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2017-17849 Filed 8-22-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC17-159-000.
Applicants: Cuyama Solar, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Action, and Shortened Comment Period of Cuyama Solar, LLC.
Filed Date: 8/16/17.

Accession Number: 20170816-5148.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: EC17-160-000.
Applicants: Georgia Power Company.

Description: Application of Georgia Power Company for Authorization under FPA Section 203 to Acquire Jurisdictional Facilities.

Filed Date: 8/16/17.

Accession Number: 20170816-5151.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: EC17-162-000.
Applicants: Bruce Power, LLC, Dynege Lee II, LLC.

Description: Application for Approval Pursuant to Section 203 of the Federal Power Act and Requests for Waivers and Expedited Consideration of Dynege Lee II, LLC, et. al.

Filed Date: 8/16/17.

Accession Number: 20170816-5153.
Comments Due: 5 p.m. ET 9/6/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17-139-000.

Applicants: Cuyama Solar, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Cuyama Solar, LLC.
Filed Date: 8/16/17.

Accession Number: 20170816-5147.
Comments Due: 5 p.m. ET 9/6/17.

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

Docket Numbers: ER06-1128-001.

Applicants: Mankato Energy Center, LLC.

Description: Supplement to April 28, 2017 Notification of non-material change in status of Mankato Energy Center, LLC.

Filed Date: 8/16/17.

Accession Number: 20170816-5157.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER10-2564-005; ER10-2289-005; ER10-2600-005; EL15-42-000.

Applicants: FortisUS Energy Corporation, Central Hudson Gas & Electric Corp., Tucson Electric Power Company, UNS Electric, Inc., UniSource Energy Development Company.

Description: Supplement Information to January 15, 2015 Notification of Changes in Status of Tucson Electric Power Company, et al.

Filed Date: 8/14/17.

Accession Number: 20170814-5127.

Comments Due: 5 p.m. ET 9/5/17.
Docket Numbers: ER15–1644–002.
Applicants: Dynege Lee II, LLC.
Description: Compliance filing: Informational Filing Regarding the Planned Indirect Transfer of Control to be effective N/A.

Filed Date: 8/17/17.

Accession Number: 20170817–5112.

Comments Due: 5 p.m. ET 9/7/17.

Docket Numbers: ER17–2041–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3334 Associated Electric Cooperative NITSA and NOA to be effective 6/1/2017.

Filed Date: 8/17/17.

Accession Number: 20170817–5060.

Comments Due: 5 p.m. ET 9/7/17.

Docket Numbers: ER17–2319–000.

Applicants: Idaho Power Company.

Description: Idaho Power Company submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, FY 2018–2019.

Filed Date: 8/17/17.

Accession Number: 20170817–5021.

Comments Due: 5 p.m. ET 9/7/17.

Docket Numbers: ER17–2320–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OATT and OA RE: Pseudo-Tie Settlement Changes to be effective 11/1/2017.

Filed Date: 8/17/17.

Accession Number: 20170817–5023.

Comments Due: 5 p.m. ET 9/7/17.

Docket Numbers: ER17–2321–000.

Applicants: Dynege Lee II, LLC.

Description: Request for Waiver of Dynege Lee II, LLC.

Filed Date: 8/16/17.

Accession Number: 20170816–5152.

Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER17–2322–000.

Applicants: Nexus Energy Inc.

Description: Baseline eTariff Filing: Nexus Energy Market-based Rate Tariff v2 to be effective 11/1/2017.

Filed Date: 8/17/17.

Accession Number: 20170817–5047.

Comments Due: 5 p.m. ET 9/7/17.

Docket Numbers: ER17–2323–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: 2017–08–17 Filing to revise Ameren Attachment O Formula Rate Templates to be effective 1/1/2018.

Filed Date: 8/17/17.

Accession Number: 20170817–5058.

Comments Due: 5 p.m. ET 9/7/17.

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

Docket Numbers: RD17–6–000.

Applicants: North American Electric Reliability Corporation.

Description: Revisions to the Violation Risk Factors for Reliability Standard BAL–002–2 of the North American Electric Reliability Corporation.

Filed Date: 8/14/17.

Accession Number: 20170814–5191.

Comments Due: 5 p.m. ET 9/18/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17845 Filed 8–22–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–469–000]

WBI Energy Transmission, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Billy Creek Storage Field Abandonment Project, and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Billy Creek Storage Field Abandonment Project involving construction and operation of facilities by WBI Energy Transmission, Inc (WBI) in Johnson County, Wyoming. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission

will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 18, 2017.

If you sent comments on this project to the Commission before the opening of this docket on June 30, 2017, you will need to file those comments in Docket No. CP17–469–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

WBI provided landowners with a fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (www.ferc.gov).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so

that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (www.ferc.gov) under the link to *Documents and Filings*. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (www.ferc.gov) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister*. If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP17-469-000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

WBI proposes to abandon the Billy Creek Storage Field (Storage Field) and related facilities and recover and sell the Storage Field's cushion gas in Johnson County, Wyoming. WBI proposes to withdraw an estimated 2.4 billion cubic feet of cushion gas prior to abandonment of the Storage Field. Based on initial drawdown conditions, WBI proposes one method, or a combination of any of the following methods, to recover the remaining cushion gas:

- Utilize and/or modify existing storage facilities (Option 1);
- install a 200 horsepower (or less) replacement compressor unit (Option 2);
- drill one new natural gas recovery well in one of two proposed locations (Option 3); or
- a combination of any of these methods.

Following cushion gas withdrawal, WBI will abandon pipeline and aboveground facilities in-place or by removal, including the additional compressor unit or recovery well required in Options 2 and 3. WBI states that the Storage Field is no longer reliable due to water encroachment and that the firm storage deliverability previously provided by the Storage Field is now provided by another WBI storage field.

The general location of the project facilities is shown in appendix 1.¹

Land Requirements for Construction

Abandonment of the Storage Field through Options 1 or 2 would temporarily disturb approximately 11.7 acres. After withdrawal of the 2.4 billion cubic feet of cushion gas, WBI would restore all 11.7 acres. Option 3 would temporarily disturb an additional 3 or 4.2 acres, depending on which location is selected for well installation. The total temporary disturbance for Option 3 would be either 14.7 or 15.9 acres, of which the entirety would be restored and no land would be required following abandonment.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us² to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- endangered and threatened species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be

¹ The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

² We, us, and our refer to the environmental staff of the Commission's Office of Energy Projects.

available in the public record through eLibrary. We may also distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.³ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.⁴ We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all

³ The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

⁴ The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 1).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Intervenor play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the Document-less Intervention Guide under the e-filing link on the Commission's Web site. Motions to intervene are more fully described at <http://www.ferc.gov/resources/guides/how-to/intervene.asp>.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC Web site at www.ferc.gov using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP17-469). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal

issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to www.ferc.gov/docs-filing/esubscription.asp.

Finally, public sessions or site visits will be posted on the Commission's calendar located at www.ferc.gov/EventCalendar/EventsList.aspx along with other related information.

Dated: August 17, 2017.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2017-17848 Filed 8-22-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC17-158-000.
Applicants: CPV Towantic, LLC, Towantic Energy Holdings, LLC, Aircraft Services Corporation.
Description: Application for Authorization under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Action and Shortened Comment Period of CPV Towantic, LLC, et al.

Filed Date: 8/15/17.
Accession Number: 20170815-5095.
Comments Due: 5 p.m. ET 9/5/17.

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

Docket Numbers: ER11-4506-002.
Applicants: Devonshire Energy LLC.
Description: Notification of Change in Status of Devonshire Energy LLC.

Filed Date: 8/14/17.
Accession Number: 20170814-5205.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-1315-002; ER17-1318-001; ER17-1316-001.
Applicants: Meadow Lake Wind Farm V LLC, Redbed Plains Wind Farm LLC, Quilt Block Wind Farm LLC.

Description: Notice of Non-Material Change in Status of Meadow Lake Wind Farm V LLC, et al.

Filed Date: 8/14/17.
Accession Number: 20170814-5203.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-1619-001.
Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Response to Deficiency Notice to be effective 7/18/2017.

Filed Date: 8/14/17.
Accession Number: 20170814-5154.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-1717-001.
Applicants: Dynege Conesville, LLC.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 5/9/2017.

Filed Date: 8/14/17.
Accession Number: 20170814-5169.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-1718-001.
Applicants: Dynege Dicks Creek, LLC.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 8/1/2017.

Filed Date: 8/14/17.
Accession Number: 20170814-5175.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-1719-001.
Applicants: Dynege Killen, LLC.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 8/1/2017.

Filed Date: 8/14/17.
Accession Number: 20170814-5176.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-1720-001.
Applicants: Dynege Miami Fort, LLC.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 8/1/2017.

Filed Date: 8/14/17.
Accession Number: 20170814-5177.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-1721-001.
Applicants: Dynege Stuart, LLC.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 8/1/2017.

Filed Date: 8/14/17.
Accession Number: 20170814-5182.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-1722-001.
Applicants: Dynege Zimmer, LLC.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 8/1/2017.

Filed Date: 8/14/17.
Accession Number: 20170814-5184.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-2307-000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017-08-15 Termination of SA 2758 NSP-Trishe Wind E&P Agreement (J288) to be effective 8/16/2017.

Filed Date: 8/15/17.
Accession Number: 20170815-5000.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17-2308-000.
Applicants: Puget Sound Energy, Inc.
Description: Puget Sound Energy, Inc. submits Average System Cost Filing for

Sales of Electric Power to the Bonneville Power Administration, FY 2018–2019.

Filed Date: 8/15/17.

Accession Number: 20170815–5085.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2309–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA No. 4054; Queue Z2–030 to be effective 11/25/2014.

Filed Date: 8/15/17.

Accession Number: 20170815–5094.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2310–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Wholesale Market Participation Agreement No. 4772; Queue AC1–013 to be effective 8/14/2017.

Filed Date: 8/15/17.

Accession Number: 20170815–5101.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2311–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2017–08–15 Certificate of Concurrence for the UC Regents LGIA to be effective 7/27/2017.

Filed Date: 8/15/17.

Accession Number: 20170815–5119.

Comments Due: 5 p.m. ET 9/5/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 15, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17800 Filed 8–22–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–26–000; CP15–499–000; CP15–499–001]

Pomelo Connector, LLC, Texas Eastern Transmission, LP; Notice of Schedule for Environmental Review of the Pomelo Connector Pipeline and South Texas Expansion Projects

On May 22, 2015 and December 30, 2016 Texas Eastern Transmission, LP (Texas Eastern) filed an application and supplements/amendments in Docket No. CP15–499–000/CP15–499–001 and Pomelo Connector, LLC (Pomelo) filed an application on December 22, 2016 in Docket No. CP17–26–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to abandon, construct, modify, and operate gas pipeline facilities in Texas. Pomelo's project known as the Pomelo Connector Pipeline Project (Pomelo Connector Pipeline) would provide up to 400,000 dekatherms per day (Dth/d) of firm transportation service from an interconnection with Texas Eastern at the proposed Pomelo Petronila Compressor Station in Nueces County, Texas, to the Nueces Header pipeline system. Texas Eastern's project, known as the South Texas Expansion Project (STEP), would provide approximately 396,000 Dth/d of firm natural gas transportation service to an interconnection with the Nueces Header. Collectively, the STEP and Pomelo Connector Pipeline projects are referred to as the Projects.

On June 5, 2015, and January 4, 2017 the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Applications for the Projects. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Projects. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Projects.

Schedule for Environmental Review

Issuance of EA—September 18, 2017
90-day Federal Authorization Decision
Deadline—December 17, 2017

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies

are kept informed of the Project's progress.

Project Description

Pomelo Connector Pipeline consists of construction and operation of approximately 14 miles of 30-inch-diameter pipeline, a new 5,000 horsepower (hp) compressor station, approximately 0.2 mile of new 30-inch-diameter pipeline, and associated aboveground facilities in Nueces County, Texas. Pomelo would engage in certain construction, operation, maintenance, and abandonment activities under blanket construction certificate authorization, and abandon all of the capacity of the Pomelo Connector Pipeline upon the in-service date by lease to Texas Eastern. STEP consists of construction and operation of a new 8,400 hp gas turbine unit in Nueces County, Texas; piping modifications at its existing Angleton Station property in Brazoria County, Texas; a new 8,400 hp gas turbine unit at its existing Blessing Compressor Station in Matagorda County, Texas; clean burn emission work and piping modifications at its existing Mont Belvieu Compressor Station in Chambers County, Texas; and piping modifications at its existing Vidor Compressor Station in Orange County, Texas.

Background

On April 6, 2017, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Projects and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; Federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received a total of five comment letters from the following: The Texas Parks and Wildlife Department, Union Pacific Railroad, Gary Pyraon—an adjacent landowner to the proposed Petronila Compressor Station site, John Young—an individual, and the Teamsters National Pipeline Labor Management Cooperation Trust. The comments addressed related and non-jurisdictional facilities, air quality/greenhouse gas emissions, alternatives, biological resources, migratory birds, habitat and wildlife, water resources, hazards/safety concerns, stormwater, and general support for the Projects.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of

all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to www.ferc.gov/docs-filing/esubscription.asp.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC Web site (www.ferc.gov). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.*, CP17-26 and CP15-499), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: August 17, 2017.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2017-17847 Filed 8-22-17; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2017-0430; FRL-9966-07-OAR]

Notice of Intent To Establish Voluntary Criteria for Radon Credentialing Organizations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; opening of a 60-day public comment period.

SUMMARY: Since 1988, the Environmental Protection Agency (EPA) has administered a statutorily-mandated program under the Indoor Radon Abatement Act to reduce exposure to indoor radon by promoting awareness, testing, installation of radon mitigation systems in existing homes, and use of radon-resistant new construction techniques. EPA works with state programs, industry and the public to reduce human exposure to radon and thereby reduce deaths due to lung cancer. Access to quality service providers responsible for measuring indoor radon levels and conducting mitigation when necessary is essential to this mission. Historically, EPA

operated a program, the Radon Proficiency Program (RPP), to identify qualified radon service providers, a service to assist consumers and states receiving indoor radon grants. Upon its discontinuation, two organizations qualified to be designated as responsible parties for credentialing radon service providers in the absence of a state-run process established under a state's regulatory requirements. Since that time, there has not been an ongoing and open evaluation process for organizations wanting to credential radon service providers. As the Federal agency responsible for implementing the national radon program, and in response to the needs of our state and private partners, EPA intends to establish voluntary criteria outlining a standard of competence for organizations that credential radon service providers. This notice provides interested parties with an opportunity to provide feedback on the Agency's proposed approach.

DATES: Comments must be received on or before October 23, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2017-0430, to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Katrin Kral, Indoor Environments Division, Office of Radiation and Indoor Air 6609T, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; 202-343-9454; kral.katrin@epa.gov.

I. General Information

A. Does this action apply to me?

This notice is directed to stakeholders working to reduce exposure to indoor radon. It may, however, be of particular interest to those involved with promoting and/or conducting testing and installation of radon mitigation systems, including, but not limited to:

- Organizations credentialing radon service providers and other building construction and/or maintenance related providers.
- Radon service providers.
- Organizations who provide third-party accreditation to the ISO/IEC 17024:2012.
- Organizations representing state health and environmental programs, green building initiatives, and the radon services industry.
- State radon programs.
- Federal agencies who own, influence or control housing.

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

1. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the notice by docket number, subject heading, **Federal Register** date and page number.
- Follow directions—EPA may ask you to respond to specific questions or organize comments by including a specific reference.
- 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 it to be reproduced.
- Illustrate your concerns with specific examples 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.

C. How can I learn more about this?

To learn more, please visit www.epa.gov/radon. Depending on interest and questions received, EPA may host a question and answer session via webinar during the comment period. Please visit the Web site regularly for updates.

D. Description of Terms Used in This Notice

Accreditation: Third party validation that a conformity assessment body complies with established standards. Under the International Organization for Standardization (ISO), accreditation refers to the formal recognition by an independent body, generally known as an accreditation body, that a conformity assessment body operates according to international standards.

Accreditation Body/Organization: Authoritative body that performs accreditation.

Certification: The provision by an independent body of written assurance (a certificate) that the product, personnel, service or system in question meets specific requirements.

Certification Scheme: Component of ISO/IEC 17024:2012 that outlines competence and other requirements related to specific occupational or skilled categories of persons including a scope of certification, job and task description (JTA), abilities (when applicable), prerequisites (when applicable), and a code of conduct (when applicable). Criteria for the initial certification and recertification must be part of the scheme and includes a description of the assessment methods, and the criteria for suspending and withdrawing the certification.

Competence: Ability to apply knowledge and skills to achieve intended results.

Conference of Radiation Control Program Directors (CRCPD): 501(c)(3) nonprofit non-governmental professional organization dedicated to radiation protection. CRCPD's primary membership is made up of radiation professionals in state and local government that regulate the use of radiation sources.

Credential: Recognition of qualification or competence issued to a person by an organization.

Credentialing: Term applied to processes used to designate that an individual, program, institution or product have met established standards set by an agent (governmental or non-governmental) recognized as qualified to carry out this task. Licensure, registration, accreditation, approval, certification, recognition or endorsement may be used to describe different credentialing processes.

Credentialing Organization, Certification Body: Third-party conformity assessment body operating certification schemes for persons under ISO/IEC 17024:2012. A certification body can be non-governmental or governmental with or without regulatory authority.

EPA Proficiency Program: Voluntary program established under 15 U.S.C. 2665(a)(2) and run by EPA that assessed the proficiency of individuals and organizations and granted them a listing according to their measurement or mitigation service capabilities. The Radon Measurement Proficiency (RMP) Program was established in 1986, followed by the Radon Contractor Proficiency (RCP) Program in 1989. These two programs were consolidated into the Radon Proficiency Program (RPP) in 1995.

Guidance on Federal Conformity Assessment (15 CFR part 287): Provides guidance for each Federal agency to use in evaluating the efficacy and efficiency of its conformity assessment activities. Each agency should coordinate its conformity assessment activities with those of other appropriate government agencies and with those of the private sector to reduce unnecessary duplication. The guidance is intended to help Federal agencies improve the management and coordination of their own conformity assessment activities with respect to other government entities and the private sector.

International Electrotechnical Commission (IEC): International organization that prepares and publishes international standards for all electrical, electronic and related technologies.

Indoor Radon Abatement Act (IRAA; 1988): Subchapter III of the Toxic Substances Control Act, or TSCA. Provides the authority for EPA's indoor radon activities.

International Organization for Standardization (ISO): Independent, non-governmental international organization with a membership of 161 national standards bodies. Through its members, it brings together experts to share knowledge and develop voluntary, consensus-based, market relevant international standards that support innovation and provide solutions to global challenges.

ISO/IEC: Joint technical committee of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC). Its purpose is to develop, maintain and promote voluntary consensus standards.

ISO/IEC 17024:2012, Conformity assessment: General requirements for bodies operating certification of persons: Voluntary international consensus standard containing principles and requirements for a body certifying persons against specific requirements, and includes the development and maintenance of a certification scheme for persons.

Job Task Analysis: Foundational requirement of ISO/IEC 17024:2012, included with the certification scheme. Helps to identify the core knowledge areas, critical work functions, and/or skills that are common across the representative sampling of current practitioners.

License: An official document that gives you permission to own, do, or use something.

The National Technology Transfer and Advancement Act (NTTAA): Directs Federal agencies with respect to their use of and participation in the development of voluntary consensus standards. The Act directs Federal agencies to adopt voluntary consensus standards, wherever possible, in lieu of creating proprietary, non-consensus standards. The Act also directs the National Institute of Standards and Technology (NIST) to coordinate the conformity assessment activities of Federal agencies, as well as state and local governments with the private sector in order to reduce unnecessary duplication and complexity of conformity assessment schemes.

Office of Management and Budget Circular A-119 (OMB A-119): Establishes policies on Federal use and development of voluntary consensus standards and on conformity assessment activities.

Personnel Certification: Voluntary process by which a non-governmental entity grants a time-limited recognition and use of a credential to an individual after verifying that he or she has met predetermined and standardized criteria.

Radon Service Providers (also referred to as "radon providers" or "providers"): Individuals who perform measurement and/or mitigation of radon.

State Indoor Radon Grant (SIRG, also referred to as "indoor radon grants"): States and tribes receive grant funds from EPA that help finance their radon risk reduction programs; recipients must provide a minimum of 40% in matching funds. The Indoor Radon Abatement Act provides statutory authority for EPA to run the grant program under 15 U.S.C. 2666 (a-j).

Voluntary Consensus Standards (VCS): Standard developed or adopted by voluntary consensus standards bodies, through the use of a voluntary consensus standards development process, as defined in OMB A-119.

II. Background

A. What authority does EPA have to establish voluntary criteria for radon credentialing organizations?

The 1988 Indoor Radon Abatement Act (See Toxic Substances Control Act,

Title III; 15 U.S.C. 2661–2671) addresses risks associated with indoor radon levels and establishes provisions that focus on voluntary activities, including education and grant and technical assistance to states for radon programs. Under 15 U.S.C. 2665(a)(2), EPA was granted authority to operate a voluntary proficiency program for rating, among other things, the effectiveness of radon measurement and mitigation devices and methods, and “the effectiveness of private firms and individuals offering radon-related architecture, design, engineering, measurement, and mitigation services.” Pursuant to 15 U.S.C. 2666(h)(3), state grant recipients are required to maintain, and make available to the public, a list of firms and individuals receiving a passing rating under such a program.

B. What is the history of EPA’s voluntary Radon Proficiency Program for radon service providers?

In February 1986, EPA established the Radon Measurement Proficiency (RMP) Program to assist consumers in identifying organizations capable of providing reliable radon measurement analysis services. The Radon Contractor Proficiency (RCP) Program was established in 1989 to evaluate the proficiency of radon mitigators in residences and provide information to the public on proficient mitigators. In 1994, EPA began working to consolidate the RMP and RCP into one streamlined program to better meet industry needs and reduce costs. The consolidated program officially became the Radon Proficiency Program (RPP) in October 1995.

In response to stakeholder feedback as part of the RPP development-process, the Agency also began investigating the feasibility of transitioning oversight of the proficiency program away from EPA. The Agency tasked the Conference of Radiation Control Program Directors (CRCPD) with drafting a document containing the necessary components of a proficiency program. As part of this effort, a series of stakeholder meetings were held in 1997. Feedback was collected in five key areas critical to discontinuation of the EPA’s RPP: (1) Radon tester; (2) radon mitigator; (3) approval and accreditation requirements for radon and radon decay product measurement devices, radon chambers, and radon laboratories; (4) the operational board and committees; and (5) the transition to private proficiency programs.

Ultimately, CRCPD developed a final document outlining a plan for transitioning oversight of the proficiency program outside of the

Federal government, entitled: “Criteria for Certification of Radon Service Providers, the Accreditation of Radon Chambers and Laboratories, and the Approval of Measurement Devices.” This plan was used to conduct a one-time evaluation and identify two organizations that sufficiently addressed components of EPA’s RPP in the early 2000s. These two organizations—the National Radon Proficiency Program (NRPP; initially affiliated with the National Environmental Health Association and currently affiliated with the American Association of Radon Scientists and Technologists, or AARST) and the National Radon Safety Board (NRSB)—became responsible for credentialing radon service providers in the absence of a state run process established under a state’s regulatory requirements. This service assisted consumers by identifying qualified radon providers. In addition, it assisted states receiving indoor radon grants, which are required to maintain and make available a list of qualified service providers to the public. Since the discontinuation of the RPP, the Agency has relied on NRPP, NRSB and state run certification programs to provide the national proficiency platform in the radon marketplace.

C. What is the framework for EPA’s consideration of voluntary consensus standards and conformity assessment activities?

Taken together, the National Technology Transfer and Advancement Act (NTTAA, Pub. L. 104–113), Office of Management and Budget Circular A–119 (OMB A–119) and Guidance on Federal Conformity Assessment (15 CFR part 287) direct Federal agencies to use voluntary consensus standards (VCS) wherever possible as the basis of regulation and other programs, to participate in the development of VCS, and to coordinate conformity assessment activities (testing, certification, etc.) with the private sector to avoid duplication. OMB A–119 outlines considerations Federal agencies should make when addressing the need for conformity assessment, and considerations agencies should take into account when designing conformity assessment programs.

Personnel certification has become an important element of verifying the competence of an increasingly mobile and global workforce. In response to this growing need, a joint technical committee of the International Organization for Standardization and the International Electrotechnical Commission (the ISO/IEC) developed an international standard to establish

uniform procedures for certifying the competence of personnel in different occupations or professions. The ISO/IEC 17024:2012 standard is designed to help ensure that personnel certification programs run by credentialing organizations (also referred to as a certifying body) operate in a consistent, comparable, impartial and reliable manner. In addition to ensuring the validity of individual certification programs, the ISO/IEC standard is intended to help ensure competence and quality of a workforce and promote consumer and public confidence. Key areas addressed in the standard include: The structure and governance of the certifying body and the characteristics of the certification program as it relates specifically to a job type (e.g., a certification scheme) and the assessment and recertification requirements.

To verify compliance with ISO/IEC standard 17024:2012, credentialing organizations may seek accreditation from a third party. An organization accredited by a third party demonstrates ongoing compliance with a set of business standards and the necessary core competencies to perform the certification of persons and/or training functions. As a requirement of continuous accreditation recognition, an organization must demonstrate ongoing compliance with ISO/IEC standard 17024:2012 by periodically maintaining accreditation.

III. Subject and Purpose of This Notice

Radon exposure causes approximately 21,000 lung cancer deaths every year and is the leading environmental cause of cancer deaths. Many state programs and private industry stakeholders have, for years, asserted their belief that EPA should maintain a standard of competence for organizations credentialing radon service providers that reflect current industry standards and best practices. There is no current formal process to assess quality and competence of organizations wanting to credential radon service providers. The Agency believes it is necessary to establish an ongoing and open evaluation process moving forward and anticipates that it will take two to four years to establish a process and ensure ample opportunities for stakeholder involvement. Criteria establishing a standard of competence for organizations credentialing radon service providers will help ensure continued and sustained access to a qualified workforce.

EPA recently issued a special term and condition to SIRG grantees clarifying guidance in the State and

Tribal Indoor Radon Grants Program Guidance and Handbook https://www.epa.gov/sites/production/files/2014-08/documents/guidance_and_handbook.pdf related to satisfying requirements for 15 U.S.C. 2666(h)(3). Specifically, the Agency clarified that, to remain in compliance with 15 U.S.C. 2666(h)(3) requirements, states receiving SIRG funding must maintain and provide the public with a list of only those radon service providers who are credentialed either through:

- (1) An existing state-run process established under a state's regulatory requirements for credentialing radon service providers (e.g., state license), or
- (2) one of the two currently-recognized national radon proficiency programs (i.e., NRPP or NRSB).

The term and condition will remain in effect until the Agency issues voluntary criteria, at which time, states receiving SIRG funding would list only those radon service providers credentialed by organizations meeting the criteria.

A. What specific comments are being sought?

While all comments regarding any aspect related to the development of voluntary criteria for radon credentialing organizations are welcomed, comments on the following key areas are specifically requested.

1. Overall Approach

While EPA cannot require that radon credentialing bodies take any particular action in order to conduct business, EPA does have authority to require that states receiving indoor radon grants list only providers who meet certain standards of competence. By establishing criteria for organizations credentialing radon service providers, EPA would help states ensure high-quality radon services are available to their citizens. States receiving SIRG funding would be required to list only radon service providers who are certified by organizations meeting these criteria (possibly including state-run credentialing programs).

To satisfy the criteria, organizations that credential radon service providers would need to demonstrate and maintain compliance with ISO/IEC standard 17024:2012 through independent, third party accreditation. The voluntary criteria would specify a timeframe for organizations to demonstrate compliance with ISO/IEC 17024:2012 through third party accreditation.

As a condition of continuous accreditation recognition, an organization would need to demonstrate

ongoing compliance with ISO/IEC 17024:2012 by periodically reapplying and earning accreditation.

Credentialing organizations accredited to ISO/IEC 17024:2012 have to ensure that certificate holders meet requirements outlined in the certification scheme. The credentialing organization may use recertification to bring those who do not meet the current requirements into compliance. In this case, recertification may be required for service providers previously credentialed by one of the two national credentialing organizations.

EPA is seeking comments on the overall feasibility, appropriateness and potential impacts of these criteria, in particular as they relate to: Time-frame for demonstrating compliance through third-party accreditation and options for a phased-in approach, maintaining continuous accreditation, and recertification as a means to bring existing certificate holders into compliance.

2. Application of Voluntary Criteria to State-Run Programs

Currently, approximately twenty-three states have regulatory requirements in place for credentialing of radon service providers and implement a process accordingly (e.g., state license). While some of these states require certification by one of the two currently recognized national credentialing organizations (i.e., NRPP and/or NRSB), there are states operating processes that do not require this certification.

EPA is seeking comments on the feasibility, appropriateness and potential impacts of requiring states that operate independent programs (i.e., currently do not require certification by one of two recognized national credentialing organizations) to meet the criteria if receiving SIRG funding.

3. Requirements for Accreditation Organizations

Organizations providing independent, third party accreditation may be required to demonstrate compliance with ISO/IEC 17011:2004 as a signatory of the International Accreditation Forum's Multilateral Recognition Agreement, or MRA.

EPA is seeking feedback on the value of including conditions for organizations providing independent, third party accreditation.

4. Development of ISO/IEC 17024:2012 Program-Related Components

To help reduce the burden to credentialing organizations seeking accreditation to the ISO/IEC 17024:2012

and to standardize competency and testing requirements for radon service providers, EPA recognizes that there may be value in the Agency supporting development of the certification scheme, a requirement of ISO/IEC 17024:2012. It should be noted that the choice of what role EPA plays ultimately will depend on both what the community needs and what resources the Agency can sustainably support.

EPA is seeking comments on the feasibility, appropriateness, and potential impacts of each possible scenario presented below:

- (a) EPA develops basic framework for credentialing organizations to follow.

EPA would define parameters for the certification scheme (e.g., scope(s) of practice, use of existing American National Standards Institute/American Association of Radon Scientists and Technologists (ANSI/AARST) measurement and mitigation voluntary consensus standards when developing the job task analysis (JTA), recertification requirements).

Credentialing organizations might enter into a Memorandum of Understanding with EPA committing to develop and maintain a certification scheme in compliance with specified parameters.

- (b) EPA supports development of initial certification scheme.

EPA would support development of the initial certification scheme and then would transfer ownership of the scheme to a third party or individual credentialing organization(s) after a specified time-frame (e.g., five years). In this case, new scheme owners might sign a licensing agreement transferring ownership of the certification scheme and stipulating conditions for use and maintenance of the scheme. For example, the licensing agreement may specify that the scheme owner may only make changes to the scheme that are deemed more stringent.

- (c) EPA supports development and maintenance of certification scheme.

EPA would retain ownership of the certification scheme, including development and maintenance. Organizations seeking accreditation to ISO/IEC 17024:2012 might enter into a licensing agreement with the Agency which would specify requirements for use of the certification scheme.

5. Scope of This Effort

EPA's RPP addressed labs and devices in addition to radon testing and mitigation service providers. The proposed approach outlined above does not directly address labs and devices. If the Agency were to address labs, a different ISO/IEC standard would apply

(17025) and would require an independent process. Device requirements for certified radon service providers will be incorporated within the scope of this effort. (e.g., device must have demonstrated compliance with the voluntary consensus standard MS-PC 2015, Performance Specifications for Instrumentation Systems Designed to Measure Radon Gas in Air).

EPA is seeking comments on the proposed scope for this effort, including the planned approach for including devices. Comments are also welcomed on job titles and scopes that should be included for radon testing and mitigation providers.

Dated: August 3, 2017.

David Rowson,

Director, Indoor Environments Division.

[FR Doc. 2017-17860 Filed 8-22-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2016-0109; FRL-9944-78]

Agency Information Collection Activities; Proposed Renewal of an Existing Collection (EPA ICR No. 2288.03); Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB) and provides an opportunity for public comment. The ICR, entitled: "Pesticide Data Call-in Program" and identified by EPA ICR No. 2288.03 and OMB Control No. 2070-0174, represents the renewal of an existing ICR that is scheduled to expire on August 31, 2017. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before October 23, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2016-0109, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Cameo Smoot, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-5454, mail address: smoot.cameo@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Pesticide Data Call-in Program.

ICR Number: EPA ICR No. 2288.03.
OMB control number: OMB Control No. 2070-0174.

ICR Status: This ICR is currently scheduled to expire on August 31, 2017. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR covers the information collection activities associated with the issuance of data-call-ins (DCIs) under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average between 20 hours and 8,182 hours per response. Burden is defined in 5 CFR 1320.3(b). The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this ICR are pesticide registrant and are identified by the North American Industrial Classification System (NAICS) code 325320 (Pesticide and Other Agricultural Chemical Manufacturing).

Estimated Total Number of Potential Respondents: 122.

Frequency of Response: On occasion.

Estimated Total Average Number of Responses for Each Respondent: 1.

Estimated Total Annual Burden Hours: 615,447 hours.

Estimated Total Annual Costs: \$43,792,523.

There are no capital investment or maintenance and operational costs associated with this collection.

III. Are there changes in the estimates from the last approval?

There is an increase of 353,146 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase is a result of the program implementing new methodologies to calculate respondent burden, the inclusion of a new IC group—

consortium participants—to more accurately reflect the respondent burden. This change is an adjustment.

IV. What is the next step in the process for this ICR?

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 pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: August 8, 2017.

Wendy Cleland-Hamnett,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2017-17859 Filed 8-22-17; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0855]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information

collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before October 23, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418-2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060-0855.

Title: Telecommunications Reporting Worksheets and Related Collections, FCC Forms 499-A and 499-Q.

Form Number(s): FCC Forms 499-A and 499-Q.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents and Responses: 6,700 respondents; 41,650 responses.

Estimated Time per Response: 0.25 hours-25 hours.

Frequency of Response: Annually, quarterly, recordkeeping and on occasion reporting requirements.

Obligation To Respond: Mandatory. Statutory authority for this collection of information is contained in 151, 154(i), 154(j), 155, 157, 159, 201, 205, 214, 225, 254, 303(r), 715 and 719 of the Act, 47 U.S.C. 151, 154(i), 154(j), 155, 157, 159, 201, 205, 214, 225, 254, 303(r), 616, and 620.

Total Annual Burden: 247,375 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission will allow respondents to certify that data contained in their submissions is privileged or confidential information and that disclosure of such information would likely cause substantial harm to the competitive position of the entity filing the FCC worksheets. If the Commission receives a request for or proposes to disclose the information, the respondent would be required to make the full showing pursuant to the Commission's rules for withholding from public inspection information submitted to the Commission.

Needs and Uses: This information collection requires contributors to the federal universal service fund, telecommunications relay service fund, and numbering administration to file, pursuant to sections 151, 225, 251 and 254 of the Act, a Telecommunications Reporting Worksheet on an annual basis (FCC Form 499-A and/or on a quarterly basis (FCC Form 499-Q). The information is also used to calculate FCC regulatory fees for interstate telecommunications service providers.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2017-17825 Filed 8-22-17; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10503—The Freedom State Bank, Freedom, Oklahoma

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC) as Receiver for The Freedom State Bank, Freedom, Oklahoma ("the Receiver") intends to terminate its receivership for said institution. The FDIC was

appointed Receiver of The Freedom State Bank on June 27, 2014. 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.

Dated: August 18, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2017-17818 Filed 8-22-17; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10491—Texas Community Bank, National Association; The Woodlands, Texas

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC) as Receiver for Texas Community Bank, National Association, The Woodlands, Texas (“the Receiver”) intends to terminate its receivership for said institution. The FDIC was appointed Receiver of Texas Community Bank on December 13, 2013. 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.

Dated: August 18, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2017-17817 Filed 8-22-17; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10028—National Bank of Commerce, Berkeley, Illinois

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC) as Receiver for National Bank of Commerce, Berkeley, Illinois (“the Receiver”) intends to terminate its receivership for said institution. The FDIC was appointed Receiver of National Bank of Commerce on January 16, 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.

Dated: August 17, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2017-17788 Filed 8-22-17; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10417—American Eagle Savings Bank, Boothwyn, Pennsylvania

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC) as Receiver for American Eagle Savings Bank, Boothwyn, Pennsylvania (“the Receiver”) intends to terminate its receivership for said institution. The FDIC was appointed Receiver of American Eagle Savings Bank on January 20, 2012. 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.

Dated: August 18, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2017-17816 Filed 8-22-17; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission,

Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's Web site (www.fmc.gov) or by contacting the Office of Agreements at (202) 523-5793 or tradeanalysis@fmc.gov.

Agreement No.: 012174-002.

Title: Höegh/Liberty Middle East Space Charter Agreement.

Parties: Höegh Autoliners AS and Liberty Global Logistics LLC.

Filing Party: Brooke F. Shapiro, Esq.; Winston & Strawn LLP, 200 Park Avenue, New York, NY 10166.

Synopsis: The amendment adds Japan, Korea, and China to the Agreement's geographic scope and updates the address for Höegh Autoliners AS.

Agreement No.: 012245-002.

Title: Eastern Car Liner Ltd.—RZ Carrier GMBH & Co. KG Space Charter Agreement.

Parties: Eastern Car Liner Ltd. and RZ Carrier GMBH & Co. KG.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor, 1200 Nineteenth Street NW., Washington, DC 20036.

Synopsis: The amendment deletes Rickmers-Line GMBH & Cie. KG as a party, replaces it with RZ Carrier GMBH & Co. KG, makes technical corrections, and restates the agreement.

Agreement No.: 012359-001.

Title: MOL/Volkswagen Konzernlogistik GmbH & Co. OHG Space Charter Agreement.

Parties: Mitsui O.S.K. Lines Ltd and Volkswagen Konzernlogistik GmbH & Co. OHG.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP, 799 9th Street NW., Suite 500, Washington, DC 20001.

Synopsis: The amendment expands the geographic scope of the Agreement to cover the trades between the United States and all foreign countries.

By Order of the Federal Maritime Commission.

Dated: August 17, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017-17776 Filed 8-22-17; 8:45 am]

BILLING CODE 6731-AA-P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the mandatory Quarterly Savings and Loan Holding Company Report (FR 2320; OMB No. 7100-0345).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before October 23, 2017.

ADDRESSES: You may submit comments, identified by *FR 2320*, by any of the following methods:

- *Agency Web site:* <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* regs.comments@federalreserve.gov. Include OMB number in the subject line of the message.

- *FAX:* (202) 452-3819 or (202) 452-3102.

- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at <http://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons.

Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission,

including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: <http://www.federalreserve.gov/apps/reportforms/review.aspx> or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263-4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

- a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

- b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

- c. Ways to enhance the quality, utility, and clarity of the information to be collected;

- d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

- e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposal prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Report

Report Title: Quarterly Savings and Loan Holding Company Report.

Agency Form Number: FR 2320.

OMB Control Number: 7100-0345.

Frequency: Quarterly.

Respondents: Savings and loan holding companies (SLHCs) that are currently exempt from filing other Federal Reserve regulatory reports.

Estimated Number of Respondents: 15.

Estimated Average Hours per Response: 2.5 hours.

Estimated Annual Burden Hours: 150 hours.

General Description of Report: The FR 2320 collects select parent only and consolidated balance sheet and income statement financial data and organizational structure data from SLHCs that are currently exempt from filing other Federal Reserve regulatory reports (exempt SLHCs).¹ The FR 2320 is used by the Board to analyze the overall financial condition of exempt SLHCs to ensure safe and sound operations. These data assist the Board in the evaluation of a diversified holding company and in determining whether an institution is in compliance with applicable laws and regulations.

Legal Authorization and Confidentiality: The Board has determined that the Home Owners' Loan Act authorizes the Board to require SLHCs to file "such reports as may be required by the Board" and instructs that such reports "shall contain such information concerning the operations of such savings and loan holding company and its subsidiaries as the Board may require." (12 U.S.C. 1467a(b)(2)). The obligation to respond is mandatory for exempt SLHCs. In some cases, lower-tier SLHCs may voluntarily file the FR 2320. In other cases lower-tier SLHCs may be required to file (in addition to the top-tier SLHC) for safety and soundness purposes at the discretion of the appropriate Federal Reserve Bank.

The Board also has determined that data items C572, C573, and C574 (line items 24, 25, and 26) may be protected from disclosure under exemption 4 of the Freedom of Information Act (FOIA). Commercial or financial information may be protected from disclosure under exemption 4 if disclosure of such information is likely to cause substantial competitive harm to the provider of the information. (5 U.S.C. 552(b)(4)). The data items listed above pertain to new or changed pledges, or capital stock of any subsidiary savings association that

secures short-term or long-term debt or other borrowings of the SLHC; changes to any class of securities of the SLHC or any of its subsidiaries that would negatively impact investors; and defaults of the SLHC or any of its subsidiaries during the quarter. Disclosure of this type of information is likely to cause substantial competitive harm to the SLHC providing the information and thus this information may be protected from disclosure under FOIA exemption 4.

With regard to the remaining data items on the FR 2320, the Board has determined that institutions may request confidential treatment for any FR 2320 data item or for all FR 2320 data items, and that confidential treatment will be reviewed on a case-by-case basis.

Board of Governors of the Federal Reserve System, August 18, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017-17823 Filed 8-22-17; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0037; Docket 2017-0053; Sequence 9]

Information Collection; Presolicitation Notice and Response

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 extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning presolicitation notice and response.

DATES: Submit comments on or before October 23, 2017.

ADDRESSES: Submit comments identified by Information Collection 9000-0037, Presolicitation Notice and Response, 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 9000-0037. Select the link "Comment Now" that corresponds with "Information Collection 9000-0037, Presolicitation Notice and Response". Follow the instructions provided on the screen. Please include your name, company name (if any), and "Information Collection 9000-0037, Presolicitation Notice and Response" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000-0037, Presolicitation Notice and Response.

Instructions: Please submit comments only and cite Information Collection 9000-0037, Presolicitation Notice and Response, in all correspondence related to this collection. 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, Acquisition Policy Division, GSA 202-501-1448 or curtis.glover@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

Presolicitation notices are used by the Government for several reasons, one of which is to aid prospective contractors in submitting proposals without undue expenditure of effort, time, and money. The Government also uses the presolicitation notices to control printing and mailing costs. The presolicitation notice response is used to determine the number of solicitation documents needed and to assure that interested offerors receive the solicitation documents. The responses are placed in the contract file and referred to when solicitation documents are ready for mailing.

After mailing, the responses remain in the contract file and become a matter of record. The FAR sections affected are: 4.5; 14.205; 15.201(c) and 36.213-2. The responses are placed in the contract file and referred to when solicitation documents are ready for mailing. After mailing, the responses remain in the

¹ To be exempt, an SLHC must meet one of the following criteria: (1) The SLHC was formed under section 10(c)(9)(C) of the Home Owners' Loan Act (HOLA) and the consolidated assets of its saving association subsidiaries make up less than 5 percent of the total consolidated assets of the SLHC; or (2) its top-tier holding company is an insurance company that only prepares financial statements using statutory accounting principles.

contract file and become a matter of record. FedBizOpps is an electronic method for publicizing contract opportunities. The number of presolicitation notices issued government-wide in the last 365 days (as of August 11, 2017) per FedBizOpps was 7952.

We estimate that three respondents on average would reply to a presolicitation notice. Based on this info, we feel that the estimated respondents would number 23,856. We also estimate that each respondent on average would reply to three presolicitation notices a year. Time required to read and prepare information is estimated at 5 minutes per completion.

The burden has increased from the one in **Federal Register** Notice 79 FR 49316 dated August 20, 2014 due to the additional number of presolicitation notices issued by the Federal Government in FedBizOpps. This had the effect of expanding the number of respondents who would be affected by the collection.

B. Annual Reporting Burden

Respondents: 16,699.

Responses per Respondent: 3.

Annual Responses: 50,097.

Hours per Response: .08.

Total Burden Hours: 4,008.

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. 9000-0037, Presolicitation Notice and Response, in all correspondence.

Dated: August 16, 2017.

Lorin S. Curit,

*Director, Federal Acquisition Policy Division,
Office of Government-wide Acquisition
Policy, Office of Acquisition Policy, Office
of Government-wide Policy.*

[FR Doc. 2017-17830 Filed 8-22-17; 8:45 am]

BILLING CODE 6820-EP-P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0250; Docket No. 2017-0001; Sequence 7]

Information Collection; General Services Administration Acquisition Regulation; Zero Burden Information Collection Reports

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Zero Burden Information Collection Reports.

DATES: Submit comments on or before: October 23, 2017.

ADDRESSES: Submit comments identified by Information Collection 3090-0250, Zero Burden Information Collection Reports, 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 3090-0250. Select the link "Comment Now" that corresponds with "Information Collection 3090-0250, Zero Burden Information Collection Reports". Follow the instructions provided on the screen. Please include your name, company name (if any), and "Information Collection 3090-0250, Zero Burden Information Collection Reports" on your attached document.

- *Mail:* General Services

Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 3090-0250, Zero Burden Information Collection Reports.

Instructions: Please submit comments only and cite Information Collection 3090-0250, Zero Burden Information Collection Reports, in all correspondence related to this

collection. 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: Ms. Dana Munson, Procurement Analyst, General Services Acquisition Policy, at telephone 202-357-9652 or via email to dana.munson@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

This information requirement consists of reports that do not impose collection burdens upon the public. These collections require information which is already available to the public at large or that is routinely exchanged by firms during the normal course of business. A general control number for these collections decreases the amount of paperwork generated by the approval process.

GSA has a published rule in the **Federal Register** that falls under information collection 3090-0250. The rule that prescribed clause 552.238-70 "Identification of Electronic Office Equipment Providing Accessibility for the Handicapped" was published at 56 FR 29442, June 27, 1991, titled "Implementation of Public Law 99-506", with an effective date of July 8, 1991.

B. Annual Reporting Burden

None.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary 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; and ways to enhance the quality, utility, and clarity of the information to be collected.

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. 3090-0250, Zero

Burden Information Collection Reports, in all correspondence.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017-17831 Filed 8-22-17; 8:45 am]

BILLING CODE 6820-61-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC-2017-0072, NIOSH-300]

Draft—National Occupational Research Agenda for Manufacturing

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comments.

SUMMARY: As steward of the National Occupational Research Agenda (NORA), the National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of the draft National Occupational Research Agenda for Manufacturing for public comment. Written by the NORA Manufacturing Sector Council, the Agenda identifies the most important occupational safety and health research needs for the next decade, 2016–2026. A copy of the draft Agenda is available at <http://www.regulations.gov> (search Docket Number CDC-2017-0072).

DATES: Electronic or written comments must be received by October 23, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2017-0072 and docket number NIOSH-300, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C-34, Cincinnati, Ohio 45226-1998.

Instructions: All submissions received must include the agency name and Docket Number [CDC-2017-0072; NIOSH-300]. All relevant comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:
Emily Novicki (NORACoordinator@

cdc.gov), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E-20, 1600 Clifton Road NE., Atlanta, GA 30329.

SUPPLEMENTARY INFORMATION: The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector.

The National Occupational Research Agenda for Manufacturing is intended to identify the research, information, and actions most urgently needed to prevent occupational injuries and illnesses in the manufacturing sector. The National Occupational Research Agenda for Manufacturing provides a vehicle for industry stakeholders to describe the most relevant issues, gaps, and safety and health needs for the sector. Each NORA research agenda is meant to guide or promote high priority research efforts on a national level, conducted by various entities, including: Government, higher education, and the private sector. The first National Occupational Research Agenda for Manufacturing was published in 2010 for the second decade of NORA (2006–2016). This draft is an updated agenda for the third decade of NORA (2016–2026). The revised agenda was developed considering new information about injuries and illnesses, the state of the science, and the probability that new information and approaches will make a difference.

As the steward of the NORA process, NIOSH invites comments on the draft National Occupational Research Agenda for Manufacturing. A copy of the draft Agenda is available at <http://www.regulations.gov> (see Docket Number CDC-2017-0072, NIOSH-300).

Dated: August 17, 2017.

Frank Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2017-17786 Filed 8-22-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2017-N-4835]

Peripheral and Central Nervous System Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Peripheral and Central Nervous System Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The public meeting will be held on September 28, 2017, from 9 a.m. to 4:30 p.m.

ADDRESSES: Tommy Douglas Conference Center, The Ballroom, 10000 New Hampshire Ave., Silver Spring, MD 20903. Answers to commonly asked questions about FDA Advisory Committee meetings may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>. Information about the Tommy Douglas Conference Center may be accessed at: <http://www.tommydouglascenter.com/>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA-2017-N-4835. The docket will close on September 27, 2017. Submit either electronic or written comments on this public meeting by September 27, 2017. Late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 27, 2017. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of September 27, 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.

Comments received on or before September 14, 2017, will be provided to the committee. Comments received after that date will be taken into consideration by the Agency.

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-4835 for "Peripheral and Central Nervous System Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments." 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: Moon Hee V. Choi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, Fax: 301-847-8533, email: PCNS@fda.hhs.gov; or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible

modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss new drug application (NDA) 200896, ataluren for oral suspension, sponsored by PTC Therapeutics, Inc., for the treatment of patients with dystrophinopathy due to a nonsense mutation in the dystrophin gene.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the docket (see **ADDRESSES**) on or before September 14, 2017, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1:15 p.m. and 2:15 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 6, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 7, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require special accommodations due to a disability, please contact Moon

Hee V. Choi at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017-17856 Filed 8-22-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2017-N-2464]

Advancing the Development of Pediatric Therapeutics: Application of “Big Data” to Pediatric Safety Studies; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Office of Pediatric Therapeutics, Food and Drug Administration (FDA), is announcing a public workshop entitled “Advancing the Development of Pediatric Therapeutics (ADEPT): Application of “Big Data” to Pediatric Safety Studies.” The purpose of this 2-day workshop is to understand how to access and analyze “Big Data” associated with safety information in the health care setting, and the utility and challenges associated with the use of “Big Data” to study the safety of therapeutics in children.

DATES: The public workshop will be held on September 18 and 19, 2017, from 8:30 a.m. to 5 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at the DoubleTree by Hilton Hotel, 8727 Colesville Rd. (Route 29), Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Renan A. Bonnel, Office of Pediatric Therapeutics, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-8654, Fax: 301-847-8640, renan.bonnel@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Large volumes of data in the context of the health care industry have the potential to provide additional information related to medication use, which may affect the benefit-risk assessment of medicines in general and pediatric medicines in particular. Since pediatric pharmacoepidemiologic studies tend to enroll fewer patients than adult studies, additional information may be needed to better understand the safety and efficacy of use of these drugs in children. “Big Data”, including forms of real world evidence that may involve large and complex data sets, may be particularly useful as a supplement to traditional studies. Supplementary information may include additional clinical trial data, registry data, and electronic health record information.

II. Topics for Discussion at the Public Workshop

In this workshop, FDA will gather information on the latest developments in “Big Data” from the perspective of a number of stakeholders and expand the conversation to include the utility and challenges associated with the use of “Big Data” in the pediatric setting. Day 1 will focus on national and international uses of “Big Data” in health care. Day 2 will focus on “Big Data” utility in the pediatric setting, including specific challenges associated with pediatric data.

III. Participation in the Public Workshop

Registration: Persons interested in attending this workshop must register online at: <https://www.eventbrite.com/e/public-workshop-advancing-the-development-of-pediatric-therapeutics-adept-application-of-big-data-tickets-32470264435> by August 22, 2017. For those without internet access, please contact Renan A. Bonnel (see **FOR FURTHER INFORMATION CONTACT**) to register.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public workshop must register by August 22, 2017. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants.

Registration information, the agenda, and additional background materials can be found at <https://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm545847.htm>.

If you need special accommodations due to a disability, please contact Renan

A. Bonnel (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance.

Persons attending the meeting are advised that FDA is not responsible for providing access to electrical outlets.

Streaming Webcast of the Public Workshop: This public workshop will also be webcast.

September 18: Login URL: <https://event.webcasts.com/starthere.jsp?ei=1144352> (morning session).

After the morning session, users will be automatically redirected to the afternoon link. Should you lose connection over lunch, please use the following link for the afternoon session (*Note:* the link for the afternoon session is different from the morning session): Login URL: <https://event.webcasts.com/starthere.jsp?ei=1144354> (afternoon session).

September 19: Login URL: <https://event.webcasts.com/starthere.jsp?ei=1144356> (morning session).

After the morning session, users will be automatically redirected to the afternoon link. Should you lose connection over lunch, please use the following link for the afternoon session (*Note:* the link for the afternoon session is different from the morning session): Login URL: <https://event.webcasts.com/starthere.jsp?ei=1144357> (afternoon session).

If you have never attended a Connect Pro event before, test your connection at https://collaboration.fda.gov/common/help/en/support/meeting_test.htm. To get a quick overview of the Connect Pro program, visit https://www.adobe.com/go/connectpro_overview. FDA has verified the Web site addresses in this document, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at <https://www.regulations.gov>. It may be viewed at the Dockets Management Staff office (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A link to the transcript will be available on the internet at <https://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm545847.htm>.

Dated: August 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017-17783 Filed 8-22-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2017-N-1095]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Electronic Submission Process for Voluntary Allegations to the Center for Devices and Radiological Health

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by September 22, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of

Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202-395-7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910-0769. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Electronic Submission Process for Voluntary Allegations to the Center for Devices and Radiological Health—OMB Control Number 0910-0769—Extension

This information collection request collects information voluntarily submitted to Center for Devices and Radiological Health (CDRH) on actual or potential health risk concerns about a

medical device or radiological product or its use. Because, prior to the establishment of the electronic submission process for voluntary allegations to CDRH, there had been no established guidelines or instructions on how to submit an allegation to CDRH, allegations often contained minimal information and were received via phone calls, emails, or conversationally. CDRH has established a consistent format and process for the submission of device allegations that enhances our timeliness in receiving, assessing, and evaluating voluntary allegations. The information provided in the allegations received by CDRH may be used to clarify the recurrence or emergence of significant device-related risks to the general public and the need to initiate educational outreach or regulatory action to minimize or mitigate identified risks.

In the **Federal Register** of May 30, 2017 (82 FR 24716) FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Electronic submission of voluntary allegations to CDRH.	700	1	700	.25 (15 minutes)	175

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: August 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017-17836 Filed 8-22-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2010-N-0493]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by September 22, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202-395-7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910-0688. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Domini Bean, Office of Operations,

Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded—21 CFR 330.14, OMB Control Number 0910-0688—Revision

This information collection supports Agency regulations. Specifically, FDA regulations at § 330.14 (21 CFR 330.14) establish additional criteria and procedures for classifying over-the-counter (OTC) drugs as generally recognized as safe and effective and not misbranded. These regulations state that

OTC drug products introduced into the U.S. market after the OTC drug review began and OTC drug products without any marketing experience in the United States can be evaluated under the monograph process if the conditions (e.g., active ingredients) meet certain “time and extent” criteria outlined in the regulations. The regulations allow a time and extent application (TEA) to be submitted to us by any party for our consideration to include new conditions in the OTC drug monograph system. TEAs must provide evidence described in § 330.14(c) demonstrating that the condition is eligible for inclusion in the monograph system. (Section 330.14(d) specifies the number of copies and address for submission of a TEA.) If a condition is found eligible, any interested parties can submit safety and effectiveness information as explained in § 330.14(f). Safety and effectiveness data includes the data and information listed in § 330.10(a)(2), a listing of all serious adverse drug experiences that may have occurred (§ 330.14(f)(2)), and an official or proposed compendial monograph (§ 330.14(i)).

Based on our experience with submissions we have received under § 330.14, we estimate that we will receive two TEAs and two safety and effectiveness submissions each year, and that it will take approximately 1,525 hours to prepare a TEA and 2,350 hours to prepare a comprehensive safety and effectiveness submission. This

information is reflected in rows 1 and 2 of table 1.

Recently FDA revised its regulations at 21 CFR part 330 (81 FR 84465, November 23, 2016), thus adding 6 hours to FDA’s estimated annual reporting burden for the information collection. Specifically, § 330.14(j) clarifies the requirements on content and format criteria for a safety and effectiveness data submission, and provides procedures for FDA’s review of the submissions and determination of whether a submission is sufficiently complete to permit a substantive review. Section 330.14(j)(3) describes the process for cases in which FDA refuses to file the safety and effectiveness data submission. Under § 330.14(j)(3), if FDA refuses to file the submission, the Agency will notify the sponsor in writing, state the reason(s) for the refusal, and provide the sponsor with 30 days in which to submit a written request for an informal conference with the Agency about whether the Agency should file the submission. We estimate that approximately one respondent will annually submit a request for an informal conference, and that preparing and submitting each request will take approximately 1 hour. This is reflected in row 3 of table 1.

Under § 330.14(j)(4)(iii), the safety and effectiveness data submission must contain a signed statement that the submission represents a complete safety and effectiveness data submission and that the submission includes all the

safety and effectiveness data and information available to the sponsor at the time of the submission, whether positive or negative. We estimate that approximately two respondents annually will submit such signed statements, and that preparing and submitting each signed statement will take approximately 1 hour. This is reflected in row 4 of table 1.

Under § 330.14(k)(1), FDA, in response to a written request from a sponsor, may withdraw consideration of a TEA submitted under § 330.14(c) or a safety and effectiveness data submission submitted under § 330.14(f). We estimate that approximately one respondent will annually submit such a request, and that preparing and submitting the request will take approximately 1 hour. This is reflected in row 5 of table 1.

Under § 330.14(k)(2), a sponsor may request that FDA not withdraw consideration of a TEA or safety and effectiveness data submission. We estimate one respondent will annually submit such a request, and that preparing and submitting the request will take approximately 2 hours. This is reflected in row 6 of table 1.

In the **Federal Register** of May 30, 2017 (82 FR 24723), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. No comments were received.

We therefore estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

21 CFR part 330; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
330.14(c) and (d); time and extent application and submission of information	2	1	2	1,525	3,050
330.14(f) and (i); safety and effectiveness data	2	1	2	2,350	4,700
330.14(j)(3); sponsor request for informal conference	1	1	1	1	1
330.14(j)(4); sponsor signed statement that submission is complete	2	1	2	1	2
330.14(k)(l); sponsor request for FDA withdraw of TEA consideration	1	1	1	1	1
330.14(k)(2); sponsor request for FDA to not deem submission withdrawn	1	1	1	2	2
Total					7,756

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: August 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17842 Filed 8–22–17; 8:45 am]

BILLING CODE 4164–01–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; Affirmation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of affirmation.

DATES: August 23, 2017

FOR FURTHER INFORMATION CONTACT:

Joyce Strong, Office of Policy, 10903 New Hampshire Ave., Bldg. 51, Silver Spring, MD 20993, 301–796–9148.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is affirming the signature date for a notice that appeared in the **Federal Register** on August 21, 2017 (82 FR 39587). The document announced FDA's determination for the regulatory review period for RECUVYRA. The document published with an incorrect date for the signature. We affirm that the document was signed on August 15, 2017.

Dated: August 21, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17961 Filed 8–21–17; 4:15 pm]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA–2016–D–1248]

Oncology Drugs for Companion Animals; 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 guidance for industry #237 entitled “Oncology Drugs for Companion Animals.” The guidance provides recommendations for sponsors of investigational oncology drugs for use in companion animals (e.g., dogs, cats, and horses), discusses the contents of a new animal drug application for certain oncology drugs, and provides recommendations on how to address human user safety concerns.

DATES: The announcement of the guidance is published in the **Federal Register** on August 23, 2017.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time 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–2016–D–1248 for “Oncology Drugs for Companion Animals.” 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 office 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 guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Christopher Loss, Center for Veterinary Medicine (HFV–116), Food and Drug Administration, 7500 Standish Pl., Rm. N310, Rockville, MD 20855, 240–402–0619, christopher.loss@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

In the **Federal Register** of June 10, 2016 (81 FR 37605), FDA published the notice of availability for a draft guidance entitled “Oncology Drugs for Companion Animals” giving interested persons until August 9, 2016, to comment on the draft guidance. FDA

received no comments on the draft guidance. The guidance announced in this notice finalizes the draft guidance dated June 2015.

II. Significance of Guidance

This level 1 guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on oncology drugs for companion animals. 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. This guidance is not subject to Executive Order 12866.

III. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 514.1 and 514.8 have been approved under OMB control number 0910–0032.

IV. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm> or <https://www.regulations.gov>.

Dated: August 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17855 Filed 8–22–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–N–0804; FDA–2013–N–1163; FDA–2013–N–1393; FDA–2017–N–0084; FDA–2013–N–0731; FDA–2009–D–0008; FDA–2013–N–0868; FDA–2013–D–0117; FDA–2016–N–2066; FDA–2017–N–0366]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrahi, FDA PRA Staff, Office of Operations, Food and Drug Administration, Three White Flint North, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at <https://www.reginfo.gov/public/do/PRAMain>. 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Premarket Notification Submission 510(k), Subpart E	0910–0120	6/30/2020
Institutional Review Boards	0910–0130	6/30/2020
Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions	0910–0233	6/30/2020
Adverse Event Program for Medical Devices (Medical Product Safety Network (MedSun))	0910–0471	6/30/2020
Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products	0910–0543	6/30/2020
Citizen Petitions and Petitions for Stay of Action Subject to Section 505(q) of the Federal Food, Drug, and Cosmetic Act	0910–0679	6/30/2020
Guidance for Industry: Use of Serological Tests to Reduce the Risk of Transmission of <i>Trypanosoma cruzi</i> Infection in Whole Blood and Blood Components Intended for Transfusion	0910–0681	6/30/2020
Providing Information About Pediatric Uses of Medical Devices Under Section 515A of the Federal Food, Drug, and Cosmetic Act	0910–0762	6/30/2020
Certification of Identity for Freedom of Information Act and Privacy Act Requests	0910–0832	6/30/2020
FDA Advisory Committee Membership Nominations	0910–0833	6/30/2020

Dated: August 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17871 Filed 8–22–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-D-1804]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products; Studies To Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach To Establish an Acute Reference Dose; 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 guidance for industry (GFI) #232 entitled “Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach to Establish an Acute Reference Dose” (VICH GL54). This guidance has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This VICH guidance document is intended to address the nature and types of data that can be useful in determining a toxicological acute reference dose (ARfD) for residues of veterinary drugs, the studies that may generate such data, and how the ARfD may be calculated based on these data.

DATES: Submit either electronic or written comments on Agency guidances at any time.

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-2015-D-1804 for “Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach to Establish an Acute Reference Dose.” 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 guidance to the Policy and Regulations Staff (HFV-6), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Tong Zhou, Center for Veterinary Medicine (HFV-153), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-402-0826, Tong.Zhou@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of GFI #232 entitled “Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach to Establish an Acute Reference Dose” (VICH GL54). In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify, and then reduce, differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use for several years to develop, with input from both regulatory and industry representatives, harmonized technical requirements for the registration or approval of pharmaceutical products for

human use among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH Steering Committee is composed of member representatives from the European Commission and European Medicines Agency; International Federation for Animal Health—Europe; FDA; the U.S. Department of Agriculture; the U.S. Animal Health Institute; the Japanese Ministry of Agriculture, Forestry, and Fisheries; and the Japanese Veterinary Products Association.

Six observers are eligible to participate in the VICH Steering Committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/New Zealand, one representative from the government of Canada, one representative from the industry in Canada, one representative from the government of South Africa, and one representative from the industry in South Africa. The VICH Secretariat, which coordinates the preparation of documentation, is provided by HealthforAnimals.

II. Guidance for Industry on Studies To Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach To Establish an Acute Reference Dose

In the **Federal Register** of June 1, 2015 (80 FR 31041), FDA published the notice of availability for a draft guidance entitled “Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach to Establish an Acute Reference Dose” (VICH GL54) giving interested persons until July 31, 2015, to comment on the draft guidance. FDA received two comments on the draft guidance, and those comments, as well as those received by other VICH member regulatory agencies, were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated June 1, 2015. The final guidance is a product of the Safety Expert Working Group of the VICH.

This VICH guidance document is intended to address the nature and types of data that can be useful in determining a toxicological ARfD for residues of veterinary drugs, the studies that may generate such data, and how

the ARfD may be calculated based on these data.

III. Significance of Guidance

This guidance, developed under the VICH process, is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). For example, the document has been designated “guidance” rather than “guideline.” In addition, guidance documents must not include mandatory language such as “shall,” “must,” “require,” or “requirement,” unless FDA is using these words to describe a statutory or regulatory requirement.

The guidance represents the current thinking of FDA on “Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach to Establish an Acute Reference Dose.” 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. This is not a significant regulatory action subject to Executive Order 12866.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 514 have been approved under OMB control number 0910–0032.

V. Electronic Access

Persons with access to the Internet may obtain the guidance at either <https://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm> or <https://www.regulations.gov>.

Dated: August 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17872 Filed 8–22–17; 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

Correction

Notice document 2017–17569, appearing on pages 39589 through 39590, in the issue of Monday, August 21, 2017, was published in error. It should be removed.

[FR Doc. C1–2017–17569 Filed 8–22–17; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development Meetings; Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Health, Behavior, and Context Subcommittee.

Date: October 16–26, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kimberly L. Houston, MD, Scientific Review Officer, Eunice Kennedy Shriver National Institute of Children Health and Human Development, 6701B Rockledge Drive, Room 2127B, Bethesda, MD 20892, 301–827–4902, kimberly.houston@nih.gov.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; NICHD International and Domestic Pediatric and Maternal HIV and Other High Priority Infectious Diseases Data Coordinating Center.

Date: October 18, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6710 B Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6701B Rockledge Drive, Room, Bethesda, MD 20892, (301) 435-6680, skandasa@mail.nih.gov.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: November 06, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Kimberly Lynette Houston, MD, Scientific Review Officer, Eunice Kennedy Shriver National Institute of Children Health and Human Development, 6701B Rockledge Drive, Room 2127B, Bethesda, MD 20892, 301-827-4902, kimberly.houston@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209 Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 17, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-17791 Filed 8-22-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: September 12-13, 2017.

Closed: September 12, 2017, 8:30 a.m. to 9:15 a.m.

Agenda: To review and evaluate grant applications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Open: September 12, 2017, 9:30 a.m. to 4:30 p.m.

Agenda: Discussion of Program and Issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Open: September 13, 2017, 8:30 a.m. to 11:00 a.m.

Agenda: Discussion of Program and Issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Gwen W. Collman, Ph.D., Interim Director, Division of Extramural Research & Training, National Institutes of Health, Nat. Inst. of Environmental Health Sciences, 615 Davis Dr., KEY615/3112, Research Triangle Park, NC 27709, (919) 541-4980, collman@niehs.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: www.niehs.nih.gov/dert/c-agenda.htm, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: August 17, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-17796 Filed 8-22-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development Meetings; Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Function, Integration, and Rehabilitation Sciences Subcommittee.

Date: October 6, 2017.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Rockledge Drive, Rm., Bethesda, MD 20892-7501, 301-435-6916, kielbj@mail.nih.gov.

Population Sciences Subcommittee, Population Sciences Committee.

Date: October 17, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Minki Chatterji, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892-7501, 301-827-5435, minki.chatterji@nih.gov.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Archiving and Documenting Child Health and Human Development Data Sets.

Date: October 17, 2017.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Minki Chatterji, Scientific Review Officer, Scientific Review Branch,

Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892-7501, 301-827-5435, minki.chatterji@nih.gov.

Biobehavioral and Behavioral Sciences Subcommittee, Biobehavioral and Behavioral Subcommittee.

Date: November 3, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 4300 Military Road, Washington, DC 20015.

Contact Person: Helen Huang, Scientific Review Officer, Division of Scientific Review, OD, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Bethesda, MD 20892-7501, 301-435-8207, helen.huang@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 17, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-17792 Filed 8-22-17; 8:45 am]

BILLING CODE 4140-01-P

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301-435-1022, balasundaramd@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Risk Prevention and Health Behavior AREA Review.

Date: September 18, 2017.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John H Newman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, (301) 435-0628, newmanjh@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 17, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-17790 Filed 8-22-17; 8:45 am]

BILLING CODE 4140-01-P

Bethesda, MD 20892, (301) 435-1111, etcheber@csr.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into NIH buildings. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://public.csr.nih.gov/aboutcsr/CSROrganization/Pages/CSRAC.aspx>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 17, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-17789 Filed 8-22-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cell Biology Integrated Review Group; Nuclear and Cytoplasmic Structure/Function and Dynamics Study Section.

Date: September 18, 2017.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Hotel, 2620 Jones Street, San Francisco, CA 94133.

Contact Person: David Balasundaram, Ph.D., Scientific Review Officer, Center for

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Center for Scientific Review Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Center for Scientific Review Advisory Council.

Date: September 25, 2017.

Time: 7:30 a.m. to 3:30 p.m.

Agenda: Provide advice to the Director, Center for Scientific Review (CSR), on matters related to planning, execution, conduct, support, review, evaluation, and receipt and referral of grant applications at CSR.

Place: National Institutes of Health, Third Floor Conference Center, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Rene Etcheberrigaray, MD, Deputy Director, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3030, MSC 7776,

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5630-N-10]

Rental Assistance Demonstration: Notice of Increase in Cap and Rent Setting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing and Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice addresses the increase in the number of public housing units that may be awarded competitively under HUD's Rental Assistance Demonstration (RAD). It serves as notification to Public Housing Authorities (PHAs) that have submitted Letters of Interest (LOI) to reserve their position on the RAD waiting list that they are eligible for award under this expansion if they submit a complete RAD Application, Portfolio Award, or Multi-phase Award for the number of units identified in their LOI within 60 days of the publication of this notice. Awards are subject to existing eligibility and selection criteria; HUD is not changing such criteria with this notice. For CHAPs issued beyond the 185,000-

unit cap (*i.e.*, between 185,001 and 225,000 units), and for any replacement awards made as a result of revocations or withdrawals that occur after May 5, 2017, HUD will use rent levels based on FY 2016 public housing funding levels (FY16 RAD rent base year). Finally, for all existing and future Multi-phase Awards, this notice modifies the latest possible date for PHAs to submit an application for the final phase of the project covered by the Multi-phase Award to September 30, 2020.

DATES: For PHAs that can be awarded as a result of the expansion, the 60-day period to submit complete RAD Applications, Portfolio Award, or Multi-phase Award for the number of units identified in their LOI in compliance with Section 1.9 of PIH 2012–32/H 2017–03 Rev–3 begins on the date of this publication in the **Federal Register**. This notice is effective on August 23, 2017 and the 60-day period ends on October 23, 2017.

ADDRESSES: Interested persons are invited to submit questions or comments electronically to rad@hud.gov.

FOR FURTHER INFORMATION CONTACT: To assure a timely response, please direct requests for further information electronically to the email address rad@hud.gov. Written requests may also be directed to the following address: Office of Housing—Office of Recapitalization; Department of Housing and Urban Development; 451 7th Street SW., Room 6230, Washington, DC 20410.

SUPPLEMENTARY INFORMATION:

I. Background

On May 5, 2017, section 239 of Title II, Division K—Transportation, Housing and Urban Development, and Related Agencies, of the Consolidated Appropriations Act, 2017 (Pub. L. 115–31) (2017 Appropriations Act), amended the RAD statute, as authorized in Title II, Division C, of the Consolidated and Further Continuing Appropriations Act, 2012, (Pub. L. 112–55) by increasing the unit cap from 185,000 units to 225,000 units and extending the period for project applications until September 30, 2020 under the RAD First Component, which allows for the conversion of assistance under the public housing program to long-term, renewable assistance under Section 8.¹ The most

¹ The RAD statutory requirements were amended by the Consolidated Appropriations Act, 2014 (Pub. L. 113–76, signed January 17, 2014) (2014 Appropriations Act), the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235, signed December 16, 2014) (2015 Appropriations Act), the Consolidated Appropriations Act, 2016 (Pub. L. 114–113, signed

recent version of the RAD program notice, Rental Assistance Demonstration—Final Implementation, Revision 3 notice (PIH 2012–32 (HA) H 2017–03, REV–3), was published on January 12, 2017 and can be found on RAD’s Web site, www.hud.gov/RAD. Its publication was announced on January 19, 2017 at 82 FR 6615.

II. RAD Unit Cap Increase and Rent Setting

On May 5, 2017, the 2017 Appropriations Act amended the RAD statute by increasing the unit cap from 185,000 units to 225,000 units and extending the period for project applications until September 30, 2020. Per the RAD statute, HUD must select properties from applications for conversion as part of RAD through a competitive process. HUD will use the existing waiting list. Awards are subject to existing eligibility or selection criteria; HUD is not changing such criteria with this notice. These criteria are described in the Rental Assistance Demonstration—Final Implementation, Revision 3 notice (PIH 2012–32 (HA) H 2017–03, REV–3) issued on January 12, 2017. This notice announces the following:

1. HUD is now able to award RAD authority to certain projects where PHAs have submitted LOI to reserve their position on the RAD waiting list and have also submitted a complete RAD Application, Portfolio Award request, or Multi-phase Award request for the number of units identified in their LOI within 60 days of the publication of this notice. By an email sent on or before the effective date of this notice, HUD will identify and notify each PHA that may submit an application or request for an award as a result of the expansion. Failure to make a complete submission for the reserved units (that is, submit a complete application or request) within 60 days of the publication of this notice will result in a forfeiture of the PHA’s position on the waiting list.

2. HUD will fully allocate any remaining authority under the previously authorized 185,000-unit statutory cap to replace any withdrawn or revoked awards with new awards selected from the waiting list. HUD will use rent levels based on the FY14 RAD rent base year for replacement awards made under the 185,000-unit cap as a result of revocations or withdrawals that

December 18, 2015) (2016 Appropriations Act) and the Consolidated Appropriations Act, 2017 (Pub. L. 115–31, signed May 4, 2017). The statutory provisions of the 2012 Appropriations Act pertaining to RAD, as amended, are referred to as the RAD statute in this notice.

occurred prior to May 5, 2017. HUD will use rent levels based on the FY16 RAD rent base year for those CHAPs to be issued beyond the 185,000-unit cap (*i.e.*, between 185,001 and 225,000 units) and for any replacement awards made as a result of revocations or withdrawals that occur after May 5, 2017. Rent levels are also subject to the rent setting limitations detailed in the Rental Assistance Demonstration—Final Implementation, Revision 3 notice (PIH 2012–32 (HA) H 2017–03, REV–3) issued on January 12, 2017.

3. For all Multi-phase Awards issued after May 5, 2017, PHAs will have until September 30, 2020, to submit an application for the final phase of the project covered by the Multi-phase Award. For any Multi-phase Awards issued prior to May 5, 2017, HUD may approve extensions up to September 30, 2020 on a case-by-case basis.

III. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implemented section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339.

Dated: August 18, 2017.

Dominique G. Blom,

General Deputy Assistant Secretary for Public and Indian Housing.

Dana T. Wade,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–17857 Filed 8–22–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS-R8-ES-2017-N079; FF08ESMF00-FXES1112080000-178]

Proposed Habitat Conservation Plan for Sierra Pacific Industries Forest Practices in the Klamath, Cascade, and Sierra Nevada Mountains, CA; Environmental Impact Statement**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of intent and request for comments; notice of scoping meeting.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, we, the U.S. Fish and Wildlife Service, are advising the public that we intend to prepare an environmental impact statement (EIS) on a proposed Endangered Species Act incidental take permit (ITP) application from Sierra Pacific Industries (SPI) for the federally threatened Northern spotted owl and the California spotted owl. The California spotted owl was recently petitioned for listing under the ESA. The activities to be covered would include timber harvest and timber management SPI conducts on its lands in the State of California. We are also announcing the initiation of a 30-day public scoping process to engage Federal, Tribal, State, and local governments; special interest groups; and the public in the identification of issues and concerns, potential impacts, and possible alternatives to the Service's Proposed Action.

DATES:

Submitting Comments: We will consider all comments on the scope of the environmental impact statement (EIS) analysis that are received or postmarked by September 22, 2017. Comments received or postmarked after this date will be considered to the extent practicable.

Meetings: We will conduct two public scoping meetings. The scoping meetings will provide the public an opportunity to ask questions, discuss issues with the Service regarding the EIS, and provide written comments.

- September 13, 2017—Hilltop Holiday Inn—Buckskin Room, 1900 Hilltop Drive, Redding, California, 5:30 to 7:30 p.m.

- September 14, 2017—Bonderson Building—Hearing Room, 901 P Street, Sacramento, California, 1:30 to 3:30 p.m.

Online Webinar: In addition, the Service will host a webinar on September 14, 2017, from 5:30 to 7:30 p.m. Pacific Standard Time. For

information on how to participate, go to <https://attendee.gotowebinar.com/register/6193715410282440961>.

Pre-registration is required.

ADDRESSES: Additional information on the Service's proposed action is provided on the Internet at www.fws.gov/sacramento.

Send written comments to the Field Supervisor, via one of the following methods:

- *U.S. mail or hand-delivery:* U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Suite 2605, Sacramento, CA 95825; or
- *Fax:* 916-414-6713.

FOR FURTHER INFORMATION CONTACT: Kim Turner, at 916-414-6606 (telephone) or Kim_S_Turner@fws.gov (email). If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*; NEPA), we, the U.S. Fish and Wildlife Service (Service), are advising the public that we intend to prepare an environmental impact statement (EIS) on a proposed Endangered Species Act (16 U.S.C. 1531 *et seq.*; ESA) incidental take permit (ITP) application from Sierra Pacific Industries (SPI). SPI's application would be for incidental take of the federally threatened Northern spotted owl (*Strix occidentalis caurina*) and the non-ESA listed California spotted owl (*Strix occidentalis occidentalis*). We intend to prepare an EIS to evaluate impacts associated with alternatives related to the potential issuance of an ITP to SPI. We are also announcing the initiation of a 30-day public scoping process, the purpose of which is to engage Federal, Tribal, State, and local governments; special interest groups; and the public in the identification of issues and concerns, potential impacts, and possible alternatives to the Service's Proposed Action.

SPI owns and conducts forest practices on 1.6 million acres in the State of California. SPI is preparing a habitat conservation plan (HCP) in support of its ITP application under section 10(a)(1)(B) of the ESA, 16 U.S.C. 1539(a)(1)(B), to cover SPI's operations. The SPI HCP will be developed in accordance with section 10(a)(2)(A) of the ESA and 50 CFR 17.22(b)(1), 17.32(b)(1). SPI may elect to prepare a candidate conservation agreement with assurances (CCAA) for the California spotted owl, instead of including it in the HCP with the Northern spotted owl. If SPI pursues that direction, the CCAA

will be developed in accordance with section 10(a)(2)(A) of the ESA and 50 CFR 17.22(d)(1), 17.32(d)(1). The activities to be covered under the SPI HCP and CCAA (if the latter is also prepared) include timber harvest and timber management in the State of California where ESA incidental take authorization may be needed.

Background

Section 9 of the ESA prohibits "take" of fish and wildlife species listed as endangered under section 4 (16 U.S.C. 1538, 16 U.S.C. 1533). The ESA implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Under section 3 of the ESA, to "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term "harm" is defined by regulation as an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term "harass" is defined in the regulations as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Under section 10 of the ESA, the Service may issue permits to authorize incidental take of federally listed fish and wildlife species. "Incidental take" is defined by the ESA as "take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity." To obtain an ITP from the Service, an applicant must submit an HCP to the Service that specifies (1) the impact which will likely result from the taking; (2) what steps the applicant will take to minimize and mitigate the impacts, and the funding that will be available to implement such steps; (3) what alternative actions to the taking the applicant considered and the reasons why the alternatives are not being utilized; and (4) other measures that the Service may require as being necessary or appropriate for purposes of the HCP. If we find, after opportunity for public comment, with respect to the permit application and the related HCP that (1) the taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3) the applicant will ensure that adequate

funding for the HCP will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the measures, if any, required by the Service will be met, and we have received assurances that the plan will be implemented, the Service will issue SPI its requested permit. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32.

Proposed Sierra Pacific Industries Habitat Conservation Plan

The SPI HCP will encompass land within the State of California where SPI timber management operations occur. SPI currently manages about 1.6 million acres of timber land in the State of California. Activities to be covered by the proposed HCP include those necessary to manage and harvest timber land within the State of California. Covered activities also include development and management of mitigation measures and monitoring.

The SPI HCP will cover the federally listed Northern spotted owl and the unlisted California spotted owl. Both species are subject to injury or mortality during timber harvest operations and management activities.

Alternatively, the California Spotted owl will potentially be covered by a SPI CCAA, and the Northern spotted owl will be covered under the SPI HCP.

Environmental Impact Statement

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Through our early analysis and based on 40 CFR 1502.3, we have determined that implementation of the proposed SPI HCP may have significant impacts on the human environment and, because it involves spotted owls and timber harvest, is likely to be controversial. Therefore, before deciding whether to issue an ITP to SPI, we will prepare an EIS to analyze the environmental impacts associated with issuance of the ITP. The EIS will also include analysis of a reasonable range of alternatives to the proposed action. Alternatives considered in the EIS may include, but are not limited to, variations in the permit term or permit structure; the No Surprises timeframe allowed under the ITP; the level of take allowed; the level, location, or type of conservation, monitoring, or mitigation provided; the scope of covered activities; the list of covered species; or a combination of

these factors. Additionally, a no action alternative will be included.

Request for Information

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. We will consider these comments in developing the draft EIS. We seek specific comments on:

1. Biological information and relevant data concerning covered species;
2. Additional information concerning the range, distribution, population size, and population trends of covered species;
3. Direct, indirect, and cumulative impacts that implementation of the proposed covered activities could have on endangered, threatened, and other covered species, and their communities or habitats;
4. Other possible alternatives to the proposed action(s) that the Service should consider;
5. Other current or planned activities in the subject area and their possible impacts on covered species;
6. The presence of archaeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in project planning by the National Historic Preservation Act; and
7. Any other environmental issues that should be considered with regard to the proposed SPI HCP, and permit action(s).

Public Availability of Comments

You may submit your comments and materials by one of the methods listed above in the **ADDRESSES** section. Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might 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.

Comments and materials we receive, as well as supporting documentation we use in preparing the EIS, will be available for public inspection by appointment, during normal business hours, at the Service's Sacramento Fish and Wildlife Office in Sacramento, California (see **FOR FURTHER INFORMATION CONTACT**).

Scoping Meetings

See **DATES** for the dates and times of the public scoping meetings. The primary purpose of these meetings and public comment period is to provide the public with a general understanding of the background of the proposed action and to solicit suggestions and information on the scope of issues and alternatives we should consider when drafting the EIS. Written comments will be accepted at the meetings. Comments can also be submitted by methods listed in **ADDRESSES**. Once the draft EIS and proposed SPI HCP are complete and made available for review, there will be additional opportunity for public comment on the content of those documents.

Persons needing reasonable accommodations in order to attend and participate in the public meetings should contact the Service using one of the methods listed in **ADDRESSES** as soon as possible. In order to allow sufficient time to process requests, please make contact no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats, upon request.

Authority

We provide this notice under section 10 of the ESA and per NEPA regulations (40 CFR 1501.7, 1506.5 and 1508.22).

Michael Senn,

Acting Assistant Regional Director, Ecological Services, Pacific Southwest Region.

[FR Doc. 2017-17837 Filed 8-22-17; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900 253G]; OMB Control Number 1076-0177]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tribal Energy Development Capacity Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 22, 2017.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at OIRA_Submission@omb.eop.gov; or via facsimile to (202) 395-5806. Please provide a copy of your comments to Mr. Chandler Allen, Division of Energy and Mineral Development, Office of Indian Energy and Economic Development, Assistant Secretary—Indian Affairs, 13922 Denver West Parkway, Suite 200, Lakewood, CO 80401; facsimile: (303) 969-5273; email: Chandler.Allen@bia.gov. Please reference OMB Control Number 1076-0177 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mr. Chandler Allen by email at Chandler.Allen@bia.gov, or by telephone at (720) 407-0607. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 15, 2017 (82 FR 27521). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address,

or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide assistance to Indian Tribes and Tribal energy resource development organizations for energy development and appropriates funds for such projects on a year-to-year basis. See 25 U.S.C. 3502. When funding is available, the Office of Indian Energy and Economic Development (IEED) may solicit proposals for projects for building capacity for Tribal energy resource development on Indian land from Tribal energy resource development organizations and Indian Tribes, including Alaska Native regional and village corporations under the TEDC program. For the purposes of this program, "Indian land" includes: All land within the boundaries of an Indian reservation, pueblo, or rancheria; any land outside those boundaries that is held by the United States in trust for a Tribe or individual Indian or by a Tribe or individual Indian with restrictions on alienation; and land owned by an Alaska Native regional or village corporation.

Those who would like to submit a TEDC project proposal must submit an application that includes certain information and, once funding is received must submit reports on how they are using the funding. A complete application must contain the following:

- A formal signed resolution of the governing body of the Tribe or Tribal energy resource development organization demonstrating authority to apply;
- A proposal describing the planned activities and deliverable products; and
- A detailed budget estimate, including contracted personnel costs, travel estimates, data collection and analysis costs, and other expenses.

The project proposal must include the information about the Tribe or Tribal energy resource development organization sufficient to allow IEED to evaluate the proposal based on the following criteria:

- (a) Energy resource potential;
- (b) Applicant's energy resource development history and current status;
- (c) Applicant's existing energy resource development capabilities;

(d) Demonstrated willingness of the applicant to establish and maintain an independent energy resource development business entity;

(e) Intent to develop and retain energy development capacity within the applicant's government or business entities; and

(f) Applicant commitment of staff, training, or monetary resources.

The IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the TEDC and the purposes for which Congress provides the appropriations.

Title of Collection: Tribal Energy Development Capacity Program.

OMB Control Number: 1076-0177.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Indian Tribes and Tribal energy resource development organizations under 25 U.S.C. 3502.

Total Estimated Number of Annual Respondents: 26 per year, on average; 9 project participants each year, on average.

Total Estimated Number of Annual Responses: 26 applications per year, on average; 18 progress reports per year, on average.

Estimated Completion Time per Response: 40 hours per application; 1.5 hours per progress report.

Total Estimated Number of Annual Burden Hours: 1,067 hours (1,040 for applications and 27 for progress reports).

Respondent's Obligation: Responses required to receive a benefit.

Frequency of Collection: Once per year for applications; 2 times per year for progress reports.

Total Estimated Annual Nonhour Burden Cost: \$0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2017-17841 Filed 8-22-17; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[178A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076-0084]

Agency Information Collection Activities; Bureau of Indian Affairs Housing Improvement Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 23, 2017.

ADDRESSES: Send your comments on the information collection request (ICR) by mail to Mr. Les Jensen, Bureau of Indian Affairs, 1849 C Street NW., Mail Stop 3645, Washington, DC 20240; or by email to Leslie.Jensen@bia.gov. Please reference OMB Control Number 1076-0084 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mr. Les Jensen by email at Leslie.Jensen@bia.gov, or by telephone: (907) 586-7397.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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.

Abstract: Submission of this information allows BIA to determine applicant eligibility for housing services based upon the criteria referenced in 25 CFR 256.9 (repairs and renovation assistance) and 256.10 (replacement housing assistance). Enrolled members of federally recognized tribes, who live within a tribe's designated and approved service area, submit information on an application form. The information is collected on a BIA Form 6407, "Housing Assistance Application," and includes:

A. Applicant Information including: Name, current address, telephone number, date of birth, social security number, tribe, roll number, reservation, marital status, name of spouse, date of birth of spouse, tribe of spouse, and roll number of spouse.

B. Family Information including: Name, date of birth, relationship to applicant, and tribe/roll number.

C. Income Information: Earned and unearned income.

D. Housing Information including: Location of the house to be repaired, constructed, or purchased; description of housing assistance for which applying; knowledge of receipt of prior Housing Improvement Program assistance, amount to whom and when; ownership or rental; availability of electricity and name of electric company; type of sewer system; water source; number of bathroom facilities.

E. Land Information including: Landowner; legal status of land; or type of interest in land.

F. General Information including: Prior receipt of services under the Housing Improvement Program and description of such; ownership of other housing and description of such; identification of Housing and Urban Development-funded house and current status of project; identification of other sources of housing assistance for which the applicant has applied and been denied assistance, if applying for a new housing unit or purchase of an existing

standard unit; and advisement and description of any severe health problem, handicap or permanent disability.

G. Applicant Certification including: Signature of applicant and date, and signature of spouse and date.

Title of Collection: Bureau of Indian Affairs Housing Improvement Program.

OMB Control Number: 1076-0084.

Form Number: BIA-6407.

Type of Review: Extension without change of currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 8,000 per year, on average.

Total Estimated Number of Annual Responses: 8,000 per year, on average.

Estimated Completion Time per Response: 1 hour.

Total Estimated Number of Annual Burden Hours: 8,000 hours.

Respondent's Obligation: A response is required to obtain a benefit.

Frequency of Collection: Once per year.

Total Estimated Annual Nonhour Burden Cost: \$0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2017-17840 Filed 8-22-17; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[15X.LLMT03200.L51100000.GA0000.LVEME15CE410, MO # 4500080022]

Notice of Availability of the Environmental Assessment for BNI Coal Ltd.'s Coal Lease-by-Application NDM-102083, Oliver County, ND, Notice of Public Hearing, and Request for Comment on Environmental Assessment, Maximum Economic Recovery, and Fair Market Value

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM), North Dakota Field Office (NDFO) is publishing this notice to announce that an Environmental Assessment (EA) for BNI Coal, Ltd.'s (BNI) Federal Coal Lease-by-Application

(LBA), serial number NDM–102083, is available for public review and comment. The BLM is also announcing that it will hold a public hearing to receive comments on the EA, Fair Market Value (FMV), and Maximum Economic Recovery (MER) of the coal resources contained in the proposed BNI LBA lease tract.

DATES: The public hearing will be held on Tuesday, September 12, 2017, from 4 p.m. to 6 p.m. Written comments should be received no later than October 12, 2017.

ADDRESSES: The public hearing will be held at the Betty Hagel Memorial Civic Center, 312 N. Lincoln Ave., Center, North Dakota. In addition, copies of the EA are available at <http://bit.ly/2kyeGoM> and the NDFO at the address below. You may submit comments related to the BNI EA, FMV, and MER by any of the following methods:

- *Email:* BLM_MT_North_Dakota_BNI_LBA@blm.gov;
- *Mail:* Bureau of Land Management, North Dakota Field Office, Attention: Irma Nansel, Planning and Environmental Coordinator, 99 23rd Avenue West, Suite A, Dickinson, ND 58601.

Submitted comments related to the BNI EA, FMV, and MER for the tract will be available for public inspection at the NDFO address listed above.

FOR FURTHER INFORMATION CONTACT: Irma Nansel, Planning and Environmental Coordinator; telephone: 406–233–3653; or at the address and email provided in the **ADDRESSES** section. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question for the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On November 7, 2014, BNI submitted an amended application to lease a 160-acre tract of Federal coal located in Oliver County, North Dakota. The BLM's EA analyzes and discloses the potential direct, indirect, and cumulative impacts of leasing and subsequent mining of the proposed 160-acre coal tract. The lease tract is located at the Center Mine and contains 2.43 million tons of in-place Federal coal resources. Due to adverse geologic conditions, BNI intends to mine approximately 1.69 million tons of coal from the tract. The tract underlies private surface and is described as follows:

Fifth Principal Meridian, North Dakota

T. 141 N., R. 83 W.,
Sec. 18, NE¼.

The area described contains 160 acres.

Through this notice, the BLM is inviting the public to provide comments regarding the potential environmental impacts related to the proposed action, and also to submit comments on the FMV and the MER for the proposed LBA tract. All public comments, whether written or oral, will receive consideration prior to the BLM's decision regarding the leasing of the Federal coal contained in the tract.

Public comments on the EA should address the potential environmental impacts of the proposed action. Public comments on the FMV and MER for the proposed lease tract may address, but do not have to be limited to, the following:

1. The quality and quantity of the Federal coal resource;
2. The mining method or methods to be employed to obtain the MER of the coal, including the name of the coal bed(s) to be mined, timing and rate of production, restriction of mining, and the inclusion of the tracts in an existing mining operation;
3. The price that the mined coal would bring when sold;
4. Costs, including mining and reclamation costs, of producing the coal and the anticipated timing of production;
5. The percentage rate at which anticipated income streams should be discounted, either with inflation, or in the absence of inflation, in which case the anticipated rate of inflation should be given;
6. Depreciation, depletion, amortization, and other tax accounting factors; and
7. The value of any privately held mineral or surface estate in the Center Mine area.

Any proprietary information or data that you submit to the BLM must be marked as confidential to assure the data will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the EA, FMV, and MER for the tract, except those portions identified as proprietary and that meet one of the exemptions in the Freedom of Information Act, will be available for public inspection at the BLM NDFO, at the address listed above, during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday.

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 public at any time. While you may request in your comment to withhold your personal identifying information from public review, the BLM cannot guarantee that this will occur.

Authority: 40 CFR 1506.6; 43 CFR 3425.3, and 3425.4.

Jon Raby,

BLM Montana/Dakotas Acting State Director.

[FR Doc. 2017–17782 Filed 8–22–17; 8:45 am]

BILLING CODE 4310-DN-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–669 (Fourth Review)]

Cased Pencils From China

Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty order on cased pencils from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted this review on June 1, 2016 (81 FR 35059) and determined on September 6, 2016 that it would conduct a full review (82 FR 12467, March 3, 2017). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on March 3, 2017 (82 FR 12467). The hearing was cancelled at the request of the domestic interested parties. The notice of cancellation of the hearing was published in the **Federal Register** on June 6, 2017 (82 FR 26118).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on August 17, 2017. The

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

views of the Commission are contained in USITC Publication 4715 (August 2017), entitled *Cased Pencils from China: Investigation No. 731-TA-669 (Fourth Review)*.

By order of the Commission.
Issued: August 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-17802 Filed 8-22-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1041]

Certain Digital Television Set-Top Boxes, Remote Control Devices, and Components Thereof; Commission Determination Not To Review an Initial Determination Granting Complainants' Motion for Termination of the Investigation Based on Withdrawal of the Complaint; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Corrected Order No. 16) of the presiding administrative law judge ("ALJ") granting Complainants' motion for termination of the investigation based on withdrawal of the complaint. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No.

337-TA-1041 on March 3, 2017, based on a complaint filed by Complainants OpenTV, Inc. of Mountain View, California; Nagra USA, Inc. of San Francisco, California; Nagravision SA of Cheseaux-sur-Lausanne, Switzerland; and Kudelski SA of Cheseaux-sur-Lausanne, Switzerland (collectively, "Complainants"). See 82 FR 12466-67 (Mar. 3, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital television set-top boxes, remote control devices, and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,345,389; U.S. Patent No. 7,028,327; and U.S. Patent No. 7,725,720. See *id.* The notice of investigation identified seventeen (17) Respondents (collectively, "Respondents"), namely: (i) Comcast Corporation of Philadelphia, Pennsylvania; Comcast Cable Communications, LLC of Philadelphia, Pennsylvania; Comcast Cable Communications Management, LLC of Philadelphia, Pennsylvania; Comcast Business Communications, LLC of Philadelphia, Pennsylvania; and Comcast STB Software I, LLC of Wilmington, Delaware (collectively, "Comcast"); (ii) ARRIS International plc of Suwanee, Georgia; ARRIS Group, Inc. of Suwanee, Georgia; ARRIS Technology, Inc. of Horsham, Pennsylvania; ARRIS Enterprises LLC of Suwanee, Georgia; ARRIS Solutions, Inc. of Suwanee, Georgia; ARRIS Global Ltd. (formerly Pace Ltd.) of Saltaire, England; Pace Americas, LLC of Boca Raton, Florida; and Pace USA, LLC of Boca Raton, Florida (collectively, "ARRIS"); and (iii) Universal Electronics Inc. of Santa Ana, California; Gemstar Technology (China) Co. Ltd. of Guangzhou, China; Gemstar Technology (Qinzhou) Co. Ltd. of Qinzhou, China; and Gemstar Technology (Yangzhou) Co. Ltd. of Baoying, China (collectively, "Universal Electronics"). See *id.* The Office of Unfair Import Investigations is also a party to this investigation. See *id.*

On July 21, 2017, Complainants filed a motion for termination of the investigation based on withdrawal of the complaint. On July 26, 2017, the Commission Investigative Attorney ("IA") filed a response in support of Complainants' motion. Respondents did not oppose Complainants' motion. On August 11, 2017, the ALJ issued the subject ID, granting Complainants' motion for termination of the investigation. The ALJ found that

"Complainants have met the requirements of Commission Rule 210.21(a)(1), and [] that good cause exists to grant the unopposed motion to terminate this investigation on the basis of withdrawal of the complaint." See ID at 3. No party has filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-17778 Filed 8-22-17; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On August 16, 2017, the Department of Justice lodged a proposed Consent Decree with the District Court of the Southern District of New York in a lawsuit entitled *United States v. Monroe Iron & Metal Co., Inc. et al.*, Civil Action No. 17-6217.

In this action the United States seeks, as provided under the Comprehensive Environmental Response, Compensation and Liability Act, recovery of response costs from three parties regarding the Port Refinery Superfund Site ("Site") in the Village of Rye Brook, New York. The proposed Consent Decree resolves the United States' claims and requires the Monroe Iron & Metal Co., Inc., Ocanna, Inc., and Southern Natural Gas Company, L.L.C. to pay, in aggregate, \$151,503 in reimbursement of the United States' past response costs regarding the Site.

The publication of this notice opens the public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Monroe Iron & Metal Co., Inc. et al.*, Civil Action No. 17-6217, D.J. Ref. 90-11-3-1142/2. All comments must be submitted no later than 30 days after the publication date

of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please email your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$6.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–17784 Filed 8–22–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Toxic Substances Control Act

On August 17, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the Southern District of New York in the lawsuit entitled *United States v. Accolade Construction Group Inc.*, Civil Action No. 15 Civ. 5855 (JCF).

On July 27, 2015, the United States filed a complaint on behalf of the Environmental Protection Agency (“EPA”) alleging that Accolade Construction Group, Inc. (“Accolade”) violated the Renovation, Repair, and Painting Rule, 40 CFR part 745, subpart E (“RRP Rule”), promulgated under the Toxic Substances Control Act (“TSCA”), 15 U.S.C. 2601 *et seq.*, during renovation work in 2013 and 2014 at six residential buildings in New York City. The complaint sought an injunction compelling compliance by Accolade in the future and an order requiring Accolade to disgorge the proceeds of conduct in violation of TSCA and the RRP Rule.

Pursuant to the proposed consent decree, both Accolade and its principal

Faisal Ahmed (“Ahmed,” and, collectively, with Accolade, the “Settling Accolade Parties”) agree to injunctive relief that, among other things, requires them, for the term of the consent decree, to (1) provide EPA with notice and a proposed RRP Rule compliance plan prior to doing any renovation work covered by the RRP; (2) provide EPA with notice of each proposed renovation project prior to engaging in that project; (3) comply with the RRP Rule, and (4) maintain necessary records. The Settling Accolade Parties also agree to pay \$58,000 in disgorgement, representing profits gained as a result of the conduct alleged in the complaint. The consent decree resolves any claims of the United States against Accolade or Ahmed for the violations of TSCA alleged in the Complaint through the date of lodging.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Accolade*, D.J. Ref. No. 90–5–1–1–11139. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$9.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–17777 Filed 8–22–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 006–2017]

Privacy Act of 1974; System of Records

AGENCY: Department of Justice.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the United States Department of Justice (Department or DOJ) proposes to establish a new Department-wide system of records titled, “Department of Justice Library Circulation System,” JUSTICE/DOJ–019.

DATES: This notice is applicable upon publication, subject to a 30-day period in which to comment on the routine uses, described below. Please submit any comments by September 22, 2017.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments by mail to the United States Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001, by facsimile at 202–307–0693, or by email at privacy.compliance@usdoj.gov. To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Paul F. Cantwell, Supervisory Librarian, Library Staff, Justice Management Division, 601 D Street NW., Room 7530, Washington, DC 20530, facsimile: 202–514–2785.

SUPPLEMENTARY INFORMATION: The DOJ Libraries offer legal and general reference and research services, resource acquisition services, cataloging services, and digitization services. DOJ Libraries provide access to extensive legal and non-legal print collections and online legal resources. DOJ provides library services primarily to the DOJ Offices, Boards, and Divisions. The Main Library located in the Robert F. Kennedy Department of Justice Building contains broad collections of congressional, legal, and general research materials. In addition, branch libraries support the DOJ litigating Divisions and maintain special collections of particular interest to Division personnel.

The DOJ Library Circulation System allows the Department’s Library Staff to track the circulation of materials held by the various libraries within the Department, ensuring that library

materials can be located and made available to Department employees. The Library Staff will share information from the system pursuant to the requirements of the Privacy Act and, in the case of its routine uses, when the disclosure is compatible with the purpose for which the information was compiled.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this new system of records.

Dated August 16, 2017.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer United States, Department of Justice.

JUSTICE/DOJ-019

SYSTEM NAME AND NUMBER:

Department of Justice Library Circulation System, JUSTICE/DOJ-019.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records will be maintained electronically at one or more of the Department's data centers, including, but not limited to, the Justice Data Center, Rockville, MD 20854, and/or at one or more of the Department's Core Enterprise Facilities (CEF), including, but not limited to, the Department's CEF East, Clarksburg, WV 26306, or CEF West, Pocatello, ID 83201. Records within this system of records may be transferred to a Department-authorized cloud service provider, in which records would be limited to locations within the Continental United States.

Access to these electronic records includes all locations at which the DOJ Library Staff operates or at which DOJ Library Staff operations are supported, including the Robert F. Kennedy Department of Justice Building, 950 Pennsylvania Avenue NW., Room 5315, Washington, DC 20530. Some or all system information may also be duplicated at other locations where the Department has granted direct access to support DOJ Library Staff operations, system backup, emergency preparedness, and/or continuity of operations.

To determine the location of particular Library Circulation System records, contact the system manager, whose contact information is listed in the "SYSTEM MANAGER(S)" paragraph, below.

SYSTEM MANAGER(S):

Director, Library Staff, Justice Management Division, Robert F. Kennedy Department of Justice

Building, 950 Pennsylvania Avenue NW., Room 5315, Washington, DC 20530.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, and 28 CFR 0.77(h).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to accurately track items currently checked out from the Department's libraries by registered users, and to ensure that all items are returned to the Department of Justice's libraries in a timely fashion and/or upon the departure from the Department of Justice by an employee who has borrowed materials from a Department library.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOJ contractors and employees, including student interns and temporary employees, who register with the Department of Justice libraries to borrow materials from the libraries. Also covered are DOJ employees and contractors responsible for the operation and maintenance of the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include information on the library material(s) currently checked out by each individual. Specifically, the system tracks the name, office telephone number, email address, and office address of the borrower of each item currently checked out. The system also tracks the identification number or barcode associated with each work in the libraries' collections.

RECORD SOURCE CATEGORIES:

Records contained in this system of records are derived from information provided directly by the individual and from the DOJ Employee Directory Systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected:

(a) Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant

records may be referred to the appropriate Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

(b) To any person or entity that the Department has reason to believe possesses information regarding a matter within the jurisdiction of the Department, to the extent deemed to be necessary by the Department in order to elicit such information or cooperation from the recipient for use in the performance of an authorized activity.

(c) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(d) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or in informal discovery proceedings.

(e) To the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(f) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government, when necessary to accomplish an agency function related to this system of records.

(g) To designated officers and employees of state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or occupies a position of public trust as a law enforcement officer or detention officer having direct contact with the public or with prisoners or detainees, to the extent that the information is relevant and necessary to the recipient agency's decision.

(h) To appropriate officials and employees of a Federal agency or entity when the information is relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or

deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a grant or benefit.

(i) To a former employee of the Department for purposes of: Responding to an official inquiry by a Federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(j) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(k) To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(l) To complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(m) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(n) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or

national security, resulting from a suspected or confirmed breach.

(o) To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored in electronic form. Records are stored securely in accordance with applicable executive orders, statutes, and agency implementing recommendations. Electronic records are stored in databases and/or on hard disks, removable storage devices, or other electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information is retrieved by an individual's identifying information (e.g., name or email address), or by identification of a particular item (e.g., a book maintained at the Department library) that an individual currently has checked out from the libraries' collections.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and destroyed in accordance with applicable schedules and procedures issued or approved by the National Archives and Records Administration. The circulation and use records of the Department-wide Library Circulation System are maintained for no longer than one year after borrowed items are returned. (DAA-GRS-2013-0002).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Information in this system is maintained in accordance with applicable laws, rules, and policies on protecting individual privacy. The servers storing electronic data and the backup tapes stored onsite are located in locked rooms with access limited to authorized agency personnel. Backup tapes stored offsite are maintained in accordance with a government contract that requires adherence to applicable laws, rules, and policies on protecting individual privacy. Internet connections are protected by multiple firewalls. Security personnel conduct periodic vulnerability scans using DOJ-approved software to ensure security compliance and security logs are enabled for all computers to assist in troubleshooting and forensics analysis during incident investigations. Users of individual computers can only gain access to the data by a valid user identification and password.

RECORDS ACCESS PROCEDURES:

All requests for access to records must be in writing and should be addressed to the Justice Management Division, ATTN: FOIA Contact, Robert F. Kennedy Department of Justice Building, Room 1111, 950 Pennsylvania Avenue NW., Washington, DC 20530, sent by facsimile to (202) 616-6695, or emailed to JMDFOIA@usdoj.gov. The envelope and letter should be clearly marked "Privacy Act Access Request." The request must describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request must include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury.

Although no specific form is required, you may obtain forms for this purpose from the FOIA/Privacy Act Mail Referral Unit, Robert F. Kennedy Department of Justice Building, 950 Pennsylvania Avenue NW., Washington, DC 20530, or on the DOJ Web site at <https://www.justice.gov/oip/oip-request.html>. More information regarding the Department's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR part 16 subpart D, "Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974."

CONTESTING RECORDS PROCEDURES:

Individuals seeking to contest or amend records maintained in this system of records must direct their requests to the address indicated in the "RECORD ACCESS PROCEDURES" paragraph, above. All requests to contest or amend records must be in writing and the envelope and letter should be clearly marked "Privacy Act Amendment Request." All requests must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record. More information regarding the Department's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, "Requests for Amendment or Correction of Records."

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the "RECORD ACCESS PROCEDURES" paragraph, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2017-17785 Filed 8-22-17; 8:45 am]

BILLING CODE 4410-NW-P**LEGAL SERVICES CORPORATION****Sunshine Act Meeting: Finance Committee. Postponed****AGENCY:** Legal Services Corporation.**ACTION:** Postponement notice.

SUMMARY: On August 15, 2017, the Legal Services Corporation (LSC) published a notice in the **Federal Register** (82 FR 38712) titled "Finance Committee Telephonic Meeting on August 21, 2017 at 12:00 p.m., EDT." The meeting has been postponed, and the agenda will be covered at a later date. This document announces the postponement of the meeting.

CHANGES IN THE MEETING: Postponed.**DATES:** This postponement is effective August 18, 2017.**FOR FURTHER INFORMATION CONTACT:**

Katherine Ward, Executive Assistant to the Vice President for Legal Affairs and General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 295-1500; kward@lsc.gov.

Dated: August 18, 2017.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs and General Counsel.

[FR Doc. 2017-17916 Filed 8-21-17; 11:15 am]

BILLING CODE 7050-01-P**OFFICE OF MANAGEMENT AND BUDGET****Performance Review Board Membership****AGENCY:** Office of Management and Budget.**ACTION:** Notice.

SUMMARY: The Office of Management and Budget (OMB) publishes the names of the members selected to serve on its SES Performance Review Board (PRB). This notice supersedes all previous notices of the PRB membership.

DATES: June 28, 2017.**FOR FURTHER INFORMATION CONTACT:**

Sarah Whittle Spooner, 202-395-4665.

SUPPLEMENTARY INFORMATION: Section 4314(c) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of

Personnel Management, one or more PRBs. The PRB shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on OMB's PRB.

Dustin S. Brown, Deputy Assistant Director for Management
Kelly T. Colyar, Chief, Water and Power Branch

Michael J. Hickey, Chief, Environment Branch

Barry D. King, Chief, Operations and Support Branch

Kirsten J. Moncada, Chief, Privacy Branch

Sarah Whittle Spooner, Assistant Director for Management and Operations

Sarah Whittle Spooner,

Assistant Director for Management and Operations.

[FR Doc. 2017-17852 Filed 8-22-17; 8:45 am]

BILLING CODE P**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****[Notice (17-059)]****Human Exploration and Operations Research Advisory Committee; Meeting****AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Research Advisory Committee (HEORAC).

DATES: Tuesday, September 19, 2017, 9:00 a.m. to 4:45 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 1Q39, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Bradley Carpenter, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-0826 or bcarpenter@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting is also available telephonically and by WebEx. Any interested person may dial the USA toll free conference

call number 844-467-6272 or toll number 720-259-6462, passcode 535959, followed by the # sign, to participate in this meeting by telephone. The WebEx link is <https://nasa.webex.com>, the meeting number is 997 096 218, and the password is Exploration@2017. The agenda for the meeting includes the following topics:

- The Role of Research in the Human Exploration and Operations Mission Directorate
- Low Technology Readiness Level Work in Advanced Exploration Systems
- Human Research Program Re-planning
- Future Activity of the Human Exploration and Operations Advisory Committee

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid Government issued picture ID to security before access to NASA Headquarters. Foreign nationals attending this meeting are required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Dr. Bradley Carpenter via email at bcarpenter@nasa.gov or by fax at (202) 358-2886. U.S. citizens and Legal Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Dr. Carpenter. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2017-17873 Filed 8-22-17; 8:45 am]

BILLING CODE 7510-13-P**POSTAL REGULATORY COMMISSION****[Docket No. CP2017-271; Order No. 4051]****Change in Postal Rates****AGENCY:** Postal Regulatory Commission.**ACTION:** Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing announcing

its intention to change rates not of general applicability for Inbound EMS 2. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 24, 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
- II. Notice
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- IV. Ordering Paragraphs

I. Introduction

On August 16, 2017, the Postal Service filed notice pursuant to 39 CFR 3015.5, announcing its intention to change rates not of general applicability for Inbound EMS 2 effective January 1, 2018.¹

II. Notice

To support its proposed EMS 2 prices and related requests, the Postal Service filed a redacted version of the proposed prices; a copy of the certification required under 39 CFR 3015.5(c)(2); a redacted copy of Governors' Decision No. 11-6; a redacted copy of the annual EMS Pay-for-Performance (PFP) Plan for 2017; and redacted copies of the PFP Report Cards for Calendar Year (CY) 2016 and for the first two quarters of CY 2017. Notice at 2-3. The Postal Service also filed unredacted copies of Governors' Decision No. 11-6, proposed prices, service performance data, and related financial information under seal. *Id.*

In its Notice, the Postal Service proposes a new, simplified two-tiered pricing system. *Id.* at 3. The Postal Service states that under the new pricing structure, the Postal Service would offer a base price that applies to any foreign postal operator in the EMS Cooperative with which the Postal Service agrees to exchange EMS mail. *Id.* at 5. This base price would not vary depending on whether the foreign postal

operators are PFP members. *Id.* The second tier would include discounted prices below the base price, which the Postal Service offers to foreign postal operators on a contractual basis. *Id.* These rates would be subject to a maximum discount. *Id.*; *see id.* Attachment 2.

The Postal Service also requests, beginning January 1, 2018, relief from the requirement that it file quarterly updates that list all countries whose designated postal operators fall within each applicable tier of EMS 2 rates. Notice at 8. This requirement is outlined in Order No. 162, which added Inbound EMS 2 to the competitive product list.² The Postal Service states that the new simplified pricing structure renders these quarterly reports unnecessary. Notice at 6.

III. Commission Action

The Commission establishes Docket No. CP2017-271 for consideration of matters raised by the Notice and appoints Katalin K. Clendenin to serve as Public Representative in this docket.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, or 3633, and 39 CFR part 3015. Comments are due no later than August 24, 2017. The public portions of the filing 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.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2017-271 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than August 24, 2017.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,
Secretary.

[FR Doc. 2017-17795 Filed 8-22-17; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* August 23, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 17, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 341 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2017-171, CP2017-272.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2017-17870 Filed 8-22-17; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

International Product Change—ADPR 1 Contracts

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add Alternative Delivery Provider Reseller 1 product to the Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* August 23, 2017.

FOR FURTHER INFORMATION CONTACT: Lauren Schuttloffel, (202) 268-4198.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642, on August 15, 2017, it filed with the Postal Regulatory Commission a 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. Documents are available at

¹ Notice of the United States Postal Service of Filing Changes in Rates not of General Applicability for Inbound EMS 2, and Application for Non-Public Treatment, August 16, 2017 (Notice).

² Docket Nos. MC2009-10 and CP2009-12, Order Adding Inbound International Expedited Services 2 to Competitive Product List, December 31, 2008, at 9 (Order No. 162).

www.prc.gov, Docket Nos. MC2017–170 and CP2017–268.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–17826 Filed 8–22–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* August 23, 2017.

FOR FURTHER INFORMATION CONTACT:

Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 18, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 342 to Competitive Product List*. Documents are available at *www.prc.gov*, Docket Nos. MC2017–176, CP2017–277.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–17874 Filed 8–22–17; 8:45 am]

BILLING CODE 7710–12–P

PRESIDIO TRUST

Notice of Public Meeting

AGENCY: The Presidio Trust.

ACTION: Notice of public meeting.

SUMMARY: In accordance with § 103(c)(6) of the Presidio Trust Act, 16 U.S.C. 460bb appendix, and in accordance with the Presidio Trust's bylaws, notice is hereby given that a public meeting of the Presidio Trust Board of Directors will be held commencing 6:00 p.m. on Thursday, September 28, 2017, at the Officers' Club, 50 Moraga Avenue, Presidio of San Francisco, California.

The purposes of this meeting are: To approve the minutes of a previous Board meeting; to provide the Chief Executive Officer's report; to receive reports from Board members and committees; to receive public input on the rehabilitation of Fort Scott buildings as

a place where the environmental and social challenges of our day are addressed; and to receive public comment on other matters pertaining to Trust business.

Individuals requiring special accommodation at this meeting, such as needing a sign language interpreter, should contact Mollie Matull at 415.561.5300 prior to September 21, 2017.

Time: The meeting will begin at 6:00 p.m. on Thursday, September 28, 2017.

ADDRESSES: The meeting will be held at the Officers' Club, 50 Moraga Avenue, Presidio of San Francisco.

FOR FURTHER INFORMATION CONTACT:

Nancy J. Koch, General Counsel, the Presidio Trust, 103 Montgomery Street, P.O. Box 29052, San Francisco, California 94129–0052, Telephone: 415.561.5300.

Dated: August 17, 2017.

Jean S. Fraser,

Chief Executive Officer.

[FR Doc. 2017–17835 Filed 8–22–17; 8:45 am]

BILLING CODE 4310–4R–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81413; File No. SR–ICC–2017–008]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Provide for the Clearance of Additional Credit Default Swap Contracts

August 17, 2017.

On June 13, 2017, ICE Clear Credit LLC (“ICC”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to provide for the clearance of additional credit default swap contracts (File No. SR–ICC–2017–008). The proposed rule change was published for comment in the **Federal Register** on July 3, 2017.³ To date, the Commission has not received comments on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Securities Exchange Act Release No. 34–81029 (June 27, 2017), 82 FR 30931 (July 3, 2017) (SR–ICC–2017–008) (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

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 from the publication of notice of filing of this proposed rule change is August 17, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. ICC's proposes to revise the ICC Rulebook to provide for the clearance of additional Standard Emerging Market Sovereign CDS contracts. The Commission finds it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider ICC's proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2)⁵ of the Act, designates October 1, 2017, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–ICC–2017–008).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17804 Filed 8–22–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81422; File No. SR–GEMX–2017–37]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing of Proposed Rule Change To Adopt New Corporate Governance and Related Processes Similar to Those of the Nasdaq Exchanges

August 17, 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 7, 2017, Nasdaq GEMX, LLC (“GEMX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

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

Exchange's proposed [sic] rule change (the "Proposed Rule Change") in connection with the proposed merger (the "Merger") with a newly-formed Delaware limited liability company under the Exchange's ultimate parent, Nasdaq, Inc., resulting in the Exchange as the surviving entity. Following the Merger, the Exchange's board and committee structure, and all related corporate governance processes, will be harmonized with that of the three other registered national securities exchanges and self-regulatory organizations owned by Nasdaq, Inc., namely: The NASDAQ Stock Market LLC ("NSM"), NASDAQ PHLX LLC ("Phlx"), and NASDAQ BX, Inc. ("BX" and together with NSM and Phlx, the "Nasdaq Exchanges").

In connection with the Merger and as discussed more fully below, the Exchange proposes to adopt new organizational documents that set forth a corporate governance framework and related processes that are substantially similar in all material respects to those of the Nasdaq Exchanges.

The Exchange intends to implement the Proposed Rule Change no later than by the end of Q4 2017. The Exchange will alert its members in the form of a Regulatory Alert to provide notification of the implementation date.

The text of the proposed rule change is available on the Exchange's Web site at www.ise.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange was recently acquired by Nasdaq, Inc. ("HoldCo").³ Following the acquisition, the Exchange has continued to operate as a separate self-regulatory organization ("SRO") and continues to have separate rules, membership rosters, and listings, distinct from the rules, membership rosters, and listings of the Nasdaq Exchanges as well as from ISE and MRX. The Exchange now proposes to harmonize the corporate governance framework of the Exchange with that of the Nasdaq Exchanges, and submits this Proposed Rule Change to seek the Commission's approval of various changes to the Exchange's organizational documents and Rules that are necessary in connection with the Merger, as described below.

The proposed changes consist of: (1) Deleting the Exchange's current Second Amended and Restated Limited Liability Company Agreement (the "Current LLC Agreement") in its entirety and replacing it with a new limited liability company agreement (the "LLC Agreement") that is based on the limited liability company agreement of NSM, (2) deleting the Exchange's current Constitution ("Current Constitution" and together with the Current LLC Agreement, the "Current Governing Documents") in its entirety and replacing it with a new set of by-laws (the "Bylaws" and together with the LLC Agreement, the "New Governing Documents") that is based on the by-laws of NSM, and (3) making minor clarifying changes to its rules, as discussed below.⁴

All of the proposed changes are designed to align the Exchange's corporate governance framework to the existing structure at the Nasdaq Exchanges, particularly as it relates to board and committee structure, nomination and election processes, and

related governance practices.⁵ The Exchange is not proposing any amendments to its ownership structure and International Securities Exchange Holdings, Inc. ("ISE Holdings") will remain as the Exchange's sole limited liability company member ("Sole LLC Member") and owner of 100% of the Exchange's limited liability company interests. Furthermore, the Exchange is not proposing any amendments to its trading rules at this time relating to the Merger other than the minor clarifying changes and technical amendments as noted below.

A. The Merger

In order to effectuate the proposed changes above, the Exchange proposes to merge with a Delaware limited liability company ("NewCo"), newly-formed as a wholly-owned subsidiary of ISE Holdings, resulting in the Exchange as the surviving entity. Specifically, pursuant to the Delaware Limited Liability Company Act, as amended from time to time (the "LLC Act"), NewCo would be formed under ISE Holdings upon filing a certificate of formation with the Secretary of State of the State of Delaware ("DE Secretary of State"). Subsequently, the Exchange would enter into an agreement and plan of merger with NewCo (the "Merger Agreement"), under which NewCo would merge into the Exchange, with the Exchange surviving the Merger. The Merger Agreement contemplates that the merged limited liability company (*i.e.* the Exchange) would have a new LLC Agreement and new Bylaws, which would be attached to the Merger Agreement. Then, a certificate of merger would be filed with the DE Secretary of State, which will effectuate the Merger at the time of filing. The new LLC Agreement and the new Bylaws would also become effective at the time of filing the certificate of merger. Under the LLC Act, the Merger is subject to approval by the Exchange Board and by ISE Holdings as the Sole LLC Member. The Exchange represents that it has obtained or will obtain the necessary approvals prior to filing the certificate of merger with the DE Secretary of State.

³ On June 30, 2016, HoldCo acquired all of the capital stock of U.S. Exchange Holdings, Inc., the Exchange's indirect parent company (the "Acquisition"). As a result, the Exchange, in addition to its affiliates Nasdaq ISE, LLC ("ISE") and Nasdaq MRX, LLC ("MRX"), became a wholly-owned subsidiary of HoldCo, and also became an affiliate of NSM, Phlx, and BX through common, ultimate ownership by HoldCo. HoldCo is the ultimate parent of the Exchange. See Securities Exchange Act Release No. 78119 (June 21, 2016), 81 FR 41611 (June 27, 2016) (SR-ISEGemini-2016-05).

⁴ The Exchange's affiliates, ISE and MRX, have submitted or will submit nearly identical proposed rule changes. See Securities Exchange Release No. 81263 (July 31, 2017), 82 FR 36497 (August 4, 2017) (SR-ISE-2017-32) (ISE Approval Order).

⁵ The new LLC Agreement and Bylaws are based in form and substance on The NASDAQ Stock Market LLC's Second Amended Limited Liability Company Agreement (the "NSM LLC Agreement") and By-Laws (the "NSM Bylaws"). Additionally, the majority of provisions in the organizational documents of Phlx and BX were also based on those of NSM with differences that relate mainly to disciplinary processes (for Phlx) or to corporate structure (for BX). Notwithstanding, the vast majority of the new governance framework and processes proposed herein are materially identical to those of all three Nasdaq Exchanges.

Following the Merger, the Exchange proposes to be governed by the New Governing Documents in accordance with the LLC Act. The specific changes effected by the New Governing Documents to the current documents are discussed in the following sections.

B. Limited Liability Company Agreement

Following the Merger, the Exchange proposes to adopt the LLC Agreement,⁶ which would replace the Current LLC Agreement.⁷ The proposed LLC Agreement reflects the expectation that the Exchange will be operated with a governance structure substantially similar to that of the Nasdaq Exchanges, and substantially mirrors the provisions found in the NSM LLC Agreement other than as specifically noted herein.⁸ Schedule B of the LLC Agreement describes the proposed ownership of the Exchange's limited liability company interests, which ownership structure is identical to that currently in place. ISE Holdings would remain as the Sole LLC Member (and a member of the Exchange within the meaning of the LLC Act) and the sole owner of 100% of the limited liability company interests of the Exchange. Except as specified below, the proposed changes do not affect the manner of the Exchange's operations or governance structure.

Section 1 of the LLC Agreement, titled "Name," specifies the name of the surviving entity of the Merger as the name of the Exchange. Section 2 of the LLC Agreement, titled "Principal Business Office," provides for the principal business office of the Exchange and such other location as may hereafter be determined by the Board.⁹

⁶ The proposed LLC Agreement was filed as part of the Proposed Rule Change as Exhibit 5B.

⁷ The Current LLC Agreement was filed as part of the Proposed Rule Change as Exhibit 5A.

⁸ See the Second Amended Limited Liability Company Agreement of The NASDAQ Stock Market LLC (the "NSM LLC Agreement"). The Second Amended Limited Liability Company Agreement of NASDAQ PHLX LLC (the "Phlx LLC Agreement") is also based on and is substantially similar to the NSM LLC Agreement. BX is a Delaware corporation and is governed by a Certificate of Incorporation, not an LLC Agreement. However, the board structure is identical across the Nasdaq Exchanges and therefore, BX's Second Restated Certificate of Incorporation (the "BX COI") contains substantially similar governance provisions as the NSM LLC Agreement and Phlx LLC Agreement.

⁹ In June 2017, the Exchange relocated its office from 60 Broad Street in New York to One Liberty Plaza in New York. Accordingly, Section 2 of the proposed LLC Agreement now reflects the new One Liberty Plaza address as the principal business office of the Exchange instead of the old 60 Broad address. Similarly, Schedule B of the proposed LLC Agreement, which includes the mailing address of the Exchange's Sole LLC Member, also reflects the

Sections 3 and 4 of the LLC Agreement, titled "Registered Office" and "Registered Agent," specifies the place of the Exchange's registered office and the entity acting as its registered agent, which is the same place and entity used by the Nasdaq Exchanges.¹⁰ The Exchange proposes to replace its current registered office and agent set forth in Section 1.5 of the Current LLC Agreement with the registered office and agent used by the Nasdaq Exchanges for administrative efficiency. This change will not have any material substantive effect on the current operations or the governance of the Exchange.

Section 5 of the LLC Agreement, titled "Sole LLC Member," provides that the mailing address of the Sole LLC Member is set forth on Schedule B of the LLC Agreement. As noted above, ISE Holdings will remain as the Sole LLC Member of the Exchange.

Section 6 of the LLC Agreement, titled "Certificates," refers to the filing of the Certificate of Merger with respect to the Merger. Such provision acknowledges and confirms that such filings, which were necessary for the merger to be effected, were authorized by the Exchange. This Section additionally sets forth those person(s) who have the authority to file any other certificates with the Delaware Secretary of State on behalf of the Exchange pursuant to the LLC Act. This provision is purely administrative in nature and therefore will have no material substantive effect on the current operations or the governance of the Exchange.

Section 7 of the LLC Agreement, titled "Purposes," discusses the Exchange's business purpose, which provides that the Exchange may engage in any lawful act or activity for which limited liability companies may be formed under the LLC Act and any and all activities necessary or incidental to the foregoing. Without limiting these general powers, proposed Section 7 also specifically provides that the Exchange's business would include actions that support its regulatory responsibilities under the Act, including: (i) Supporting the operation, regulation, and surveillance of the national securities exchange operated by the Exchange, (ii) preventing fraudulent and manipulative acts and practices, promoting just and equitable principles of trade, fostering cooperation and coordination with persons engaged in regulating, clearing,

new One Liberty Plaza address instead of 60 Broad as the Sole LLC Member's mailing address.

¹⁰ See NSM LLC Agreement, Sections 3 and 4; Phlx LLC Agreement, Section 3; and BX COI, Article Second.

settling, processing information with respect to, and facilitating transactions in securities, removing impediments to and perfecting the mechanisms of a free and open market and a national market system, and, in general, protecting investors and the public interest, (iii) supporting the various elements of the national market system pursuant to Section 11A of the Act and the rules thereunder, (iv) fulfilling the Exchange's self-regulatory responsibilities as set forth in the Act, and (v) supporting such other initiatives as the Board may deem appropriate. Section 7 mirrors the Section 7 of the NSM LLC Agreement, and is similar to the language in Section 1.3 of the Current LLC Agreement of the Exchange.

Section 8 of the LLC Agreement, titled "Powers," discusses the general powers of the Exchange, the Board and the officers of the Exchange. Specifically, the Exchange, the Board and the officers on behalf of the Exchange (i) shall have and exercise all powers necessary, convenient or incidental to accomplish its purposes as set forth in Section 7 of the LLC Agreement and (ii) shall have and exercise all of the powers and rights conferred upon limited liability companies formed pursuant to the LLC Act. Section 8 is based on Section 8 of the NSM LLC Agreement, and is similar to the provisions in the Current LLC Agreement and the Current Bylaws.¹¹

Section 9 of the LLC Agreement, titled "Management," sets forth the proposed management structure of the Exchange. Section 9(a) pertains to the Board of the Exchange and provides that the Board will manage the Exchange's business and affairs, similar to the provisions in Section 5.1 of the Current LLC Agreement.¹² By adopting new Section 9(a), the Exchange proposes to mirror the board structure of the Nasdaq Exchanges.¹³ The Exchange proposes to add language to indicate that the Sole LLC Member may determine at any time in its sole and absolute discretion the number of Directors¹⁴ to constitute the Board.¹⁵ The authorized number of

¹¹ See Current LLC Agreement, Sections 5.1 and 5.7 and Current Constitution, Sections 3.1 and 4.1.

¹² See also Current Constitution, Section 3.1.

¹³ See NSM LLC Agreement, Section 9; Phlx LLC Agreement, Section 8; and BX COI, Article Fifth.

¹⁴ "Director" will be defined as the persons elected or appointed to the board of directors from time to time in accordance with the LLC Agreement and the Bylaws, in their capacity as managers of the Exchange. See proposed Bylaw Article I(j), which is based on NSM Bylaw Article I(i).

¹⁵ See proposed LLC Agreement, Section 9(a). In contrast, the Current Governing Documents have specific limits on the size of the Board in that the Exchange is required to have no less than eight and no more than sixteen directors. See Current LLC Agreement, Section 5.2 and Current Constitution, Section 3.2(a).

Directors may be increased or decreased by the Sole LLC Member at any time in its sole and absolute discretion, upon notice to all Directors, but no decrease in the number of Directors shall shorten the term of any incumbent Member Representative Director. This language mirrors Section 9(a) of the NSM LLC Agreement. In addition, the exact composition of the Board is subject to the requirements in the Bylaws relating to independence and fair representation of members, which are described in detail below.

Fair Representation of Members

The Exchange proposes in Section 9(a), similar to the Nasdaq Exchanges, that at least 20% of the Directors would be Member Representative Directors.¹⁶ Member Representative Directors are elected or appointed after having been nominated by a Member Nominating Committee¹⁷ composed of representatives of the Exchange members or by Exchange members in the manner described in the proposed Bylaws.¹⁸ Currently, there are six directors on the Board who are officers, directors or partners of Exchange members, and are elected by a plurality of the holders of Exchange Rights¹⁹ (the "Exchange Directors"),²⁰ of which at least: (i) One must be elected by a

plurality of the holders of Primary Market Maker ("PMM") Exchange Rights, (ii) one must be elected by a plurality of holders of Competitive Market Maker ("CMM") Exchange Rights, and (iii) one must be elected by a plurality of holders of Electronic Access Member ("EAM") Exchange Rights; provided, however, that the number of each type of Exchange Director will always be equal to one another.²¹ The Exchange adopted the current board structure as it relates to Exchange Directors to comply with Section 6(b) of the Act, which provides that the Exchange must, among other things, assure fair representation of its members (here, the PMMs, CMMs, and EAMs) in the selection of its directors and administration of its affairs (the "fair representation requirement").²² Therefore, the Exchange believes that the Exchange Directors serve the same function on the current Board as "Member Representative Directors" on the boards of the Nasdaq Exchanges in that the Exchange Directors give members a voice in the Exchange's use of self-regulatory authority.²³ The Exchange further believes that the new Board structure will still provide for the fair representation of its members because the new structure is well-established as meeting the fair representation requirement.²⁴

By adopting the new Board structure set forth in the New Governing Documents, the Exchange is proposing to replace the Exchange Director positions and all related concepts thereto,²⁵ with Member Representative Director positions and all related concepts that will be further discussed below. In particular, there are a number of provisions related to the Exchange Rights set forth in the Current Governing Documents that will not carry over into the New Governing

Documents because they relate to the trading rights and privileges of the Exchange members.²⁶ It should be noted that on GEMX, the Exchange Rights do not convey any ownership rights, and only provide for voting rights for representation on the Board (*i.e.*, through the Exchange Directors) and confers the ability to transact on the Exchange.²⁷ Because the Exchange Director positions will not be reflected in the New Governing Documents for the reasons discussed above, the Exchange believes that the remaining provisions in the Current Governing Documents that relate to the trading rights of its members are more appropriately located in the Rules than in its organizational documents. Already, all of the provisions governing the trading privileges associated with the Exchange Rights that are located in the Current Governing Documents are also substantially set forth in the Rules,²⁸ and the Exchange is not proposing any changes to those rules or to any of its trading rules in connection with the Merger except as noted below. As described in more detail below, the Exchange will amend its Rules only (i) to clarify any Rules that refer back to the Current LLC Agreement or the Current Constitution in the rule text or (ii) to relocate in the rulebook any provisions in the Current Governing Documents related to the trading privileges of the Exchange Rights holders that are not expressly set forth in the Rules. As such, the holders of Exchange Rights will continue to have the same trading

¹⁶ See NSM LLC Agreement, Section 9; Phlx LLC Agreement, Section 8; BX Bylaws, Section 4.3. "Member Representative Director" will be defined as a Director who has been elected or appointed after having been nominated by the Member Nominating Committee or by an Exchange Member. A Member Representative Director may, but is not required to be, an officer, director, employee, or agent of an Exchange Member. See proposed Bylaw Article I(r), which is based on NSM Bylaw Article I(q).

¹⁷ See proposed Section 6(b) of Bylaw Article III. "Member Nominating Committee" will be defined as the Member Nominating Committee appointed pursuant to the Bylaws. See proposed Bylaw Article I(q), which is based on NSM Bylaw Article I(p).

¹⁸ The Commission has previously found that the requirement in the NSM LLC Agreement that 20% of the directors shall be "Member Representative Directors" and the means by which they are elected by the members provides for the fair representation of members in the selection of directors and administration of NSM consistent with the requirement in Section 6(b) of the Act. See Securities Exchange Act Release No. 53128 (Jan. 13, 2006), 71 FR 3550 (January 23, 2006) (Order Granting Registration as a National Securities Exchange).

¹⁹ See Rule 300 Series. "Exchange Rights" means the PMM Rights, CMM Rights and EAM Rights collectively. See Rule 100(a)(17). PMM Rights, CMM Rights and EAM Rights have the meaning set forth in Article VI of the Current LLC Agreement. See Rules 100(a)(12), 100(a)(15) and 100(a)(36). See also Current Constitution, Section 13.1(n). PMMs, CMMs, and EAMs represent the three classes of membership on the Exchange. See Current Constitution, Sections 13.1(f), 13.1(j) and 13.1(y).

²⁰ These directors are defined as "Industry Directors" in Section 3.2(b)(i) of the Current Constitution, but will be referred to herein as "Exchange Directors."

²¹ See Current Constitution, Section 3.2(b). Section 3.2(b) further requires that the Board be composed of at least 30% Exchange Directors.

²² See Section 6(b)(3) of the Act, 15 U.S.C. 78f(b)(3). Upon granting the Exchange's application for registration as a national securities exchange, the Commission found that the board composition requirements related to the Exchange Directors satisfied the principles of fair representation as required by Section 6(b) of the Act. See Securities Exchange Act Release No. 70050 (July 26, 2013), 78 FR 46622 (August 1, 2013) (Order Granting Registration as a National Securities Exchange) (hereinafter, "GEMX Approval Order").

²³ Currently, the six Exchange Directors comprise 37.5% of the sixteen-member Board.

²⁴ See note 18 above.

²⁵ Related concepts include: "CMM Right," "Competitive Market Maker," "EAM Right," "Electronic Access Member," "Exchange Rights," "Industry Directors" (defined herein as "Exchange Directors"), "PMM Rights," "Primary Market Maker," and "Voting Rights." See Current Constitution, Section 13 for the definitions.

²⁶ See Current LLC Agreement, Article VI and Current Constitution, Article XII. The Exchange also notes that it is not carrying over the termination provisions in Section 6.4 of the Current LLC Agreement into the New Governing Documents as these generally relate to the voting rights associated with the Exchange Rights, and therefore will no longer be applicable for the reasons discussed above.

²⁷ See Current LLC Agreement, Sections 6.1 and 6.3 and Rules 300 and 302(c); see also GEMX Approval Order.

²⁸ For example, Exchange members holding PMM and CMM Rights may seek appointment to become market makers in one or more options classes traded on the Exchange, which entitles them to enter quotations and orders into the Exchange's trading system. See Rules 100(a)(34), 100(a)(42) and Rule 800 series; see also Sections 12.1(a) and 12.2(a) of the Current Constitution. Exchange members holding EAM Rights are entitled to enter orders into the Exchange's trading system and clear Exchange transactions. See Rules 100(a)(9) and 100(a)(34); see also Section 12.3(a) of the Current Constitution. The Exchange Rights may not be leased and are not transferable except in the event of a change in control of an Exchange member or corporate reorganization involving an Exchange member. See Rule 302(c); see also Current LLC Agreement, Section 6.4 and Current Constitution, Sections 12.1(b), 12.2(b), and 12.3(b). There is no limit on the number of Exchange Rights issued by GEMX. See Rule 300(a); see also Current LLC Agreement, Section 6.1.

privileges they currently hold as PMMs, CMMs and EAMs under the Exchange Rules and the proposed Board structure of the Exchange will not change any trading privileges. Virtually all of the proposed changes regarding the removal of Exchange Director positions and related concepts from the Exchange's organizational documents are corporate in nature, and are intended simply to conform the organizational documents with those of the Nasdaq Exchanges in order to harmonize the Exchange's board structure with its affiliates. The proposed changes will primarily affect current board composition requirements, the current nomination and election processes of the directors and the current committee composition requirements. These provisions are outlined in detail in the proposed Bylaws of the Exchange, which will be discussed below.

New Section 9(a) of the LLC Agreement also proposes that all Directors other than the Member Representative Directors shall be elected by the Sole LLC Member in the manner described in the proposed Bylaws. Mirroring Section 9(a) of the NSM LLC Agreement, each Director elected, designated or appointed by the Sole LLC Member shall hold office until a successor is elected and qualified or until such Director's earlier death, resignation, expulsion or removal. As noted above, Member Representative Directors shall be elected in accordance with the Bylaws. Each Director shall execute and deliver an instrument accepting such appointment and agreeing to be bound by all the terms and conditions of the LLC Agreement and the Bylaws. A Director need not be an Exchange member.

The Exchange is also proposing to adopt substantially similar provisions set forth in Section 9 of the NSM LLC Agreement with respect to the Powers of the Board, the By-Laws, the Meeting of the Board of Directors, Quorum; LLC Acts of the Board and Electronic Communications.²⁹ The section discussing the Powers of the Board is similar to the current provisions in the Current Constitution in that the Board is vested with the power to do any and all acts necessary or for the furtherance of the purposes described in the LLC Agreement, including all powers, statutory or otherwise.³⁰ The Board also has the power to bind the Exchange and delegate powers.³¹ As discussed in the

Bylaws section below, the Bylaws proposed to be adopted by the Exchange, the Sole LLC Member and the Board in Section 9(c) of the LLC Agreement will replace the Current Constitution of the Exchange.

The Meeting of the Board of Directors subsection contains standard Delaware limited liability company provisions governing regular and special meetings of the board, and related notice provisions. Similar language is found in Section 3.6 of the Current Constitution, and the Exchange is proposing to streamline these administrative procedures across the Nasdaq Exchanges. The Exchange also proposes to add a provision in this subsection that all meetings of the Board of Directors of the Exchange (and any committees of the Exchange) pertaining to the self-regulatory function of the Exchange (including disciplinary matters) or relating to the structure of the market which the Exchange regulates shall be closed to all persons other than members of the Board of Directors and officers, staff, counsel or other advisors whose participation is necessary or appropriate to the proper discharge of such regulatory functions and any representatives of the Commission. The proposed language also prohibits members of the Sole LLC Member's board of directors who are not also members of the Exchange's board of directors or any officers, staff, counsel or advisors of the Sole LLC Member who are not also officers, staff, counsel or advisors of the Exchange from participating in such meetings.³²

The subsections, Quorum; LLC Acts of the Board and Electronic Communications, contain standard Delaware limited liability company provisions governing quorum rules for Board actions, Board action by unanimous written consent, and how Board and committee members may participate in Board and committee meetings, as applicable. The Exchange notes that these provisions are similar in all material respects to those in the Current Governing Documents³³ and relate primarily to the administrative processes of the Board. Therefore, the Exchange is proposing to streamline

the power to bind the Exchange, said power being vested solely and exclusively in the Board) and Current Constitution, Sections 3.1, 4.12 and 5.1.

³² The proposed language on board and committee meeting participation in Section 9(d) is not in the governing documents of the Nasdaq Exchanges, but is retained from Section 3.2(d) of the Current Constitution and is intended to help maintain the independence of the Exchange's self-regulatory functions.

³³ See Current Constitution, Sections 3.6 and 3.7.

these processes across the Nasdaq Exchanges for the sake of efficiency.

Section 9(g) of the LLC Agreement generally discusses the standing committees and provides that the Board may designate one or more committees. By adopting new Section 9(g), the Exchange is proposing to delete the current committees set forth in Article V of the Current Constitution and adopt the standing committees similar to those of the Nasdaq Exchanges. Article V of the Current Constitution provides for the following committees: An Executive Committee, a Corporate Governance Committee, a Finance and Audit Committee, a Compensation Committee, and such other additional committees as may be established by Board resolution. Article V also provides for a nominating committee, which is a committee of the Exchange and not the Board, and nominates the Exchange Directors for election to the Board (the "Exchange Director Nominating Committee"). The Exchange proposes to replace these rules with "Committees Composed Solely of Directors" and "Committees Not Composed Solely of Directors" at newly proposed and named Bylaw Article III. The details of those committees will be discussed below in the Bylaws section.

The Exchange proposes to adopt substantially similar provisions set forth in Section 9(g) of the NSM LLC Agreement with respect to the standing committees.³⁴ First, as set forth in proposed subsection (g)(i), the Board may designate one or more Directors as alternate members of any committee who may replace any absent or disqualified member at any meeting of the committee. Second, in proposed subsection (g)(ii), the Committee members shall hold office for such period as may be fixed by a resolution adopted by the Board. Any member of a committee may be removed from such committee only by the Board. Vacancies shall be filled by the Board. Third, in proposed subsection (g)(iii), each committee may adopt its own rules of procedure and may meet at stated times or on such notice as such committee may determine. Each committee shall be required to keep regular minutes of its meetings and report the same to the Board when required. Fourth, in proposed subsection (g)(iv), a majority of the committee shall constitute a quorum and the vote of a majority present shall be an act of the committee. Finally, in proposed subsection (g)(v), to the extent provided in the resolution of the Board, any committee that consists

³⁴ See proposed LLC Agreement, Section 9(g)(i)-(v).

²⁹ See proposed Sections 9(b) through (f) of the Exchange's LLC Agreement.

³⁰ See Current Constitution, Section 3.1.

³¹ See Current LLC Agreement, Section 2.2 (providing that the Sole LLC Member does not have

solely of one or more Directors shall have and may exercise all the powers and authority of the Board in the management of the business and affairs of the Exchange. The Exchange also proposes in subsection (g)(v) to limit such committee from having the powers of the Board with respect to approving any matters pertaining to the self-regulatory function of the Exchange or relating to the structure of the market which the Exchange regulates.³⁵ Such committee or committees shall have such name or names as may be determined from time to time by resolution adopted by the Board. Further, in the absence or disqualification of a member of a committee composed solely of Directors, the member or members thereof present at any meeting and not disqualified from voting, whether or not such members constitute a quorum, may unanimously appoint another member of the Board to act at the meeting in the place of any such absent or disqualified member. The foregoing provisions are similar to the language found in Section 5.1 of the Current Constitution.

Similar to Section 3.9 of the Current Constitution, proposed Section 9(h) provides that the compensation of Directors shall be fixed by the Board. This language mirrors the provisions in Section 9(h) of the NSM LLC Agreement. The Removal and Resignation of Directors language in proposed Section 9(i) also mirrors Section 9(i) of the NSM LLC Agreement, and is similar to the resignation and removal language in Section 5.4 of the Current LLC Agreement and Sections 3.4 and 3.5 of the Current Constitution. The Directors as Agents language in proposed Section 9(j) provides that the Directors are agents of the Exchange and mirrors Section 9(j) of the NSM LLC Agreement.

Section 10, titled "Officers," the Exchange proposes to adopt identical language regarding officer appointments found in Section 10 of the NSM LLC Agreement, which provisions are similar in nature to the existing provisions in Article IV of the Current Constitution.

Section 11, titled "Limited Liability," contains standard Delaware limited liability company language on the limitation of liability of the Sole LLC

Member and the Directors in the manner permitted under the LLC Act. The proposed language is similar to the limitation of liability language found in the Current LLC Agreement³⁶ and mirrors Section 11 of the NSM LLC Agreement.

Sections 12 through 14 of the LLC Agreement, which are virtually identical to Sections 12 through 14 of the NSM LLC Agreement, are equity-related provisions that encompass the topics of capital contributions, additional capital contributions, and allocations of profits and losses. These provisions set forth the basic economic arrangement of the Sole LLC Member and remain consistent with the economic arrangement under the Current Governing Documents.³⁷ Proposed Section 15, which relates to distributions, provides that ISE Holdings, as the Sole LLC Member, is generally entitled to all distributions made by the Exchange. Similar to Section 3.3 of the Current LLC Agreement, however, proposed Section 15 also contains a stipulation that (i) the Exchange shall not be required to make a distribution to the Sole LLC Member on account of its interest in the Exchange if such distribution would violate the LLC Act or any other applicable law or is otherwise required to fulfill the regulatory functions or responsibilities of the Exchange, and (ii) Regulatory Funds shall not be used for non-regulatory purposes, but rather shall be used to fund the legal, regulatory and surveillance operations of the Exchange and the Exchange shall not make a distribution to the Sole LLC Member using Regulatory Funds.³⁸ "Regulatory Funds" means fees, fines, or penalties derived from the regulatory operations of the Exchange. "Regulatory Funds" shall not be construed to include revenues derived from listing fees, market data revenues, transaction revenues, or any other aspect of the commercial operations of the Exchange, even if a portion of such revenues are used to pay costs associated with the regulatory operations of the Exchange.³⁹ This provision is designed to preclude the Exchange from using its authority to raise Regulatory Funds for the purpose of benefitting its Sole LLC Member.

³⁶ See Current LLC Agreement, Sections 2.3 and 5.8.

³⁷ See Current LLC Agreement, Sections 3.1 and 3.2.

³⁸ The Nasdaq Exchanges will each separately file proposed rule changes to harmonize the distribution provisions in their respective governing documents with the language the Exchange proposes for Section 15, specifically to add the language imported from Section 3.3 of the Exchange's Current LLC Agreement.

³⁹ See proposed LLC Agreement, Schedule A.

Similar to Section 4.1 of the Current LLC Agreement, Section 16 of the LLC Agreement, titled "Books and Records," sets forth certain information relating to general administrative matters with respect to the books and records of the Exchange. Specifically, the Board shall keep or cause to be kept complete and accurate books of account and records with respect to the Exchange's business. The books of the Exchange shall at all times be maintained by the Board. The Exchange's books of account shall be kept using the method of accounting determined by the Sole LLC Member. Further, the Exchange's independent auditor shall be an independent public accounting firm selected by the Board.⁴⁰ Finally, the Exchange proposes to retain some of the existing concepts on books and records from Section 4.1(b) of the Current LLC Agreement in the new Section 16.⁴¹ First, the books of account and records with respect to the Exchange's business must be kept within the United States. Second, other than as provided in Section 16 with respect to the Commission, all confidential information pertaining to the self-regulatory function of the Exchange (including but not limited to disciplinary matters, trading data, trading practices and audit information) contained in the books and records of the Exchange shall: (i) Not be made available to any persons other than to those officers, directors, employees and agents of the Exchange that have a reasonable need to know the contents thereof; (ii) be retained in confidence by the Exchange and the officers, directors, employees and agents of the Exchange; and (iii) not be used for any non-regulatory purposes.⁴² Nothing in the

⁴⁰ See Section 16 of the NSM LLC Agreement for substantially similar provisions.

⁴¹ These concepts are generally not in the governing documents of the Nasdaq Exchanges, and relate to where the Exchange's books and records must be maintained and who may access such books and records, in particular those that contain confidential information pertaining to the self-regulatory function of the Exchange. While Phlx has a requirement under Section 15 of the Phlx LLC Agreement to keep its books and records in the United States, neither BX nor NSM has this requirement under their respective governing documents. Furthermore, none of the Nasdaq Exchanges have in their governing documents a provision that explicitly sets forth the Commission's right to access their books and records. The Nasdaq Exchanges will each separately file proposed rule changes to harmonize the books and records provisions in their respective governing documents with the language the Exchange proposes for Section 16.

⁴² The proposed language that all confidential information pertaining to the self-regulatory function of the Exchange not be used for any non-regulatory purposes is copied from Section 4.1(b)(iii) of ISE Mercury's current LLC Agreement. In contrast, Section 4.1(b)(iii) of the Exchange's

³⁵ This limitation is based on substantially similar language in Section 5.2(ii) of ISE Mercury's current Constitution, and is intended to assure the fair administration and governance of the Exchange. The Exchange does not have this limitation in Section 5.2 of its Current Constitution with respect to any Board committees set up by Board resolution, and is therefore proposing to follow the more current ISE Mercury standard.

LLC Agreement shall be interpreted as to limit or impede the rights of the Commission to access and examine such confidential information pursuant to the federal securities laws and the rules and regulations thereunder, or to limit and impede the ability of any officers, directors, employees or agents of the Exchange to disclose such confidential information to the Commission.

Section 17, titled "Reports," is being added to mirror the language of the NSM LLC Agreement, and requires the Board, after the end of each fiscal year, to use reasonable efforts to cause the Exchange's independent accountants, if any, to prepare and transmit to the Sole LLC Member any tax information that the Sole LLC Member may reasonably need to prepare its federal, state and local income tax returns for such fiscal year.⁴³ Section 18, titled "Other Business," is standard language in the Delaware limited liability company context and merely states that the Sole LLC Member and any Director, officer, employee or agent of the Exchange may engage in other business and that the Exchange has no rights to such other business or the proceeds derived therefrom. The Exchange is proposing to mirror the language found in Section 18 of the NSM LLC Agreement.

Section 19, titled "Exculpation and Indemnification," is based on Section 19 of the NSM LLC Agreement. Similar to the provisions in Article VI of the Current Constitution, the language provides for the exculpation and indemnification of ISE Holdings and any officer, Director, employee or agent of the Exchange or of the affiliate of ISE Holdings. Section 20, titled Assignment, is based on Section 20 of the NSM LLC Agreement, but retains similar transfer restrictions from Section 7.1 of the Current LLC Agreement on any assignments by the Sole LLC Member and prohibits the Sole LLC Member from transferring or assigning its limited liability company interest in the Exchange, unless the Commission approves such transfer or assignment pursuant to a rule filing under Section 19 of the Act.⁴⁴ Section 21, titled

Current LLC Agreement prohibits the usage of such information for any non-commercial purposes. The Exchange is proposing to use the more current ISE Mercury standard to emphasize the independence of the Exchange's regulatory function from its commercial interests.

⁴³ See Section 17 of the NSM LLC Agreement for identical provisions.

⁴⁴ BX has a similar provision in Section 9.4(c) of the BX Bylaws, which restricts HoldCo, as BX's sole shareholder, from transferring any shares of stock to any entity unless such transfer is filed and approved by the Commission pursuant to a rule filing. In contrast, Section 20 of the NSM LLC Agreement allows HoldCo, as NSM's sole LLC

"Dissolution," sets forth the events which will cause the dissolution of the Exchange, as prescribed by mandatory provisions of the LLC Act or as otherwise agreed among the parties, and is based on Section 21 of the NSM LLC Agreement. The proposed language is similar to the language currently in Section 7.2 of the Current LLC Agreement.

Sections 22 through 28 of the proposed LLC Agreement contain general provisions which are relatively standard in Delaware limited liability company agreements.⁴⁵ These provisions include: A benefits of agreement clause, a severability clause, an entire agreement clause, a binding agreement clause, a governing law clause, an amendment provision and a notice provision. The Exchange notes that its members are acknowledged in proposed Section 22 as holding rights under the LLC Agreement and included as third-party beneficiaries to the LLC Agreement as is similarly provided in Section 22 of the NSM LLC Agreement.

Section 27, titled "Amendments," provides that the LLC Agreement may be amended by a resolution adopted by the Board and a written agreement executed and delivered by the Sole LLC Member, and further provides that all such amendments to the LLC Agreement will not become effective until filed with, or filed with and approved by, the Commission, as required under Section 19 of the Exchange Act and the rules promulgated thereunder.⁴⁶

The Exchange proposes to add a new Schedule A to the LLC Agreement, which contains key definitions used in the LLC Agreement. The Exchange also proposes a section on rules of construction further explaining the definitions in proposed Schedule A.

member, to assign NSM's limited liability company interest solely to an affiliate of HoldCo, but does not require approval by the Commission for such assignments. Phlx follows the NSM model. As such, Phlx and NSM will each separately file a proposed rule change to harmonize their assignment provisions with the Exchange's proposal hereunder.

⁴⁵ For example, see Sections 22 through 28 of the NSM LLC Agreement and Sections 22 through 28 of the Phlx LLC Agreement.

⁴⁶ This provision is based in concept on Section 6-9 of the Phlx Bylaws, which requires Phlx to file any amendments to the Phlx Bylaws with the Commission. The Phlx LLC Agreement, however, does not have a similar requirement for amendments to the Phlx LLC Agreement. As well, neither BX nor NSM has filing requirements for amendments in their respective governing documents. Therefore, the Nasdaq Exchanges will each separately file proposed rule changes with the Commission to add this requirement in (as applicable): the Phlx LLC Agreement, the BX COI, the BX Bylaws, the NSM LLC Agreement and the NSM Bylaws.

C. Bylaws

The Exchange proposes to adopt the Bylaws,⁴⁷ which would replace the Exchange's Current Constitution.⁴⁸ The Bylaws reflect the expectation that the Exchange will be operated with governance structures similar to those of the Nasdaq Exchanges. Accordingly, the Exchange proposes to adopt Bylaws that set forth the same corporate governance framework and related processes as those contained in the Bylaws of the Nasdaq Exchanges. Article I of the Bylaws, titled "Definitions," contains key definitions used in the Bylaws, and are based on the defined terms used in NSM Bylaw Article I.

Nomination and Election Process

Article II of the Bylaws, titled "Annual Election of Member Representative Directors and Other Actions by Exchange Members," mirrors the language in NSM Bylaw Article II,⁴⁹ and contains key provisions regarding the processes for the nomination and election of Member Representative Directors. As discussed in the LLC Agreement section above, the Exchange is proposing to replace the Exchange Directors with Member Representative Directors to harmonize its board structure with the Nasdaq Exchanges. The proposed nomination and election process for Member Representative Directors described in new Article II would replace the current processes for the Exchange Directors set forth in the Current Governing Documents.

Current Nomination and Election Process

Under the current nomination and election process, nominees for election of the Exchange Directors are selected each year by the Exchange Director Nominating Committee (which is not a Board committee but composed of three Exchange member representatives).⁵⁰ A

⁴⁷ The proposed Bylaws were filed as part of the Proposed Rule Change as Exhibit 5D.

⁴⁸ The Current Constitution was filed as part of the Proposed Rule Change as Exhibit 5C.

⁴⁹ Phlx and BX also have the identical nomination and election processes for their Member Representative Directors. See Phlx Bylaw Article II and Section 4.4 of the BX Bylaws.

⁵⁰ See Current Constitution, Section 3.10(a). With respect to the Exchange Director Nominating Committee process, the Secretary of the Exchange, on behalf of the Exchange Director Nominating Committee, will circulate a memorandum to all holders of Exchange Rights soliciting interest in presenting Exchange Director candidates to the Exchange Director Nominating Committee. Shortly after the receipt of candidate submissions, the Exchange Director Nominating Committee will conduct a short interview with each candidate. Following all interviews, the Exchange Director Nominating Committee, by majority vote, will select its Exchange Director candidates and the Secretary

petition process will also allow holders of the Exchange Rights to nominate alternate candidates for consideration as Exchange Directors.⁵¹ At an annual meeting of the holders of Exchange Rights, the Exchange Directors are elected by a plurality of the votes cast at the meeting by the holders of Exchange Rights entitled to vote thereon.⁵² Following the full nomination, petition, and voting process, each Exchange Director holds office for a term of two years.⁵³

Specifically pursuant to Section 3.2(c) of the Current Constitution, the Exchange Directors are divided into two classes, designated as Class I and Class II directors. Each of Class I and Class II is comprised of half of the Exchange Directors. The Exchange Directors of each class holds office until their successors are duly elected and qualified. At each annual meeting of the holders of Exchange Rights, the successors of the class of Exchange Directors whose term expires at that meeting will be elected by the Exchange Rights holders to hold office for a term expiring at the annual meeting held in the second year following the year of their election, and until their successors are elected and qualified.⁵⁴ No Exchange Director may serve more than three consecutive terms, and after a two-

of the Exchange will inform the holders of Exchange Rights of the Exchange Director Nominating Committee's selections.

⁵¹ See Current Constitution, Section 3.10(a). Specifically, in addition to the Exchange Director nominees named by the Nominating Committee, persons eligible to serve as such may be nominated for election to the Board by a petition, signed by the holders of not less than 5% of the outstanding Exchange Rights of the series entitled to elect such person if there are more than eighty (80) Exchange Rights in the series entitled to vote, ten percent (10%) of the outstanding rights of such series entitled to elect such person if there are between eighty (80) and forty (40) Exchange Rights in the series entitled to vote, and twenty-five percent (25%) of the outstanding Exchange Rights of such series entitled to elect such person if there are less than forty (40) Exchange Rights in the series entitled to vote. For purposes of determining whether a person has been nominated for election by petition by the requisite percentage, no Exchange member, alone or together with its affiliates, may account for more than fifty percent (50%) of the signatures of the holders of outstanding Exchange Rights of the series entitled to elect such person, and any such signatures by such Exchange members, alone or together with its affiliates, in excess of such fifty percent (50%) limitation shall be disregarded. *Id.*

⁵² See Current Constitution, Sections 2.1 and 2.5. A holder of Exchange Rights, together with any affiliate, may not exercise the voting rights (*i.e.*, voting to elect the Exchange Directors) associated with more than twenty percent (20%) of the outstanding Exchange Rights. See Current LLC Agreement, Section 6.3(b).

⁵³ See Current Constitution, Section 3.2(c).

⁵⁴ *Id.*

year hiatus, may be eligible to serve as an Exchange Director again.⁵⁵

Proposed Nomination and Election Process

The Exchange is proposing to adopt identical nomination and election processes as the Nasdaq Exchanges as set forth in proposed Bylaw Article II, Section 1 so that Member Representative Directors would be elected to the Board on an annual basis.⁵⁶ For each annual election, the Board would select a Record Date⁵⁷ and an Election Date.⁵⁸ The Record Date would be at least 10 days but not more than 60 days prior to the Election Date. The Member Nominating Committee, consisting of representatives of the Exchange members, would create a list of one or more candidates for each Member Representative Director position (the "List of Candidates") on the Board to be elected on the Election Date. Promptly after selection of the Election Date, in a notice transmitted to the Exchange members and in a prominent location on a publicly accessible Web site, the Exchange (i) shall announce the Election Date and the List of Candidates, and (ii) shall describe the procedures for Exchange members to nominate candidates for election at the next annual meeting. In the event of a Contested Election, the Exchange shall also send its members the List of Candidates and a formal notice of the Election Date, which notice shall be sent by the Exchange at least 10 days but no more than 60 days prior to the Election Date to the Exchange members that were Exchange members on the Record Date, by any means, including electronic transmission, as determined by the Board or committee thereof.

⁵⁵ See Current Constitution, Sections 3.2(e). The Exchange does not impose term limits on Non-Industry Directors.

⁵⁶ See Section 1 of NSM Bylaw Article II, Section 2-1 of the Phlx Bylaws and Section 4.4 of the BX Bylaws. Currently, the Exchange Directors are elected for two-year terms.

⁵⁷ "Record Date" will be defined as a date selected by the Board for the purpose of determining the Exchange members entitled to vote for the election of Member Representative Directors on an Election Date in the event of a Contested Election. See proposed Bylaw Article I(bb), which is based on NSM Bylaw Article I(aa).

"Contested Election" will be defined as an election for one or more Member Representative Directors for which the number of candidates on the List of Candidates exceeds the number of positions to be elected. See proposed Bylaw Article I(g), which is based on NSM Bylaw Article I(ee).

⁵⁸ "Election Date" will be defined as a date selected by the Board on an annual basis, on which the Exchange members may vote with respect to Member Representative Directors in the event of a contested election. See proposed Bylaw Article I(k), which is based on NSM Bylaw Article I(f).

An additional candidate may be added to the List of Candidates by any Exchange member that submits a timely and duly executed written nomination to the Secretary of the Exchange. To be timely, an Exchange member's notice would have to be delivered to the Secretary at the principal executive offices of the Exchange not later than the close of business on the 90th day nor earlier than the close of business on the 120th day prior to the first anniversary of the preceding year's Election Date, provided however that in the event that the Election Date is more than 30 days before or more than 70 days after such anniversary date, notice by the Exchange member must be so delivered not earlier than the close of business on the 120th day prior to such Election Date and not later than the close of business on the later of the 90th day prior to such Voting Election or the tenth day following the day on which public announcement of such Election Date is first made by the Exchange. Such Exchange member's notice shall set forth: (i) As to the person whom the Exchange member proposes to nominate for election as a Member Representative Director, all information relating to that person that is required to be disclosed in solicitations of proxies for election of directors in an election contest, or is otherwise required, in each case pursuant to Regulation 14A under the Act and the rules thereunder (and such person's written consent to be named in the List of Candidates as a nominee and to serving as a Director if elected); (ii) a petition in support of the nomination duly executed by the Executive Representatives⁵⁹ of 10% or more of all Exchange members; and (iii) the name

⁵⁹ "Executive Representative" will be defined as an individual appointed by an Exchange member to represent, vote, and act for the Exchange member in all the affairs of the Exchange; provided, however, that other representatives of an Exchange member may also serve on the Board or committees of the Exchange or otherwise take part in the affairs of the Exchange. If an Exchange member is also a member of FINRA, the Exchange executive representative shall be the same person appointed to serve as the FINRA executive representative. An Exchange member may change its executive representative or appoint a substitute for its executive representative upon giving notice thereof to the Exchange Secretary via electronic process or such other process as the Exchange may prescribe. An executive representative of an Exchange member or a substitute shall be a member of senior management and registered principal of the Exchange member. Each executive representative shall maintain an Internet electronic mail account for communication with the Exchange and shall update firm contact information as prescribed by the Exchange. Each member shall review and, if necessary, update its executive representative designation and contact information in the manner prescribed by the Exchange. See proposed Bylaw Article I(l), which is based on NSM Bylaw Article I(k) and NSM Rule 1150.

and address of the Exchange members making the nomination. The Exchange may require any proposed nominee to furnish such other information as it may reasonably require to determine the eligibility of such proposed nominee to serve as a Member Representative Director.

For purposes of determining whether a person has been nominated for election by petition by the requisite percentage, no Exchange member, alone or together with its affiliates, may account for more than 50% of the signatures endorsing a particular candidate, and any such signatures by such Exchange member, alone or together with its affiliates, in excess of such 50% limitation shall be disregarded.⁶⁰

If by the date on which an Exchange member may no longer submit a timely nomination, there is only one candidate for each Member Representative Director position to be elected on the Election Date, the Member Representative Directors will be elected by ISE Holdings as the Sole LLC Member from the List of Candidates. In the event of a Contested Election, the Exchange would conduct a vote to determine the candidates on the List of Candidates in accordance with proposed Section 2 of Bylaw Article II, which mirrors the language found in Section 2 of the NSM Bylaw Article II.

If there is a Contested Election, each Exchange member would have the right to cast one vote for each Member Representative Director position to be filled; provided, however, that any such vote must be cast for a person on the List of Candidates. However, an Exchange member, either alone or together with its affiliates, may not cast votes representing more than 20% of the votes cast for a candidate, and any votes cast by the Exchange member, either alone or together with its affiliates, in excess of such 20% limitation would be disregarded.⁶¹ The votes would be cast by written ballot, electronic transmission or any other means as set forth in a notice to the Exchange members sent by the Exchange prior to

the Election Date. Only votes received prior to 11:59 p.m. Eastern Time on the Election Date would count for the election of a Member Representative Director. The persons on the List of Candidates who receive the most votes would be elected to the Member Representative Director positions.

New Section 3 of Bylaw Article II proposes that if a Member Representative Director position becomes vacant prior to the expiration of such person's term, or it an increase in the size of the Board results in the creation of a new Member Representative Director position, the Sole LLC Member will elect a person from a list of candidates prepared by the Member Nominating Committee to fill such vacancy, except that if the remaining term of office for the vacant Director position is less than six months, no replacement will be required. The proposal would replace the current process for filling Exchange Director vacancies on the Board,⁶² and mirrors Section 3 of NSM Bylaw Article II. Finally, new Section 4 of Bylaw Article II, copied from Section 4 of NSM Bylaw Article II, proposes that the Exchange will not be required to hold meetings of the Exchange members.⁶³

Related to the proposed changes to the Exchange's nomination and election process described above, the Exchange also proposes to create a Member Nominating Committee, which would replace the current Exchange Director Nominating Committee in nominating candidates for director positions that meet the fair representation requirement (*i.e.*, the proposed Member Representative Directors). In addition, the new Member Nominating Committee would nominate candidates for committee positions that meet the fair representation requirement (*i.e.*, the "Member Representative members").⁶⁴ Similar to the Member Representative Directors on the Board, the function of Member Representative members is to provide members a voice in the administration of the Exchange's affairs, specifically on certain committees that are responsible for providing advice on

any matters pertaining to the Exchange's self-regulatory function or relating to the market structure which the Exchange regulates. The Exchange will therefore require that at least 20% of the persons serving on any such committees be individuals who will have been appointed by the Member Nominating Committee and be representative of the Exchange's membership in order to ensure that its members have the opportunity to formally provide input on matters that are important to them.⁶⁵ New Section 6(b) of Bylaw Article III, which is copied from Section 6(b) of NSM Bylaw Article III, proposes that the Member Nominating Committee would nominate candidates for each Member Representative Director position on the Board, and would also nominate candidates for appointment by the Board for positions on any committees with positions reserved for Member Representative members. The Member Nominating Committee would consist of no fewer than three and no more than six members. All members of the Member Nominating Committee would be a current associated person of a current Exchange member. The Board would appoint such individuals after appropriate consultation with the Exchange members. Member Nominating Committee members would be appointed annually by the Board and may be removed by a majority vote of the Board.

The Exchange believes that the proposed process for selecting Member Representative Directors, together with the requirement in the proposed LLC Agreement that the Board be comprised of at least 20% Member Representative Directors as discussed in the LLC Agreement section above, will continue to provide for a fair representation of its members on the Board. Similar to the nomination and election process currently in place, proposed Bylaw Article II includes a process by which members can directly petition and vote for representation on the Board. The Exchange also believes that proposed process for selecting Member Representative members, together with requirements in the proposed Bylaws that certain committees such as the Quality of Markets Committee be composed of at least 20% Member Representative members, will continue to provide for fair representation of its members in the administration of the

⁶⁵ Under the Proposed Rule Change, the new Quality of Markets Committee, whose primary function is to provide advice on industry-wide market issues, will be required to be composed of at least 20% Member representative members. The Quality of Markets Committee is discussed in detail below.

⁶⁰ This 50% limitation is not in the governing documents of the Nasdaq Exchanges but is based on the existing 50% limitation found in Section 3.10(a)(ii) of the Current Constitution. The existing 50% limitation caps the signature count by member class (*i.e.*, 50% of the signatures of the holders of Exchange Rights of the series entitled to elect such person). Because the fair representation directors will no longer be elected separately by each member class but by the Exchange members as a whole, it is also no longer necessary to apply a separate 50% limitation on each class of members.

⁶¹ This is the same as the 20% voting limitation included in Section 6.3(b) of the Exchange's Current LLC Agreement. See note 52 above.

⁶² See Current Constitution, Section 3.3.

⁶³ In contrast, the Current Constitution requires that an annual meeting of the holders of Exchange Rights be held for the purpose of electing Exchange Directors to fill expiring terms. See Current Constitution, Section 2.1. As noted above for the proposed process, the Exchange members may vote in the event of a Contested Election, through a balloting process without a formal meeting.

⁶⁴ "Member Representative member" will be defined as a member of any committee appointed by the Board who has been elected or appointed after having been nominated by the Member Nominating Committee pursuant to the Bylaws. See proposed Bylaw Article I(s), which is based on NSM Bylaw Article I(f).

Exchange's affairs. In addition, the proposed Member Nominating Committee would be composed solely of persons associated with Exchange members, similar to the current Exchange Director Nominating Committee, and is selected after consultation with representatives of Exchange members. The Commission has previously approved rule changes for substantially similar board nomination and election processes for the Nasdaq Exchanges.⁶⁶

Board Composition

The Exchange is proposing to adopt Article III of the Bylaws, titled "Board of Directors," which is based on NSM Bylaw Article III. Section 1 of Bylaw Article III proposes that if any Director position other than a Member Representative Director position becomes vacant, whether because of death, disability, disqualification, removal, or resignation, the Nominating Committee (discussed below) shall nominate, and the Sole LLC Member shall select, a person satisfying the classification (Industry, Non-Industry, or Public Director), if applicable, for the directorship to fill such vacancy.

Section 2(a) of Bylaw Article III sets forth the proposed Board composition requirements and provides that a Director may not be subject to a statutory disqualification. The Exchange is proposing to replace the current Board qualification requirements with the ones set forth in the new Section 2(a), which mirrors the qualifications language in Section 2(a) of NSM Bylaw Article III. This proposed change to the current Board composition is in addition to the proposal discussed in the LLC Agreement section above to give the Sole LLC Member discretion to determine the size of the Board from time to time.⁶⁷

Currently, the number of directors on the Board must be no less than eight and no more than sixteen⁶⁸ and in no event shall the number of Exchange Directors constitute less than 30% of the members

of Board and in no event shall the number of directors who meet the qualifications of "non-industry representatives" as set forth in the Current Constitution⁶⁹ constitute less than the number of Exchange Directors.⁷⁰ Furthermore, the Board must be composed as follows: (i) At least 50% directors who meet the qualifications of "non-industry representatives"⁷¹ and elected by ISE Holdings as the Sole LLC Member, at least one (1) of whom must meet the qualifications of "Public Director,"⁷² (ii) one (1) director, who is the President and Chief Executive Officer of the Exchange (the "CEO Director"),⁷³ (iii) at least 30% Exchange Directors, as described above, and (iv) one (1) Former Employee Director, who may be elected by the Sole LLC Member in its sole and absolute discretion.⁷⁴

The Exchange is proposing to replace the aforementioned Board composition with the board structure in place at the Nasdaq Exchanges. As is the case with the Nasdaq Exchanges, the proposed Board composition would be required to

⁶⁹ The term "non-industry representative" means any person who would not be considered an "industry representative," as well as (i) a person affiliated with a broker or dealer that operates solely to assist the securities-related activities of the business of non-member affiliates, or (ii) an employee of an entity that is affiliated with a broker or dealer that does not account for a material portion of the revenues of the consolidated entity, and who is primarily engaged in the business of the non-member entity. *See* Current Constitution, Section 13.1(u).

The term "industry representative" means a person who is an officer, director or employee of a broker or dealer or who has been employed in any such capacity at any time within the prior three (3) years, as well as a person who has a consulting or employment relationship with or has provided professional services to the Exchange and a person who had any such relationship or provided any such services to the Exchange at any time within the prior three (3) years. *See* Current Constitution, Section 13.1(r).

⁷⁰ *See* Current Constitution, Section 3.2(a).

⁷¹ *See* Current Constitution, Section 3.2(b).

⁷² "Public Director" means is a non-industry representative who has no material relationship with a broker or dealer or any affiliate of a broker or dealer or the Exchange or any affiliate of the Exchange. *See* Current Constitution, Section 3.2(b) and Sections 13.1(z) and (aa).

⁷³ *See* Current Constitution, Section 3.2(b). The President and Chief Executive Officer of the Exchange is elected by the Board and will be nominated by the Board for a directorship by virtue of his or her office. *See* Current Constitution, Section 4.6(a). The President and Chief Executive Officer will only serve on the Board for so long as such person remains the President and Chief Executive Officer. *See* Current Constitution, Section 3.2(e).

⁷⁴ The Former Employee Director is a director who meets the requirements of a "non-industry representative," except that such person was employed by the Exchange at any time during the three (3) year period prior to his or her initial election. The Exchange is not required under its Current Constitution to fill this director position. *See* Current Constitution, Section 3.2(b).

reflect a balance among "Industry Directors," "Member Representative Directors," and "Non-Industry Directors," including "Public Directors."⁷⁵ The new Board structure would be as follows:

- At least twenty percent (20%) of the directors on the Board would be "Member Representative Directors;"⁷⁶
- The number of "Non-Industry Directors"⁷⁷ would equal or exceed the sum of the number of "Industry Directors"⁷⁸ and "Member Representative Directors"⁷⁹

⁷⁵ *See* Section 2(a) of NSM Bylaw Article III, Section 3–2(a) of Phlx Bylaws and Section 4.3 of BX Bylaws.

⁷⁶ *See* proposed LLC Agreement, Section 9(a). "Member Representative Director" will be defined as a Director who has been elected or appointed after having been nominated by the Member Nominating Committee or by an Exchange Member. A Member Representative Director may, but is not required to be, an officer, director, employee, or agent of an Exchange member. *See* proposed Bylaws, Article I(r), which is based on NSM Bylaw Article I(q).

⁷⁷ "Non-Industry Director" will be defined as a Director (excluding Staff Directors) who is (i) a Public Director; (ii) an officer, director, or employee of an issuer of securities listed on the Exchange; or (iii) any other individual who would not be an Industry Director. *See* proposed Bylaws, Article I(w), which is based on NSM Bylaw Article I(v).

⁷⁸ An "Industry Director" will be a person with direct ties to the securities industry as a result of connections to a broker-dealer, the Exchange or its affiliates, FINRA, or certain service providers to such entities. Specifically, an "Industry Director" will be defined as a Director (excluding Staff Directors), who (i) is or has served in the prior three years as an officer, director, or employee of a broker or dealer, excluding an outside director or a director not engaged in the day-to-day management of a broker or dealer; (ii) is an officer, director (excluding an outside director), or employee of an entity that owns more than ten percent of the equity of a broker or dealer, and the broker or dealer accounts for more than five percent of the gross revenues received by the consolidated entity; (iii) owns more than five percent of the equity securities of any broker or dealer, whose investments in brokers or dealers exceed ten percent of his or her net worth, or whose ownership interest otherwise permits him or her to be engaged in the day-to-day management of a broker or dealer; (iv) provides professional services to brokers or dealers, and such services constitute 20 percent or more of the professional revenues received by the Director or 20 percent or more of the gross revenues received by the Director's firm or partnership; (v) provides professional services to a director, officer, or employee of a broker, dealer, or corporation that owns 50 percent or more of the voting stock of a broker or dealer, and such services relate to the director's, officer's, or employee's professional capacity and constitute 20 percent or more of the professional revenues received by the Director or member or 20 percent or more of the gross revenues received by the Director's or member's firm or partnership; or (vi) has a consulting or employment relationship with or provides professional services to the Exchange or any affiliate thereof or to FINRA (or any predecessor) or has had any such relationship or provided any such services at any time within the prior three years. *See* proposed Bylaws Article I(m), which is based on NSM Bylaw Article I(l).

⁷⁹ *See* proposed Section 2(a) of Bylaw Article III.

⁶⁶ *See, e.g.*, Securities Exchange Act Release No. 53128 (Jan. 13, 2006), *see* note 18 above; Securities Exchange Act Release No. 58324 (August 7, 2008), 73 FR 46936 (August 12, 2008) (SR–BSE–2008–02, –23, –25, SR–BSECC–2001–01) (Order Approving a Proposal by BX to Amend and Restate its COI and its Constitution to Reflect its Acquisition by the NASDAQ OMX Group); and Securities Exchange Act Release No. 59794 (April 20, 2009), 74 FR 18761 (April 24, 2009) (SR–Phlx–2009–17) (Order Approving Proposed Rule Change Relating to the Nomination and Election of Candidates for Governor and Independent Governor).

⁶⁷ *See* proposed Section 9(a) of the LLC Agreement.

⁶⁸ *See* Current Constitution, Section 3.2(a). Currently, the Board is comprised of sixteen directors.

• The Board would include at least one “Public Director”⁸⁰ and at least one issuer representative (or if the Board consists of ten or more Directors, at least two issuer representatives);

• Up to two officers of the Exchange (“Staff Directors”) may be elected to the Board.⁸¹

Under Section 2(b) of the proposed Bylaws, which mirrors Section 2(b) of NSM Bylaw Article III, a Director would be disqualified and removed immediately upon a determination by the Board, by a majority vote of the remaining Directors, (a) that the Director no longer satisfies the classification for which the Director was elected; and (b) that the Director’s continued service as such would violate the compositional requirements of the Board set forth in proposed Section 2(a). Thus, for example, if a Public Director became employed by a broker-dealer and the Board thereby had an inadequate number of Public Directors, the Director would be disqualified and removed. If a Director is disqualified and removed, and the remaining term of office of such Director at the time of termination is not more than 6 months, a replacement for the Director is not required until the next annual meeting. Analogous disqualification provisions exist for committee members.⁸²

Upon the Acquisition, there were a number of harmonizing changes to the Board,⁸³ which resulted in a complete overlap of directors on the boards of the Exchange, NSM, Phlx and BX. Specifically, there were eight (8) directors meeting the qualifications of “non-industry representatives” under the Current Constitution and “Non-Industry Directors” under each of the Nasdaq Exchanges’ Bylaws.⁸⁴ Furthermore, two of these directors also

met the compositional requirements of “Public Directors” under the Current Constitution and under the Bylaws of each Nasdaq Exchange.⁸⁵ The Chief Executive Officer appointed upon the Acquisition by the Sole LLC Member became a Board member by virtue of his office under the current Constitution, and also met the qualifications of “Staff Director” under each of the Nasdaq Exchange Bylaws. Five of the six Exchange Directors serving on the Board immediately prior to the Acquisition remained on the Board post-Acquisition. One Exchange Director was appointed by the Exchange Director Nominating Committee and elected to the Board upon the Acquisition due to his predecessor being term limited out under the Current Constitution. The Board therefore satisfied the composition requirements in the Current Constitution that at least 50% of directors be “non-industry representatives,” and at least 30% be Exchange Directors. The six Exchange Directors also served as “Member Representative Directors” on the Nasdaq Exchange boards, therefore satisfying the 20% Member Representative Director requirement under their Bylaws. Finally, one additional director was appointed to the “Former Employee Director” seat of the Board by the Sole LLC Member, meeting the qualifications for such directorship and also meeting the qualifications of “Staff Director” under each of the Nasdaq Exchange Bylaws. As such, the post-Acquisition Board satisfied the composition requirements contained both in the Current Constitution and in the proposed Bylaws.

The terms of the directors on the post-Acquisition Board ended at the 2017 annual meeting of the Exchange Members and Sole LLC Member (“2017 Annual Election”), which was held on June 19, 2017 to elect the current Board and coincided with the 2017 annual elections of the Nasdaq Exchange boards. The Exchange held the 2017 Annual Election to elect the current Board in accordance with the nomination, petition and voting processes set forth in the Current Governing Documents. Once the New Governing Documents become operative, no additional actions will be required under the LLC Act with respect to the current Board. All of the directors on the current Board are existing directors who served on the post-

Acquisition Board and, similar to the post-Acquisition Board as described above, the current Board satisfies the board composition requirements both in the Current Governing Documents and in the New Governing Documents.⁸⁶ Even though the current Board was not nominated or voted upon in accordance with New Governing Documents, the Exchange believes that the current Board is consistent with the Act in that it still provides for the fair representation of members and has one or more directors that are representative of issuers and investors and not associated with a member of the exchange, broker, or dealer. First, six Exchange Directors, who are officers, directors or partners of Exchange members as required by Section 3.2(b) of the Current Constitution, were nominated by the Exchange Director Nominating Committee and elected to the current Board by a plurality of the holders of the Exchange Rights. These Exchange Directors were subject to the full petition and voting process by membership in accordance with Articles II and III of the Current Constitution, which process the Commission has already found as satisfying the principles of fair representation as required by Section 6(b) of the Act.⁸⁷ Furthermore as noted above, the Exchange believes that the Exchange Directors serve the same function as the Member Representative Directors under the proposed board structure in that both directorships give Exchange members a voice in the Exchange’s use of self-regulatory authority. The Exchange notes that only the corporate governance structure is changing under the Proposed Rule Change, and that the Exchange’s membership has remained substantially the same both before and after the 2017 Annual Election.

Second, eight directors who meet the requirements of non-industry representatives under the Current Constitution as well as Non-Industry Directors under the proposed Bylaws were nominated by the existing Corporate Governance Committee and elected by the Sole LLC Member to the current Board. Further, at least three of these directors are Public Directors or issuer representatives, consistent with the composition requirements under the Current Constitution and proposed Bylaws. The current Board therefore reflects a balance among the six Exchange Directors (*i.e.*, Member Representative Directors) and the eight

⁸⁰ *Id.* “Public Director” will be defined as a Director who has no material business relationship with a broker or dealer, the Exchange or its affiliates, or FINRA. See proposed Bylaw Article I(z), which is based on NSM Bylaw Article I(y).

⁸¹ See proposed Bylaw Article I(m). Staff Directors will not be considered as either Industry or Non-Industry Directors.

⁸² See proposed Section 4(b) of Bylaw Article III, which mirrors the language in Section 4(b) of NSM Bylaw Article III.

⁸³ These changes consisted of the resignations of all directors, other than the Exchange Directors, sitting on the Board immediately prior to the consummation of the Acquisition, and the appointments of Nasdaq designees to fill these vacancies on the Board. The changes were effected through a series of unanimous written consents by the Board, as well as unanimous written consents by the Exchange Director Nominating Committee and the Corporate Governance Committee. The Exchange represents that these changes were effected in accordance with the Current Governing Documents.

⁸⁴ These eight directors also sat on the three Nasdaq Exchange boards immediately prior to the Acquisition.

⁸⁵ In addition, the current Board also satisfies the requirement under the Nasdaq Exchange Bylaws that the board be composed of at least one Public Director and at least one (or two, if the board consists of ten or more directors) issuer representatives.

⁸⁶ See Current Constitution, Section 3.2; proposed LLC Agreement, Section 9(a); and proposed Bylaw Article III, Section 2(a).

⁸⁷ See GEMX Approval Order.

non-industry representative directors (*i.e.*, Non-Industry Directors, including Public Directors or issuer representatives). The Exchange's Chief Executive Officer was also elected to the current Board by the Sole LLC Member, thereby satisfying the composition requirements of CEO Director and Staff Director under the Current Constitution and proposed Bylaws.

For the annual elections starting in 2018 and subject to approval by the Commission, the Exchange will hold its annual elections in accordance with the processes contemplated in the New Governing Documents and as such, the 2017 Board will serve until the 2018 annual election. Specifically upon the Merger, the 2017 Board will appoint a Nominating Committee (as discussed in detail below) and a Member Nominating Committee, and such committees would nominate candidates for the 2018 annual election pursuant to the procedures set forth in proposed Bylaw Article I (for Member Representative Directors) and in proposed Section 9(a) of the LLC Agreement and proposed Bylaw Article III (for all other Directors).

Section 3 of Bylaw Article III, which is copied from Section 3 of NSM Bylaw Article III, contains standard provisions for a Delaware limited liability company governing the appropriateness of reliance by Directors upon the records of the Exchange. Section 3 also recognizes the Exchange's status as an SRO by providing that the Board, when evaluating any proposal, shall, to the fullest extent permitted by applicable law, take into account all factors that the Board deems relevant, including, without limitation, (i) the potential impact thereof on the integrity, continuity and stability of the national securities exchange operated by the Exchange and the other operations of the Exchange, on the ability to prevent fraudulent and manipulative acts and practices and on investors and the public, and (ii) whether such would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions in securities or assist in the removal of impediments to or perfection of the mechanisms for a free and open market and a national market system. Taken together, these provisions are designed to reinforce the notion that the Exchange is not solely a commercial enterprise but rather an SRO registered pursuant to the Act and subject to the obligations imposed by the Act.

Standing Committees

The proposed new Sections 4, 5 and 6 of Bylaw Article III, which are based on Sections 4, 5 and 6 of the NSM Bylaw Article III, would include provisions governing the composition and authority of various standing committees established by the Board. Proposed new Section 4 of Bylaw Article III would require prospective committee members, who are not Directors, to provide the Secretary of the Exchange with certain information to classify a committee member as an Industry member,⁸⁸ a Member Representative member,⁸⁹ a Non-Industry member,⁹⁰ or a Public member.⁹¹ Analogous new provisions

⁸⁸ "Industry member" will be defined as a member of any committee appointed by the Board who (i) is or has served in the prior three years as an officer, director, or employee of a broker or dealer, excluding an outside director or a director not engaged in the day-to-day management of a broker or dealer; (ii) is an officer, director (excluding an outside director), or employee of an entity that owns more than ten percent of the equity of a broker or dealer, and the broker or dealer accounts for more than five percent of the gross revenues received by the consolidated entity; (iii) owns more than five percent of the equity securities of any broker or dealer, whose investments in brokers or dealers exceed ten percent of his or her net worth, or whose ownership interest otherwise permits him or her to be engaged in the day-to-day management of a broker or dealer; (iv) provides professional services to brokers or dealers, and such services constitute 20 percent or more of the professional revenues received by the committee member or 20 percent or more of the gross revenues received by the committee member's firm or partnership; (v) provides professional services to a director, officer, or employee of a broker, dealer, or corporation that owns 50 percent or more of the voting stock of a broker or dealer, and such services relate to the director's, officer's, or employee's professional capacity and constitute 20 percent or more of the professional revenues received by the committee member or 20 percent or more of the gross revenues received by the committee member's firm or partnership; or (vi) has a consulting or employment relationship with or provides professional services to the Exchange or any affiliate thereof or to FINRA (or any predecessor) or has had any such relationship or provided any such services at any time within the prior three years. See proposed Bylaw Article I(n), which is based on NSM Bylaw Article I(m).

⁸⁹ "Member Representative member" will be defined as a member of any committee appointed by the Board who has been elected or appointed after having been nominated by the Member Nominating Committee pursuant to the Bylaws. See proposed Bylaw Article I(s), which is based on NSM Bylaw Article I(r).

⁹⁰ "Non-Industry member" will be defined as a member of any committee appointed by the Board who is (i) a Public member; (ii) an officer or employee of an issuer of securities listed on the national securities exchange operated by the Exchange; or (iii) any other individual who would not be an Industry member. See proposed Bylaw Article I(x), which is based on NSM Bylaw Article I(w).

⁹¹ "Public member" will be defined as a member of any committee appointed by the Board who has no material business relationship with a broker or dealer, the Exchange or its affiliates, or FINRA. See proposed Bylaw Article I(aa), which is based on NSM Bylaw Article I(z).

are also proposed for prospective Directors.⁹²

Sections 5 and 6 of proposed Bylaw Article III, titled "Committees Composed Solely of Directors" and "Committees Not Composed Solely of Directors," establishes several standing committees and delineates their general duties and responsibilities. The proposed committee structure is modeled substantially on the committee structures of the Nasdaq Exchanges, and are copied to the extent such committees are relevant to the Exchange.⁹³

Currently, the standing Board committees of the Exchange are: An Executive Committee, a Corporate Governance Committee, a Finance and Audit Committee, a Compensation Committee, and such other additional committees as may be established by Board resolution.⁹⁴ As discussed above, the Exchange also has an Exchange Director Nominating Committee, which is a committee of the Exchange and not the Board. All committee appointments are made by the Board, and each appointee serves for one year or until his or her successor is duly appointed.

Proposed Committees Composed Solely of Directors

New Section 5 of Bylaw Article III, which copies the language in Section 5 of NSM Bylaw Article III, provides for an Executive Committee, a Finance Committee, and a Regulatory Oversight Committee.

Creation of an Executive Committee

The Exchange proposes to adopt new Section 5(a), which provides that the Board may appoint an Executive Committee and delineates its composition and functions. In particular, the proposed Executive Committee may exercise all the powers and authority of the Board in the management of the business and affairs of the Exchange between meetings of the Board. The number of Non-Industry Directors on the Executive Committee must equal or exceed the number of

⁹² See proposed Section 6(b)(v) of Bylaw Article III, which is based on Section 6(b)(v) of NSM Bylaw Article III.

⁹³ For example, the Exchange does not propose to establish an Exchange Listing and Hearing Review Council because the Exchange does not offer any original listings. Similarly, the Exchange does not propose to establish an Arbitration and Mediation Committee as the Exchange's arbitration and mediation program is operated by the Financial Industry Regulatory Authority ("FINRA") in accordance with the FINRA rules pursuant to a regulatory services agreement dated June 10, 2013, as amended ("RSA"). Under the RSA, FINRA provides a comprehensive dispute resolution program for Exchange members.

⁹⁴ See Current Constitution, Article V.

Industry Directors on the Executive Committee. The percentage of Public Directors on the Executive Committee must be at least as great as the percentage of Public Directors on the whole Board, and the percentage of Member Representative Directors on the Executive Committee must be at least as great as the percentage of Member Representative Directors on the whole Board. Currently, the Executive Committee is a permanent standing committee of the Board.⁹⁵ Under the new Section 5(a), the Executive Committee would be an optional committee, to be appointed only if deemed necessary by the Board. The Exchange's proposal is similar to all three Nasdaq Exchanges where the Exchange Committee is optional, at the discretion of the Board.⁹⁶

Elimination of the Current Finance and Audit Committee

The Exchange also proposes to adopt new Section 5(b), which provides that the Board may appoint a Finance Committee and delineates its composition and functions. In particular, the Finance Committee will advise the Board with respect to the oversight of the financial operations and conditions of the Exchange, including recommendations for the Exchange's annual operating and capital budgets and proposed changes to the rates and fees charged by the Exchange. By adopting new Section 5, the Exchange is proposing to eliminate the current Finance and Audit Committee, and have all of its duties and functions performed at the Board level, assigned to other proposed Board committees or to the HoldCo audit committee (the "HoldCo Audit Committee").⁹⁷

Pursuant to its current charter, the Finance and Audit Committee⁹⁸ is primarily charged with: (i) Oversight of financial operations of the Exchange; (ii)

oversight of the Exchange's financial reporting process; (iii) oversight of the systems of internal controls established by management and the Board, and for monitoring compliance with laws and regulations; (iv) evaluation of independent external auditors; and (v) direction and oversight of the internal audit function. Under the new Section 5(b), the Board would retain oversight of the financial operations of the Exchange instead of delegating these functions to standing committee, and would have to option to appoint a Finance Committee at the Board's discretion. The Exchange's proposal is similar to all three Nasdaq Exchanges where the Finance Committee is optional, at the discretion of the Board.⁹⁹

Furthermore, the HoldCo Audit Committee also covers the functions of the current Finance and Audit Committee. The HoldCo Audit Committee is composed of at least three directors, all of whom must satisfy the standards for independence set forth in Section 10A(m) of the Act¹⁰⁰ and Rule 5605 of NSM's listing rules. All committee members must be able to read and understand financial statements, and at least one member must have past employment experience in finance or accounting, requisite professional certification in accounting or any other comparable experience or background that results in the individual's financial sophistication.

The HoldCo Audit Committee has broad authority to review the financial information that will be provided to shareholders of HoldCo and others, systems of internal controls, and audit, financial reporting and legal and compliance processes. Because HoldCo's financial statements are prepared on a consolidated basis that includes the financial results of HoldCo's subsidiaries, including the Exchange and the other Nasdaq Exchange subsidiaries, HoldCo's audit committee purview necessarily includes these subsidiaries. The Exchange notes that unconsolidated financial statements of the Exchange will still be prepared for each fiscal year in accordance with the requirements set forth in its application for registration as a national securities exchange.¹⁰¹ To the extent the current Finance and Audit Committee oversees the Exchange's financial reporting process, its activities are duplicative of the activities of the HoldCo Audit Committee, which is also

charged with providing oversight over financial reporting and independent auditor selection for HoldCo and all of its subsidiaries, including the Exchange and the other Nasdaq Exchange subsidiaries. Similarly, the HoldCo Audit Committee has general responsibility for oversight over internal controls, and direction and oversight over the internal audit function for HoldCo and all of its subsidiaries. Thus, the responsibilities of the Exchange's Finance and Audit Committee as it relates to the functions set forth in clauses (ii)-(v) above are fully duplicated by the responsibilities of the HoldCo Audit Committee. Accordingly, the Exchange is proposing to allow the elimination of its Finance and Audit Committee. The Commission has previously approved similar proposals by the Nasdaq Exchanges to eliminate their respective audit committees.¹⁰²

Creation of a Regulatory Oversight Committee

The Exchange believes, however, that even in light of the HoldCo Audit Committee's overall responsibilities for internal controls and the internal audit function, it is nevertheless important for the Board to maintain its own independent oversight over the Exchange's controls and internal audit matters relating to the Exchange's operations. Therefore, the Exchange is proposing to create a Regulatory Oversight Committee ("ROC") so that regulatory oversight functions formerly performed by the Finance and Audit Committee may be assumed by the new committee.¹⁰³ Like the ROCs of the Nasdaq Exchanges, the new committee will have broad authority to oversee the adequacy and effectiveness of the Exchange's regulatory and self-regulatory organization responsibilities, and will therefore be able to maintain oversight over controls in tandem with the HoldCo Audit Committee's overall oversight responsibilities.

Similarly, it is already a formal practice of HoldCo's Internal Audit Department, which performs internal audit functions for all HoldCo subsidiaries, to report to the Nasdaq

⁹⁵ The Executive Committee (consisting of six directors, and with the number of non-industry representatives equaling or exceeding the number of Exchange Directors) on behalf of the Board and subject to its control, has all of the powers of the Board except the power to approve any merger, consolidation, sale or dissolution of the Exchange. See Current Constitution, Section 5.2.

⁹⁶ See Section 5(a) of NSM Bylaw Article III, Section 4.13(a) of the BX Bylaws and Section 5-2(a) of the Phlx Bylaws.

⁹⁷ See Article IV, Section 4.13(g) of the HoldCo By-Laws. See also the HoldCo Audit Committee Charter (available at <http://ir.nasdaq.com/corporate-governance-document.cfm?DocumentID=195>).

⁹⁸ The current Finance and Audit Committee must be composed of at least three (3) and not more than five (5) directors, all of whom must be non-industry representatives. See Current Constitution, Section 5.5. In addition, committee members must be "financially literate" as determined by the Board.

⁹⁹ See Section 5(b) of NSM Bylaw Article III, Section 4.13(b) of the BX Bylaws and Section 5-2(b) of the Phlx Bylaws.

¹⁰⁰ See U.S.C. 78j-1(m).

¹⁰¹ See GEMX Approval Order.

¹⁰² See Securities Exchange Act Release No. 60276 (July 9, 2009), 74 FR 34840 (July 17, 2009) (SR-NASDAQ-2009-042); Securities Exchange Act Release No. 60247 (July 6, 2009), 74 FR 33495 (July 13, 2009) (SR-BX-2009-021); and Securities Exchange Act Release No. 60687 (September 18, 2009), 74 FR 49060 (September 25, 2009) (SR-Phlx-2009-59).

¹⁰³ See proposed Section 5(c) of Bylaw Article III. The Nasdaq Exchanges also have Regulatory Oversight Committees, which have the same authority in all material respects to the proposed ROC. See Section 5(c) of NSM Bylaw Article III, Section 4.13(c) of the BX Bylaws and Section 5-2(c) of the Phlx Bylaws.

Exchange boards on all Nasdaq Exchange-related internal audit matters and to direct such reports to the ROCs of the Nasdaq Exchanges.¹⁰⁴ The Exchange proposes that the HoldCo Internal Audit Department would also similarly report to the Exchange Board and direct such reports to the new ROC. In addition, to ensure that the Exchange Board retains authority to direct the Department's activities with respect to the Exchange, the Department's written procedures will stipulate that the Exchange's ROC may, at any time, direct the Department to conduct an audit of a matter of concern to it and report the results of the audit both to the Exchange ROC and the HoldCo Audit Committee. The Internal Audit Department is currently required to conduct such audits upon the request of the Nasdaq Exchange ROCs.

To effectuate this change, the Exchange proposes to adopt the new Section 5(c) providing for a ROC and delineating its composition and functions. In particular, the proposed ROC's responsibilities will be to: (i) Oversee the adequacy and effectiveness of the Exchange's regulatory and self-regulatory organization responsibilities; (ii) assess the Exchange's regulatory performance; and (iii) assist the Board and other committees of the Board in reviewing the regulatory plan and the overall effectiveness of the Exchange's regulatory functions. In furtherance of its functions, the ROC shall: (A) review the Exchange's regulatory budget and specifically inquire into the adequacy of resources available in the budget for regulatory activities; (B) meet regularly with the Exchange's Chief Regulatory Officer in executive session; and (C) be informed about the compensation and promotion or termination of the Chief Regulatory Officer and the reasons therefor. The Exchange proposes that the ROC shall consist of three members, each of whom shall be a Public Director and an "independent director" as defined in Rule 5605 of the Rules of The NASDAQ Stock Market, LLC.

Given the expansive regulatory and internal oversight of the proposed ROC and HoldCo Audit Committee, coupled with the oversight and responsibilities of the full Board and HoldCo's Internal Audit Department, the Exchange believes that all of the duties and functions of the eliminated Finance and Audit Committee would continue to be performed in the new governance structure as proposed herein.

¹⁰⁴ See the Regulatory Oversight Committee Charter of NSM, Phlx and BX (available at <http://ir.nasdaq.com/corporate-governance-document.cfm?DocumentID=1097>).

Elimination of the Current Compensation Committee

By adopting the new Board committees in Section 5, the Exchange also proposes to eliminate its current Compensation Committee, and to prescribe that its duties be performed by the HoldCo management compensation committee or the full Board when required. The Compensation Committee¹⁰⁵ is primarily charged with reviewing and approving compensation policies and plans for the Chief Executive Officer and other senior executive officers of the Exchange. Under the Nasdaq governance structure, this function is performed by the HoldCo management compensation committee or the full boards of the Nasdaq Exchanges. The HoldCo By-Laws provide that its management compensation committee (a committee consisting of at least two HoldCo board members meeting the independence and other eligibility standards in the listing rules of NSM) considers and recommends compensation policies, programs, and practices for employees of HoldCo. Because many employees performing work for the Exchange are also employees of HoldCo, its compensation committee already performs these functions for such employees. Moreover, certain of its senior officers are also officers of HoldCo and other HoldCo subsidiaries because their responsibilities relate to multiple entities within the HoldCo corporate structure. Accordingly, HoldCo pays these individuals and establishes compensation policy for them. Most notably, the current Chief Executive Officer of the Exchange is also an "executive officer" of HoldCo within the meaning of NSM Rule 5605. Under that rule, the compensation of executive officers of an issuer of securities, such as the common stock of HoldCo, that is listed on NSM, must be determined by, or recommended to the board of directors for determination by, a majority of independent directors or a compensation committee comprised solely of independent directors. Accordingly, the HoldCo board of directors and/or its compensation committee is legally required to establish the compensation for this individual.

To the extent that policies, programs, and practices must also be established for any Exchange officers or employees who are not also HoldCo officers or

¹⁰⁵ The committee must be composed of at least three and not more than five directors who must all meet the "Non-Industry Director" qualifications under the Current Constitution. See Current Constitution, Section 5.6.

employees, the Board would perform such actions without the use of a compensation committee (but subject to the recusal of the Staff Directors).¹⁰⁶ Finally, it should be noted that under the new Section 5(c) of Bylaw Article III, the ROC of the Board would be informed about the compensation and promotion or termination of the Exchange's Chief Regulatory Officer and the reasons therefor, to allow the ROC to provide oversight over decisions affecting this key officer. Therefore, the Exchange believes that the duties and functions of the eliminated Compensation Committee would continue to be performed and covered in the new corporate governance structure proposed by the New Governing Documents. The Commission has previously approved proposals by the Nasdaq Exchanges to eliminate their respective compensation committees.¹⁰⁷

Elimination of the Current Corporate Governance Committee

Finally, the Exchange also proposes to eliminate the current Corporate Governance Committee, and to prescribe that its duties be performed by the new Nominating Committee (as discussed below), the new ROC or by the full Board when required. The Corporate Governance Committee¹⁰⁸ is primarily charged with: (i) Nominating candidates for all vacant or new non-industry representative positions on the Board, (ii) overseeing the Exchange's regulatory activities and program, and (iii) overseeing and evaluating the governance of the Exchange. As discussed below, the Exchange is proposing to establish a new Nominating Committee that would nominate candidates for all vacant or new non-Member Representative Director positions on the Board, and therefore would perform the Non-Industry Director nominating functions of the current Corporate Governance

¹⁰⁶ As discussed in the proposed Board composition section above, "Staff Directors" would be Exchange directors that are also serving as officers. Since the Board would not be responsible for setting the compensation of any Staff Directors who are also officers of HoldCo, they would be permitted to participate in discussions concerning compensation of Exchange employees, but would recuse themselves from a vote on the subject to allow the determination to be made by directors that are not officers or employees of the Exchange. If a Staff Director was an officer or employee of the Exchange but not of HoldCo, that Staff Director would also absent himself or herself from any deliberations regarding his or her compensation.

¹⁰⁷ See note 102 above.

¹⁰⁸ The committee must consist of at least three directors, all of whom are required to meet the "Non-Industry Director" standards under the Current Constitution. See Current Constitution, Section 5.4.

Committee.¹⁰⁹ Furthermore, the new ROC would have to carry out the regulatory oversight tasks currently within purview of the Corporate Governance Committee. In particular, the new ROC would (i) oversee the adequacy and effectiveness of the Exchange's regulatory and self-regulatory organization responsibilities; (ii) assess the Exchange's regulatory performance; and (iii) assist the Board and other committees of the Board in reviewing the regulatory plan and the overall effectiveness of the Exchange's regulatory functions. Its duties would include reviewing the Exchange's regulatory budget and inquiring into the adequacy of resources available in the budget for regulatory activities; meeting regularly with the Exchange's Chief Regulatory Officer in executive session; and having oversight over compensation, hiring and termination decisions affecting this key officer as discussed above.

As it relates to the general supervision over the corporate governance of the Exchange, the full Board would perform such functions without the use of a corporate governance committee, similar to the boards of the Nasdaq Exchanges.¹¹⁰ In particular, the full Board, led by the Chair of the Board,¹¹¹ would perform annual self-assessments, oversee annual formal director and Chair evaluations, and periodically review the allocations of powers between management and the Board. Therefore, the Exchange believes that the duties and functions of the eliminated Corporate Governance Committee would continue to be performed and covered in the new corporate governance structure proposed by the New Governing Documents.

Proposed Committees Not Composed Solely of Directors

In addition to the proposed Board committees discussed above, new Section 6 of Bylaw Article III provides for the appointment by the Board of certain standing committees, not composed solely of Directors, to administer various provisions of the rules that the Exchange expects to propose with respect to governance, options trading and member discipline.

¹⁰⁹ See proposed Section 6(b) of Bylaw Article III.

¹¹⁰ See the Corporate Governance Guidelines of NSM, Phlx and BX (available at <http://ir.nasdaq.com/corporate-governance-document.cfm?DocumentID=6027>).

¹¹¹ The Board Chair will be an "independent director" (i.e. person other than an officer or employee of HoldCo or its subsidiaries, including the Exchange) as provided under the listing rules of NSM and SEC requirements.

By adopting Section 6, the Exchange proposes to eliminate certain standing committees and have their relevant functions performed by the new committees, each as described below.

Creation of a Member Nominating Committee

The new Member Nominating Committee, responsible for: (i) The nomination for election of Member Representative Directors to the Board or (ii) the nomination for appointment of Member Representative members to the committees requiring such members, would replace the Exchange Director Nominating Committee. The composition requirements of the Member Nominating Committee are discussed in the Nomination and Election Process section above.

Creation of a Nominating Committee

The new Nominating Committee will nominate candidates for all other vacant or new Director positions on the Board, and therefore, would perform the non-industry representative nomination function currently assigned to the Corporate Governance Committee. The Nominating Committee will consist of no fewer than six and no more than nine members, and the number of Non-Industry members (i.e. committee members not associated with broker-dealers) shall equal or exceed the number of Industry members on the Nominating Committee. If the Nominating Committee consists of six members, at least two shall be Public members. If the Nominating Committee consists of seven or more members, at least three shall be Public members. No officer or employee of the Exchange shall serve as a member of the Nominating Committee in any voting or non-voting capacity. No more than three of the Nominating Committee members and no more than two of the Industry members shall be current Directors. A Nominating Committee member may not simultaneously serve on the Nominating Committee and the Board, unless such member is in his or her final year of service on the Board, and following that year, that member may not stand for election to the Board until such time as he or she is no longer a member of the Nominating Committee. Nominating Committee members will be appointed annually by the Board and may be removed by a majority vote of the Board.¹¹²

¹¹² See Section 6(b) of NSM Bylaw Article III, Section 4.14(b) of the BX Bylaws and Section 5-3(a) of the Phlx Bylaws for similar provisions related to the Nominating Committee.

Creation of a Quality of Markets Committee

The new Quality of Markets Committee (the "QMC"), which is modeled off of the QMCs of the Nasdaq Exchanges,¹¹³ will have the following functions: (i) To provide advice and guidance to the Board on issues relating to the fairness, integrity, efficiency, and competitiveness of the information, order handling, and execution mechanisms of the Exchange from the perspective of investors, both individual and institutional, retail firms, market making firms and other market participants; and (ii) to advise the Board with respect to national market system plans and linkages between the facilities of the Exchange and other markets. The QMC shall include broad representation of participants in the Exchange, including investors, market makers, retail firms, and order entry firms. The QMC shall include a number of Member Representative members that is equal to at least 20% of the total number of members of the QMC. The number of Non-Industry members on the proposed QMC shall equal or exceed the sum of the number of Industry members and Member Representative members. A quorum of the QMC will consist of a majority of its members, including not less than 50% of its Non-Industry members, unless this requirement is waived pursuant to proposed Section 6(c)(iii) of Bylaw Article III.

Other Proposed Bylaw Provisions

Proposed Section 7 of Bylaw Article III contains standard provisions for a Delaware limited liability company requiring recusal by Directors or committee members subject to a conflict of interest, and providing for the enforceability of contracts in which a Director has an interest if appropriately approved or ratified by disinterested Directors. This language is based on Section 7 of NSM Bylaw Article III. Proposed Section 8 of Bylaw Article III allows for reasonable compensation of the Board and committee members, and mirrors Section 8 of NSM Bylaw Article III.

Bylaw Article IV, titled "Officers, Agents, and Employees," contains provisions governing the Exchange's officers, agents and employees, and is based on Article IV of the NSM Bylaws. Proposed Section 1 of Bylaw Article IV provides that the Board may delegate the duties and powers of any officer of the Exchange to any other officer or to any Director for a specified period of

¹¹³ See Section 6(c) of NSM Bylaw Article III, Section 4.14(c) of the BX Bylaws and Section 5-3(c) of the Phlx Bylaws.

time and for any reason that the Board may deem sufficient. Proposed Section 2 discusses how an officer of the Exchange may resign or may be removed. Proposed Sections 3 through 11 each specifically provides for the appointment of a Chair of the Board,¹¹⁴ a Chief Executive Officer, a President, Vice Presidents, a Chief Regulatory Officer, a Secretary, an Assistant Secretary, a Treasurer, and an Assistant Treasurer.¹¹⁵ The Exchange notes that proposed Section 7 of Bylaw Article IV specifically provides for a Chief Regulatory Officer, a position that is not expressly provided for in the Current Governing Documents, who would have general supervision of the regulatory operations of the Exchange, including responsibility for overseeing the Exchange's surveillance, examination, and enforcement functions and for administering any regulatory services agreements with another SRO to which the Exchange is a party. The Chief Regulatory Officer shall meet with the Regulatory Oversight Committee of the Exchange in executive session at regularly scheduled meetings of such committee, and at any time upon request of the Chief Regulatory Officer or any member of the Regulatory Oversight Committee. The Chief Regulatory Officer may also serve as the General Counsel of the Exchange. The Exchange notes that while the position of chief regulatory officer has long existed at the Exchange, this position is not expressly in the Current Governing Documents and now proposes to codify this position in the new Bylaws.

Bylaw Article VII, titled "Miscellaneous Provisions," contains standard limited liability company provisions relating to waiver of notice of meetings and the Exchange's contracting ability. Article VIII, titled "Amendments; Emergency By-Laws," authorizes amendments to the By-Laws by either the Sole LLC Member or the vote of a majority of the whole Board,¹¹⁶ as well as the adoption of emergency by-laws by the Board. Other than as noted above, Articles VII and VIII mirror the

language in Articles VII and VIII of the NSM Bylaws.

Article IX, titled "Exchange Authorities," which mirrors NSM Bylaw Article IX, contains specific authorization for the Board to adopt rules needed to effect the Exchange's obligations as an SRO, to establish disciplinary procedures and impose sanctions on its members, to establish standards for membership, to impose dues, fees, assessments, and other charges and to take action under emergency or extraordinary market conditions.

D. Rules

The Exchange proposes to amend its current Rules to reflect the changes to its constituent documents through the adoption of the New Governing Documents to replace the Current Governing Documents.¹¹⁷ All of the proposed changes are non-substantive, and primarily reflect the changing terminology from "Constitution" to "By-Laws,"¹¹⁸ or to remove references to the Current LLC Agreement¹¹⁹ as these will become obsolete under the Proposed Rule Change. Furthermore, a number of defined terms used in the Rules refer back to the Current LLC Agreement or the Current Constitution for their meanings. As discussed below, the Exchange proposes to add these defined terms originally contained in the Current Governing Documents as new Rules. In addition, a number of existing Rules contain references to the Current Governing Documents, and the Exchange proposes to amend these provisions either by (i) replacing those references with references to the New Governing Documents or (ii) importing language originally found in the Current Governing Documents, as further described below. Finally, the Exchange proposes to make a number of technical amendments to renumber the Rules, which is a result of adding the new definitions as further discussed below.

In Rule 100, titled "Definitions," the Exchange proposes to make the following changes:

- Rule 100(a) currently refers to Article XIII of the Current Constitution as containing certain defined terms that are also used in the Exchange's rulebook. The proposed change would replace the reference to Article XIII of the Current Constitution with references

to the proposed LLC Agreement and By-Laws.

- Rule 100(a)(5) "board of directors" or "Board" currently refers to Article I of the LLC Agreement. The proposed change reflects that this definition will be set forth in Article I of the new Bylaws.

- Rule 100(a)(12) "CMM Rights" currently refers to Article VI of the Current LLC Agreement. The proposed change would relocate the concept of CMM Rights from the Current LLC Agreement to this Rule, and would state that the term CMM Rights means the non-transferable rights held by a Competitive Market Maker.¹²⁰

- New Rule 100(a)(13) "Competitive Market Maker" would be relocated from Section 13.1(f) of the Current Constitution. Currently, this term is used throughout the Exchange's rulebook, but the definition is only found in the Current Constitution.

- Rules 100(a)(13)–(14) "covered short position" and "discretion," respectively, would be renumbered as Rules 100(a)(14)–(15).

- Rule 100(a)(15) "EAM Rights" currently refers to Article VI of the Current LLC Agreement. The proposed change would relocate the concept of EAM Rights from the Current LLC Agreement to this Rule, and would state that EAM Rights means the non-transferable rights held by an Electronic Access Member.¹²¹ The Rule would also be renumbered as Rule 100(a)(16).

- New Rule 100(a)(17) "Electronic Access Member" would be relocated from Section 13.1(j) of the Current Constitution. Currently, this term is used throughout the Exchange's rulebook, but the definition is only found in the Current Constitution.

- Rules 100(a)(16) and (17) "European-style option," "Exchange Act" and "Exchange Rights," respectively, would be renumbered as Rules 100(a)(18)–(20).¹²²

- New Rule 100(a)(21) "Exchange Transaction" would be relocated from Section 13.1(o) of the Current Constitution. Currently, this term is used throughout the Exchange's

¹¹⁴ The Chair of the Board would be an independent Director as defined in Rule 5605 of the listing rules of The NASDAQ Stock Market, LLC.

¹¹⁵ See NSM Bylaw Article IV for substantially similar provisions.

¹¹⁶ As proposed, all such changes must be filed with the Commission under Section 19(b) of the Act, 15 U.S.C. 78s(b), and become effective thereunder before being implemented. See proposed Bylaw Article VIII, Section 1. The BX Bylaws and the NSM Bylaws do not have a similar requirement, but Phlx has a similar requirement in Section 6–9 of the Phlx Bylaws. BX and NSM will each separately file proposed rule changes with the Commission to add this requirement in their respective governing documents. See note 46 above.

¹¹⁷ The amended Rules were filed as part of the Proposed Rule Change as Exhibit 5E.

¹¹⁸ In particular, the proposed changes are in Rules 200, 202, 203, 305(a), 307(c), 307(d), and 711(a), as well as in .01(b)(2)(iii) of Supplementary Material to Rule 706.

¹¹⁹ In particular, the proposed changes are in Rules 100(a)(22A), 302(c), and 302(e).

¹²⁰ CMM Rights are non-transferable rights in that the holders of CMM Rights may not lease or sell these rights. As discussed in the LLC Agreement section above, all Exchange Rights (*i.e.*, PMM, CMM and EAM Rights) convey voting rights and trading privileges on the Exchange. From GEMX's inception, the voting rights and trading privileges associated with the PMM, CMM, and EAM Rights have never been transferable. See GEMX Approval Order.

¹²¹ See note 120 above.

¹²² "European-style option" and "Exchange Act" are both inadvertently numbered as Rule 100(a)(16) in the current Rules, so the proposed changes will renumber these Rules as Rules 100(a)(18) and (19), respectively.

rulebook, but the definition is only found in the Current Constitution.

- Rules 100(a)(18) and (19) “exercise price” and “Federal Reserve Board,” respectively, would be renumbered as Rules 100(a)(22) and (23).

- New Rule 100(a)(24) “good standing” would be relocated from Section 13.1(p) of the Current Constitution. Currently, this term is used throughout the Exchange’s rulebook, but the definition is only found in the Current Constitution.

- Rules 100(a)(20)–(22) “he,” “him” or “his,” “ISE,” and “long position,” respectively, would be renumbered as Rules 100(a)(25)–(27).

- Rule 100(a)(22A) “LLC Agreement” would be deleted as that term would no longer be used in the Rules, as amended by this rule change.

- Rules 100(a)(23)–(35) “Member,” “Membership,” “market makers,” “Market Maker Rights,” “Non-Customer,” “Non-Customer Order,” “offer,” “opening purchase transaction,” “opening writing transaction,” “Voluntary Professional,” “options contract,” “OPRA,” “order” and “outstanding,” respectively, would be renumbered as Rules 100(a)(28)–(40).

- Rule 100(a)(36) “PMM Rights” currently refers to Article VI of the Current LLC Agreement. The proposed change would relocate the concept of PMM Rights from the Current LLC Agreement to this Rule, and would state that PMM Rights means the non-transferable rights held by a Primary Market Maker.¹²³ The Rule would also be renumbered as Rule 100(a)(41).

- New Rule 100(a)(42) “Primary Market Maker” would be relocated from Section 13.1(y) of the Current Constitution. Currently, this term is used throughout the Exchange’s rulebook, but the definition is only found in the Current Constitution.

- Rules 100(a)(37), (37A), (37B), (37C), (38)–(48) “primary market,” “Priority Customer,” “Priority Customer Order,” “Professional Order,” “Public Customer,” “Public Customer Order,” “put,” “Quarterly Options Series,” “quote” or “quotation,” “Rules of the Clearing Corporation,” “SEC,” “series of options,” “short position,” “Short Term Option Series” and “SRO,” respectively, would be renumbered as Rules 100(a)(43), (43A), (43B), (43C), (44)–(54).

- New Rule 100(a)(55) “System” would be relocated from Section 13.1(dd) of the Current Constitution. Currently, this term is used throughout the Exchange’s rulebook, but the definition is only found in the Current Constitution.

- Rules 100(a)(49)–(51) “type of option,” “uncovered” and “underlying security,” respectively, would be renumbered as Rules 100(a)(56)–(58).

In Rule 304(b), the Exchange is proposing to replace the references to the Current Governing Documents with the proposed Bylaws to state that no Exchange member shall exercise voting rights in excess of those permitted under the Bylaws.¹²⁴

In Rule 309 “Limitation on Affiliation between the Exchange and Members,” the Exchange proposes to replace references to “Exchange Director” and “Constitution” with “Member Representative Director” and “By-Laws,” respectively, for the reasons discussed above. Lastly, the proposed changes in Rule 713(a) and Rule 720(a)(1) reflect the renumbering of the defined terms “offer,” “quotations,” “Priority Customer Orders,” “Professional Orders,” and “Priority Customer.”

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹²⁵ in general, and furthers the objectives of Section 6(b)(1) of the Act,¹²⁶ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that this proposal furthers the objectives of Section 6(b)(3) and (b)(5) of the Act¹²⁷ in particular, in that it is designed to assure a fair representation of Exchange members in the selection of its directors and administration of its affairs and provide that one or more directors would be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer; and 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.

¹²⁴ See proposed Bylaw Article II, Section 2. An Exchange Member, either alone or together with its affiliates, may not cast votes representing more than 20% of the votes cast for a candidate. A similar 20% voting limitation is also in Section 6.3(b) of the Current LLC Agreement.

¹²⁵ 15 U.S.C. 78f(b).

¹²⁶ 15 U.S.C. 78f(b)(1).

¹²⁷ 15 U.S.C. 78f(b)(3) and (b)(5).

The Exchange believes that its proposal to adopt the Board and committee structure and related nomination and election processes set forth in New Governing Documents are consistent with the Act, including Section 6(b)(1) of the Act, which requires, among other things, that a national securities exchange be organized to carry out the purposes of the Act and comply with the requirements of the Act. In general, the proposed changes would make the Exchange’s Board and committee composition requirements, and related nomination and election processes, more consistent with those of its affiliates, BX, NSM and Phlx. The Exchange therefore believes that the proposed changes would contribute to the orderly operation of the Exchange and would enable the Exchange to be so organized as to have the capacity to carry out the purposes of the Act and comply with the provisions of the Act by its members and persons associated with members.

Additionally, the Exchange believes that the New Governing Documents support a corporate governance framework that is designed to insulate the Exchange’s regulatory functions from its market and other commercial interests so that the Exchange can carry out its regulatory obligations in furtherance of Section 6(b)(1) of the Act. Specifically, the Exchange believes that creation of a ROC, modeled on the approved ROCs of other Nasdaq Exchanges, and the inclusion of the Chief Regulatory Officer in the proposed Bylaws, would underscore the importance of the Exchange’s regulatory function and specifically empower an independent committee of the Board to oversee regulation and meet regularly with the Chief Regulatory Officer. Furthermore, proposed language in the New Governing Documents specifically providing that the Exchange’s business and the Board’s evaluations would include actions and evaluations that support and take into account its regulatory responsibilities under the Act, reinforce the notion that the Exchange is not solely a commercial enterprise, but an SRO subject to the obligations imposed by the Act. The restriction on using Regulatory Funds to pay dividends to the Sole LLC Member further underscores the independence of the Exchange’s regulatory function. Finally, the Exchange believes that the proposed requirements to include Public Directors on the Board (at least two Directors) and that on the ROC (all three Directors) would help to ensure that no single group of market

¹²³ See note 120 above.

participants will have the ability to systematically disadvantage other market participants through the exchange governance process, and would foster the integrity of the Exchange by providing unique, unbiased perspectives. Accordingly, the Exchange believes that the new board and committee structure contemplated by the proposed New Governing Documents is designed to insulate the Exchange's regulatory functions from its market and other commercial interests so that the Exchange can carry out its regulatory obligations in furtherance of Section 6(b)(1) of the Act.

The Exchange also believes that the proposed 20% requirement for Member Representative Directors and the proposed method for selecting Member Representative Directors would ensure fair representation of Exchange members on the Board and allow members to have a voice in the Exchange's use of its self-regulatory authority. In particular, the Exchange notes that the Member Nominating Committee would be composed solely of persons associated with Exchange members and is selected after consultation with representatives of Exchange members. In addition, the new Bylaws include a process by which Exchange members can directly petition and vote for representation on the Board. For the foregoing reasons, the Exchange believes that the proposed change to remove the Exchange Director positions and related concepts from its organizational documents is consistent with fair representation requirement under the Act. Specifically, Exchange members will continue to be represented on the Board and on key standing committees, and will have a voice in the selection of Member Representative Directors through the Member Nominating Committee and through their ability to petition and vote on alternate candidates. As noted above, the trading privileges associated with the Exchange Rights, which are currently located in the Exchange's organizational documents, are already substantively in the Exchange's rulebook, and the Rules would be clarified to the extent such Rules refer back to the Current Governing Documents.

The Exchange also believes that the proposed Board and composition requirements set forth in the New Governing Documents is consistent with the requirements of Section 6(b)(3) of the Act, because the Public Director positions on the Board and on the ROC would include the representatives of issuers and investors with no material business relationship with a broker

dealer or the Exchange. Further, the Exchange believes that the proposed compositional balance of the proposed committees continues to provide for the fair representation of members in the administration of the affairs of the Exchange. In particular, all members of the new Member Nominating Committee must be associated persons of an Exchange member. In addition, at least 20% of the new QMC must be composed of Member Representative members. Moreover, the proposed compositional requirements provide that the Nominating Committee and the QMC must be compositionally balanced between Industry members and Non-Industry members. The proposed compositional requirements are designed to ensure that members are protected from unfair, unfettered actions by an exchange pursuant to its rules, and that, in general, an exchange is administered in a way that is equitable to all those who trade on its market or through its facilities.

Moreover, the Exchange believes that the new corporate governance framework and related processes proposed by the New Governing Documents are consistent with Section 6(b)(5) of the Act because they are identical to the framework and processes used by the Nasdaq Exchanges, which have been well-established as fair and designed to protect investors and the public interest. The Exchange believes that adopting the New Governing Documents based on the NSM model would streamline the Nasdaq Exchanges' governance process, create equivalent governing standards among HoldCo's SROs and also provide clarity to its members, which is beneficial to both investors and the public interest.

Finally, the proposed amendments to the Rules as discussed above are non-substantive changes to clarify the rule text where the Rule referred only to the Current LLC Agreement or to the Current Constitution, and also the technical amendments to renumber certain Rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

Because the Proposed Rule Change relates to the corporate governance of the Exchange and not to the operations of the Exchange, 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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (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-GEMX-2017-37 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-GEMX-2017-37. 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-GEMX-2017-37 and should be submitted on or before September 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²⁸

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-17810 Filed 8-22-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81419; File No. SR-NYSEArca-2017-40]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, in Connection With the Proposed Merger of its Wholly Owned Subsidiary NYSE Arca Equities, Inc. With and Into the Exchange

August 17, 2017.

I. Introduction

On June 2, 2017, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") 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 in connection with the proposed merger of the Exchange's wholly-owned subsidiary NYSE Arca Equities Inc. ("NYSE Arca Equities") with and into the Exchange. The proposed rule change would amend: (1) Article III, Sections 3.01, 3.02 and 4.02 of the Amended and Restated NYSE Arca, Inc. Bylaws ("Bylaws"); (2) certain rules of the Exchange to facilitate the integration of NYSE Arca Equities and create a single rulebook; (3) the NYSE Options Fee Schedule ("Options Fee Schedule"); and (4) the Schedule of Fees and

Charges for Exchange Services ("Listing Fee Schedule"). In addition, the proposed rule change would remove the NYSE Arca Equities organizational documents, the rules of NYSE Arca Equities, and the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services ("Equities Fee Schedule") from the Exchange's rules and adopt a new fee schedule for the Exchange's equities market ("NYSE Arca Equities Fee Schedule"). The proposed rule change was published for comment in the **Federal Register** on June 20, 2017.³ The Commission received no comment letters on the proposed rule change.

On August 11, 2017, the Exchange filed Amendment No. 1 to the proposed rule change. On August 15, 2017, the Exchange withdrew Amendment No. 1 and filed Amendment No. 2 to the proposed rule change.⁴ In Amendment No. 2, the Exchange proposes to: (1) Reflect changes to its proposed rule text that result from other filings that became effective after the Exchange filed the instant proposed rule change; (2) make clarifying changes to the proposed text of NYSE Arca Rule 3.2(b)(2)(C)(ii) regarding the Nominating Committee; and (3) correct typographical errors or revise cross-references in the proposed rule text. In addition, instead of proposing to delete the Equities Fee Schedule and to adopt a new fee schedule for the equities market, the Exchange proposes to amend the existing Equities Fee Schedule.

The Commission is publishing this notice of Amendment No. 2 to the proposed rule change and is approving the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 2

Currently, the Exchange operates its options market directly and has delegated certain responsibilities for operating its equities market to NYSE Arca Equities, its wholly-owned subsidiary.⁵ The Exchange maintains

³ See Securities Exchange Act Release No. 80929 (June 14, 2017), 82 FR 28157 ("Notice").

⁴ In Amendment No. 2, the Exchange proposes, among other things, to amend the proposed rule change to reflect changes to the rules of NYSE Arca Equities, the Options Fee Schedule, and the Equities Fee Schedule that occurred after the Exchange had filed the proposed rule change. See Section II.D., *infra*, for a more detailed description of Amendment No. 2. Amendment No. 2 is available at: <https://www.sec.gov/comments/sr-nysearca-2017-40/nysearca201740-2221802-160732.pdf>.

⁵ NYSE Arca Equities Rule 3.4 states that the Exchange, "as a self-regulatory organization

two rulebooks, the NYSE Arca rules for its options market and the NYSE Arca Equities rules for its equities market.⁶ The Exchange proposes to merge NYSE Arca Equities with and into the Exchange ("Merger"). After the Merger, the Exchange would directly operate both the options and equities markets and would maintain a single rulebook.

To effect these changes, the Exchange proposes to: (1) Terminate the existing delegation to NYSE Arca Equities and remove the NYSE Arca Equities organizational documents and NYSE Arca Equities rulebook from the Exchange's rules; (2) amend the Exchange's corporate governance structure to integrate the representation and oversight of Equity Trading Permit holders ("ETP Holders") and amend the composition requirements of the Exchange's Board of Directors ("Board"); (3) integrate the current NYSE Arca Equities rules into the NYSE Arca rules; and (4) revise its fee schedules to reflect the Merger. The Exchange proposes that these changes would become operative upon the completion of the Merger. The Exchange has stated that it would complete the Merger following the approval of the instant proposed rule change, on a date to be determined by the Board.⁷ The proposed changes to the Exchange's Bylaws, rules and fee schedules are described in further detail below.

A. Termination of Delegation and Removal of NYSE Arca Equities Rules

To effect the Merger, the Exchange proposes to terminate the delegation to NYSE Arca Equities of the operation of its equities market.⁸ Accordingly, the Exchange proposes to remove NYSE Arca Equities Rules 14.1 and 14.2, which set forth the delegation to NYSE Arca Equities and the authority and functions retained by the Exchange, from its rules. The Exchange proposes to

registered with the Securities and Exchange Commission pursuant to Section 6 of the Exchange Act," has ultimate responsibility for NYSE Arca Equities.

⁶ There are separate fee schedules and organizational documents for NYSE Arca Equities.

⁷ Although the Exchange states that it intends to complete the Merger following the approval of the proposed rule change, the Exchange confirms that the proposed amendments to its nomination and election processes with respect to the Non-Affiliated Director positions would be implemented in connection with its next annual meeting, consistent with Section 3.02(c) and (e) of its Bylaws. See Amendment No. 2, *supra* note 4. See also Section II.B., *infra*, for a discussion of the proposed changes to the Exchange's governance.

⁸ The Exchange delegated certain responsibilities for operating its equities market to NYSE Arca Equities, but retained ultimate responsibility for the equities market (including the responsibility to ensure the fulfillment of statutory and self-regulatory obligations).

¹²⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

remove from its rules the NYSE Arca Equities corporate governance documents (the NYSE Arca Equities Certificate of Incorporation and the NYSE Arca Equities Bylaws) and the separate NYSE Arca Equities rulebook and would amend the Equities Fee Schedule⁹ and the Listing Fees Schedule. The Exchange proposes that rules governing NYSE Arca Equities would be incorporated into its consolidated rulebook, as further described herein.

B. Proposed Changes to the Exchange's Governance

The Exchange proposes to amend its Bylaws and rules to incorporate the direct representation by and oversight of Equity Trading Permit Holders ("ETP Holders") into its governance structure (which currently references Options Trading Permit Holders ("OTP Holders")), and to make other changes to its governance requirements. Specifically, the Exchange proposes to make changes to its Board's composition and oversight authority; to amend its nominating process; and to modify the composition of various committees of the Board and the Exchange. The provisions pertaining to these aspects of the Exchange's corporate governance structure are contained primarily in Article III, Section 3 of its Bylaws and Exchange Rule 3.

1. Board Authority and Composition Changes

The Exchange proposes to amend Article III, Section 3.01(b) of the Bylaws, which describes the powers of the Board, to add to the Board's authority matters pertaining to ETP Holders. Under this proposed amendment, the Bylaws would define the terms "Options Trading Permit Holders" and "Equities Permit Trading Holders" and would collectively refer to both of these categories as "Permit Holders."

In addition, the Exchange proposes to amend Article III, Section 3.02(a) of its Bylaws to modify the requirement relating to the nomination of directors by the Exchange's members.¹⁰ Currently, Section 3.02(a) provides that at least twenty percent (20%) of the Board's directors shall consist of individuals nominated by the trading permit holders, with at least one director nominated by the Equity

Trading Permit Holders of NYSE Arca Equities and one director nominated by the Permit Holders (*i.e.*, the Options Trading Permit Holders) of the Exchange. The proposed rule change would eliminate this compositional requirement and instead would add a definition of "Non-Affiliated Directors" to refer to the directors to be nominated collectively by the Permit Holders,¹¹ and would provide that all Permit Holders nominate the Non-Affiliated Directors as part of a single process.¹² With respect to the provision relating to the requirement that least 20 percent (20%) of the Board's directors be Non-Affiliated Directors, the Exchange proposes that if a whole number does not result, the number of Non-Affiliated Directors to be nominated and selected by the Permit Holders would be rounded up to the next whole number.

The Exchange also proposes to make other changes to the Board's composition that the Exchange states would be consistent with similar provisions of its affiliated national securities exchanges.¹³ Specifically, the Exchange proposes to remove the requirement that the Board must consist of between eight and twelve directors, as determined by the Board. The Exchange proposes instead that its holding member, NYSE Group, Inc. ("NYSE Group") would determine the number of directors to serve on the Board, subject to the other Board composition requirements in Section 3.02(a), and that there no longer would be a minimum or maximum number of required directors.

2. Nomination Process

The Exchange proposes corresponding changes to current Rule 3.2(b)(2), relating to the Nominating Committee, to integrate the role of ETP Holders and OTP Holders (or their Allied Persons or their Associated Persons) into a unitary process for the nomination of the Non-Affiliated Directors.¹⁴ The proposed amendments

to Rule 3.2(b)(2) would: (i) Add the representation of ETP Holders to the nomination and petition processes regarding Non-Affiliated Directors; (ii) revise various other provisions of the current rule that refer solely to OTP Holders to include references to ETP Holders; and (iii) make other changes to reflect the proposed unified process for the nomination of the Non-Affiliated Directors by the Permit Holders.

Current Rule 3.2(b)(2)(A) contains the composition requirements for the Nominating Committee, which currently nominates the director selected by the OTP Holders to the Board. The current composition of the Nominating Committee consists of six (6) OTP Holders or Allied Persons or Associated Persons of an OTP Firm.¹⁵ Under the proposal, the composition of the Nominating Committee would be amended to consist of three (3) OTP Holders or Allied Persons or Associated Persons of an OTP Firm, and three (3) ETP Holders or Allied Persons or Associated Persons of an ETP Holder. The Exchange also proposes to amend current Rule 3.2(b)(2)(C)(ii) to allow the Nominating Committee to publish the names of one (1) of more OTP Holder(s) or Allied Person(s) or Associated Person(s) of an OTP Firm or ETP Holder(s) or Allied Persons(s) of Associated Person(s) of an ETP Holder as its nominee(s) for Non-Affiliated Directors of the Board.¹⁶

Because the proposal would eliminate the two categories of directors currently nominated by the OTP Holders and ETP Holders and would provide for a unitary process for nominating Non-Affiliated Directors, the Exchange proposes to: (i) Require the Nominating Committee to name all Non-Affiliated Director nominees that would be required under the revised rule;¹⁷ (ii) delete a provision regarding the procedure for determining whether an additional permit holder representative must be an ETP Holder or an OTP Holder, if the Board were composed of more than 10 individuals; and (iii) require that the Nominating Committee name sufficient nominees so that at least 20 percent (20%) of the directors are Non-Affiliated Directors.

The Exchange also proposes to amend its rules to incorporate ETP Holders into the petition process for candidates for

¹⁵ See current Rule 3.2(b)(2)(A).

¹⁶ Current Rule 3.2(b)(2) provides that only an OTP Holder or Allied Person or Associated Person of an OTP Firm could be a nominee for a Board seat. See Rule 3.2(b)(2)(C)(ii).

¹⁷ Proposed Rule 3.2(b)(2)(C)(ii) would require the Nominating Committee to nominate one or more nominees so that at least twenty percent (20%) of the Directors consist of Non-Affiliated Directors.

⁹ See Amendment No. 2, *supra* note 4.

¹⁰ The Exchange does not propose to modify the requirement in Article III, Section 3.02(a) that at least fifty percent (50%) of the directors be persons from the public and not be, or be affiliated with, a broker-dealer in securities or employed by, or involved in any material business relationship with, the Exchange or its affiliates.

¹¹ The proposed amendments to Article III, Section 3.01(a) of the Bylaws would define the term "Non-Affiliated Directors" to refer to the directors nominated by the Permit Holders.

¹² The Exchange represents that its proposed process is comparable to existing processes for nominating directors by other national securities exchanges that operate options and equities markets, specifically NYSE MKT LLC (n/k/a NYSE American LLC), The NASDAQ Stock Market LLC, and Nasdaq BX, Inc. See Notice, *supra* note 3, at 28158-59.

¹³ The Exchange's affiliates include the New York Stock Exchange LLC, NYSE MKT LLC (n/k/a NYSE American LLC), and NYSE National, Inc. See Notice, *supra* note 3, at 28158.

¹⁴ Rule 3.2(b)(2) governing the Nominating Committee is proposed to be redesignated as Rule 3.2(b)(3).

the position of Non-Affiliated Director¹⁸ and into the process for contested nominations (that is, the Exchange's process for selecting a nominee when the number of nominees exceeds the number of available Non-Affiliated Director positions).¹⁹ The Exchange proposes to have the Permit Holders, rather than just the OTP Holders, participate in these processes.²⁰

Finally, the Exchange proposes to remove obsolete rule text from Rule 3.2(b)(C)(i).²¹

3. Board and Permit Holder Committees

The Exchange proposes to amend its Bylaws and rules to integrate ETP Holders and NYSE Arca Equities committees into the Exchange committee structure.

The Exchange proposes to revise Exchange Rule 3.1, which governs committees consisting partly or entirely of directors of the Exchange (that is, Board committees), and Exchange Rule 3.2, which governs committees consisting of people other than Exchange directors, to include the representation of ETP Holders. To accomplish this integration, the Exchange proposes to replace references to "Options Committee" and "Options Committees" with "Exchange Committee" and "Exchange Committees," respectively, in Rules 3.1 and 3.2(a). The Exchange also proposes to add ETP Holders to the list of persons eligible for appointment to the Exchange Committees, as regular or alternate members, in Rules 3.2(a)(8) and 3.2(a)(9), respectively.

In addition, the Exchange proposes to add the current NYSE Arca Equities Business Conduct Committee ("BCC") as an Exchange Committee in new Rule 3.2(b)(2) and include the same rule text that is in current NYSE Arca Equities Rule 3.2(b)(1), except that the references to current NYSE Arca Equities rules would be updated with the corresponding references to the rules in the proposed consolidated rulebook,²² and references to the "Board," which in the current rule means the board of

directors of NYSE Arca Equities, would become references to the Exchange's Board. Under the proposal, disciplinary proceedings of NYSE Arca Equities involving ETP Holders and associated persons would continue to be heard by the BCC, while disciplinary proceedings of NYSE Arca involving OTP Holders, OTP Firms, and associated persons would continue to be heard by its current disciplinary committee, the Ethics and Business Conduct Committee ("EBCC"). The Exchange also proposes to add the EBCC to the list of Exchange committees in Article IV, Section 4.02 of the Bylaws (the BCC is currently listed in this Bylaws section) and to remove obsolete references to the "Permit Holder Advisory Committee."

Finally, the Exchange proposes to make conforming changes to subparagraphs (A) and (B) of Rule 3.3(a)(2) regarding the composition of the Committee for Review ("CFR") and the CFR Appeals Panel.²³

4. NYSE Arca, L.L.C. and Archipelago Securities, L.L.C.

The Exchange proposes to add new Rule 3.12 to its rulebook, which would address access to and the status of the books, records, premises, officers, directors, agents, and employees of NYSE Arca, L.L.C. and its broker-dealer affiliate, Archipelago Securities, L.L.C. ("Arca Securities"), to the extent that the business activities of Arca Securities are deemed a facility of the Exchange. Proposed Rule 3.12 would be substantially the same as current NYSE Arca Equities Rule 14.3, except that the term "the Exchange" would replace several references to NYSE Arca and NYSE Arca Equities, and one reference to "NYSE Arca Equities" would be deleted.

5. Other Conforming Changes to Rule 3

Finally, the Exchange proposes to make other conforming changes in other provisions of Rule 3. Specifically, in Rules 3.7 (Dues, Fees and Charges), 3.8 (Liability for Payment), and 3.10 (Certain Relationships), the Exchange proposes to add ETP Holders to existing references to OTP Holders and OTP Firms.

C. Integration of NYSE Arca Equities Rules Into the NYSE Arca Rules

The Exchange currently maintains two rulebooks, the NYSE Arca rules for its options market and the NYSE Arca Equities rules for its equities market. In connection with the Merger and the

termination of the Delegation, the Exchange proposes to integrate the two sets of rules into a single rulebook. The resulting rulebook would have three types of rules: (i) Rules that apply to both markets; (ii) rules that apply only to the options market, to be indicated by an "-O" appended to the end of the rule number; and (iii) rules that apply only to the equities market, to be indicated by an "-E" appended to the end of the rule number.

The Exchange proposes certain changes to various rules, as summarized below, that are intended to implement the Merger and the integration of its options and equities rules.²⁴ The Exchange represents that, except as otherwise stated in its proposal, the proposed changes are not intended to change the substance of the NYSE Arca or NYSE Arca Equities rules, but are organizational in nature.²⁵

In addition to the changes to specific rules noted below, the Exchange proposes certain changes that would apply to the entire set of Exchange rules. Specifically, the Exchange proposes to update cross-references to various rules to reflect proposed revisions to the titles and the renumbering of various rules²⁶ and to update references to defined terms to reflect proposed changes to those defined terms.²⁷

1. General Rules

NYSE Arca Rules 0 (Regulation of the Exchange, OTP Holders, OTP Firms and ETP Holders), 1 (Definitions), 2 (Trading Permits), and 3 (Organization and Administration) would be grouped under the heading "General Rules" and would apply to both options and equities markets. These rules would contain changes based on the incorporation of NYSE Arca Equities Rules 0 through 3. Specifically, the Exchange proposes the following changes to Rules 0, 1, and 2.²⁸

²⁴ These proposed changes are described in greater detail in the Notice, *supra* note 3, at 28161-68.

²⁵ According to the Exchange, the proposed organization of its rules would be similar to that of its affiliate NYSE MKT (n/k/a NYSE American LLC), which has rules of general application and rules specific to its equity and options markets. See Notice, *supra* note 3 at 28161.

²⁶ For example, a cross reference to "NYSE Arca Equities Rule 5.2(j)(6)" would be amended to "NYSE Arca Rule 5.2-E(j)(6)." References to renumbered rules also would be updated. For example, the Exchange proposes to add Commentary .01 from NYSE Arca Equities Rule 2.17 to Rule 2.18 and the references to "Rule 2.17" in Commentary .01 would be updated to "Rule 2.18."

²⁷ Specifically, the Exchange proposes to replace references to the "Corporation" in the existing rules with references to the "Exchange."

²⁸ The proposed changes to Rule 3 are addressed in Part II.B., above. For a detailed description of the

¹⁸ See proposed Rule 3.2(b)(3)(C)(ii).

¹⁹ See proposed Rule 3.2(b)(3)(C)(iii).

²⁰ With respect to the contested nomination process in current Rule 3.2(b)(2)(C)(iii), the Exchange proposes to revise the provision for calculating limits on the percentage of votes that can be provided by a given Permit Holder and its associated OTP Firm to include in the calculation any ETP Holder who is deemed an affiliate of the relevant Permit Holder.

²¹ The current rule sets forth the membership of the initial Board at the time of the Exchange's reorganization and the amended rule would be designated as "Reserved."

²² Specifically, references to Rules 4, 10, and 11.9 would be updated with references to Rules 4-E, 10, and 13.9, respectively.

²³ The Exchange proposes to use the term "the Exchange" in place of "NYSE Arca Equities" and the term "Non-Affiliated Director(s)" to refer to directors who represent the Permit Holders.

For Exchange Rule 0, which references the Exchange's Regulatory Services Agreement with FINRA, the Exchange proposes to include "and ETP Holders" in the title because both sets of rules currently have the same rule text for Rule 0.

For Exchange Rule 1, which contains definitions used in the Exchange rules, the Exchange proposes to: (1) Add definitions from the NYSE Arca Equities rules that are unique to the equities market; (2) amend definitions that are common to both markets to reflect their common application, either by incorporating references to ETP Holders and the equities market or harmonizing differences between common terms currently used in both sets of rules; and (3) update the definitions to reflect changes contained elsewhere in the Exchange's proposal.

For Exchange Rule 2, which governs trading permits, the Exchange proposes to: (1) Amend the rule to clarify its application to ETP Holders and OTP Holders and OTP Firms; (2) add language identifying certain provisions that apply only to OTP Holders and OTP Firms; (3) incorporate certain defined terms and provisions that are unique to ETP Holders from NYSE Arca Equities Rule 2, along with language clarifying that those provisions apply only to ETP Holders; (4) move NYSE Arca Rule 9.17 (Books and Records) into a proposed new rule, Rule 2.28, which corresponds with NYSE Arca Equities Rule 2.24 (ETP Books and Records); and (5) insert "Exchange" in lieu of an erroneous reference to "Corporation."

2. Options Rules

As noted in Section II.C. above, the Exchange proposes to indicate those rules that apply solely to the options market by appending an "–O" at the end of the rule number. NYSE Arca Rules 4–O (Capital Requirements, Financial Reports, Margins—Options), 5–O (Options Contracts Traded on the Exchange), 6–O (Options Trading), 7–O (General Options Trading Rules), 8–O (Reserved), and 9–O (Conducting Business with the Public—Options) (collectively, the "Options Rules") would be grouped under the heading "Options Rules" and would apply to only the options market.

The Exchange proposes that the Options Rules would be substantially the same as current NYSE Arca Rules 4 through 9, except that the Exchange proposes to: (1) Revise the titles of these rules to reflect that they would apply solely to options; (2) indicate that Rule

9.17 is "Reserved;"²⁹ and (3) correct an erroneous cross-reference in Rule 4.16(d)(9)(G) (Other Provisions).

3. Equities Rules

As noted in Section II.C. above, the Exchange proposes to indicate those rules that apply solely to the equities market by appending an "–E" at the end of the rule number. NYSE Arca Rules 4–E (Capital Requirements, Financial Reports, Margins—Equities), 5–E (Equities Listings), 6–E (Order Audit Trail System), 7–E (Equities Trading), 8–E (Trading of Certain Equity Derivatives), and 9–E (Conducting Business with the Public—Equities) (collectively, the "Equities Rules") would be grouped under the heading "Equities Rules" and would apply only to the equities market.³⁰

These proposed new Equities Rules would be substantially the same as current NYSE Arca Equities Rules 4 through 5, 7 through 9, the Conduct Rules, and the Order Audit Trail System Rules. However, the Exchange proposes several changes to: (1) Modify the organization of those rules;³¹ (2) delete references to the Delegation or the pre-Merger arrangement between NYSE Arca Equities and the Exchange; (3) remove obsolete provisions; (4) update these rules to reflect the appropriate defined terms as result of the changes in the Exchange's proposal; and (5) correct cross-references.³²

4. Disciplinary and Miscellaneous Rules

NYSE Arca Rules 10 (Disciplinary Proceedings, Other Hearings and Appeals), 11 (Business Conduct), 12

(Arbitration), 13 (Cancellation, Suspension and Reinstatement), and 14 (Liability of Directors and Exchange) would apply to the options and equities markets and would be grouped under the heading "Disciplinary and Miscellaneous Rules." These rules would contain changes based on the incorporation of NYSE Arca Equities Rules 6, 10 through 13, and 5220, as further described herein.

Rule 10 (Disciplinary Proceedings, Other Hearings, and Appeals). The Exchange proposes to revise Rule 10 to incorporate NYSE Arca Equities Rule 10, which sets forth the equivalent requirements regarding disciplinary proceedings, hearings and appeals for ETP Holders and their associated persons. As a result, a single set of rules would encompass all disciplinary proceedings and appeals. Specifically, the Exchange proposes to amend the rule to: (1) Clarify its application to ETP Holders, OTP Holders, OTP Firms, and associated persons of ETP Holders and OTP Firms; (2) incorporate references, where appropriate, to the BCC, which is the NYSE Arca Equities disciplinary committee; (3) incorporate certain procedural provisions that currently are contained only in NYSE Arca Equities Rule 10 and harmonize the disciplinary procedures for the equities and options markets; (4) incorporate the equities minor rule plan, including the associated fine schedule, into Rule 10; and (5) make various non-substantive revisions to the rule, including adding an "–O" to references to the options rules.

The Exchange also proposes to revise Rule 10.8 to clarify that the Committee for Review ("CFR"), and not the full Board, would be acting with respect to the Review Board. The CFR is the Board committee that has delegated authority to consider appeals on behalf of the Board and that appoints the Review Board under the rule. The Exchange further proposes to amend Rule 10.8 to permit the Complainant or Respondent to request that the Board review a decision of the Review Board.

Rule 11 (Business Conduct). The Exchange proposes to revise Rule 11 to incorporate NYSE Arca Equities Rule 6 (Business Conduct) and NYSE Arca Equities Rule 5220. Specifically, the Exchange proposes to: (1) Amend Rule 11 to clarify its application to both OTP and ETP Holders, where appropriate; and (2) incorporate business conduct standards from the NYSE Arca Equities rules that are unique to ETP Holders, including the full text of current NYSE Arca Equities Rules 6.7 (Trading Ahead of Research Reports), 6.9 (Taking or Supplying Securities to Fill Customer's

²⁹ As noted in Section II.C.1., *supra*, the Exchange would move this provision to proposed Rule 2.28.

³⁰ The Exchange proposes that NYSE Arca Equities Rule 6 (Business Conduct) and Rule 5220 (Disruptive Quoting and Trading Activity Prohibited) would be integrated into Exchange Rule 11 (Business Conduct). Those proposed changes are further described in Section II.C.4., *infra*, which describes the proposed changes to Rule 11.

³¹ As further described in the Notice, *supra* note 3, the Exchange proposes that its Conduct Rules and Order Audit Trail System Rules would be located in proposed Rules 9–E and 6–E, respectively. Currently, these rules are located in NYSE Arca Equities Rules 2010 through 5320 and NYSE Arca Equities Rules 7410 through 7470, respectively.

³² The proposed rule change also would incorporate into the Exchange's rules the amended versions of proposed Rules 7.10–E, 7.11–E, 7.31–E, and 7.35–E, which have been approved but are not yet operative. However, under the proposal, only the currently operative versions of these rules would appear in the Exchange rulebook. A notice disclosing that an amended but not yet operative version of the rule exists, along with links to the amended version of the rule and the relevant approval order, would appear in the preamble to the rule text for each of these proposed rules. The Exchange intends to announce by Trader Update when the amended version of the rule becomes operative. See Notice, *supra* note 3, at 28165.

proposed changes to Rule 3, see Notice, *supra* note 3.

Order), and 6.10 (ETP Holders Holding Options).

Rule 12 (Arbitration). The Exchange proposes to revise Rule 12 (Arbitration) to incorporate NYSE Arca Equities Rule 12 (Arbitration). To implement the change, the Exchange proposes to amend the existing rule to reference ETP Holders and to make other minor updating changes.

Rule 13 (Cancellation, Suspension and Reinstatement). The Exchange proposes to revise Rule 13 to incorporate NYSE Arca Equities Rule 11 (Cancellation, Suspension and Reinstatement). To implement the change, the Exchange proposes to amend the existing rule to: (1) Clarify its application to both ETP and OTP Holders; (2) add a provision to Rule 13.2 (Procedures for Suspension) that is unique to ETP Holders; (3) delete Rule 13.2(a)(2)(E) as obsolete;³³ (4) to incorporate references to the BCC, where appropriate; and (5) make minor updating changes.

Rule 14 (Liability of Directors and Exchange). The Exchange proposes to revise Rule 14 to incorporate NYSE Arca Equities Rule 13 (Liability of Directors and Corporation). To effect this change, the Exchange proposes to amend the rule to clarify its application to both ETP and OTP Holders and to make other minor updating changes.

5. Fee Schedules

Initially, the Exchange proposed to delete the “Equities Fee Schedule” from the rules of the Exchange, and to adopt the “NYSE Arca Equities Fee Schedule” as the new fee schedule for the Exchange’s equities market.³⁴ As noted in Section II.D., below, which describes in more detail Amendment No. 2, the Exchange proposes to: (1) Retain the existing Equities Fee Schedule; (2) amend it to reflect certain proposed changes noted in the original filing; and (3) include certain updating revisions. In addition, the Exchange proposes to make changes to the Options Fee Schedule and Listing Fee Schedule to update cross-references and terminology used therein as a result of the other changes in the proposed rule change.

D. Description of Amendment No. 2

On August 15, 2017, the Exchange filed partial Amendment No. 2 to the proposed rule change.³⁵ In Amendment No. 2, the Exchange proposes to revise

rule text to: (1) Reflect changes to various rules that resulted from other Exchange filings and that were effective after the Exchange filed the instant proposed rule change; (2) make clarifying revisions to current NYSE Arca Rule 3.2(b)(2)(C)(ii) (Options Committees), which is the Exchange’s rule regarding the Nominating Committee; and (3) make changes to correct typographical errors or to revise cross-references in the proposed rule text.³⁶ In addition, as discussed in more detail below, the Exchange proposes to amend the Equities Fee Schedule by replacing Exhibit 5E of the proposed rule change with new Exhibit 5E and by removing Exhibit 5J from the proposed rule change.³⁷ Accordingly, Amendment No. 2 would amend NYSE Arca Rules 3.2(b)(3)(C)(ii), 5.32–O(f)(3) and (4), 6.4–O Commentary .07(c), 6.7470–E(c),³⁸ 7.4–E and 7.4T–E,³⁹ 7.16–E(f)(5)(A), 7.37–E(b)(7)(C),⁴⁰ 7.37–E(d),⁴¹ 7.38–E(b)(1),⁴² and 7.44–E(m)⁴³ in Exhibit 5B and NYSE Arca Equities Rules 7.37(b)(7)(C)⁴⁴ and (d),⁴⁵ 7.38(b)(1),⁴⁶ 7.44(m),⁴⁷ 7.46 Commentary .70,⁴⁸ 13.2⁴⁹ and 7470(c)⁵⁰ in Exhibit 5I of the proposed rule change. In addition, Amendment No. 2 would amend in Exhibit D of the proposed rule change the effective date of the Options Fee Schedule and note 8

to the Billing Disputes provision of the Options Fee Schedule.⁵¹

Finally, Amendment No. 2 would remove Exhibit 5J and replace current Exhibit 5E of the proposed rule change with new Exhibit 5E. Proposed new Exhibit 5E reflects the Exchange’s proposal to amend the existing Equities Fee Schedule rather than adopting a new fee schedule. Amendment No. 2 would: (1) Amend the title of the Equities Fee Schedule to be consistent with the title format of the Options Fee Schedule; (2) update cross references to cite to the proposed NYSE Arca rules for the equities market by adding “–E” to the rule numbers; (3) update cross references to NYSE Arca Equities Rules 1.1(c) and 1.1(d) in footnotes 8 and 9 to NYSE Arca Rules 1.1(b) and (c) respectively; (4) correct the cross-references in the table under “Market Data Revenue Sharing Credit” from NYSE Arca Equities Rule 7.31(s) to NYSE Arca Rule 7.31–E(g); (5) remove the heading for “NYSE Arca Marketplace: Crowd Participant (‘CP’) Program Payments” table and text as they are now obsolete;⁵² (6) revise the heading “NYSE Arca Equities: Regulatory Fees” to state “Regulatory Fees”; and (7) in General Note 1 under “Co-Location Fees,” replace the word “equities” in the “NYSE Arca Equities Fee Schedule” with “Options” as a correction.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁵³ Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(1) of the Act,⁵⁴ which requires an exchange to be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange. In addition, the Commission finds that the proposed rule change is

³³ See Securities Exchange Act Release No. 67435 (July 13, 2012), 77 FR 42533, 42534 n.12 (July 19, 2012).

³⁴ The Exchange does not propose to amend the NYSE Arca Equities Proprietary Market Data Fees, which does not reference NYSE Arca Equities, Inc.

³⁵ See Amendment No. 2, *supra* note 4.

³⁶ NYSE Arca Rules 5.32–O(f)(3) and (4) (updating cross-reference), 6.4–O Commentary .07(c) (updating cross-reference), and proposed NYSE Arca Rule 7.16–E(f)(5)(A) (correcting typographical error).

³⁷ See Amendment No. 2, *supra* note 4, Exhibit 5E.

³⁸ Securities Exchange Act Release No. 80903 (June 12, 2017), 82 FR 27732 (June 16, 2017) (SR–NYSEArca–2017–66).

³⁹ Securities Exchange Act Release No. 81325 (August 7, 2017), 82 FR 37615 (August 11, 2017) (SR–NYSEArca–2017–82).

⁴⁰ Securities Exchange Act Release No. 81303 (August 3, 2017), 82 FR 37245 (August 9, 2017) (SR–NYSEArca–2017–83).

⁴¹ Securities Exchange Act Release No. 81061 (June 30, 2017), 82 FR 31642 (July 7, 2017) (SR–NYSEArca–2017–70).

⁴² Securities Exchange Act Release No. 81142 (July 13, 2017), 82 FR 33192 (July 19, 2017) (SR–NYSEArca–2017–73).

⁴³ Securities Exchange Act Release No. 80851 (June 2, 2017), 82 FR 26722 (June 8, 2017) (SR–NYSEArca–2017–63).

⁴⁴ See *supra* note 40.

⁴⁵ See *supra* note 41.

⁴⁶ See *supra* note 42.

⁴⁷ See *supra* note 43.

⁴⁸ Securities Exchange Act Release No. 80651 (May 10, 2017), 82 FR 22600 (May 16, 2017) (SR–NYSEArca–2017–49).

⁴⁹ Securities Exchange Act Release Nos. 80866 (June 6, 2017), 82 FR 26967 (June 12, 2017) (proposed rule change) and 81197 (July 24, 2017), 82 FR 35244 (July 28, 2017) (approval order) (SR–NYSEArca–2017–46).

⁵⁰ See *supra* note 38.

⁵¹ Securities Exchange Act Release No. 81268 (July 31, 2017), 82 FR 36516 (August 4, 2017) (SR–NYSEArca–2017–79).

⁵² The Exchange notes in Amendment No. 2 that NYSE Arca Equities Rule 7.25 expired on June 23, 2016. See Amendment No. 2, *supra* note 4.

⁵³ In approving this proposed rule change, the Commission has considered the proposed rules’ impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁵⁴ 15 U.S.C. 78f(b)(1).

also consistent with Section 6(b)(3) of the Act,⁵⁵ which requires that the rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer; Section 6(b)(5) of the Act,⁵⁶ which requires, among other things, that the rules of the exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers or dealers; and Section 6(b)(7) of the Act,⁵⁷ which requires, among other things, that the rules of an exchange provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange or a member thereof.

In connection with the Merger, the Exchange proposes to terminate the delegation to NYSE Arca Equities of the operation of its equities market and to remove the NYSE Arca Equities organizational documents from the Exchange's rules. As a result of the Merger, the Exchange would directly operate the equities market facility of the Exchange, while continuing to bear the responsibility to ensure the fulfillment of its statutory and self-regulatory organization responsibilities.⁵⁸ The Exchange also proposes to amend the NYSE Arca Bylaws and rules to incorporate the direct oversight of and participation by ETP Holders into the NYSE Arca governance structure. The Exchange represents that the independent regulatory oversight committee ("ROC") of the Board would continue to oversee the Exchange's regulatory and self-regulatory organization responsibilities with regard to both the equities and options markets and the Exchange's regulatory department would continue to carry out its regulatory functions with respect to both markets under the oversight of the independent ROC.⁵⁹

The Commission believes that these proposed changes, which would allow the Exchange to directly operate its equities market along with its options market, is consistent with Section (b)(1) of the Act. The Commission notes that the Exchange's restructuring proposal also is consistent with similar proposed rule changes approved by the Commission for other national securities exchanges.⁶⁰

In addition, the Exchange proposes several changes to its Board composition requirements and the nomination process for the directors representing Permit Holders (*i.e.*, the Non-Affiliated Directors). Specifically, the Exchange proposes to amend its Bylaws to remove the requirement that the Board consist of between eight and twelve directors and to provide that the Exchange's holding member, NYSE Group, (rather than the Board) would determine the size of the Board. The Exchange also proposes to modify the manner in which it fulfills the requirement that at least 20% of the directors would be nominated by the Permit Holders by providing that such directors would be nominated by OTP Holders and ETP Holders in a single vote, rather than the current two-step voting processes. The Exchange further proposes to amend the 20% requirement regarding Board representation by Permit Holders to provide that if the calculation representing 20% of directors is a fraction, the number of Non-Affiliated Directors to be nominated by the Permit Holders must be rounded up to the next whole number, thereby ensuring that the number of directors nominated by the Permit Holders never would constitute less than 20% of the directors. In addition, the Exchange proposes to provide for the representation of ETP Holders in the Exchange's committee structure, including its nominating committee, in a manner consistent with the representation of OTP Holders.

The Commission believes the proposed changes to the Exchange's Board composition, nomination process, and committee structure are consistent with Section 6(b)(1) and 6(b)(3) of the Act. The Commission notes that the proposal to allow NYSE Group to determine the size of the Board is consistent with previous proposed rule changes approved by the Commission that allow discretion as to the size of exchange boards.⁶¹ The Commission

also notes that, under the proposal, such discretion would not alter the existing requirement that at least 20% of the directors would be nominated by the Permit Holders. Furthermore, the proposal would enhance the 20% requirement by specifying that the calculation representing 20% of the directors would be rounded up to the nearest whole number, if it otherwise would result in a fraction. This proposed change is consistent with previous proposals approved by the Commission.⁶² The Commission also believes that the proposed changes to incorporate ETP Holders into the Non-Affiliated Director nomination process and the Exchange's committee structure, in a manner on par with OTP Holders, are consistent with the requirement in Section 6(b)(3) of that Act that the rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs.

The Exchange also proposes to integrate the existing NYSE Arca Equities rules into the NYSE Arca rules to create a single rulebook covering the Exchange's options and equities markets. As noted above, in carrying out this rule integration, the Exchange proposes to harmonize conflicting rules; combine rules, including definitions; update cross-references; update rule text; delete obsolete rule text; correct grammatical errors in rule text; rearrange rule provisions, as necessary; and make various non-substantive changes to the rules. The Commission notes that the Exchange represents that the proposed integration of NYSE Arca Equities rules into the NYSE Arca rules is not intended to change the substance of these rules, but is largely organizational in nature.⁶³ The Commission also notes that, while similar changes related to the integration of the rules are proposed with respect to the Exchange's fee schedules, the Exchange is not proposing any new fees nor altering any current fees.⁶⁴ The Commission believes that the proposed integrated rules for the Exchange's options and equities markets should allow market participants to more easily navigate and understand the Exchange's rules, and

⁵⁵ See, *e.g.*, Securities Exchange Act Release Nos. 69869 (June 27, 2013), 78 FR 40252 (SR-NYSE-2013-32); 59683 (April 1, 2009), 74 FR 15799 (April 7, 2009) (SR-NYSE-2009-12); 58673 (September 29, 2008), 73 FR 57707, 57711-12 (October 3, 2008) (SR-Amex-2008-62).

⁵⁶ See Notice, *supra* note 3, at 28161.

⁵⁷ See Section II.D., *supra*, noting that in Amendment No. 2, the Exchange proposes to amend the Equities Fee Schedule by replacing Exhibit 5E with new Exhibit 5E and by removing Exhibit 5J from the proposed rule change.

⁵⁸ 15 U.S.C. 78f(b)(3).

⁵⁹ 15 U.S.C. 78f(b)(5).

⁶⁰ 15 U.S.C. 78f(b)(7).

⁶¹ See Notice, *supra* note 3, at 28168.

⁶² *Id.*

⁶³ See Notice, *supra* note 3, at 28158-59.

⁶⁴ See, *e.g.*, Section 2.03(a)(i) of the Seventh Amended and Restated Operating Agreement of New York Stock Exchange LLC; Section 9(a) of the Second Amended Limited Liability Company Agreement of The NASDAQ Stock Market LLC.

should simplify and streamline the Exchange's administration of its rules. Thus, the Commission believes that the proposed changes related to integration of the NYSE Arca Equities rules into the NYSE Arca rules are consistent with Sections 6(b)(1) and 6(b)(5) of the Act.

Finally, the Exchange proposes certain changes to the disciplinary proceedings rules governing its Permit Holders. The Exchange proposes to incorporate the rules relating to the current NYSE Arca Equities Business Conduct Committee (referred to as "the BCC") into the Exchange's rules and to integrate the rules for disciplinary proceedings to cover both ETP Holders and OTP Holders. The Exchange represents that the proposed changes would provide that disciplinary proceedings involving ETP Holders would continue to be heard by the BCC, while disciplinary proceedings involving OTP Holders would continue to be heard by the Ethics and Business Conduct Committee (referred to as "the EBCC").⁶⁵ The Exchange also proposes revisions to its rules to clarify that the review of decisions by either the BCC or EBCC would be heard by the CFR, a committee of the Board, rather than the full Board. The Commission notes, however, that the proposed changes would not fundamentally alter the current disciplinary procedures for either ETP Holders or OTP Holders, but would continue the existing disciplinary processes in a single rulebook and would provide further clarity about the Exchange's current review process. Thus, the Commission finds that the proposed changes to the disciplinary rules are consistent with Sections 6(b)(5) and 6(b)(7) of the Act.

IV. Solicitation of Comments on Amendment No. 2

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 2 to the proposed rule change is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2017-40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2017-40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2017-40 and should be submitted by September 13, 2017.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 2

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 2, prior to the 30th day after the date of publication of notice of Amendment No. 2 in the **Federal Register**. As discussed above, Amendment No. 2 revises the Exchange's rule text primarily to reflect updates to its rules that resulted from Exchange filings that became effective after the Exchange filed the original proposed rule change and to make other clarifying, correcting, or updating changes to the proposed rule text. In addition, in Amendment No. 2, the Exchange modifies its original proposal by carrying over the Equities Fee Schedule, as set forth in new Exhibit 5E, and making minor updating changes instead of replacing that fee schedule in its entirety. The Commission believes that the proposed changes in Amendment No. 2 do not raise any new

issues, but rather would add greater clarity to the proposed rule change. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act,⁶⁶ to approve the proposed rule change, as modified by Amendment No. 2 on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,⁶⁷ that the proposed rule change (SR-NYSEArca-2017-40), as modified by Amendment No. 2 thereto, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁸

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-17808 Filed 8-22-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81414; File No. SR-ICC-2017-009]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Provide for the Clearance of Additional Credit Default Swap Contracts

August 17, 2017.

On June 13, 2017, ICE Clear Credit LLC ("ICC") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to provide for the clearance of additional credit default swap contracts (File No. SR-ICC-2017-009). The proposed rule change was published for comment in the **Federal Register** on July 3, 2017.³ To date, the Commission has not received comments on the proposed rule change.

Section 19(b)(2) of the Act⁴ 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

⁶⁶ 15 U.S.C. 78s(b)(2).

⁶⁷ Id.

⁶⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 34-81029 (June 27, 2017), 82 FR 30931 (July 3, 2017) (SR-ICC-2017-008) ("Notice").

⁴ 15 U.S.C. 78s(b)(2).

⁶⁵ See *id.*

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 from the publication of notice of filing of this proposed rule change is August 17, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. ICC's proposes to revise the ICC Rulebook to provide for the clearance of Standard Asia Corporate Single Name CDS contracts, Standard Asia Financial Corporate Single Name CDS contracts, and Standard Emerging Market Corporate Single Name CDS contracts. The Commission finds it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider ICC's proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2)⁵ of the Act, designates October 1, 2017, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-ICC-2017-009).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority,⁶

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-17805 Filed 8-22-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81415; File No. SR-CHX-2017-04]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt the CHX Liquidity Enhancing Access Delay

August 17, 2017.

On February 10, 2017, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act

of 1934 ("Exchange Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt the CHX Liquidity Enhancing Access Delay ("LEAD"). The proposed rule change was published for comment in the **Federal Register** on February 21, 2017.³ On April 3, 2017, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.⁴ The Commission received eleven comment letters on the proposed rule change, including a response from the Exchange.⁵ On May 22, 2017, the Commission instituted proceedings under Section 19(b)(2)(B) of the Exchange Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷ Since then, the Commission has received six more comment letters, including a response from the Exchange.⁸

Section 19(b)(2) of the Act⁹ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 80041 (February 14, 2017), 82 FR 11252 ("Notice").

⁴ See Securities Exchange Act Release No. 80364, 82 FR 17065 (April 7, 2017).

⁵ See letters from: (1) Ryan Hitch, Head of Equities Trading, XR Securities LLC, dated February 24, 2017; (2) Douglas A. Cifu, Chief Executive Officer, Virtu Financial LLC, dated February 27, 2017; (3) Joanna Mallers, Secretary, FIA Principal Traders Group, dated March 13, 2017; (4) Adam Nunes, Head of Business Development, Hudson River Trading LLC, dated March 13, 2017; (5) R.T. Leuchtkafer, dated March 14, 2017; (6) Stephen John Berger, Managing Director, Government & Regulatory Policy, Citadel Securities, dated March 14, 2017; (7) Tyler Gellasch, Executive Director, Healthy Markets Association, March 17, 2017; (8) Elizabeth K. King, General Counsel and Corporate Secretary, New York Stock Exchange, dated March 20, 2017; (9) James G. Ongena, Executive Vice President and General Counsel, CHX, dated March 24, 2017; (10) Steve Crutchfield, Head of Market Structure, CTC Trading Group, LLC, dated April 4, 2017; and (11) Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated May 17, 2017. All comments on the proposed rule change are available at: <https://www.sec.gov/comments/sr-chx-2017-04/chx201704.htm>.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 80740, 82 FR 24412 (May 26, 2017).

⁸ See letters from: (1) R. T. Leuchtkafer, dated June 15, 2017; (2) Stephen Berger, Managing Director, Government and Regulatory Policy, Citadel Securities, dated June 16, 2017; (3) Joanna Mallers, Secretary, FIA Principal Traders Group, dated June 16, 2017; (4) James G. Ongena, Executive Vice President, General Counsel, CHX, dated June 30, 2017; (5) R. T. Leuchtkafer, dated July 7, 2017; and (6) R. T. Leuchtkafer, dated July 10, 2017.

⁹ 15 U.S.C. 78s(b)(2).

of the proposed rule change. The Commission may, however, extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on February 21, 2017.¹⁰ August 20, 2017 is 180 days from that date, and October 19, 2017 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, the issues raised in the comment letters that have been submitted in connection therewith, and the Exchange's responses to the comments. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹¹ designates October 19, 2017 as the date by which the Commission should either approve or disapprove the proposed rule change (File No. SR-CHX-2017-04).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority,¹²

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-17806 Filed 8-22-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81418; File No. SR-NYSEAMER-2017-06]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Add Certain Rules Adopted in Connection With the Exchange's Transition to a Fully-Automated Cash Equities Market to the List of Minor Rule Violations in Rule 9217 of the Office Rules

August 17, 2017.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on August 9, 2017, NYSE American LLC ("NYSE American" or the "Exchange") filed with the Securities and Exchange

¹⁰ See *supra* text accompanying note 3.

¹¹ 15 U.S.C. 78s(b)(2).

¹² 17 CFR 200.30-3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).

Commission (“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 add certain rules adopted in connection with the Exchange’s transition to a fully-automated cash equities market to the list of minor rule violations in Rule 9217 of the Office Rules. The proposed rule change is available on the Exchange’s Web site at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 29, 2015, the Exchange announced the implementation of Pillar, which is an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by the Exchange and its affiliates, NYSE Arca, Inc. (“NYSE Arca”) and New York Stock Exchange LLC (“NYSE”).⁴ NYSE Arca Equities, Inc. (“NYSE Arca Equities”),⁵ which operates the cash equities trading platform for NYSE Arca, was the first trading system to migrate to Pillar.⁶

⁴ See Trader Update dated January 29, 2015, available here: <https://www.nyse.com/trader-update/history#13517>.

⁵ NYSE Arca Equities is a wholly-owned corporation of NYSE Arca and operates as a facility of NYSE Arca.

⁶ NYSE Arca filed four rule proposals in connection with the NYSE Arca implementation of Pillar. See Securities Exchange Act Release Nos.

To effect its transition to Pillar, the Exchange adopted the rule numbering framework of the NYSE Arca Equities, Inc. (“NYSE Arca Equities”) rules for Exchange cash equities trading on the Pillar trading platform.⁷ As described in the Framework Filing, the Exchange denoted the rules applicable to cash equities trading on Pillar with the letter “E” to distinguish such rules from the then current Exchange rules with the same numbering. The Exchange’s trading rules for cash equity trading on Pillar are also based on the trading rules of NYSE Arca Equities.⁸ The Exchange began trading on the Pillar platform on July 24, 2017.⁹

74951 (May 13, 2015), 80 FR 28721 (May 19, 2015) (Notice) and 75494 (July 20, 2015), 80 FR 44170 (July 24, 2015) (SR–NYSEArca–2015–38) (Approval Order of NYSE Arca Pillar I Filing, adopting rules for Trading Sessions, Order Ranking and Display, and Order Execution); Securities Exchange Act Release Nos. 75497 (July 21, 2015), 80 FR 45022 (July 28, 2015) (Notice) and 76267 (October 26, 2015), 80 FR 66951 (October 30, 2015) (SR–NYSEArca–2015–56) (Approval Order of NYSE Arca Pillar II Filing, adopting rules for Orders and Modifiers and the Retail Liquidity Program); Securities Exchange Act Release Nos. 75467 (July 16, 2015), 80 FR 43515 (July 22, 2015) (Notice) and 76198 (October 20, 2015), 80 FR 65274 (October 26, 2015) (SR–NYSEArca–2015–58) (Approval Order of NYSE Arca Pillar III Filing, adopting rules for Trading Halts, Short Sales, Limit Up-Limit Down, and Odd Lots and Mixed Lots); and Securities Exchange Act Release Nos. 76085 (October 6, 2015), 80 FR 61513 (October 13, 2015) (Notice) and 76869 (January 11, 2016), 81 FR 2276 (January 15, 2016) (SR–NYSEArca–2015–86) (Approval Order of NYSE Arca Pillar IV Filing, adopting rules for Auctions).

⁷ See Securities Exchange Act Release No. 79242 (November 4, 2016), 81 FR 79081 (November 10, 2016) (SR–NYSEMKT–2016–97) (Notice and Filing of Immediate Effectiveness of Proposed Rule Change) (the “Framework Filing”). In addition, the Exchange filed a proposed rule change to support Exchange trading of securities listed on other national securities exchanges on an unlisted trading privileges basis, including Exchange Traded Products (“ETP”) listed on other exchanges. See Securities Exchange Act Release No. 79400 (November 25, 2016), 81 FR 86750 (December 1, 2016) (SR–NYSEMKT–2016–103) (Notice) (the “ETP Listing Rules Filing”).

⁸ See Securities Exchange Act Release Nos. 80590 (May 4, 2017), 82 FR 21843 (May 10, 2017) (Approval Order) and 79993 (February 9, 2017), 82 FR 10814 (February 15, 2017) (SR–NYSEMKT–2017–01) (Notice) (“Trading Rules Filing”). The Exchange also has established market maker obligations when trading on the Pillar trading platform. See Securities Exchange Act Release No. 80577 (May 2, 2017), 82 FR 21446 (May 8, 2017) (SR–NYSEMKT–2017–04) (Approval Order). In addition, the Exchange introduced a delay mechanism on Pillar that adds the equivalent of 350 microseconds of latency to inbound and outbound order messages, as described in greater detail in Rules 1.1E(y) and 7.29E(b). See Securities Exchange Act Release Nos. 80700 (May 16, 2017), 82 FR 23381 (May 22, 2017) (SR–NYSEMKT–2017–05) (Approval Order) and 79998 (February 9, 2017), 82 FR 10828 (February 15, 2017) (SR–NYSEMKT–2017–05) (Notice).

⁹ With Pillar, the Exchange transitioned its cash equities trading platform from a Floor-based market with a parity allocation model to a fully automated price-time priority allocation model that trades all NMS Stocks. See Trading Rules Filing, *supra* note 9, 82 FR at 21843.

Newly Exchange adopted rules that are based on NYSE Arca Equities Rules include the following:

- Rule 2.21E (Employees of ETP Holders Registration)
- Rule 2.24E (ETP Books and Records)
- Rule 6.3E (Prevention of the Misuse of Material, Nonpublic Information) and its Commentaries
- Rule 6.15E (Prearranged Trades)
- Rule 7.16E (Short Sales)
- Rule 7.20E (Registration of Market Makers)
- Rule 7.23E (Obligations of Market Makers)
- Rule 7.30E (Authorized Traders)

NYSE Arca Equities includes its versions of the above-listed rules as eligible for disposition under its Minor Rule Plan.¹⁰ The Exchange proposes to similarly add these rules to the list of rules in Rule 9217 (Violations Appropriate for Disposition Under Rule 9216(b)) that are eligible for summary fines under Rule 9216(b). The Exchange also proposes to add accompanying fine levels based on the fine levels currently in place on NYSE Arca Equities Rule 10.12 (Minor Rule Plan) for each Rule.

Proposed Rule Change

Rule 9217, the Exchange’s Minor Rule Violation Plan (“MRVP”), sets forth the list of rules under which a member organization or covered person may be subject to a fine under a minor rule violation plan as described in proposed Rule 9216(b).

The Exchange proposes to amend Rule 9217 to add recently adopted Rules 2.21E, 2.24E, 6.3E, 6.15E, 7.16E, 7.20E, 7.23E, and 7.30E to the list of rules eligible for disposition pursuant to the Exchange’s MRVP. These proposed changes are based on NYSE Arca Equities Rule 10.12(g) and (h), which specifies, in part, that NYSE Arca Equities Rules 2.21, 2.24, 6.3, 6.15(b),¹¹ 7.16, 7.20, 7.23, and 7.30 are eligible for disposition pursuant to NYSE Arca’s Minor Rule Plan.¹² The Exchange also

¹⁰ See NYSE Arca Equities Rule 10.12(g) & (h).

¹¹ NYSE American Rule 6.15E adopted subdivision (b) of NYSE Arca Equities Rule 6.15(b), which prohibits participation in a prearranged trade.

¹² See NYSE Arca Equities Rule 10.12(g)(1) (NYSE Arca Equities Rule 7.16); (g)(2) (NYSE Arca Equities Rule 7.23(a)(1)); (g)(4) (NYSE Arca Equities Rule 7.30); (g)(5) (NYSE Arca Equities Rule 7.20(a); and (g)(6) (NYSE Arca Equities Rule 6.15(b)). See also NYSE Arca Equities Rule 10.12(h)(7) (Rule 6.3E and its Commentaries); (h)(10) (Rule 2.24); and (h)(11) (Rule 2.21).

Failure to comply with the sponsored participant access requirements of NYSE Arca Rule 7.29 is also eligible for disposition pursuant to NYSE Arca Equities Rule 10.12(g)(3). NYSE American Rule 7.29E is based on NYSE Arca Equities Rule 7.29(a) without any substantive differences. However, the Exchange did not include rule text based on NYSE

proposes to add the accompanying fine levels for each Rule based on the fine levels in NYSE Arca Equities Rule 10.12.¹³

To effect these changes, the Exchange proposes to add a paragraph (a) titled “Trading Rule Violations” under the current heading in Rule 9217 titled “List of Equities Rule Violations and Fines Applicable Thereto,” [sic] Under proposed paragraph (a), the Exchange proposes to set forth the following text describing the eligible trading rule violations:

- Short Sale Rules (Rule 7.16E).
- Failure to maintain continuous, two-sided Q Orders in those securities in which the Market Maker is registered to trade (Rule 7.23E(a)(1)).
- Failure to comply with Authorized Trader requirements. (Rule 7.30E).
- Acting as a Market Maker in a security without being registered as such as required by Rule 7.20E(a).
- Committing any act prohibited by Rule 6.15E.

The Exchange further proposes paragraph (b) titled “Record Keeping and Other Minor Rule Violations” to Rule 9217, which would specify the following text describing the eligible rule violations:

- Failure to comply with the requirements for preventing the misuse of material nonpublic information as set forth in Rule 6.3E and its Commentaries.
- Failure to comply with the books and records requirements of Rule 2.24E.
- Failure to comply with the employee registration or other requirements of Rule 2.21E.

The Exchange further proposes a new paragraph (c) titled “Legacy Minor Rules”¹⁴ that would appear above the

Arca Equities Rule 7.29(b) because NYSE American does not offer sponsored access in Pillar. See Trading Rules Filing, *supra* note 9, 82 FR at 10820. Accordingly, because NYSE Arca Equities Rule 10.12(g)(3) is limited to failure to comply with sponsored participant access requirements, the Exchange determined not to include a reference to NYSE American Rule 7.29E in the proposed amendment to Rule 9217.

¹³ The Exchange does not propose to incorporate the text of subsections (a)–(f) or footnote 1 of NYSE Arca Equities Rule 10.12 into Rule 9217. Subsections (a)–(f) of NYSE Arca Equities Rule 10.12 are duplicative of existing requirements in Rule 9217 and Rule 9216(b), which describe the procedure for imposition of minor rule violations. Similarly, footnote 1 of NYSE Arca Equities Rule 10.12 applies to certain NYSE Arca Equities rules for which there are no Exchange equivalents. See *also* note 17, *infra*.

¹⁴ Since the transition to Pillar, specified Exchange equities trading rules are no longer applicable, and Exchange rules governing equities trading that are not identified as inapplicable continue to govern Exchange operations on its cash equities trading platform. See Trading Rules Filing, *supra* note 9, 82 FR at 10815–16. For purposes of Rule 9217, the Exchange proposes to refer to the non-Pillar Exchange rules regarding equities trading

current list of eligible rules in Rule 9217, above “Rule 15—Equities (Pre-Opening Indications).”

Finally, in Rule 9217, the Exchange proposes to add proposed paragraph (d) titled “Fine Schedule” at the end of the current list of eligible rules, following “Rule 518—Equities requirements for clearance and settlement of transactions in Nasdaq Securities.” Below proposed paragraph (d), the Exchange would include the following text drawn from NYSE Arca Equities Rule 10.12:

The following fine schedule sets forth the amount of the fine(s) to be imposed. Except as noted below, the amount of the fine(s) shall be imposed at the First Level pursuant to the chart below. If another Minor Rule Plan Fine has been issued to the same member organization or covered person¹⁵ for the same or similar conduct violating the same rule (regardless of when paid) within 24 months from the date of occurrence of the violation(s) set forth in the current Notice of Minor Rule Plan Fine, then the fine(s) shall be imposed at the Second Level. If two or more separate Notices of Minor Rule Plan Fine have previously been issued to the same member organization or covered person for the same or similar conduct violating the same rule within 24 months from the date of occurrence of the violation(s) set forth in the current Notice of Minor Rule Plan Fine, then the fine(s) shall be imposed at the Third Level.

These fines are intended to apply to minor violations. For more serious violations, other disciplinary action may be sought.

Below this text, the Exchange would insert new three new subsections (1)–(3). Subsection (d)(1) would be titled “Trading Rule Violations Fine Levels” and would include a chart of first, second and third level fines based on the NYSE Arca Equities Rules for the equivalent Exchange Rules, as follows:

- Violations of Rule 7.16E would be eligible for a \$500 first level fine, a \$1,000 second level fine, and a \$2,500 third level fine;
- Violations of Rule 7.23E(a)(1) would be eligible for a \$250 first level fine, a \$500 second level fine, and a \$1,000 third level fine;
- Violations of Rule 7.30E would be eligible for a \$1,000 first level fine, a \$2,500 second level fine, and a \$3,500 third level fine; and
- Violations of Rule 7.20E(a) would be eligible for a \$250 first level fine, a \$500 second level fine, and a \$1,000 third level fine.

as “Legacy Minor Rules.” The Exchange anticipates filing separate proposed rule changes to delete the rules identified as not being applicable to trading on Pillar and to update the list of Legacy Minor Rules. See, e.g., *id.* at 10816.

¹⁵ The Exchange substituted “member organization or covered person” to reflect the Exchange’s membership. The rest of the proposed text is the same as that in NYSE Arca Equities Rule 10.12.

- Violations of Rule 6.15E would be eligible for a \$1,000 first level fine, a \$2,500 second level fine, and a \$3,500 third level fine.

New subsection (d)(2) would be titled “Record Keeping and Other Minor Rule Violations Fine Levels,” and would include a chart of the first, second and third level fines that are based on the NYSE Arca Equities Rules for the equivalent Exchange Rule, as follows:

- Violations of Rule 6.3E and its Commentaries would be eligible for a \$2,000 first level fine, a \$4,000 second level fine, and a \$5,000 third level fine.
- Violations of Rule 2.24E would be eligible for a \$2,000 first level fine, a \$4,000 second level fine, and a \$5,000 third level fine.
- Violations of Rule 2.21E would be eligible for a \$1,000 first level fine, a \$2,500 second level fine, and a \$3,500 third level fine.¹⁶

These fine levels are the same as those in the NYSE Arca Equities fine schedule contained in NYSE Arca Equities Rule 10.12(i) for each analogous rule.¹⁷

New subsection (e) would be titled “Legacy Minor Rules Fine Schedule”¹⁸ and would summarize fine amounts for individuals and member organizations based on first, second and subsequent offenses. These amounts would continue to govern violations of legacy minor rules following implementation [sic] of Pillar.

Lastly, the Exchange proposes to delete two erroneous references to “NYSE Arca” rules in Rule 476A (Imposition of Fines for Minor Violation(s) of Rules)¹⁹ and in the list of options rule violations and applicable fines in Rule 9217(ii)(7)(b) and replace them with “Exchange.” The Exchange also proposes to correct a typographical error in Rule 476A(ii)(7)(c) and in Rule

¹⁶ The Exchange proposes to add a footnote 1 based on footnote 2 in NYSE Arca Equities Rule 10.12 providing that, in addition to the specified fines, the Exchange may require a violator to remit all fees that it should have paid to the Exchange pursuant to Rule 2.21E.

¹⁷ See NYSE Arca Equities Rule 10.12(i)(1) (setting forth fine levels for NYSE Arca Equities Rules 7.16, 7.23(a)(1), 7.30, 7.20(a) and 6.15(b)); NYSE Arca Equities Rule 10.12(i)(2) (setting forth fine levels for NYSE Arca Equities Rules 6.3E and its Commentaries, 2.24, and 2.21). Rule 9217 retained the Exchange’s maximum fine for minor rule violations which, under legacy Rule 476A, was \$5,000. See Securities Exchange Act Release Nos. 77241 (February 26, 2016), 81 FR 11311 (March 3, 2016) (SR–NYSEMKT–2016–30). See *also* Rule 19d–1 under the Act, 17 CFR 240.19d–1.

¹⁸ See note 15, *supra*.

¹⁹ Rule 476A is the Exchange’s legacy minor rule plan and continues to apply to matters initiated prior to April 15, 2016, the effective date of the Exchange’s new disciplinary rules, which include Rule 9217.

9217(ii)(7)(c) by replacing “procures” with “procedures.”

Summary fines provide a meaningful sanction for minor or technical violations of rules. The Exchange believes that adding recently adopted Pillar Rules modeled on the trading rules of its affiliate NYSE Arca Equities to the list of rules eligible for disposition pursuant to the Exchange’s MRVP and subject to the same fine levels as NYSE Arca Equities would harmonize requirements across exchanges for the same conduct. Accordingly, for all the foregoing reasons, the Exchange believes that inclusion of Rules 2.21E, 2.24E, 6.3E, 6.15E, 7.16E, 7.20E, 7.23E, and 7.30E and the accompanying fine levels based on NYSE Arca Equities Rule 10.12 in Rule 9217 would be appropriate.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,²⁰ in general, and furthers the objectives of Section 6(b)(5),²¹ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, 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 is designed to prevent fraudulent and manipulative acts and practices because it will provide the Exchange the ability to issue a minor rule fine for violations of its rules governing cash equities trading and market maker and electronic DMM functions and obligations on the Pillar platform. In addition, adding rules based on the rules of its affiliate to the Exchange’s minor rule plan and the associated fine levels would promote fairness and consistency in the marketplace by harmonizing minor rule plan fines across affiliated exchanges for the same conduct. Similarly, the proposed rule change would remove impediments to and perfect the mechanism of a free and open market by further supporting the Exchange’s transition to a fully automated cash equities trading model on the Pillar trading platform and, by including rules based on the rules of its affiliated market, NYSE Arca Equities, into the Exchange’s MRVP with the same fine levels, further Pillar’s goal of promoting

consistency among the Exchange, NYSE Arca, and the NYSE.

The Exchange further believes that the proposed amendments to Rule 9217 are consistent with Section 6(b)(6) of the Act,²² which provides that members and persons associated with members shall be appropriately disciplined for violation of the provisions of the rules of the exchange, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction. As noted, the proposed rule change would provide the Exchange ability to sanction minor or technical violations of the recently adopted Pillar Rules pursuant to the Exchange’s MRVP. Moreover, as noted above, the fine levels associated with the rule violations incorporated into Rule 9217 would be based on the rules of its affiliated market, NYSE Arca Equities. Moreover, the Exchange believes that delineating in Rule 9217 the rules and fine levels relating to trading on the Pillar trading platform from legacy rules relating to Floor-based trading promotes transparency following the Exchange’s transition to Pillar.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather to update the Exchange’s MRVP to reflect newly adopted rules. The proposed rule change would also support the launch of the Exchange’s new fully automated cash equities trading platform that trades all NMS Stocks and is based on the rules of NYSE Arca Equities.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act²³ and Rule

19b–4(f)(6) thereunder.²⁴ 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.

A proposed rule change filed under Rule 19b–4(f)(6)²⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),²⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

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)²⁷ 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–NYSEAMER–2017–06 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–NYSEAMER–2017–06. This

²⁴ 17 CFR 240.19b–4(f)(6).

²⁵ 17 CFR 240.19b–4(f)(6).

²⁶ 17 CFR 240.19b–4(f)(6)(iii).

²⁷ 15 U.S.C. 78s(b)(2)(B).

²⁰ 15 U.S.C. 78f(b).

²¹ 15 U.S.C. 78f(b)(5).

²² 15 U.S.C. 78f(b)(6).

²³ 15 U.S.C. 78s(b)(3)(A)(iii).

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 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-NYSEAMER-2017-06, and should be submitted on or before September 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-17807 Filed 8-22-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81420; File No. SR-NYSE-2017-41]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Change in Connection With the Name Change of Its Affiliate, From NYSE MKT LLC to NYSE American LLC

August 17, 2017.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on August 9, 2017, New York Stock Exchange LLC

("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes in connection with the name change of its affiliate, from NYSE MKT LLC to NYSE American LLC, to amend certain rules, the Independence Policy of the Board of Directors ("Independence Policy"), the New York Stock Exchange Price List ("Price List"), and the NYSE Proprietary Market Data Fees ("Market Data Fees") to reflect that name change. The proposed change is available on the Exchange's Web site at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes, in connection with the name change of its affiliate, from NYSE MKT LLC ("NYSE MKT") to NYSE American LLC ("NYSE American"), to amend certain rules of the Exchange, the Independence Policy, Price List, and Market Data Fees to reflect that name change.⁴

⁴ The Exchange originally filed the proposed changes on July 21, 2017 (SR-NYSE-2017-37), withdrew such filing on July 27 and refiled the same day (SR-NYSE-2017-39). The Exchange subsequently withdrew SR-NYSE-2017-39 and refiled on August 2, 2017 (SR-NYSE-2017-40). SR-NYSE-2017-40 was subsequently withdrawn and replaced by this filing.

Background

On March 16, 2017, NYSE MKT filed rule changes with the Commission in connection with its name change to NYSE American.⁵ In addition, on May 19, 2017, NYSE MKT filed rule changes with the Commission associated with the rebranding of NYSE Amex Options, the Exchange's facility for trading options, to NYSE American Options.⁶ The NYSE MKT name change to NYSE American became operative on July 24, 2017. Accordingly, the Exchange proposes to amend the Independence Policy, Price List, Market Data Fees, and certain rules to [sic] as detailed below to reflect the new name of its affiliate, NYSE American.

Proposed Rule Changes

- The Exchange proposes to replace "NYSE MKT LLC" with "NYSE American LLC" in Rule 2, Supplementary Material .10 ("Member", "Membership", "Member Firm", etc.); Rule 17(c)(2) (Use of Exchange Facilities and Vendor Services); Rule 18, Supplementary Material .10(a) (Compensation in Relation to Exchange System Failure); Rule 70, Supplementary Material .40(3) (Execution of Floor Broker Interest); Rule 98 (c)(6) (Operation of a DMM Unit); Rule 103, Supplementary Material .20(b)(6) (Registration and Capital Requirements of DMMs and DMM Units); and Rule 103B(IX) (Security Allocation and Reallocation).
- The Exchange proposes to replace "NYSE MKT" with "NYSE American" in Rule 2, Supplementary Material .10 and .20; Rule 17(c)(2); Rule 18, Supplementary Material .10; Rule 36, Supplementary Material .70(a)(iii) (Communications Between Exchange and Members' Officers); Rule 70, Supplementary Material .40(3); Rule 103, Supplementary Material .20(b)(6); and Rule 103B(IX).
- The Exchange proposes to replace "NYSE Amex Options Trading Floor" with "NYSE American Options Trading Floor" in Rule 6A(b) ("Trading Floor") and Rule 36, Supplementary Material .23 and .70(a).
- The Exchange proposes to replace "NYSE Amex" with "NYSE American" in Rule 36, Supplementary Material .23 and .70(a).
- The Exchange proposes to replace "NYSE Amex-listed" with "NYSE American-listed" in Rule 6A.

⁵ See Securities Exchange Act Release No. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR-NYSEMKT-2017-14).

⁶ See Securities Exchange Act Release No. 80748 (May 23, 2017), 82 FR 24764 (May 30, 2017) (SR-NYSEMKT 2017-20).

²⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

- In Rule 70, Supplementary Material .40(3), the Exchange proposes to replace “NYSE Amex option” with “NYSE American option.”

- In Rule 300, Supplementary Material .10T (Trading Licenses), the Exchange proposes to replace “NYSE Amex LLC” and “NYSE Amex” with “NYSE American LLC” and “NYSE American”, respectively.

Proposed Changes to Independence Policy, Price List, and Market Data

- *Independence Policy:* The Exchange proposes to replace “NYSE MKT LLC” with “NYSE American LLC” throughout the Independence Policy.⁷ Additionally, the Exchange proposes to replace “[Insert name of relevant NYSE U.S. Regulated Subsidiary]” with “New York Stock Exchange LLC.” The text being replaced was used in prior filings because several entities used the same Independence Policy.⁸

- *Price List:* The Exchange proposes to replace “NYSE MKT” with “NYSE American” throughout the Price List. Additionally, under “Co-Location Fees,” the Exchange proposes to replace “NYSE MKT LLC” with “NYSE American LLC” in General Note 1. The Exchange also proposes to replace “NYSE Amex Options” with “NYSE American Options” in the chart in General Note 4.

- *Market Data Fees:* In footnote 5, the Exchange proposes to replace “NYSE MKT BBO” and “NYSE MKT Trades” with “NYSE American BBO” and “NYSE American Trades,” respectively, and to replace “NYSE MKT Proprietary Market Data Fees” with “NYSE American Proprietary Market Data Fees.”

None of the foregoing changes are substantive.

⁷ In addition, the Exchange proposes to delete footnote 2 of the Independence Policy, which has an obsolete reference to NYSE Regulation, Inc. (“NYSE Regulation”). NYSE Regulation and NYSE Market (DE), Inc. (“NYSE Market (DE)”) were previously parties to a Delegation Agreement whereby the Exchange delegated certain regulatory functions to NYSE Regulation and certain market functions to NYSE Market (DE). The Delegation Agreement was terminated when the Exchange re-integrated its regulatory and market functions. As a result, the two entities ceased being regulated subsidiaries, and NYSE Regulation was merged out of existence. See Securities Exchange Act Release No. 75991 (September 28, 2015), 80 FR 59837.

⁸ Prior to the termination of the Delegation Agreement, the same Independence Policy applied to the Exchange, NYSE MKT LLC, NYSE Market (DE), and NYSE Regulation. See Securities Exchange Act Release Nos. 72156 (May 13, 2014), 79 FR 28782 (May 19, 2014) (SR-NYSEMKT-2014-41); 67564 (August 1, 2012), 77 FR 47161 (August 7, 2012) (SR-NYSE-2012-17; SR-NYSEArca-2012-59; SR-NYSEMKT-2012-07).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,⁹ in general, and with Section 6(b)(1)¹⁰ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed rule change is a non-substantive change and does not impact the governance or ownership of the Exchange. The Exchange believes that the proposed rule change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because ensuring that the Exchange’s rules, Independence Policy, Price List, and Market Data Fees accurately reflect the name change of its affiliate from NYSE MKT to NYSE American would contribute to the orderly operation of the Exchange by adding clarity and transparency to such rules, Independence Policy, Price List, and Market Data Fees.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,¹¹ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that market participants can more easily navigate, understand and comply with the Exchange’s rules, Independence Policy, Price List, and Market Data Fees. The Exchange believes that, by ensuring that such documents and rulebook accurately reflect the name change of its affiliate from NYSE MKT to NYSE American, the proposed rule change would reduce

potential investor or market participant confusion.

The Exchange believes that the proposed changes to replace “[Insert name of relevant NYSE U.S. Regulated Subsidiary]” with “New York Stock Exchange LLC” in the Independence Policy would contribute to the orderly operation of the Exchange by adding clarity and transparency to such document.

Further, the Exchange believes that the proposed deletion of footnote two of the Independence Policy would remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest because the change would eliminate an obsolete reference to NYSE Regulation, thereby reducing potential confusion. Market participants and investors would not be harmed and in fact could benefit from the increased clarity and transparency in the Independence Policy, ensuring that market participants could more easily understand the Independence Policy.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Exchange’s rules, Independence Policy, Price List, and Market Data Fees to reflect its affiliates [sic] name change from NYSE MKT to NYSE American and NYSE Amex Options to NYSE American Options.

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 has become effective pursuant to Section 19(b)(3)(A) of the Act¹² and Rule 19b-4(f)(3)¹³ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(1).

¹¹ 15 U.S.C. 78f(b)(5).

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(3).

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)¹⁴ 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-NYSE-2017-41 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-NYSE-2017-41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make

available publicly. All submissions should refer to File Number SR-NYSE-2017-41 and should be submitted on or before September 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-17809 Filed 8-22-17; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice 10096]

E.O. 13224 Designation of Ahmad Alkhalid, aka Yassine Noure, aka Mohammed Nawar Mohammed Alqadhi, aka Mahmoud as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Ahmad Alkhalid, also known as Yassine Noure, also known as Mohammed Nawar Mohammed Alqadhi, also known as Mahmoud, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States. Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017-17834 Filed 8-22-17; 8:45 am]

BILLING CODE 4710-AD-P

DEPARTMENT OF STATE

[Public Notice 10097]

E.O. 13224 Designation of Abu Yahya al-Iraqi, aka Ayad Hamed Mohal al-Jumail, aka Ayad Hamed Muhad Shuab, aka Abu-Yahya, aka Iyad Hamed Mahl al-Jumaily, aka Iyad al-Jumayli, aka Ayad Hamid al-Jumaili, aka Ayad al-Jumaili, aka Ayad Miuhammad Mahar, aka Ayad Muhammad Mahar, aka Ayad Hamed Mohl Aljamali, aka Ayad Hamed Mahal Jomily as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Abu Yahya al-Iraqi, also known as Ayad Hamed Mohal al-Jumail, also known as Ayad Hamed Muhad Shuab, also known as Abu-Yahya, also known as Iyad Hamed Mahl al-Jumaily, also known as Iyad al-Jumayli, also known as Ayad Hamid al-Jumaili, also known as Ayad Miuhammad Mahar, also known as Ayad Muhammad Mahar, also known as Ayad Hamed Mohl Aljamali, also known as Ayad Hamed Mahal Jomily, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017-17833 Filed 8-22-17; 8:45 am]

BILLING CODE 4710-AD-P

¹⁴ 15 U.S.C. 78s(b)(2)(B).

¹⁵ 17 CFR 200.30-3(a)(12).

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration****Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors**

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Unified Carrier Registration Plan Board of Directors Meeting.

TIME AND DATE: The meeting will be held on August 24, 2017, from 1:00 p.m. to 5:00 p.m., Pacific Daylight Time.

PLACE: The meetings will be open to the public at the Double Tree Suites Doheny Beach, 34402 Pacific Coast Highway, Dana Point, CA 92629, and via conference call. Those not attending the meeting in person may call 1-877-422-1931, passcode 2855443940, to listen and participate in the meeting.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827-4565.

Issued on: August 18, 2017.

Larry W. Minor,

Associate Administrator for Policy, Federal Motor Carrier Safety Administration.

[FR Doc. 2017-17903 Filed 8-21-17; 11:15 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****Notice of Funding Opportunity (NOFO): Solicitation of Project Proposals for the Passenger Ferry Grant Program**

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for \$30 million in Fiscal Year (FY) 2017 Section 5307 Urbanized Area Formula Program funds (Catalog of Federal Domestic Assistance #20.507) authorized for competitively selected passenger ferry projects. As required by Federal transit law and subject to funding availability, funds will be awarded competitively to

designated recipients or eligible direct recipients of Section 5307 funds to assist in the financing of capital projects to support existing passenger ferry service, establish new ferry service, and to repair and modernize ferry boats, terminals, and related facilities and equipment. FTA may award additional funding made available to the program prior to the announcement of project selections.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* "APPLY" function by 11:59 p.m. EDT October 23, 2017. Prospective applicants should initiate the process by registering on the *GRANTS.GOV* Web site promptly to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's Web site at <http://transit.dot.gov/howtoapply> and in the "FIND" module of *GRANTS.GOV*. The funding opportunity ID is FTA-2017-005-TPM-PF. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Vanessa Williams, FTA Office of Program Management, (202) 366-4818, or Vanessa.williams@dot.gov.

SUPPLEMENTARY INFORMATION:**Table of Contents**

- A. Program Description
 - B. Federal Award Information
 - C. Eligibility
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 - E. Application Review
 - F. Federal Award Administration
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A. Program Description

Section 5307(h) of Title 49, United States Code, as amended by the Fixing America's Surface Transportation (FAST Act) (Pub. L. 114-94, Dec. 4, 2015), authorizes FTA to award funds through a competitive process, as described in this notice, for capital projects to improve the condition and quality of existing passenger ferry services, support the establishment of new passenger ferry services, and to repair and modernize ferry boats, terminals, and related facilities and equipment. FTA recognizes that passenger ferries provide critical and cost-effective transportation links in urban areas throughout the United States but face a critical backlog of state of good repair and safety investments.

B. Federal Award Information 5307(h) Passenger Ferry Grant Program

Federal transit law authorizes \$30 million in FY 2017 for passenger ferry grants under 49 U.S.C. 5307(h) (Ferry program). FTA may supplement the total available with future appropriations. FTA will grant pre-award authority to incur costs for selected projects beginning on the date that project selections are announced. Funds are only available for projects that have not already incurred costs and will be available for obligation until September 30, 2022. In FY 2015 and FY 2016, the program received 21 proposals from 10 states and the U.S. Virgin Islands requesting \$98.1 million in Federal funds. Eighteen projects were funded at a total of \$58.9 million.

C. Eligibility Information*1. Eligible Applicants*

Eligible applicants under this program must be designated recipients or eligible direct recipients of Section 5307 funds, which include public entities engaged in providing a public transportation passenger ferry service in urbanized areas. If the recipient is eligible to receive 5307 funds, but does not currently have an active grant with FTA, upon selection, the recipient will be required to work with the FTA regional office to establish its organization as an active grantee. This process may require additional documentation to support the organization's technical, financial, and legal capacity to receive and administer Federal funds under this program.

2. Cost Sharing or Matching

Projects funded under the Section 5307(h) program are eligible for a maximum 80 percent Federal share, unless they qualify for one of the following exceptions:

The Federal share is 85 percent for net project costs for acquiring vehicles (including Clean-fuel or alternative fuel) that are compliant with the Clean Air Act (CAA) or compliant with the Americans with Disabilities Act (ADA) of 1990.

The Federal share is 90 percent for net project costs for vehicle-related equipment or facilities (including clean-fuel or alternative-fuel vehicle-related equipment or facilities) required by the Americans with Disabilities Act (ADA) of 1990, or for purposes of complying with or maintaining compliance with the Clean Air Act.

The FTA considers vehicle-related equipment to be equipment on or attached to the vehicle. The award recipient may itemize the cost of specific, discrete, vehicle-related

equipment being purchased to be in compliance with ADA or CAA.

After the appropriate Federal share is established, the applicant must provide the local share of the net project cost and must document in its grant application the source of the local match. The local match may include:

- i. Cash from non-governmental sources other than revenues from providing public transportation services;
- ii. Non-farebox revenues from the operation of public transportation service, such as the sale of advertising and concession revenues. A voluntary or mandatory fee that a college, university, or similar institution imposes on all its students for free or discounted transit service that is not farebox revenue;
- iii. Monies received under a service agreement with a State or local social service agency or private social service organization;
- iv. Undistributed cash surpluses, replacement or depreciation cash funds, reserves available in cash, or new capital;
- v. Amounts appropriated or otherwise made available to a department or agency of the Government (other than the U.S. Department of Transportation);
- vi. In-kind contribution such as the market value of in-kind contributions integral to the project may be counted as a contribution toward local share;
- vii. Revenue bond proceeds for a capital project, with prior FTA approval; and
- viii. Transportation Development Credits (TDC) (formerly referred to as Toll Revenue Credits). Please refer to FTA Circular 9030 for more information regarding the use of TDCs.

Note: FTA will not retroactively approve TDCs as match if they are not included in the proposal submitted under this competition.

3. Eligible Projects

Eligible projects are capital projects for the purchase, replacement, or rehabilitation of ferries, terminals, related infrastructure, related equipment (including fare equipment and communication devices) and expansion. Projects are required to support a passenger ferry service that operates within an urbanized area, as defined under Federal transit law, but may include services that operate between an urbanized area and non-urbanized areas. Ferry systems that accommodate cars must also accommodate walk-on passengers in order to be eligible for funding.

Recipients are permitted to use up to 0.5 percent of their requested grant

award for workforce development activities eligible under 49 U.S.C. 5314(b) and an additional 0.5 percent for costs associated with training at the National Transit Institute. Applicants must identify the proposed use of funds for these activities in the project proposal and identify them separately in the project budget.

C. Application and Submission Information

1. Address To Request Application Package

Applications must be submitted electronically through *GRANTS.GOV*. General information for submitting applications through *GRANTS.GOV* can be found at www.fta.dot.gov/howtoapply along with specific instructions for the forms and attachments required for submission. Mail and fax submissions will not be accepted. A complete proposal submission consists of *at least* two forms: The SF424 Mandatory Form (downloaded from *GRANTS.GOV*) and the supplemental form for the FY 2017 Passenger Ferry Grant Program (downloaded from *GRANTS.GOV* or the FTA Web site at <https://www.transit.dot.gov/funding/grants/passenger-ferry-grant-program-section-5307>). Failure to submit the information as requested can delay review or disqualify the application.

2. Content and Form of Application Submission

i. Proposal Submission

A complete proposal submission consists of *at least* two forms: (1) The SF424 Mandatory Form; and (2) the supplemental form for the FY 2017 Passenger Ferry Grant Program. The application must include responses to all sections of the SF424 Mandatory Form and the supplemental form, unless indicated as optional. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice.

An applicant may submit multiple project proposals in a single submission, but must include all project proposals on a single supplemental form. To add additional projects, select the “add project” button and complete a separate “project detail” section for each project. FTA will only accept one supplemental form per submission.

The supplemental form must be submitted as an attachment to the SF424 Mandatory Form. All project proposals will be evaluated separately, regardless

of whether they are submitted as a single submission.

An applicant may submit additional supporting documentation for each project proposal as attachments. Any supporting documentation must be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as proposer name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF424 form and Supplemental Form. Proposers must fill in all fields unless stated otherwise on the forms. If information is copied into the supplemental form from another source, applicants should verify that pasted text is fully captured on the supplemental form and has not been truncated by the character limits built into the form. Proposers should use both the “Check Package for Errors” and the “Validate Form” validation buttons on both forms to check all required fields on the forms, and ensure that the Federal and local amounts specified are consistent.

ii. Application Content

The SF424 Mandatory Form and the Supplemental Form will prompt applicants for the required information, including:

- a. Applicant Name
- b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number
- c. Key contact information (including contact name, address, email address, and phone)
- d. Congressional district(s) where project will take place
- e. Project Information (including title, an executive summary, and type)
- f. A detailed description of the need for the project
- g. A detailed description on how the project will support the Ferry program objectives
- h. Evidence that the project is consistent with local and regional planning documents
- i. Evidence that the applicant can provide the local cost share
- j. A description of the technical, legal, and financial capacity of the applicant
- k. A detailed project budget
- l. An explanation of the scalability of the project
- m. Details on the local matching funds
- n. A detailed project timeline

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an

application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. These requirements do not apply if the applicant: (1) Is an individual; (2) is excepted from the requirements under 2 CFR 25.110(b) or (c); or (3) has an exception approved by FTA under 2 CFR 25.110(d). FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. All applicants must provide a unique entity identifier provided by SAM. Registration in SAM may take as little as 3–5 business days, but since there could be unexpected steps or delays (for example, if you need to obtain an Employer Identification Number), FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit www.sam.gov.

4. Submission Dates and Times

Project proposals must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. EDT on October 23, 2017. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Proposals submitted after the deadline will only be considered under extraordinary circumstances not under the applicant's control. Mail and fax submissions will not be accepted.

Within 48 hours after submitting an electronic application, the applicant should receive three email messages from *GRANTS.GOV*: (1) Confirmation of successful transmission to *GRANTS.GOV*, (2) confirmation of successful validation by *GRANTS.GOV*, and (3) confirmation of successful validation by FTA. If confirmations of successful validation are not received or a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

FTA urges proposers to submit applications at least 72 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* Web site. Deadlines will not be extended due to scheduled Web site maintenance.

Proposers are encouraged to begin the process of registration on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the System for Award Management (SAM) is renewed annually; and, (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

5. Funding Restrictions

Funds made available under the Ferry program may not be used to fund operating expenses, planning, or preventive maintenance.

6. Other Submission Requirements

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount whether or not a scalable option is provided.

E. Application Review Information

i. Criteria: Projects will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found. FTA will evaluate project proposals for competitive passenger ferry grants based on the criteria described in this notice.

1. Demonstration of Need

Applications will be evaluated based on the quality and extent to which they demonstrate how the proposed project will address an unmet need for capital investment in passenger ferry vehicles, equipment, and/or facilities. FTA will also evaluate the project's impact on service delivery and whether the project represents a one-time or periodic need that cannot reasonably be funded from FTA formula program allocations or State and/or local resources. In evaluating applications, FTA will consider, among other factors, certain project-specific criteria as outlined below:

i. For vessel replacement or rehabilitation projects:

- The age of the asset to be replaced or rehabilitated by the proposed project, relative to its useful life.
- Condition and performance of the asset to be replaced by the proposed project, as ascertained through inspections or otherwise, if available.

ii. For infrastructure (facility) improvements or related-equipment acquisitions:

- The age of the facility or equipment to be rehabilitated or replaced relative to its useful life.
- The degree to which the proposed project will enable the agency to improve the maintenance and condition of the agency's fleet and/or other related ferry assets.

iii. For expansion or new service requests (vessel or facility-related):

- The degree to which the proposed project addresses a current capacity constraint that is limiting the ability of the agency to provide reliable service, meet ridership demands, or maintain vessels and related-equipment.
- The degree the proposed new service is supported by ridership demand.

iv. Additional consideration will be given to projects in which the beneficiary of the award contributes a greater share of the total project costs.

2. Demonstration of Benefits

Applications will be evaluated based on how the ferry project will improve the safety and state of good repair of the system or provide additional transportation options to potential riders within the service area. FTA will consider potential benefits such as increased reliability of service, improved operations or maintenance capabilities, or expanded mobility options, intermodal connections, and economic benefits to the community.

3. Planning and Local/Regional Prioritization

Applications will be evaluated based on whether the proposed project is consistent with local and regional planning documents and identified priorities. In particular, FTA will evaluate applications based on the quality and extent to which they assess whether the project is consistent with the transit priorities identified in the long-range transportation plan and/or the State and Metropolitan Transportation Improvement Program (STIP/TIP). Proposers should note if the project could not be included in the financially constrained STIP or TIP due to lack of funding; however, if selected, the project must be in the federally approved STIP before grant award.

FTA encourages applicants to demonstrate local support by including letters of support from State Departments of Transportation, local transit agencies and other relevant stakeholders. In an area with both ferry and other public transit operators, FTA will evaluate whether project proposals demonstrate coordination with and support of other related projects within the proposer's Metropolitan Planning Organization (MPO) or the geographic region within which the proposed project will operate.

4. Project Readiness

FTA will evaluate the extent to which the project is ready to be implemented. This will involve assessing whether the project is a Categorical Exclusion (CE) or if required environmental work has been initiated or completed for construction projects requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

FTA will consider whether project implementation plans are ready, including initial design of facility projects, the TIP/STIP can be amended (evidenced by MPO/State endorsement), whether local match is available, whether the project funds can be obligated within 12 months from time of selection, and whether the project will require a Buy America waiver.

5. Technical, Legal, and Financial Capacity

Applicants must demonstrate that they have the technical, legal and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical, or financial issues with the applicant that would affect the outcome of the proposed project.

6. Connectivity to Other Modes of Transportation

FTA will evaluate the degree to which the ferry service to be supported by the proposed project provides service that is integrated with other regional modes of transportation, including but not limited to: Rail, bus, intercity bus, and private transportation providers. Supporting documentation should include data that demonstrates the number of trips (passengers and vehicles), the number of walk-on passengers, and the frequency of transfers to other modes (if applicable).

ii. Review and Selection Process

In addition to other FTA staff that may review the proposals, a technical evaluation committee will evaluate proposals based on the published evaluation criteria. Members of the technical evaluation committee and other FTA staff may request additional information from applicants, if necessary. Based on the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program funding. FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, and/or the applicant's receipt of other competitive awards in determining the allocation of program funds. FTA may give additional consideration to projects in which the beneficiary of the award contributes a greater share of the total project costs. FTA may consider capping the amount a single applicant may receive.

F. Federal Award Administration

1. Federal Award Notices

Subsequent to an announcement by the FTA Administrator of the final project selections, which will be posted on the FTA Web site, FTA will publish a list of the selected projects, Federal award amounts, and recipients in the **Federal Register**. Project recipients should contact their FTA Regional Offices for additional information regarding allocations for projects under the Ferry program.

At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement.

2. Award Administration

Funds under the Ferry program are available to designated recipients or eligible direct recipients of Section 5307 funds. There is no minimum or maximum grant award amount; however, FTA intends to fund as many

meritorious projects as possible. Only proposals from eligible recipients for eligible activities will be considered for funding. Due to funding limitations, proposers that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

3. Administrative and National Policy Requirements

i. Pre-Award Authority

FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. FTA does not provide pre-award authority for competitive funds until projects are selected and even then there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2017 Apportionment Notice published on January 19, 2017. <https://www.gpo.gov/fdsys/pkg/FR-2017-01-19/pdf/2017-01194.pdf>.

ii. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). All Ferry recipients are subject to the grant requirements of Section 5307 Urbanized Area Formula Grant program, including those of FTA Circular 9030.1. All recipients must follow the Award Management Requirements Circular 5010.1E, and the labor protections of 49 U.S.C. 5333(b). All competitive grants, regardless of award amount, will be subject to the congressional notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

iii. Buy America

FTA requires that all capital procurements meet FTA's Buy America requirements that require all iron, steel, or manufactured products be produced in the U.S., to help create and protect manufacturing jobs in the U.S. The Ferry program will have a significant economic impact toward meeting the objectives of the Buy America law. The FAST Act amended the Buy America requirements, 49 U.S.C. 5323(j), to provide for a phased increase in the domestic content for rolling stock. For FY 2016 and FY 2017, the cost of components and subcomponents produced in the United States must be more than 60 percent of the cost of all components. For FY 2018 and FY 2019,

the cost of components and subcomponents produced in the United States must be more than 65 percent of the cost of all components. For FY 2020 and beyond, the cost of components and subcomponents produced in the United States must be more than 70 percent of the cost of all components. There is no change to the requirement that final assembly of rolling stock must occur in the United States. The Buy America requirements can be found in 49 CFR part 661 and additional guidance on the implementation of the phased increase in domestic content can be found at 81 FR 60278 (Sept. 1, 2016). Any proposal that will require a waiver must identify the items for which a waiver will be sought in the application. Applicants should not proceed with the expectation that waivers will be granted.

iv. Disadvantaged Business Enterprise

Projects that include ferry acquisitions are subject to the Disadvantaged Business Enterprise (DBE) program regulations at 49 CFR part 26 and ferry manufacturers must be certified Transit Vehicle Manufacturers (TVMs) to be eligible to bid on an FTA-assisted ferry procurement. The rule requires that, prior to bidding on any FTA-assisted vehicle procurement, entities that manufacture ferries must submit a DBE Program plan and annual goal methodology to FTA. The FTA will then issue a TVM concurrence/certification letter. Grant recipients must verify each entity's compliance before accepting its bid. A list of certified TVMs is posted on FTA's Web page at <http://www.fta.dot.gov/civilrights/12891.html>. Recipients should contact FTA before accepting bids from entities not listed on this Web-posting. In lieu of using a certified TVM, recipients may also establish project specific DBE goals for ferry purchases. The FTA will provide additional guidance as grants are awarded. For more information on DBE requirements, please contact Janelle Hinton, Office of Civil Rights, 202-366-9259, email: janelle.hinton@dot.gov.

v. Planning

FTA encourages proposers to notify the appropriate State Departments of Transportation and MPOs in areas likely to be served by the project funds made available under these initiatives and programs. Selected projects must be incorporated into the long-range plans and transportation improvement programs of States and metropolitan areas before they are eligible for FTA funding.

vi. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

4. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Progress Reports in FTA's electronic grants management system.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Ferry program manager Vanessa Williams by phone at 202-366-4818, or by email at vanessa.williams@dot.gov. A TDD is available for individuals who are deaf or hard of hearing at 800-877-8339. In addition, FTA will post answers to questions and requests for clarifications on FTA's Web site at <https://www.transit.dot.gov/funding/grants/passenger-ferry-grant-program-section-5307>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties. FTA staff may also conduct briefings on the FY 2017 competitive grants selection and award process upon request.

H. Technical Assistance and Other Program Information

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C. Complete applications must be submitted through GRANTS.GOV by 11:59 p.m. EDT on October 23, 2017. For issues with GRANTS.GOV please contact

GRANTS.GOV by phone at 1-800-518-4726 or by email at support@grants.gov.

Contact information for FTA's regional offices can be found on FTA's Web site at www.fta.dot.gov.

Matthew J. Welbes,
Executive Director.

Appendix A

Ferry Program

Frequently Asked Questions

1. What is a designated recipient?
Answer: A designated recipient is an entity designated by the governor of a state, responsible local official, and publicly owned operators of public transportation to receive and apportion amounts under Section 5336 to urbanized areas of 200,000 or more in population, or a state or regional authority, if the authority is responsible under the laws of a state for a capital project and for financing and directly providing public transportation.
2. What is a direct recipient?
Answer: A direct recipient is an eligible entity authorized by a designated recipient or state to receive Urbanized Area Formula Program funds directly from FTA.
3. Is there a list of designated recipients under Section 5307?
Answer: Contact the FTA regional office for help with identifying the 5307 designated recipient in your area. The regional office contact information can be found at www.fta.dot.gov.
4. How can an entity determine whether it operates within the area of a Census-designated urbanized area?
Answer: Contact the FTA regional office to determine the designated urbanized area. The regional contact information can be found at www.fta.dot.gov.
5. Can I apply if I am not currently a direct recipient?
Answer: Yes, FTA will accept applications from entities in urbanized areas that are eligible to be direct recipients, even if they are currently not a direct recipient.
6. How can I apply if I am not an eligible direct recipient or designated recipient?
Answer: Coordinate the project with the designated or eligible direct recipient for that entity to apply on your behalf. However, if your project is selected for an award, the designated or eligible direct recipient would obligate the funds.
7. Can State DOTs apply on behalf of public agencies within the state in which they administer FTA funds?
Answer: Yes, as long as the service is within an urbanized area.
8. If an agency previously received 5307 funds but now receives 5311 funds, can they still apply?
Answer: No, Section 5311 rural providers are not eligible to apply for the Passenger Ferry Grant Program. Applicants must be eligible designated or direct recipients of Section 5307.
9. Is a new start eligible under the Ferry program?
Answer: Capital for new systems is eligible if the project is not in the planning phase.

Planning activities are not eligible under this competition.

10. Are public car-ferries eligible?

Answer: Ferry systems that accommodate cars must also accommodate walk-on passengers in order to be eligible.

11. Is the construction of a ferry maintenance facility an eligible capital project?

Answer: Yes.

12. Is a new vessel construction funded by FTA grants considered a public work or rolling stock and therefore subject to Davis Bacon?

Answer: Yes, a new vessel construction is rolling stock. Davis Bacon applies to construction, alteration, or repairs of public buildings or public works, but it does not apply to rolling stock.

13. Does the term "terminals & related infrastructure" projects include the floating docks and access ramps where the passengers board?

Answer: Yes.

14. Is there a difference between the FTA's Passenger Ferry Grant Program and FHWA's Ferry Boat Formula Grant Funding Program?

Answer: There may be subtle differences between FTA's and FHWA's programs. However, FHWA no longer has a competitive program. It is now a formula program. Please refer to FHWA's page for more information: <http://www.fhwa.dot.gov/>.

15. What is the grant process after an entity is selected?

Answer: An agency would work with the FTA regional office to apply for the funds in FTA's electronic management system. The **Federal Register** announcing selection will also provide grant-making instructions.

[FR Doc. 2017-17814 Filed 8-22-17; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: U.S. Treasury Auction Submitter Agreement

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning Automatic Enrollment Individual Retirement Accounts (Auto-IRAs).

DATES: Written comments should be received on or before October 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4-A, Parkersburg, WV 26106-1328, or bruce.sharp@fiscal.treasury.gov.

SUPPLEMENTARY INFORMATION:

Title: Resolution for Transactions Involving Treasury Securities.

OMB Number: 1530-0056.

Transfer of OMB Control Number: The Bureau of Public Debt (BPD) and Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

Form Number: FS Form 5441.

Abstract: The information is requested from entities wishing to participate in U.S. Treasury Securities auctions via TAAPSLink.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Depository Institutions, Brokers/Dealers, Assessment Management Companies, Pension Funds, and other Institutional Investors.

Estimated Number of Respondents: 1000.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 80.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. 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 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 18, 2017.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2017-17815 Filed 8-22-17; 8:45 am]

BILLING CODE 4810-AS-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0670]

Agency Information Collection Activity Under OMB Review: Fiduciary Statement in Support of Appointment

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 22, 2017.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to oir_submission@omb.eop.gov. Please refer to "OMB Control No. 2900-0670" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461-5870 or email cynthia.harvey-pryor@va.gov. Please refer to "OMB Control No. 2900-0670" in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104-13; 44 U.S.C. 3501-3521.

Title: Fiduciary Statement in Support of Appointment (VA Form 21P-0792).

OMB Control Number: 2900-0670.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21P-0792 will be completed by individuals who are seeking to be appointed as fiduciaries of VA beneficiaries. The information will be used by VA field examiners to

determine whether an individual is an appropriate fiduciary for a VA beneficiary and make an inquiry into his or her credit and criminal background.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 14, 2017, at pages 27331–27332.

Affected Public: Individuals or households.

Estimated Annual Burden: 10,750 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 43,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–17813 Filed 8–22–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0773]

Agency Information Collection Activity: Veterans' Health Benefits Handbook Questionnaire

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 23, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Brian McCarthy, Veterans Health Administration, Office of Regulatory

and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to Brian.McCarthy4@va.gov. Please refer to “OMB Control No. 2900–0773” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 461–6345.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: EO 12862.

Title: Veterans' Health Benefits Handbook Questionnaire—VA Form 10–0507.

OMB Control Number: 2900–0773.

Type of Review: Extension of a currently approved collection.

Abstract: The Veterans' Health Benefits Handbook is available to all enrolled Veterans. The Handbook contains general eligibility and benefits information and most importantly, information specific to the Veteran. VHA seeks approval for this collection to provide Veterans an opportunity to provide anonymous feedback on the content and presentation of the material contained in the Handbook. VHA will use the information gathered to determine how well the Handbook meets Veterans' needs and make changes to the Handbook where needed. This voluntary survey will not be used as a substitute for traditional program evaluation surveys that measure objective outcomes. To maximize the voluntary response rates, the information collection will be designed to foster convenient, simple and barrier free participation. The data collected will consist of the minimum amount of information necessary to determine

customer satisfaction. The areas of concern to VHA and its customers change rapidly and it is essential to have the ability to evaluate customer concerns in a timely manner.

Affected Public: Individuals and households.

Estimated Annual Burden: 135 hours.

Estimated Average Burden per

Respondent: 5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,060.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–17811 Filed 8–22–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: Million Veteran Program Baseline and Lifestyle Surveys

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 23, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to Brian.McCarthy4@va.gov. Please refer to “OMB Control No. 2900–NEW” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 461–6345.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Code of Federal Regulations Title 38, Part 16.

Title:

Baseline Survey:

Lifestyle Survey:

OMB Control Number: 2900-NEW.

Type of Review: New Collection.

Abstract: Designed as a cohort study, MVP establishes an ongoing partnership with Veteran study participants who give their informed consent to share data with the researchers iteratively over time by authorizing access to electronic health record data, providing bio specimens for further analysis and/or providing self-reported data through personal logs, surveys, and fitness trackers. The information collected from Veterans using the MVP baseline and lifestyle survey instruments as part of the MVP cannot be obtained through other research methods, such as review

of the Veterans' electronic health record data.

Affected Public: Individuals and households.

Estimated Annual Burden:

Baseline Survey: 333,334 hours.

Lifestyle Survey: 750,000 hours.

Estimated Average Burden per

Respondent:

Baseline Survey: 20 minutes.

Lifestyle Survey: 45 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents:

Baseline Survey: 100,000.

Lifestyle Survey: 100,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017-17812 Filed 8-22-17; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Voluntary Service National Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives under the Federal Advisory Committee Act that the Executive Committee of the VA Voluntary Service (VAVS) National Advisory Committee (NAC) will meet October 18-19, 2017, at the Fleet Reserve Association National Headquarters, First Floor Meeting Room, 125 North West Street, Alexandria, Virginia. On October 18, 2017, the meeting will begin at 8:30 a.m. and end at 4:30 p.m. On October 19, 2017, the meeting will begin at 8:30 a.m. and adjourn at 12:00 p.m. The meeting is open to the public.

The Committee, comprised of fifty-four major Veteran, civic, and service organizations, advises the Secretary, through the Under Secretary for Health,

on the coordination and promotion of volunteer activities and strategic partnerships within VA health care facilities, in the community, and on matters related to volunteerism and charitable giving. The Executive Committee consists of 20 representatives from the NAC member organizations.

On October 18, agenda topics will include: NAC goals and objectives; review of minutes from the April 19, 2017, Executive Committee meeting; VAVS update on the Voluntary Service program's activities; VHA update, update on strategic partnerships; Parke Board update; evaluations of the 2017 NAC annual meeting; review of membership criteria and process; and plans for 2018 NAC annual meeting (to include workshops and plenary sessions).

On October 19, agenda topics will include: Subcommittee reports; review of standard operating procedures; review of Fiscal Year 2017 organization data; 2019 NAC annual meeting plans; and any new business.

No time will be allocated at this meeting for receiving oral presentations from the public. However, the public may submit written statements for the Committee's review to Mrs. Sabrina C. Clark, Designated Federal Officer, Voluntary Service Office (10B2A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or email at Sabrina.Clark@VA.gov. Any member of the public wishing to attend the meeting or seeking additional information should contact Mrs. Clark at (202) 461-7300.

Dated: August 17, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017-17780 Filed 8-22-17; 8:45 am]

BILLING CODE P

Reader Aids

Federal Register

Vol. 82, No. 162

Wednesday, August 23, 2017

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H.R. 374/P.L. 115-49

To remove the sunset provision of section 203 of Public Law 105-384, and for other purposes. (Aug. 18, 2017; 131 Stat. 1000)

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