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U.S. GOVERNMENT
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FEDERAL REGISTER

Vol. 82 Friday,

No. 164 August 25, 2017

Pages 40473–40666

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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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.

FEDERAL RESERVE SYSTEM

12 CFR Chapter II

[Docket No. OP–1572]

Policy on Payment System Risk

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statement.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) has revised part II of the Federal Reserve Policy on Payment System Risk (PSR policy) related to the transaction posting times used for measuring balances intraday in institutions' accounts at the Federal Reserve Banks (Reserve Banks) to conform to enhancements to the Reserve Banks' same-day automated clearinghouse (ACH) service.

DATES: *Effective Date:* September 15, 2017.

FOR FURTHER INFORMATION CONTACT: Jeffrey D. Walker, Assistant Director (202–721–4559), Jason Hinkle, Manager, Financial Risk Management (202–912–7805), or Ian C.B. Spear, Senior Financial Services Analyst (202–452–3959), Division of Reserve Bank Operations and Payment Systems; for users of Telecommunication Devices for the Deaf (TDD) only, contact 202–263–4869; Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Background

The Board's PSR policy establishes the procedures for measuring balances intraday in institutions' accounts at the Reserve Banks by setting forth the times at which credits and debits for various types of transactions are posted to those accounts (''the posting rules'').[1] The application of these posting rules determines an institution's intraday account balance and whether it has incurred a negative balance (daylight overdraft).

On September 23, 2015, the Board approved enhancements to the Reserve Banks' FedACH® SameDay Service (FedACH SameDay Service) in light of amendments to NACHA—The Electronic Payments Association's Operating Rules and Guidelines.[2] The first phase of the FedACH SameDay Service provided for same-day settlement of ACH credit transactions. As part of the implementation of the second phase of the FedACH SameDay Service, forward ACH debit transactions will be eligible for same-day settlement effective September 15, 2017.[3] The PSR policy's posting rules for same-day ACH return transactions are being updated to conform to the associated changes in the Reserve Banks' service as described below.

Today, the Reserve Banks' offer an ACH derived returns function for institutions that connect to the Reserve Banks' ACH service through the FedLine Web® access solution. The derived return function allows an institution to generate returns via FedLine Web using information from the forward ACH items that an institution receives through FedACH. The function is designed primarily for institutions that lack the software or processing capability to generate returns themselves.

The derived returns function uses information not available until the day after the processing day for forward ACH item and thus cannot be used to generate returns of items settled the same processing day. Given the phase two expansion of the FedACH SameDay Service to include ACH debits, the Reserve Banks will provide users of the derived return function an interim solution to return certain high-value same-day forward items for settlement on the same processing day. Specifically, the Reserve Banks intend to introduce a same-day paper return option for same-day forward entries greater than $10,000. This option will be added to the existing FedACH Facsimile Exception Return/NOC service.[4] Return items initiated as part of that option will post at 5:30 p.m. on the same day as the forward item was processed.[5] The introduction of the new paper-return option for same-day forward entries is intended to serve as an interim solution while the Reserve Banks complete their ACH platform modernization project. Once completed, the Reserve Banks anticipate providing users of FedLine Web derived returns the automated ability to derive returns for same-day forward entries to be settled the same processing day.

In addition, the Board is updating the PSR policy to clarify that paper returns and paper notifications of change (NOCs) of prior-dated items will only post at 5:00 p.m., removing reference to an 8:30 a.m. posting time. These paper items are manually processed by Reserve Bank staff during normal business hours and not overnight, which an 8:30 a.m. posting time would require. FedLine Web returns and FedLine Web NOCs will continue to post at 8:30 a.m. and 5:00 p.m., depending on when the item is received by Reserve Banks.

Policy on Payment System Risk

The Federal Reserve Policy on Payment System Risk, section II.A, under the heading ''Procedures for Measuring Daylight Overdrafts'' and the subheadings ''Post at 8:30 a.m. eastern time,'' ''Post by 1:00 p.m. eastern time,'' ''Post at 5:00 p.m. eastern time,'' and ''Post at 5:30 p.m. eastern time,'' is amended as follows:

Post at 8:30 a.m. eastern time:

+/− Term deposit maturities and accrued interest

[1] The Board's PSR policy is available at *https://www.federalreserve.gov/paymentsystems/files/psr_policy.pdf.*

[2] 80 FR 58248 (Sep. 28, 2015). NACHA, whose membership consists of insured financial institutions and regional payment associations, establishes network-wide ACH rules through its Operating Rules and Guidelines. As an ACH operator, the Reserve Banks, through Operating Circular 4, incorporate NACHA's Operating Rules and Guidelines as rules that govern clearing and settlement of commercial ACH items by the Reserve Banks, except for those provisions specifically excluded in the Operating Circular.

[3] The NACHA amendments, as incorporated into Operating Circular 4, become effective in three phases, beginning with same-day credits in September 2016, same-day debits in 2017, and faster funds availability in March 2018. Next-day settlement remains available.

[4] The FedACH Facsimile Exception Return/NOC service allows institutions to submit return/NOC items via a paper form when electronic methods are otherwise unavailable.

[5] ACH return items not initiated as part of the derived returns function but processed by the Reserve Banks will continue to post at the next available posting time or following the settlement of the associated forward transaction. Thus, credits and debits for return items will continue to post at 8:30 a.m., 1:00 p.m., 5:00 p.m., or 5:30 p.m., with the specific posting time determined by when the item is received by the Reserve Banks.

+/− Government and commercial ACH transactions, including return items [6]
+/− Commercial check transactions, including returned checks [7]
+ Treasury checks, postal money orders, local Federal Reserve Bank checks, and savings bond redemptions in separately sorted deposits; these items must be deposited by the latest applicable deposit deadline preceding the posting time
+ Advance-notice Treasury investments
− Penalty assessments for tax payments from the Treasury Investment Program (TIP).[8]

Post by 1:00 p.m. eastern time:

+/− Commercial check transactions, including returned checks
+/− FedACH SameDay Service transactions, including return items [9]
+ Same-day Treasury investments.

Post at 5:00 p.m. eastern time:

+/− FedACH SameDay Service transactions, including return items [10]
+ Treasury checks, postal money orders, and savings bond redemptions in separately sorted deposits; these items must be deposited by the latest applicable deposit deadline preceding the posting time
+ Local Federal Reserve Bank checks; these items must be presented before 3:00 p.m. eastern time

Post at 5:30 p.m. eastern time:

+/− FedACH SameDay Service return transactions [11]
+/− Commercial check transactions, including returned checks

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Reserve Bank Operations and Payment Systems under delegated authority, August 21, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–17987 Filed 8–24–17; 8:45 am]

BILLING CODE P

[6] With the exception of paper returns and paper notifications of change of prior-dated items that only post at 5:00 p.m.; and paper returns of same-day forward items that only post at 5:30 p.m.

Institutions that are monitored in real time must fund the total amount of their commercial ACH credit originations in order for the transactions to be processed. If the Federal Reserve receives commercial ACH credit transactions from institutions monitored in real time after the scheduled close of the Fedwire Funds Service, these transactions will be processed at 12:30 a.m. the next business day, or by the ACH deposit deadline, whichever is earlier. The Account Balance Monitoring System provides intraday account information to the Reserve Banks and institutions and is used primarily to give authorized Reserve Bank personnel a mechanism to control and monitor account activity for selected institutions. For more information on ACH transaction processing, refer to the ACH Settlement Day Finality Guide available through the Federal Reserve Financial Services Web site at *http://www.frbservices.org.*

The federal government will not participate in the same-day ACH service upon initial implementation in September 2016. ACH forward transactions originated or received by the federal government will not be eligible for same-day settlement and will settle on the next business day, or on a future date as indicated by the effective settlement date.

[7] For the three commercial check transaction posting times, the Reserve Banks will post credits and debits to institutions' accounts for checks deposited and presented, respectively, at least 30 minutes before the posting time.

[8] The Reserve Banks will identify and notify institutions with Treasury-authorized penalties on Thursdays. In the event that Thursday is a holiday, the Reserve Banks will identify and notify institutions with Treasury-authorized penalties on the following business day. Penalties will then be posted on the business day following notification.

[9] With the exception of paper returns and paper notifications of change (NOCs) of prior-dated items that only post at 5:00 p.m.; paper returns of same-day forward items that only post at 5:30 p.m.; and FedLine Web returns and FedLine Web NOCs that only post at 8:30 a.m. and 5:00 p.m., depending on when the item is received by Reserve Banks.

[10] With the exception of paper returns of same-day forward items that only post at 5:30 p.m.

[11] With the exception of paper returns and paper notifications of change (NOCs) of prior-dated items that only post at 5:00 p.m.; and FedLine Web returns and FedLine Web NOCs that only post at 8:30 a.m. and 5:00 p.m., depending on when the item is received by Reserve Banks.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0496; Product Identifier 2016–NM–103–AD; Amendment 39–19001; AD 2017–17–11]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Dassault Aviation Model FALCON 7X airplanes. This AD was prompted by a report indicating that, under certain operational takeoff conditions, the available thrust in relation with the N1 indication is less than a certified value, which could affect the safety margins with an engine failure during takeoff. This AD requires modifying each engine by updating the electronic engine control (EEC) software and adjusting the engine N1 trim value, and revising the airplane flight manual (AFM). We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 29, 2017.

ADDRESSES: For Dassault service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* For Pratt & Whitney Canada service information identified in this final rule, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; telephone 800–268–8000; fax 450–647–2888; Internet *http://www.pwc.ca.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0496.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0496; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Dassault Aviation Model FALCON 7X airplanes. The NPRM published in the **Federal Register** on May 30, 2017 (82 FR 24603) (''the NPRM''). We are issuing this AD to prevent a reduction in available engine thrust during certain operational takeoff conditions, which could affect

the safety margins with an engine failure during takeoff and could result in reduced control of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0063, dated March 31, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation FALCON 7X airplanes. The MCAI states:

A review of the Pratt & Whitney Canada (PWC) 307A engine data files has disclosed that, under certain operational take-off conditions (high altitude runway and low temperature), the available thrust in relation with N1 indication is less than certified and described in the Aircraft Flight Manual (AFM).

This condition, if not corrected, affects the safety margins with an engine failure during take-off, possibly resulting in reduced control of the aeroplane.

To address this potential unsafe condition, PWC developed an interim correction [*i.e.,* modifying each engine installed on the airplane], to be embodied in service with PWC Service Bulletin (SB) 47202, which allows augmenting the thrust through a general N1-detrimming. Subsequently, PWC developed a new Engine Electronic Control (EEC) software version, which provides a definitive correction of the thrust rating deficiency. PWC published SB 47216 that provides instructions for in service installation of EEC software version 307A0514.

Concurrently with these developments, Dassault Aviation published SB 7X–287 to provide aeroplane modification instructions and also revised the performance charts relevant to the new thrust rating, available with AFM Revision 21 (incorporating Temporary Revision CP098).

For the reasons described above, this [EASA] AD requires modification of each engine, installation of the new software version, and amendment of the applicable AFM.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0496.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Dassault FALCON 7X AFM DGT105608, Revision 21, dated November 20, 2015, which incorporates AFM CP098 (provides performance charts relevant to the new thrust rating). This AFM describes operating limitations, normal/abnormal/emergency operating procedures, and performance data and loading information.

We reviewed Dassault Service Bulletin 7X–287, also referred to as 287, dated January 4, 2016. This service information describes procedures for modifying each engine installed on the airplane by updating the EEC, which includes performing tests after removal and installation of the EEC.

We reviewed Pratt & Whitney Canada Service Bulletin PW300–72–47202, Revision 3, also referred to as 47202R3, dated March 10, 2016. This service information describes procedures for modifying an engine by adjusting the engine N1 trim value for PW307A engines.

We reviewed Pratt & Whitney Canada Service Bulletin PW300–72–47216, also referred to as 47216, dated January 13, 2016. This service information describes procedures for modifying each engine installed on the airplane by updating the EEC, which includes installing software EEC version 307A0514.

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

Costs of Compliance

We estimate that this AD affects 62 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification and AFM Revision	6 work-hours × $85 per hour = $510	$19,002	$19,512	$1,209,744

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.1 the following new airworthiness directive (AD):

2017–17–11 Dassault Aviation: Amendment 39–19001; Docket No. FAA–2017–0496; Product Identifier 2016–NM–103–AD.

(a) Effective Date

This AD is effective September 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, all serial numbers, except airplanes modified with Dassault Aviation modification (Mod) M1389.

(d) Subject

Air Transport Association (ATA) of America Code 76, Engine Controls.

(e) Reason

This AD was prompted by a report indicating that, under certain operational takeoff conditions, the available thrust in relation with the N1 indication is less than a certified value, which could affect the safety margins with an engine failure during takeoff. We are issuing this AD to prevent a reduction in available engine thrust during certain operational takeoff conditions, which could affect the safety margins with an engine failure during takeoff and could result in reduced control of the airplane.

(f) Compliance

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

(g) Modification—Software Update

Within 12 months after the effective date of this AD, modify each engine installed on the airplane by updating the electronic engine control (EEC) (installation of software EEC version 307A0514), in accordance with the Accomplishment Instructions of Dassault Service Bulletin 7X–287, also referred to as 287, dated January 4, 2016; and Pratt & Whitney Canada Service Bulletin PW300–72–47216, also referred to as 47216, dated January 13, 2016.

(h) Airplane Flight Manual (AFM) Revision

Concurrently with the modification of an airplane required by paragraph (g) of this AD, revise the applicable AFM of that airplane by inserting a copy of Dassault FALCON 7X AFM DGT105608, Revision 21, dated November 20, 2015 (incorporating AFM CP098).

(i) Modification—N1 Detrim

Prior to or concurrently with the modification of an airplane required by paragraph (g) of this AD, modify each engine installed on the airplane by adjusting the engine N1 trim value, in accordance with the Accomplishment Instructions of Pratt & Whitney Canada Service Bulletin PW300–72–47202, Revision 3, also referred to as 47202R3, dated March 10, 2016.

(j) Replacement Limitation

After modification of an airplane as required by paragraph (g) of this AD, installation of a replacement engine on that airplane is allowed, provided that, prior to installation, it is positively established that the engine embodies software EEC version 307A0514. Modification of a pre-modified engine to embody this software can be accomplished in accordance with the Accomplishment Instructions of Pratt & Whitney Canada Service Bulletin PW300–72–47216, also referred to as 47216, dated January 13, 2016.

(k) Alternative Replacements

Installation of a replacement engine or replacement EEC unit on an airplane after the effective date of this AD, which embodies a later software EEC version, is acceptable for compliance with paragraph (g) of this AD, provided the conditions specified in paragraphs (k)(1) and (k)(2) of this AD are met.

(1) The software EEC version must be approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA).

(2) The installation must be accomplished in accordance with airplane modification instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Dassault Aviation's EASA DOA.

(l) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (i) of this AD, if those actions were performed before the effective date of this AD using service information in paragraph (l)(1), (l)(2), or (l)(3) of this AD.

(1) Pratt & Whitney Canada Service Bulletin PW300–72–47202, also referred to as 47202, dated June 17, 2014.

(2) Pratt & Whitney Canada Service Bulletin PW300–72–47202, Revision 1, also referred to as 47202R1, dated November 18, 2014.

(3) Pratt & Whitney Canada Service Bulletin PW300–72–47202, Revision 2, also referred to as 47202R2, dated January 5, 2016.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (n)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Dassault Aviation's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0063, dated March 31, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0496.

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

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(4) and (o)(5) of this AD.

(o) Material Incorporated by Reference

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

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

(i) Dassault FALCON 7X Airplane Flight Manual DGT105608, Revision 21, dated November 20, 2015.

(ii) Dassault Service Bulletin 7X–287, also referred to as 287, dated January 4, 2016.

(iii) Pratt & Whitney Canada Service Bulletin PW300–72–47202, Revision 3, also

referred to as 47202R3, dated March 10, 2016.

(iv) Pratt & Whitney Canada Service Bulletin PW300–72–47216, also referred to as 47216, dated January 13, 2016.

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

(4) For Pratt & Whitney Canada service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; telephone 800–268–8000; fax 450–647–2888; Internet *http://www.pwc.ca.*

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

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

Issued in Renton, Washington, on August 9, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17401 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0128; Product Identifier 2016–NM–194–AD; Amendment 39–18999; AD 2017–17–09]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–300, –400, and –500 series airplanes. This AD was prompted by a manufacturer's review that showed that the fuel tank access door at a certain wing buttock line did not have an engineered ground path with the mating wing structure. This AD requires replacing the fuel tank access door, doing a check of the electrical bond, doing related investigative and corrective actions if necessary, and revising the maintenance or inspection program by incorporating an airworthiness limitation (AWL). We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 29, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0128.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0128; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Serj Harutunian, Aerospace Engineer, Propulsion Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5254; fax: 562–627–5210; email: *serj.harutunian@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on March 9, 2017 (82 FR 13079). The NPRM was prompted by a report that the fuel tank access door at wing buttock line 191.00 did not have an engineered ground path with the mating wing structure. The NPRM proposed to require replacing the fuel tank access door, doing a check of the electrical bond, doing related investigative and corrective actions if necessary, and revising the maintenance or inspection program by incorporating an AWL. We are issuing this AD to prevent an ungrounded path that could result in an increased risk of ignition and subsequent fuel tank explosion in the event of a lightning strike.

Comments

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

Support for the NPRM

The Air Line Pilots Association, International, stated that it supports the NPRM.

Request To Revise the Proposed AD To State the Compliance Time and Remove an Exception

Boeing requested that we revise paragraph (g) of the proposed AD to state the specific compliance time ''within 36 months after the effective date of this AD,'' rather than referring to the service information for compliance times. Boeing suggested that providing the compliance time in the body of the proposed AD would minimize confusion and misunderstanding.

Boeing also requested that we remove paragraph (i)(1) of the proposed AD, which specifies an exception to the compliance time stated in the service information. Boeing further noted that we would also need to renumber paragraph (i)(2) of the proposed AD and update references to the affected paragraphs of the proposed AD. Boeing pointed out that if we stated the specific compliance time as requested, the exception language in paragraph (i)(1) of the proposed AD is no longer necessary.

We agree with the requested changes for the reasons provided by the commenter. We have revised this AD accordingly.

Request To Correct the Certification Maintenance Requirements (CMR) Document Title

Boeing requested that we correct the title of the CMR document from ''Boeing 737–12345 . . .'' to ''Boeing 737–100/200/200C/300/400/500 . . . .''

We agree with this request and have corrected the document title in this final rule.

Effects of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST01219SE does not affect the accomplishment of the manufacturer's service instructions.

We agree with the commenter that STC ST01219SE does not affect the accomplishment of the manufacturer's service instructions. Therefore the installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. We have not changed this AD in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed the following service information.

- Boeing Service Bulletin 737–57–1320, dated October 7, 2016, which describes procedures for replacing the fuel tank access door with a new installation that has two engineered ground paths between the new door assembly and the mating wing structure, doing a check of the electrical bond, and related investigative and corrective actions.
- Boeing 737–100/200/200C/300/400/500 Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs) D6–38278–CMR, dated May 2016. The AWL required by this AD is AWL 28–AWL–30 ''Upper Wing Fuel Tank Access Panel—Lightning Protection Electrical Design Features,'' which describes features to verify during installation of the upper fuel tank access panel.

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

Costs of Compliance

We estimate that this AD affects 381 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install new door assembly and check electrical bond.	12 work-hours × $85 per hour = $1,020	$2,237	$3,257	$1,240,917
Revise maintenance or inspection program	1 work-hour × $85 per hour = $85	0	85	32,385

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

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–17–09 The Boeing Company: Amendment 39–18999; Docket No. FAA–2017–0128; Product Identifier 2016–NM–194–AD.

(a) Effective Date

This AD is effective September 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a manufacturer's review that showed that the fuel tank access door at wing buttock line 191.00 did not have an engineered ground path with the mating wing structure. We are issuing this AD to prevent an ungrounded path that could result in an increased risk of ignition and subsequent fuel tank explosion in the event of a lightning strike.

(f) Compliance

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

(g) New Door Assembly, Electrical Bond Check, and Related Corrective Actions

Within 36 months after the effective date of this AD: Install a new door assembly, do a check of the electrical bond, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–57–1320, dated October 7, 2016, except as required by paragraph (i) of this AD. Do all applicable related investigative and corrective actions before further flight.

(h) Revise the Maintenance or Inspection Program

Prior to or concurrently with accomplishment of the actions required by paragraph (g) of this AD, or within 30 days after the effective date of this AD, whichever occurs later: Revise the maintenance or inspection program, as applicable, to incorporate Airworthiness Limitation 28–AWL–30, ''Upper Wing Fuel Tank Access Panel—Lightning Protection Electrical Design Features,'' as specified in Boeing 737–100/200/200C/300/400/500 Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs) D6–38278–CMR, dated May 2016.

(i) Service Information Exception

Where Boeing Service Bulletin 737–57–1320, dated October 7, 2016, specifies to contact Boeing for repair instructions, and specifies that action as Required for Compliance (RC), this AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9–ANM–LAACO–AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

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

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

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

(k) Related Information

For more information about this AD, contact Serj Harutunian, Aerospace Engineer, Propulsion Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5254; fax: 562–627–5210; email: *serj.harutunian@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing Service Bulletin 737–57–1320, dated October 7, 2016.

(ii) Boeing 737–100/200/200C/300/400/500 Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs) D6–38278–CMR, dated May 2016.

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

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

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

Issued in Renton, Washington, on August 9, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17399 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0516; Product Identifier 2016–NM–125–AD; Amendment 39–19000; AD 2017–17–10]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–23–12, which applied to all ATR–GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. AD 2015–23–12 required identifying the serial number and part number of the main landing gear (MLG) rear hinge pins, and replacing pins or the MLG if necessary. This AD retains the requirements of AD 2015–23–12, requires replacing certain additional MLG hinge pins, and reduces certain compliance times. This AD was prompted by a new occurrence of a cracked MLG rear hinge pin. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of December 29, 2015 (80 FR 73096, November 24, 2015).

ADDRESSES: For service information identified in this final rule, contact ATR–GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr.fr;* Internet *http://www.aerochain.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0516.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0516; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1112; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–23–12, Amendment 39–18329 (80 FR 73096, November 24, 2015) (''AD 2015–23–12''). AD 2015–23–12 applied to all ATR–GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. The NPRM published in the **Federal Register** on May 31, 2017 (82 FR 24906). The NPRM was prompted by a new occurrence of a cracked MLG rear hinge pin. The NPRM proposed to continue to require identifying the serial number and part number of the MLG rear hinge pins, and replacing pins or the MLG if necessary. The NPRM also proposed to require replacing certain additional MLG hinge pins, and reducing certain compliance times. We are issuing this AD to detect and correct cracked rear hinge pins, which could lead to MLG structural failure, possibly resulting in collapse of the MLG and consequent injury to the occupants of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0135, dated July 8, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all ATR–GIE Avions de Transport Régional Model ATR42 and ATR72 airplanes. The MCAI states:

> Prompted by cases of rupture of main landing gear (MLG) rear hinge pin part number (P/N) D61000 encountered in service in 1994 and 1996, DGAC [Direction Générale de l'Aviation Civile] France issued AD 96–131–064 (B) for ATR42 aeroplanes and AD 96–096–029 (B) for ATR72 aeroplanes to require inspection and, depending on findings, corrective action. Since those [French] ADs were issued, new occurrences of cracked rear hinge pin P/N [part number] D61000 were reported on ATR72 MLG. The result of subsequent investigation revealed that the affected pins were subjected to a non-detected thermal abuse done in production during grinding process. Analysis also showed that other MLG pin P/N's could be affected by the same production issue.
>
> This condition, if not detected and corrected, could lead to structural failure and consequent collapse of the MLG, possibly resulting in damage to the aeroplane and injury to the occupants.
>
> To address this potential unsafe condition, EASA issued AD 2014–0074 [which corresponds to FAA AD 2015–23–12] to require inspection and, depending on findings, replacement of affected pins.
>
> After EASA AD 2014–0074 was issued, a new occurrence was reported of a cracked MLG hinge pin P/N D62055 installed on the MLG Side Brace of an ATR42 aeroplane. This new occurrence was also identified as related to a non-detected thermal abuse done in production during grinding process.
>
> Prompted by this new occurrence, Messier Bugatti Dowty (MBD) updated the list of MLG hinge pins affected by this unsafe condition by adding serial numbers (S/N), which were previously not considered by EASA AD 2014–0074. In addition, it was determined that the compliance time for replacement of pins with P/N D62055 must be reduced. The six affected MBD Service Bulletins (SB) were revised accordingly, and six new ones were also published to address this issue.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2014–0074, which is superseded, but addresses an expanded MLG hinge pin population with appropriate compliance time(s).

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0516.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Messier-Bugatti-Dowty has issued the following service information, which describes procedures for inspecting and replacing the MLG hinge pin. These documents are distinct since they apply to different airplane models and different MLG hinge pin part numbers.

- Service Bulletin 631–32–213, Revision 2, dated March 15, 2016.
- Service Bulletin 631–32–214, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–215, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–216, Revision 3, dated March 15, 2016.
- Service Bulletin 631–32–219, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–220, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–224, dated March 15, 2016.
- Service Bulletin 631–32–231, dated March 15, 2016.
- Service Bulletin 631–32–232, Revision 1, dated March 15, 2016.
- Service Bulletin 631–32–233, dated March 15, 2016.
- Service Bulletin 631–32–234, dated March 15, 2016.
- Service Bulletin 631–32–235, dated March 15, 2016.

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

Costs of Compliance

We estimate that this AD will affect 63 airplanes of U.S. registry.

The actions required by AD 2015–23–12, and retained in this AD take about 8 work-hours per product, at an average labor rate of $85 per work-hour. Required parts will cost about $16,000 per product. Based on these figures, the estimated cost of the actions that are required by AD 2015–23–12 is $16,680 per product.

We also estimate that it will take about 8 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $16,000 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $1,050,840, or $16,680 per product.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–23–12, Amendment 39–18329 (80 FR 73096, November 24, 2015), and adding the following new AD:

2017–17–10 ATR–GIE Avions de Transport Régional: Amendment 39–19000; Docket No. FAA–2017–0516; Product Identifier 2016–NM–125–AD.

(a) Effective Date

This AD is effective September 29, 2017.

(b) Affected ADs

This AD replaces AD 2015–23–12, Amendment 39–18329 (80 FR 73096, November 24, 2015) (''AD 2015–23–12'').

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR42–200, –300, –320, and –500 airplanes; and ATR72–101, –201, –102, –202, –211, –212, and –212A airplanes; certificated in any category; all certified models; all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by a new occurrence of a cracked main landing gear (MLG) rear hinge pin. We are issuing this AD to detect and correct cracked rear hinge pins, which could lead to MLG structural failure, possibly resulting in collapse of the MLG and consequent injury to the occupants of the airplane.

(f) Compliance

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

(g) Retained Hinge Pin Identification and Replacement for Model ATR72 Airplanes, With Terminating Action

This paragraph restates the requirements of paragraph (g) of AD 2015–23–12, with terminating action. For Model ATR72 airplanes: Within 12 months after December 29, 2015 (the effective date of AD 2015–23–12), inspect for the serial number of the left-hand (LH) and right-hand (RH) MLG rear hinge pins having part number (P/N) D61000. A review of airplane maintenance records is acceptable in lieu of this identification if the part number and serial number of the LH and RH MLG rear hinge pins can be conclusively determined from that review. If a rear hinge pin having P/N D61000 has a serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable: Within 12 months after December 29, 2015, replace the pin with a serviceable part as identified in paragraph (h) of this AD, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable. Accomplishment of the actions required by paragraph (l) of this AD terminates the inspection required by this paragraph. Accomplishing the actions required by paragraph (m) or (o) of this AD terminates the actions required by this paragraph.

(h) Retained Definition of Serviceable Hinge Pin for Model ATR72 Airplanes for Paragraph (g) of This AD, With No Changes

This paragraph restates the definition in paragraph (h) of AD 2015–23–12, with no changes. For Model ATR72 airplanes: For purposes of paragraph (g) of this AD, a serviceable MLG rear hinge pin is a pin that is specified in paragraph (h)(1) or (h)(2) of this AD.

(1) A hinge pin that is not identified in Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable.

(2) A hinge pin that has been inspected and reconditioned, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013; or Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013; as applicable.

(i) Retained MLG Pin Identification and Replacement for Model ATR72 Airplanes, With Terminating Action

This paragraph restates the requirements of paragraph (i) of AD 2015–23–12, with terminating action. For Model ATR72 airplanes: At the earlier of the times specified in paragraphs (i)(1) and (i)(2) of this AD, inspect all LH and RH MLG pins for a part number and serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the LH and RH MLG pin can be conclusively determined from that review. If any affected MLG pin is found: At the earlier of the compliance times specified in paragraphs (i)(1) and (i)(2) of this AD, replace the MLG with a serviceable MLG as identified in paragraph (j) of this AD, using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). Accomplishment of the actions required by paragraph (l) of this AD terminates the inspection for the part number and serial number of the LH and RH MLG rear hinge pins required by this paragraph. Accomplishment of the actions required by paragraph (m) or (o) of this AD terminates the actions required by this paragraph.

(1) No later than the next MLG overhaul scheduled after December 29, 2015 (the effective date of AD 2015–23–12).

(2) Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since installation of the MLG on an airplane since new or since last overhaul, as applicable.

(j) Retained Definition of Serviceable MLG for Model ATR72 Airplanes for Paragraph (i) of This AD, With No Changes

This paragraph restates the definition in paragraph (j) of AD 2015–23–12, with no changes. For Model ATR72 airplanes: For purposes of paragraph (i) of this AD, a serviceable MLG is one that incorporates pins specified in paragraph (j)(1) or (j)(2) of this AD.

(1) Pins that are not identified in Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable.

(2) Pins that have been inspected and reconditioned in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014; as applicable.

(k) Retained MLG Pin Identification and Replacement for Model ATR42 Airplanes, With Terminating Action

This paragraph restates the requirements of paragraph (k) of AD 2015–23–12, with terminating action. Accomplishment of the actions required by paragraph (l) of this AD terminates the actions required by paragraph (k)(1) of this AD. Accomplishment of the actions required by paragraph (m) or (o) of this AD terminates the actions required by paragraph (k)(2) of this AD.

(1) For Model ATR42 airplanes: Within the compliance time identified in paragraph (k)(1)(i) or (k)(1)(ii) of this AD, whichever occurs first, inspect for any LH and RH MLG pins having a part number and serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable. A review of airplane maintenance records is acceptable in lieu of this identification if the part number and serial number of the LH and RH MLG pin can be conclusively determined from that review.

(i) No later than the next MLG overhaul scheduled after December 29, 2015 (the effective date of AD 2015–23–12).

(ii) Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since installation of the MLG on an airplane since new or since last overhaul, as applicable.

(2) If the MLG pin having a part number and serial number listed in Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable; is found to be installed during the identification required by paragraph (k)(1) of this AD, within the compliance time identified in paragraph (k)(1) of this AD, replace the MLG with a serviceable MLG, using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or ATR–GIE Avions de Transport Régional's EASA DOA. For the purposes of this paragraph, a serviceable MLG is a part that has pins identified in paragraph (k)(2)(i) or (k)(2)(ii) of this AD.

(i) Pins that are not listed in Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable.

(ii) Pins that have been inspected and reconditioned, in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014; or Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014; as applicable.

(l) New Requirement of This AD: Hinge Pin Identification

Within the applicable compliance time specified in, and in accordance with the Accomplishment Instructions of, the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD, or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number, identify the serial number (S/N) of the LH and RH MLG hinge pins. A review of airplane maintenance records is acceptable in lieu of this identification if the part number and serial number of the LH and RH MLG hinge pins can be conclusively determined from that review. Accomplishment of the actions required by this paragraph terminates the inspections required by paragraphs (g), (i), and (k)(1) of this AD.

FIGURE 1 TO PARAGRAPHS (l) THROUGH (p) OF THIS AD—MODEL ATR72 AIRPLANES

MLG hinge part Nos.	Applicable Messier-Bugatti-Dowty service bulletins	Compliance time
D60955, D60968, D60999, D61032, D61061.	Messier-Bugatti-Dowty Service Bulletin 631-32–214, Revision 1, dated March 15, 2016, Messier-Bugatti-Dowty Service Bulletin 631-32–219, Revision 1, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631-32–233, dated March 15, 2016.	A or B, whichever occurs first: A: Not later than the next scheduled MLG overhaul after the effective date of this AD. B: Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since first installation of a MLG on an airplane since new, or since last overhaul, as applicable.
D61000	Messier-Bugatti-Dowty Service Bulletin 631-32–213, Revision 2, dated March 15, 2016, Messier-Bugatti-Dowty Service Bulletin 631-32–216, Revision 3, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631-32–232, Revision 1, dated March 15, 2016.	Within 12 months after the effective date of this AD.

FIGURE 2 TO PARAGRAPHS (l) THROUGH (p) OF THIS AD—MODEL ATR42 AIRPLANES

MLG hinge part Nos.	Airplane model(s)	Applicable Messier-Bugatti-Dowty service bulletins	Compliance time
D62054, D63823, D63825.	All	Messier-Bugatti-Dowty Service Bulletin 631-32-215, Revision 1, dated March 15, 2016, Messier-Bugatti-Dowty Service Bulletin 631-32-220, Revision 1, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631-32-235, dated March 15, 2016.	A or B, whichever occurs first: A: Not later than the next scheduled MLG overhaul after the effective date of this AD. B: Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since first installation of a MLG on an airplane since new, or since last overhaul, as applicable.
D56800, D56800–1, D56809, D56841, D57261, D57401, D57407, D58807, D62079.	ATR42–300	Messier-Bugatti-Dowty Service Bulletin 631-32-215, Revision 1, dated March 15, 2016, Messier-Bugatti-Dowty Service Bulletin 631-32-220, Revision 1, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631-32-235, dated March 15, 2016.	A or B, whichever occurs first: A: Not later than the next scheduled MLG overhaul after the effective date of this AD. B: Within 20,000 flight cycles or 9 years, whichever occurs first, accumulated since first installation of a MLG on an airplane since new, or since last overhaul, as applicable.
D62055	All	Messier-Bugatti-Dowty Service Bulletin 631-32-224, dated March 15, 2016, Messier-Bugatti-Dowty Service Bulletin 631-32-231, dated March 15, 2016, or Messier-Bugatti-Dowty Service Bulletin 631–32–234, dated March 15, 2016.	Within 24 months after the effective date of this AD.

(m) New MLG Hinge Pin Replacement

If, during the identification required by paragraph (l) of this AD, an MLG hinge pin with a serial number listed in the applicable Messier-Bugatti-Dowty Service Bulletin is found to be installed: Within the compliance time specified in figure 1 to paragraphs (l) through (p) of this AD, or figure 2 to paragraphs (l) through (p) of this AD, as applicable to airplane model and MLG hinge pin part number, replace each affected MLG hinge pin with a serviceable MLG hinge pin. The replacement must be done in accordance with the Accomplishment Instructions of the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD, or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number, except as required by paragraph (o) of this AD. Accomplishment of the actions required by this paragraph terminates the actions required by paragraphs (g) and (i) of this AD. Accomplishment of the actions required by this paragraph terminates the replacement required by paragraph (k)(2) of this AD.

(n) New Definition of Serviceable Hinge Pins for Paragraph (m) of This AD

For the purpose of paragraph (m) of this AD, a serviceable MLG hinge pin is a pin that is specified in paragraph (n)(1) or (n)(2) of this AD.

(1) A hinge pin that does not belong to the identified batch as listed in the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD, or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number.

(2) A hinge pin that can be identified, through the MLG maintenance records, as having been inspected and reconditioned in accordance with the Accomplishment Instructions of the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD, or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number.

(o) New MLG Hinge Pin Replacement Procedures

If, during accomplishment of the MLG hinge pin replacement required by paragraph (m) of this AD, the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD, or figure 2 to paragraphs (l) through (p) of this AD, does not specify the MLG hinge pin replacement procedure, do the MLG hinge pin replacement using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or ATR—GIE Avions de Transport Régional's EASA DOA. Do the MLG hinge pin replacement at the applicable compliance time specified in paragraph (m) of this AD. Accomplishment of the actions required by this paragraph terminates the hinge pin replacement required by paragraphs (g), (i), and (k)(2) of this AD.

(p) New Parts Installation Limitation

As of the effective date of this AD, no person may install on any airplane an MLG hinge pin having a part number identified in figure 1 to paragraphs (l) through (p) of this AD, or figure 2 to paragraphs (l) through (p) of this AD, and having a serial number defined in the applicable Messier-Bugatti-Dowty Service Bulletin specified in figure 1 to paragraphs (l) through (p) of this AD, or figure 2 to paragraphs (l) through (p) of this AD, as applicable to the airplane model and MLG hinge part number, unless the part can be conclusively identified, through the MLG maintenance records, as having been inspected and reconditioned in accordance with the Accomplishment Instructions of the applicable Messier-Bugatti-Dowty Service Bulletin.

(q) Credit for Previous Actions

(1) This paragraph restates the credit provided in paragraph (l) of AD 2015–23–12, with no changes. This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before December 29, 2015 (the effective date of AD 2105–23–12), using Messier-Bugatti-Dowty Service Bulletin 631–32–216, dated October 30, 2013, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions required by paragraphs (l) and (m) of this AD, if those actions were done before the effective date of this AD using the applicable service information specified in paragraph (q)(2)(i) through (q)(2)(x) of this AD.

(i) Messier-Bugatti-Dowty Service Bulletin 631–32–213, December 16, 2013, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(ii) Messier-Bugatti-Dowty Service Bulletin 631–32–213, Revision 1, dated December 8, 2014, which is not incorporated by reference in this AD.

(iii) Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(iv) Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(v) Messier-Bugatti-Dowty Service Bulletin 631–32–216, dated October 30, 2013, which is not incorporated by reference in this AD.

(vi) Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 201, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(vii) Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 2, dated December 8, 2014, which is not incorporated by reference in this AD.

(viii) Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(ix) Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014, which was incorporated by reference on December 29, 2015 (80 FR 73096, November 24, 2015).

(x) Messier-Bugatti-Dowty Service Bulletin 631–32–232, dated December 8, 2014, which is not incorporated by reference in this AD.

(r) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Branch, send it to the attention of the person identified in paragraph (s)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*.

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

(ii) AMOCs approved previously for AD 2015–23–12 are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or ATR—GIE Avions de Transport Régional's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(s) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0135, dated July 8, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0516.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1112; fax 425–227–1149.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (t)(5) and (t)(6) of this AD.

(t) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on September 29, 2017.

(i) Messier-Bugatti-Dowty Service Bulletin 631–32–213, Revision 2, dated March 15, 2016.

(ii) Messier-Bugatti-Dowty Service Bulletin 631–32–214, Revision 1, dated March 15, 2016.

(iii) Messier-Bugatti-Dowty Service Bulletin 631–32–215, Revision 1, dated March 15, 2016.

(iv) Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 3, dated March 15, 2016.

(v) Messier-Bugatti-Dowty Service Bulletin 631–32–219, Revision 1, dated March 15, 2016.

(vi) Messier-Bugatti-Dowty Service Bulletin 631–32–220, Revision 1, dated March 15, 2016.

(vii) Messier-Bugatti-Dowty Service Bulletin 631–32–224, dated March 15, 2016.

(viii) Messier-Bugatti-Dowty Service Bulletin 631–32–231, dated March 15, 2016.

(ix) Messier-Bugatti-Dowty Service Bulletin 631–32–232, Revision 1, dated March 15, 2016.

(x) Messier-Bugatti-Dowty Service Bulletin 631–32–233, dated March 15, 2016.

(xi) Messier-Bugatti-Dowty Service Bulletin 631–32–234, dated March 15, 2016.

(xii) Messier-Bugatti-Dowty Service Bulletin 631–32–235, dated March 15, 2016.

(4) The following service information was approved for IBR on December 29, 2015 (80 FR 73096, November 24, 2015).

(i) Messier-Bugatti-Dowty Service Bulletin 631–32–213, dated December 16, 2013.

(ii) Messier-Bugatti-Dowty Service Bulletin 631–32–214, dated January 13, 2014.

(iii) Messier-Bugatti-Dowty Service Bulletin 631–32–215, dated January 13, 2014.

(iv) Messier-Bugatti-Dowty Service Bulletin 631–32–216, Revision 1, dated December 17, 2013. Pages 4, 5, and 8 of this service bulletin are the original issue and are dated October 30, 2013.

(v) Messier-Bugatti-Dowty Service Bulletin 631–32–219, dated March 3, 2014.

(vi) Messier-Bugatti-Dowty Service Bulletin 631–32–220, dated March 3, 2014.

(5) For service information identified in this AD, contact ATR–GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr.fr;* Internet *http://www.aerochain.com*.

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

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

Issued in Renton, Washington, on August 8, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17398 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 121

[Docket No. FDA–2013–N–1425]

Mitigation Strategies To Protect Food Against Intentional Adulteration: What You Need To Know About the Food and Drug Administration Regulation: Small Entity Compliance Guide; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the availability of a guidance for industry entitled ''Mitigation Strategies to Protect Food Against Intentional Adulteration: What You Need To Know About the FDA Regulation: Small Entity Compliance Guide.'' The small entity compliance guide (SECG) is intended to help small entities comply with the final rule entitled ''Mitigation Strategies to Protect Food Against Intentional Adulteration.''

DATES: The announcement of the guidance is published in the **Federal Register** on August 25, 2017.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time 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–2013–N–1425 for ''What You Need To Know About the FDA Regulation: Mitigation Strategies to Protect Food Against Intentional Adulteration—Small Entity Compliance Guide.'' 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: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

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 office, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the SECG to the Office of Analytics and Outreach, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the SECG.

FOR FURTHER INFORMATION CONTACT: Ryan Newkirk, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–3712.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of May 27, 2016 (81 FR 34166), we issued a final rule titled ''Mitigation Strategies to Protect Food Against Intentional Adulteration'' (the final rule) in which we require domestic and foreign food facilities that are required to register under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to address hazards that may be introduced with the intention to cause wide scale public health harm. The final rule, which is codified at part 121 (21 CFR part 121), became effective July 26, 2016, but has compliance dates staggered starting 3 years after publication of the final rule.

We examined the economic implications of the final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601–612) and determined that the final rule will have a significant economic impact on a substantial number of small entities. In compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, as amended by Pub. L. 110–28), we are making available the SECG to reduce the burden of determining how to comply by further explaining and clarifying the actions that a small entity must take to comply with the rule.

We are issuing the SECG consistent with our good guidance practices regulation (21 CFR 10.115(c)(2)). The SECG represents the current thinking of FDA on this topic. 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 and does not impose any additional burden on regulated entities.

II. 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 part 121 have been approved under OMB control number 0910–0812.

III. Electronic Access

Persons with access to the Internet may obtain the SECG at either *https://www.fda.gov/FoodGuidances,* or *https://www.regulations.gov.* Use the FDA Web site listed in the previous sentence to find the most current version of the guidance.

Dated: August 21, 2017.

Anna K. Abram,

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

[FR Doc. 2017–18028 Filed 8–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0317]

Safety Zones; Recurring Annual Events Held in Coast Guard Sector Boston Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce two safety zones within the Captain of the Port Boston zone on August 31, 2017. This action is necessary to ensure the safety of vessels, spectators, and participants from hazards associated with fireworks displays. During the

enforcement period, no person or vessel, except for the safety vessels assisting with the events, may enter the safety zones without permission of the Captain of the Port (COTP) or his designated on-scene representative.

DATES: The regulation in 33 CFR 165.119(a)(2) and (4) will be enforced during the dates and times in the table displayed in **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mark Cutter, Sector Boston Waterways Management Division, U.S. Coast Guard; telephone 617–223–4000, email *Mark.E.Cutter@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.119(a)(2) and (4) on the specified dates and times as indicated in the following table:

33 CFR 165.119

Name	Location	Date	Time
Long Wharf Safety Zone	All U.S. navigable waters of Boston inner Harbor within a 700-foot radius of the fireworks barge in approximate position 42°21′41.2″ N. 071°02′36.5″ W. (NAD 1983), located off of Long Wharf, Boston, MA.	August 31, 2017 ...	8 p.m. to 10 p.m.
Pier 6 Safety Zone	All U.S. navigable waters of Boston inner Harbor within a 700-foot radius of the fireworks barge in approximate position 42°21′11.9″ N. 071°02′1.3″ W. (NAD 1983), located off of Pier 6, South Boston, MA.	August 31, 2017 ...	8 p.m. to 10 p.m.

The final rule establishing these safety zones was published in the **Federal Register** on May 12, 2014 (79 FR 26846).

This notice of enforcement is issued under authority of 33 CFR 165.119 and 5 U.S.C. 552 (a). During the enforcement period, persons and vessels are prohibited from entering into, transiting through, mooring, or anchoring within the safety zone unless they receive permission from the COTP or designated representative. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide mariners with advanced notification of this enforcement period via the Local Notice to Mariners.

Dated: August 21, 2017.

C.C. Gelzer,

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

[FR Doc. 2017–18030 Filed 8–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0811]

RIN 1625–AA00

Safety Zone, Delaware River; Dredging

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; with request for comments.

SUMMARY: The Coast Guard is establishing temporary safety zones in portions of Bellevue Range, Marcus Hook Range, Anchorage 7 off Marcus Hook Range, Chester Range, and Eddystone Range, on the Delaware River, in Philadelphia, PA. The safety zone will temporarily restrict vessel traffic from transiting or anchoring in a portion of the Delaware River while dredging operations are being conducted to facilitate the Delaware River Main Channel Deepening project for the main navigational channel of the Delaware River. This regulation is necessary to provide for the safety of life on navigable waters of the Delaware River, in the vicinity of dredging activity and is intended to protect mariners from the hazards associated with pipe-laying and dredging operations.

DATES: This rule is effective from August 30, 2017, through March 15, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0811 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 rulemaking, call or email Petty Officer Amanda Boone, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone (215) 271–4814, email *Amanda.N.Boone@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
Pub. L. Public Law
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are impracticable, unnecessary, or contrary to the public interest. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impractical and contrary to the public interest. Final details for the dredging operation were not received by the Coast Guard until August 10, 2017. Vessels transiting through Bellevue Range, Chester Range, Eddystone Range, and Marcus Hook Range or attempting to enter the waters of Anchorage 7 off Marcus Hook Range during dredging operations may be at risk. We are taking immediate action to help protect the safety of the project personnel, vessels, and the marine environment on the navigable waters within the safety zones while dredging is being conducted. It is important to have these regulations in effect during dredging operations and it is impracticable to delay the regulations.

We are issuing this rule and, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register** because doing so would be contrary to the public interest. Allowing this dredging operation to go forward without safety zones in place would expose mariners and the public to unnecessary dangers.

Even though the normal comment process was shortened for this rule, we are providing an opportunity for public comment and, should public comment show the need for modifications to the regulated area, we may make those modifications to the safety zone and provide notice of those modifications to the affected public.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port (COTP), Delaware Bay, has determined that potential hazards associated with dredging operations beginning August 30, 2017, will be a safety concern for vessels attempting to transit the Delaware River, along Bellevue Range, Marcus Hook Range, Anchorage 7 off Marcus Hook Range, Chester Range, and Eddystone Range. This rule is needed to protect personnel, vessels, and the marine environment on the navigable waters within the safety zones while dredging operations are being conducted.

IV. Discussion of the Rule

The COTP is temporarily establishing safety zones on portions of the Delaware River from August 30, 2017 until March 15, 2018, unless cancelled earlier by the COTP. The safety zone is necessary to facilitate the main channel deepening of the Delaware River to 45 feet in Bellevue Range, Marcus Hook Range, Anchorage 7 off Marcus Hook Range (as described in 33 CFR 110.157(a)(8)), Chester Range, and Eddystone Range. Maintenance dredging in the channel will be conducted with the dredges ESSEX and CHARLESTON along with the associated dredge pipeline. Pipeline will be a combination of floating hoses immediately behind the dredge and submerged pipeline leading to upland disposal areas. Due to the hazards related to dredging operations, the associated pipeline, and the location of the submerged pipeline, safety zones will be established in the following areas:

(1) Safety zone one includes all waters within 250 yards of the dredge and all related dredge equipment. This safety zone will be established for the duration of the maintenance project. Vessels requesting to transit shall contact the dredge ESSEX and/or dredge CHARLESTON on VHF channel 13 or 16, at least 1 hour, as well as 30 minutes, prior to arrival. At least one side of the main navigational channel will be kept clear for safe passage of vessels in the vicinity of the safety zones. At no time will the main navigational channel be closed to vessel traffic. Vessels should approach meetings in these areas where one side of the main navigational channel is open and proceed per this rule and the Rules of the Road (33 CFR subchapter E).

(2) Safety zone two includes all the waters of Anchorage 7 off Marcus Hook Range, as described in 33 CFR 110.157(a)(8). Vessels wishing to anchor in Anchorage 7 off Marcus Hook Range must obtain permission from the COTP at least 24 hours in advance by calling (215) 271–4807. The COTP will permit two vessels at a time to anchor on a ''first-come, first-served'' basis. Vessels will only be allowed to anchor for a 12 hour period. Vessels that require an examination by the Public Health Service, Customs, or Immigration authorities will be directed to an anchorage for the required inspection by the COTP. Vessels are encouraged to use Anchorage 9 near entrance to Mantua Creek, Anchorage 10 at Naval Base, Philadelphia, and Anchorage 6 off Deepwater Point Range as alternative anchorages.

Entry into, transiting, or anchoring within the safety zones is prohibited unless vessels obtain permission from the COTP or make satisfactory passing arrangements with the dredge ESSEX and/or dredge CHARLESTON per this rule and the Rules of the Road (33 CFR subchapter E).

The COTP will implement and terminate the safety zones individually once all submerged pipeline has been recovered and dredging operations are completed in each respective range. Notice of the implementation and the termination of the safety zone will be made in accordance with 33 CFR 165.7.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zones. Although this regulation will restrict access to regulated areas, the effect of this rule will not be significant because there are a number of alternate anchorages available for vessels to anchor. Furthermore, vessels may be permitted to transit through the safety zone with the permission of the COTP or make satisfactory passing arrangements with the dredges ESSEX and/or CHARLESTON in accordance with this rule and the Rules of the Road (33 CFR subchapter E). Notification of the safety zones to the maritime public will be made via maritime advisories allowing mariners to alter their plans accordingly.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you

wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

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.

VI. Public Participation and Comments

We encourage you to submit comments on this temporary final rule 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 temporary final rule 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.

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 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 temporary § 165.T05–0811, to read as follows:

§ 165.T05–0811 Safety Zone, Delaware River; Dredging.

(a) *Location.* The following areas are safety zones:

(1) Safety zone one includes all waters within 250 yards of the dredge ESSEX and dredge CHARLESTON including all related dredge pipeline and equipment.

(2) Safety zone two includes all the waters of Anchorage 7 off Marcus Hook Range, as described in 33 CFR 110.157(a)(8). The safety zone will be in place only during the time in which the dredge ESSEX and/or dredge CHARLESTON are conducting dredging operations in Marcus Hook Range and Anchorage 7 off Marcus Hook.

(b) *Definitions*—(1) *Captain of the Port* means the Commander Sector Delaware Bay or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on their behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist with the enforcement of safety zones described in paragraph (a) of this section.

(c) *Regulations.* The general safety zone regulations found in 33 CFR part 165, subpart C apply to the safety zone created by this section.

(1) Safety zone one will be established for the duration of the project. Vessels shall contact the dredge ESSEX and/or dredge CHARLESTON on VHF channel 13 or 16, at least 1 hour, as well as 30 minutes, prior to arrival. At least one side of the main navigational channel will be kept clear for safe passage of vessels in the vicinity of the safety zones. At no time will the main navigational channel be closed to vessel traffic. Vessel should approach meetings in these areas, where one side of the main navigational channel is open, and proceed per this rule and the Rules of the Road (33 CFR subchapter E).

(2) Safety zone two will be in place only during the time that dredges ESSEX or CHALRESTON are conducting dredging operations in Marcus Hook Range and Anchorage 7 off Marcus Hook. Vessels requesting to transit Marcus Hook Range shall contact

the dredge ESSEX OR dredge CHARLESTON on VHF channel 13 or 16, at least 1 hour, as well as 30 minutes, prior to arrival. Vessels shall then transit around the dredge project, utilizing Anchorage 7 off Marcus Hook Range, while operating at the minimum safe speed necessary to maintain steerage and reduced wake.

(3) Vessels wishing to anchor in Anchorage 7 off Marcus Hook Range must obtain permission from the COTP at least 24 hours in advance by calling (215) 271–4807. The COTP will permit two vessels at a time to anchor on a ''first-come, first-served'' basis. Vessels will only be allowed to anchor for a 12 hour period. Vessels that require an examination by the Public Health Service, Customs, or Immigration authorities will be directed to an anchorage for the required inspection by the COTP. Vessels are encouraged to use Anchorage 9 near entrance to Mantua Creek, Anchorage 10 at Naval Base, Philadelphia, and Anchorage 6 off Deepwater Point alternative anchorages.

(4) The Captain of the Port will implement and terminate the safety zones individually once all submerged pipeline has been recovered and dredging operations are completed in each range respectively. Notice of the implementation and the termination of the safety zone will be made in accordance with 33 CFR 165.7.

Entry into, transiting, or anchoring within the safety zones is prohibited unless vessels obtain permission from the Captain of the Port or make satisfactory passing arrangements with the dredge ESSEX and/or dredge CHARLESTON per this rule and the Rules of the Road (33 CFR subchapter E).

(5) To request permission to enter the safety zone, the Captain of the Port's representative can be contacted via VHF–FM channel 16. Vessels granted permission to enter and transit through the safety zone must do so in accordance with the directions provided by the Captain of the Port or designated representative. No person or vessel may enter or remain in a safety zone without permission from the Captain of the Port. All persons and vessels within a safety zone shall obey the directions or orders of the Captain of the Port or their designated representative.

(6) At least one side of the main navigational channel will be kept clear for safe passage of vessels in the vicinity of the safety zones. At no time will the main navigational channel be closed to vessel traffic. Vessels requesting to transit shall contact the dredge ESSEX and/or dredge CHARLESTON on VHF channel 13 or 16, at least 1 hour, as well as 30 minutes, prior to arrival.

(7) This section applies to all vessels that intend to transit through the safety zones except vessels that are engaged in the following operations: enforcement of laws; service of aids to navigation, and emergency response.

(d) *Effective and enforcement periods.* The safety zones established in paragraph (a) of this section will be effective from August 30, 2017 through March 15, 2018, unless cancelled earlier by the Captain of the Port once all operations are completed. The safety zones will be enforced with actual notice by Coast Guard representatives on scene, as well as other methods listed in 33 CFR 165.7.

Dated: August 21, 2017.

Scott E. Anderson,

Captain, U.S. Coast Guard Captain of the Port, Delaware Bay.

[FR Doc. 2017–18033 Filed 8–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0627]

RIN 1625–AA00

Safety Zone; Atlantic Ocean, Ocean City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the waters of the Atlantic Ocean adjacent to Ocean City, NJ on August 26, 2017. The safety zone will restrict vessel traffic from operating on a portion of Atlantic Ocean during a fireworks display. This safety zone is necessary to protect the public, spectators and vessels from the hazards associated with a fireworks display. The safety zone restricts vessels from transiting the zone during the effective period, unless authorized by the Captain of the Port Delaware Bay or a designated representative.

DATES: This rule is effective on August 26, 2017, from 9 p.m. to 11:59 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0627 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST2 Amanda Boone, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone (215) 271–4814, email *Amanda.N.Boone@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are impracticable, unnecessary, or contrary to the public interest. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for foregoing public comment with respect to this rule. Insufficient time remains to publish a Notice of Proposed Rule Making (NPMR) and allow for a public comment period before the event, which is scheduled to take place on August 26, 2017. The safety zone must be in effect on that date in order to serve its purpose of ensuring the safety of spectators and the general public from hazards associated with a fireworks display. Hazards include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. For those reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

For the reason discussed above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the FR. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in the vicinity of the fireworks display. The event has been widely publicized in local media outlets.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Delaware Bay has determined that this temporary safety zone is

necessary to provide safety during the fireworks events, and to ensure protection of the public.

IV. Discussion of the Rule

On August 26, 2017, a fireworks display event will take place on the waters of the Atlantic Ocean adjacent to Ocean City, NJ. The Coast Guard is establishing a temporary safety zone in a portion of the Atlantic Ocean adjacent to Ocean City, NJ to ensure the safety of persons, vessels and the public during the event. The proposed safety zone includes all waters of the North Atlantic Ocean within a 600 yard radius of the fireworks barge in approximate location latitude 39°16′22″ N., longitude 074°33′54″ W., in the vicinity of the shoreline at Ocean City, NJ.

The fireworks display is expected to occur between 9:30 p.m. and 11:30 p.m. In order to coordinate the safe movement of vessels within the area and to ensure that the area is clear of unauthorized persons and vessels before, during, and immediately after the fireworks launch, this zone will be enforced from 9 p.m. to 11:59 p.m.

Access to this safety zone will be restricted during the specified date and time period. Only vessels or persons specifically authorized by the COTP Delaware Bay or designated representative may enter or remain in the regulated area.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, 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.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. The safety zone will impact the waters affected by this rule from 9 p.m. to 11:59 p.m. on August 26, 2017, during a time of day when commercial and recreational vessels traffic is normally low. Vessels will be able to safely transit around the safety zone. Notifications will be made to the maritime community via marine information broadcasts so mariners may adjust their plans accordingly.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that it is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule adjusts rates in accordance with applicable statutory and regulatory mandates. It is categorically excluded under section 2.B.2, figure 2–1, paragraph 34(g) of the Instruction, which pertains to minor regulatory changes that are editorial or procedural in nature. A Record of Environmental

Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0627 to read as follows:

§ 165.T05–0627 Safety Zone; Atlantic Ocean, Ocean City, NJ.

(a) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel and or on board another Federal, State, or local law enforcement vessel assisting the Captain of the Port, Delaware Bay with enforcement of the safety zone.

(b) *Location.* The following area is a safety zone: All waters of the North Atlantic Ocean within a 600 yard radius of the fireworks barge in approximate location latitude 39°16′22″ N., longitude 074°33′54″ W., in the vicinity of the shoreline at Ocean City, NJ.

(c) *Regulations.* (1) The general safety zone regulations found in § 165.23 apply to the safety zone created by this temporary section.

(2) Under the general safety zone regulations in § 165.23, persons may not enter the safety zone described in paragraph (b) of this section unless authorized by the COTP or the COTP's designated representative.

(3) To request permission to enter the safety zone, contact the COTP or the COTP's representative on marine band radio VHF–FM channel 16 (156.8 MHz). All persons and vessels in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced August 26, 2017, from 9 p.m. to 11:59 p.m.

Dated: August 21, 2017.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2017–18031 Filed 8–24–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0143; FRL–9966–59–Region 7]

Air Plan Approval; Iowa; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the State Implementation Plan (SIP) submitted by the State of Iowa for the purpose of incorporating an amendment to the Administrative Consent Order (ACO) for Grain Processing Corporation (GPC), Muscatine, Iowa. The revision amends the ACO to change the date for completion of performance testing to allow the state more time to complete processing air construction permit applications submitted by GPC and specify testing requirements as appropriate in the final permits. This revision will not impact the schedule for installation and operation of control equipment, will not alter any other compliance dates, and will not adversely affect air quality in Muscatine, Iowa. The state held a 30-day comment period, during which no comments were received.

DATES: This direct final rule will be effective October 24, 2017, without further notice, unless EPA receives adverse comment by September 25, 2017. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0143, to *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7039, or by email at *hamilton.heather@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. What is being addressed in this document?

This direct final action approves a revision to the Iowa State Implementation Plan (SIP) submitted by the State of Iowa for the purpose of incorporating an amendment to the Administrative Consent Order (ACO) with Grain Processing Corporation (GPC), Muscatine, Iowa. The revision changes the date for completion of performance testing from May 31, 2017, to May 31, 2018, and will allow the state more time to complete processing air construction permit applications submitted by GPC and specify testing requirements as appropriate in the final permits. This amendment will not impact the schedule for installation and operation of control equipment, will not alter any other compliance dates, and

will not adversely affect air quality in the Muscatine, Iowa, area.

The state held a 30-day comment period, during which no comments were received.

Additional information with respect to this rule is included in the Technical Support Document that is part of this docket.

II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state instituted a 30-day comment period; no comments were received. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the Technical Support Document which is part of this docket, the revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations.

III. What action is EPA taking?

This direct final action approves a SIP revision submitted by the State of Iowa for the purpose of incorporating an amendment to the Administrative Consent Order (ACO) with Grain Processing Corporation (GPC), Muscatine, Iowa. Additional information with respect to this rule is included in the Technical Support Document that is part of this docket.

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve this SIP revision. If adverse comments are received on this direct final rule, we will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of a revision to Iowa's EPA-approved State source-specific permits described in the direct final amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 24, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

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

reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 9, 2017.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. In § 52.820, the table in paragraph (d) is amended by revising the entry ''(29) Grain Processing Corporation'' to read as follows:

§ 52.820 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

Name of source	Order/Permit No.	State effective date	EPA approval date	Explanation
*	*	*	*	*
(29) Grain Processing Corporation.	Administrative Consent Order No. 2014–AQ–A1.	1–16–17	12/1/14, 79 FR 71025; amendment approved 8–25–17, [insert **Federal Register** citation].	The last sentence of Paragraph 5, Section III and Section VI are not approved by EPA as part of the SIP.
*	*	*	*	*

* * * * *

[FR Doc. 2017–17417 Filed 8–24–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 12–267; FCC 17–100]

Implementation of Transmitter Identification Requirements for Video Uplink Transmissions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission (Commission) is issuing this final rule to is waive a transmitter identification requirement for certain digital video transmissions that cannot be made compliant by a software upgrade and incorporate by reference a new version of an existing standard.

DATES: Effective September 25, 2017. The incorporation by reference of a publication listed in the rule is approved by the Director of the Federal Register as of September 25, 2017.

ADDRESSES: FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554 for full text of ''Memorandum Opinion and Order, FCC 17–100'' (also at *https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-100A1.pdf) and* inspection of material incorporated by reference. See **SUPPLEMENTARY INFORMATION** for details.

FOR FURTHER INFORMATION CONTACT: Clay DeCell, 202–418–0803, *Clay.DeCell@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, FCC 17–100, adopted July 28, 2017, and released August 1, 2017. The full text of this document is available at *https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-100A1.pdf.* It is also available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Synopsis

In the *Part 25 Order,* FCC 13–111, the Commission concluded that adoption of the Digital Video Broadcasting–Carrier Identification (DVB–CID) standard for digital video uplinks from temporary-fixed earth stations was appropriate to address potential instances of harmful interference, by making transmissions more readily identifiable by satellite operators. We continue to believe that an added cost of a few hundred dollars per unit is justified to achieve this goal for earth station equipment that can undergo a software upgrade. We also agree with the overwhelming response from commenters in this proceeding on the implementation of the DVB–CID standard, however, that the much more significant expense of replacing older equipment that cannot simply undergo a software update would be unduly burdensome to operators, many of which are small businesses. And importantly, we note that no satellite operators, the direct beneficiaries of the DVB–CID requirement, opposed further relief.

Based on the record, we conclude it will serve the public interest to waive 47 CFR 25.281(b) for earth stations using modulators manufactured before August 1, 2017, that cannot be made compliant with the DVB–CID standard by a software upgrade. This waiver will allow use and resale of non-compliant modulators until the end of their useful life, but requires earth stations using newly manufactured modulators to be DVB–CID compliant. Other affected earth stations must meet the DVB–CID standard by September 3, 2017. We conclude this treatment best balances the costs and benefits of implementing DVB–CID in light of the significant cost disparity presented in the record. We believe that the amount of equipment affected by this waiver will steadily decrease as such equipment reaches the end of its useful life. Should the Commission find that the continued operation of non-compliant equipment causes a pattern of complaints from satellite operators that they are having difficulty identifying the sources of any harmful interference, the Commission may revisit this waiver.

Procedural Matters

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not

contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

The Commission will send a copy of the Memorandum Opinion and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Incorporation by Reference

This final rule updates and moves an incorporation by reference previously found in 47 CFR 25.281(b). In the *Part 25 Order,* FCC–13–111, published at 79 FR 8325, February 12, 2014, the Commission adopted an incorporation by reference in 47 CFR 25.281(b)(1) of the standard ETSI TS 103 129 (2013–05), ''Technical Specification, Digital Video Broadcasting (DVB); Framing structure, channel coding and modulation of a carrier identification system (DVB–CID) for satellite transmission.'' Subsequently, the Commission created a centralized incorporation by reference section in 47 CFR 25.108. We move the incorporation by reference language from 47 CFR 25.281(b)(1) to the new, centralized incorporation by reference section, 47 CFR 25.108, as a new paragraph. In addition, we update this reference by specifying the most recent version of this standard, released in March 2014. The revised version contains updated elements and is better suited to our goal of ensuring the efficient identification of sources of interference.

This standard is reasonably available. It can be viewed during normal business hours at the Commission address found in **ADDRESSES**. It can also be purchased from the European Telecommunications Standards Institute using the contact information noted in the rule text, and is available for free download on their Web site, *http://www.etsi.org.*

This standard contains technical requirements for satellite newsgathering vehicles, and other temporary-fixed earth stations, to identify digital video transmissions. Earth station operators are required to comply with this standard. Licensees affected by the rule section including these materials by reference should become familiar with the incorporated materials.

Ordering Clauses

Accordingly, *it is ordered*, pursuant to sections 4(i), 303, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, 316, and § 1.3 of the Commission's rules, 47 CFR 1.3, that the Memorandum Opinion and Order *is adopted.*

It is further ordered that § 25.281(b) of the Commission's rules, 47 CFR 25.281(b), *is waived* as described in the Memorandum Opinion and Order.

It is further ordered that §§ 25.108 and 25.281 of the Commission's rules, 47 CFR 25.108, 25.281, *are amended* as specified below.

List of Subjects in 47 CFR Part 25

Earth stations, Incorporation by reference.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 25 as follows:

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

Authority: Interprets or applies 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

■ 2. Amend § 25.108 by redesignating paragraph (b) as paragraph (c) and adding new paragraph (b) to read as follows:

§ 25.108 Incorporation by reference.

* * * * *

(b) European Telecommunications Standards Institute (ETSI), 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France; *http://www.etsi.org;* Voice: +33 (0)4 92 94 42 00; Fax: +33 (0)4 93 65 47 16; email: *webstore@etsi.org.*

(1) ETSI TS 103 129 V1.1.2 (2014–03), ''Digital Video Broadcasting (DVB); Framing structure, channel coding and modulation of a carrier identification system (DVB–CID) for satellite transmission,'' Version 1.1.2, March 2014. Incorporation by reference approved for § 25.281(b).

(2) [Reserved]

* * * * *

■ 3. Amend § 25.281 by revising paragraphs (b) introductory text and (b)(1) and adding Note 1 to paragraph (b) to read as follows:

§ 25.281 Transmitter identification requirements for video uplink transmissions.

* * * * *

(b) As of September 3, 2017, transmissions of fixed-frequency, digitally modulated video signals with a symbol rate of 128,000/s or more from a temporary-fixed earth station must be identified through use of an ATIS in accordance with the requirements that follow.

(1) The ATIS message must be modulated onto a direct sequence spread spectrum signal in accordance with the DVB–CID standard, ETSI TS 103 129 V1.1.2 (2014–03) (incorporated by reference, *see* § 25.108).

* * * * *

Note 1 to paragraph (b): Paragraph (b) is waived for earth stations using modulators manufactured before August 1, 2017, that cannot be made compliant with the DVB–CID standard by a software upgrade.

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[FR Doc. 2017–18071 Filed 8–24–17; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 82, No. 164
Friday, August 25, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TREASURY

Office of the Comptroller of the Currency

12 CFR Part 3

[Docket ID OCC–2017–0012]

RIN 1557–AE 23

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q; Docket No. R–1571]

RIN 7100–AE 83

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 324

RIN 3064–AE 63

Regulatory Capital Rules: Retention of Certain Existing Transition Provisions for Banking Organizations That Are Not Subject to the Advanced Approaches Capital Rules

AGENCY: Office of the Comptroller of the Currency, Treasury; the Board of Governors of the Federal Reserve System; and the Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) are inviting public comment on a notice of proposed rulemaking (NPR) that would extend the current treatment under the regulatory capital rules (capital rules) for certain regulatory capital deductions and risk weights and certain minority interest requirements, as they apply to banking organizations that are not subject to the advanced approaches capital rules (non-advanced approaches banking organizations). Specifically, for non-advanced approaches banking organizations, the agencies propose to extend the current regulatory capital treatment of: Mortgage servicing assets; deferred tax assets arising from temporary differences that could not be realized through net operating loss carrybacks; significant investments in the capital of unconsolidated financial institutions in the form of common stock; non-significant investments in the capital of unconsolidated financial institutions; significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock; and common equity tier 1 minority interest, tier 1 minority interest, and total capital minority interest exceeding the capital rules' minority interest limitations. The agencies expect in the near term to issue a separate NPR seeking public comment on a proposal to simplify the regulatory capital treatment of these items. Providing the proposed extension to non-advanced approaches banking organizations for these items would avoid potential burden on banking organizations that may be subject in the near future to a different regulatory capital treatment for these items.

DATES: Comments must be received by September 25, 2017.

ADDRESSES: Comments should be directed to:

OCC: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title ''Retaining existing transition provisions for certain elements of the regulatory capital rules'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''Regulations.gov'':* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2017–0012'' in the Search Box and click ''Search.'' Click on ''Comment Now'' to submit public comments.
- Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for submitting public comments.
- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2017–0012'' in your comment. In general, OCC will enter all comments received into the docket and publish them on the *Regulations.gov* Web site without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2017–0012'' in the Search box and click ''Search.'' Click on ''Open Docket Folder'' on the right side of the screen and then ''Comments.'' Comments can be filtered by clicking on ''View All'' and then using the filtering tools on the left side of the screen.
- Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov.* Supporting materials may be viewed by clicking on ''Open Docket Folder'' and then clicking on ''Supporting Documents.'' The docket may be viewed after the close of the comment period in the same manner as during the comment period.
- *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Board: You may submit comments, identified by Docket No. R–1571 and

RIN 7100 AE 83, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include docket number and RIN 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/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, 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 NW. (between 18th and 19th Streets NW.), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, identified by RIN 3064–AE 63 by any of the following methods:

- *Agency Web site: http://www.FDIC.gov/regulations/laws/federal/propose.html.* Follow instructions for submitting comments on the Agency Web site.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivered/Courier:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.
- *Email: comments@FDIC.gov.* Include the RIN 3064–AE 63 on the subject line of the message.
- *Public Inspection:* All comments received must include the agency name and RIN 3064–AE 63 for this rulemaking. All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/,* including any personal information provided. Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226 by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT:

OCC: Mark Ginsberg, Senior Risk Expert (202) 649–6983; or Benjamin Pegg, Risk Expert (202) 649–7146, Capital and Regulatory Policy; or Carl Kaminski, Special Counsel (202) 649–5869; or Rima Kundnani, Attorney (202) 649–5545, Legislative and Regulatory Activities Division, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board: Constance M. Horsley, Deputy Associate Director, (202) 452–5239; Juan Climent, Manager, (202) 872–7526; Elizabeth MacDonald, Manager, (202) 475–6316; Andrew Willis, Supervisory Financial Analyst, (202) 912–4323; Sean Healey, Supervisory Financial Analyst, (202) 912–4611 or Matthew McQueeney, Senior Financial Analyst, (202) 425–2942, Division of Supervision and Regulation; or Benjamin McDonough, Assistant General Counsel, (202) 452–2036; David W. Alexander, Counsel (202) 452–2877, or Mark Buresh, Senior Attorney (202) 452–5270, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

FDIC: Benedetto Bosco, Chief, Capital Policy Section, *bbosco@fdic.gov;* Michael Maloney, Capital Markets Senior Policy Analyst, *mmaloney@fdic.gov,* Capital Markets Branch, Division of Risk Management Supervision, (202) 898–6888; or Michael Phillips, Counsel, *mphillips@fdic.gov;* Catherine Wood, Counsel, *cawood@fdic.gov;* Rachel Ackmann, Counsel, *rackmann@fdic.gov;* Supervision Branch, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

In 2013, the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) adopted rules that strengthened the capital requirements applicable to banking organizations supervised by the agencies (capital rules).[1] The capital rules include limits on the amount of capital that would count toward these regulatory requirements in cases where the capital is issued by a consolidated subsidiary of a banking organization and not owned by the banking organization (minority interest).[2] Because capital issued at the subsidiary level is not always available to absorb losses at the consolidated level, these limits prevent highly-capitalized subsidiaries from overstating the amount of capital available to absorb losses at the consolidated level.[3] With the goal of strengthening the resiliency of banking organizations, the capital rules also require that amounts of mortgage servicing assets (MSAs), deferred tax assets arising from temporary differences that could not be realized through net operating loss carrybacks (temporary difference DTAs), and certain investments in the capital of unconsolidated financial institutions above certain thresholds be deducted from a banking organization's regulatory capital.[4]

The capital rules contain transition provisions that phase in certain requirements over several years in order to give banking organizations sufficient time to adjust and adapt to such requirements.[5] The minority interest limitations in the capital rules will become fully effective on January 1, 2018. The deduction treatments for investments in the capital of unconsolidated financial institutions, MSAs, and temporary difference DTAs are subject to transition provisions until December 31, 2017.[6] Also starting on January 1, 2018, the risk weight for MSAs, temporary difference DTAs, and significant investments in the capital of unconsolidated financial institutions in

[1] Banking organizations covered by the agencies' capital rules include national banks, state member banks, state nonmember banks, savings associations, and top-tier bank holding companies and savings and loan holding companies domiciled in the United States not subject to the Board's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C), but excluding certain savings and loan holding companies that are substantially engaged in insurance underwriting or commercial activities or that are estate trusts, or bank holding companies and savings and loan holding companies that are employee stock ownership plans. The Board and the OCC issued a joint final rule on October 11, 2013 (78 FR 62018) and the FDIC issued a substantially identical interim final rule on September 10, 2013 (78 FR 55340). In April 2014, the FDIC adopted the interim final rule as a final rule with no substantive changes. 79 FR 20754 (April 14, 2014).

[2] *See* 12 CFR 217.21 (Board); 12 CFR 3.21 (OCC); 12 CFR 324.21 (FDIC).

[3] 12 CFR 217.21 (Board); 12 CFR 3.21 (OCC); 12 CFR 324.21 (FDIC).

[4] *See* 12 CFR 217.22(c)(4), (c)(5), and (d)(1) (Board); 12 CFR 3.22(c)(4), (c)(5), and (d)(1) (OCC); 12 CFR 324.22(c)(4), (c)(5), and (d)(1) (FDIC). Banking organizations are permitted to net associated deferred tax liabilities against assets subject to deduction.

[5] 12 CFR 217.300 (Board); 12 CFR 3.300 (OCC); 12 CFR 324.300 (FDIC).

[6] 12 CFR 217.300(b)(4) and (d) (Board); 12 CFR 3.300(b)(4) and (d) (OCC); 12 CFR 324.300(b)(4) and (d) (FDIC).

the form of common stock that are not deducted from regulatory capital will increase from 100 percent to 250 percent.

II. Retaining Certain 2017 Transition Provisions

Since the issuance of the capital rules in 2013, banking organizations and other members of the public have raised concerns regarding the regulatory burden, complexity, and costs associated with certain aspects of the capital rules, particularly for community banking organizations. As explained in the Federal Financial Institutions Examination Council's March 2017 Joint Report to Congress on the Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA report), the agencies are developing a proposal to simplify certain aspects of the capital rules with the goal of meaningfully reducing regulatory burden on community banking organizations while at the same time maintaining safety and soundness and the quality and quantity of regulatory capital in the banking system (simplifications NPR).[7]

Consistent with that goal and in anticipation of the simplifications NPR, the agencies propose to extend certain transition provisions currently in the capital rules for banking organizations that are not advanced approaches banking organizations (non-advanced approaches banking organizations) while the simplifications NPR is pending. This extension proposal is referred to as the transitions NPR. As such, for non-advanced approaches banking organizations the transition provisions for certain items would not be fully phased in. The agencies will review the transition provisions again in connection with the simplifications NPR.

The agencies believe the stringency and complexity of the current capital rules' treatment for items affected by the transitions NPR remains appropriate for banking organizations that are subject to the advanced approaches (typically those with consolidated assets greater than or equal to $250 billion, or total consolidated on-balance sheet foreign exposures of at least $10 billion), given the business models and risk profiles of such banking organizations. The agencies believe that the current treatment for these items strikes an appropriate balance between complexity and risk sensitivity for the largest and most complex banking organizations. Therefore, the transitions NPR would not apply to advanced approaches banking organizations.

The agencies propose to extend the transitions period, as it applies to non-advanced approaches banking organizations, for changes to section 300 of the capital rules otherwise due to become effective on January 1, 2018, applicable to the risk weight and deduction treatment for MSAs, temporary difference DTAs, significant investments in the capital of unconsolidated financial institutions in the form of common stock, non-significant investments in the capital of unconsolidated financial institutions, and significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock. The agencies would expect to propose modifications in these areas as part of the simplifications NPR.

Under the transitions NPR, until the simplifications NPR is completed or the agencies otherwise determine, in accordance with Table 7 of section 300 of the capital rules, non-advanced approaches banking organizations would continue to:

- Deduct from regulatory capital 80 percent of the amount of any of these five items that is not includable in regulatory capital;
- Apply a 100 percent risk weight to any amounts of MSAs, temporary difference DTAs, and significant investments in the capital of unconsolidated financial institutions in the form of common stock that are not deducted from capital, and continue to apply the current risk weights under the capital rules to amounts of non-significant investments in the capital of unconsolidated financial institutions and significant investments in the capital of unconsolidated financial institutions not in the form of common stock that are not deducted from capital; and
- Include 20 percent of any common equity tier 1 minority interest, tier 1 minority interest, and total capital minority interest exceeding the capital rule's minority interest limitations (surplus minority interest) in regulatory capital.

For example, under the transitions NPR, a non-advanced approaches banking organization with an amount of MSAs above the 10 percent common equity tier 1 capital deduction threshold in the capital rules would deduct from common equity tier 1 capital only 80 percent of the amount of MSAs above this threshold, and would apply a 100 percent risk weight to the MSAs that are not deducted from common equity tier 1 capital, including the MSAs that otherwise would have been deducted but for the transition provisions. Similarly, for purposes of the capital rules' 15 percent common equity tier 1 capital deduction threshold (the aggregate 15 percent threshold) that applies collectively across MSAs, temporary difference DTAs, and significant investments in the capital of unconsolidated financial institutions in the form of common stock, under the transitions NPR, a non-advanced approaches banking organization would deduct from common equity tier 1 capital 80 percent of the amount of these items that exceed the aggregate 15 percent threshold.

Because the transitions NPR would not apply to advanced approaches banking organizations, such firms would be required to continue to apply the existing transition provisions in the capital rules. Specifically, advanced approaches banking organizations would be required to apply, starting on January 1, 2018, the capital rules' fully phased-in regulatory capital treatment for MSAs, temporary difference DTAs, significant investments in the capital of unconsolidated financial institutions in the form of common stock, non-significant investments in the capital of unconsolidated financial institutions, significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock, and surplus minority interest.

III. Amendments to Reporting Forms

The agencies are proposing to clarify the reporting instructions for the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031, FFIEC 041, and FFIEC 051; OMB Control Nos. 1557–0081, 7100–0036, 3604–0052), the OCC is proposing to clarify the instructions for OCC DFAST 14A (OMB Control No. 1557–0319), the FDIC is proposing to clarify the instructions for FDIC DFAST 14A (OMB Control No. 3064–0189), and the Board is proposing to clarify the instructions for the FR Y–9C (OMB Control No. 7100–0128), and the FR Y–14A and FR Y–14Q (OMB Control No. 7100–0341) to reflect the changes to the capital rules that would be required under this proposal.

IV. Request for Comments

At this time, the agencies are seeking comment more narrowly on changes proposed in this transitions NPR. As noted previously, the agencies plan to issue a simplifications NPR to simplify certain aspects of the capital rules with

[7] The EGRPRA report stated that such amendments likely would include: (a) Simplifying the current regulatory capital treatment for MSAs, timing difference DTAs, and holdings of regulatory capital instruments issued by financial institutions; and (b) simplifying the current limitations on minority interest in regulatory capital. *See* 82 FR 15900 (March 30, 2017).

the goal of meaningfully reducing regulatory burden on community banking organizations as explained in the EGRPRA report. That simplifications NPR would be published in the **Federal Register** for public notice and comment at a later date.

Question 1. What, if any, operational or administrative challenges would the proposed changes in this transitions NPR pose to banking organizations? What, if any, alternatives should the agencies consider to address such challenges?

Question 2. What, if any, modifications should the agencies consider making to the scope of application of this proposal?

V. Regulatory Analyses

A. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA), the agencies may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The agencies reviewed the proposed rule and determined that it does not create any new or revise any existing collection of information under section 3504(h) of title 44. However, the agencies would clarify the reporting instructions for the Call Report. The OCC and FDIC would clarify the instructions for DFAST 14A, and the Board would clarify the instructions for the FR Y–9C, the FR Y–14A, and the FR Y–14Q to reflect the changes to the capital rules that would be required under this proposal. The draft redlined Call Report instructions would be available at *https://www.ffiec.gov/ffiec_report_forms.htm,* the draft redlined OCC DFAST 14A instructions would be available at *https://www.occ.gov/tools-forms/forms/bank-operations/stress-test-reporting.html,* the draft redlined FDIC DFAST 14A instructions would be available at *https://www.fdic.gov/regulations/reform/dfast/,* and the draft redlined FR Y–9C, FR Y–14A, and FR Y–14Q instructions would be available at *https://www.federalreserve.gov/apps/reportforms/review.aspx.*

B. Regulatory Flexibility Act Analysis

OCC: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* (RFA), requires an agency, in connection with a final rule, to prepare a Final Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the Small Business Administration (SBA) for purposes of the RFA to include banking entities with total assets of $550 million or less) or to certify that the rule will not have a significant economic impact on a substantial number of small entities.

As of March 31, 2017, the OCC supervised 928 small entities.[8] The rule applies to all OCC-supervised entities that are not subject to the advanced approaches risk-based capital rules, and thus potentially affects a substantial number of small entities. The OCC has determined that 135 such entities engage in affected activities to an extent that they would be impacted directly by the proposed rule. However, the proposed rule would provide a small economic benefit to those entities. Thus, the OCC has determined that rule would not have a significant impact on any OCC-supervised small entities.

Therefore, the OCC certifies that the proposed rule will not have a significant economic impact on a substantial number of OCC-supervised small entities.

Board: The Board is providing an initial regulatory flexibility analysis with respect to this proposed rule. As discussed in the Supplemental Information, the proposal would revise the transition provisions in the regulatory capital rules to extend the treatment effective for calendar year 2017 for several regulatory capital adjustments and deductions that are subject to multi-year phase-in schedules. Through the simplifications NPR, the agencies intend in the near term to seek public comment on a proposal to simplify certain items of the regulatory capital rules and, thus, the agencies believe it is appropriate to extend the transition provisions currently in effect for these items while the simplifications NPR is pending. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), generally requires that an agency prepare and make available an initial regulatory flexibility analysis in connection with a notice of proposed rulemaking. Under regulations issued by the Small Business Administration, a small entity includes a bank, bank holding company, or savings and loan holding company with assets of $550 million or less (small banking organization).[9] As of March 31, 2017, there were approximately 3,546 small bank holding companies, 234 small savings and loan holding companies, and 584 small state member banks.

The proposed rule would apply to all state member banks, as well as all bank holding companies and savings and loan holding companies that are subject to the Board's regulatory capital rule, but excluding state member banks, bank holding companies, and savings and loan holding companies that are subject to the advanced approaches in the capital rules. In general, the Board's capital rules only apply to bank holding companies and savings and loan holding companies that are not subject to the Board's Small Bank Holding Company Policy Statement, which applies to bank holding companies and savings and loan holding companies with less than $1 billion in total assets that also meet certain additional criteria.[10] Thus, most bank holding companies and savings and loan holding companies that would be subject to the proposed rule exceed the $550 million asset threshold at which a banking organization would qualify as a small banking organization.

Given the proposed rule does not impact the recordkeeping and reporting requirements that affected small banking organizations are currently subject to, there would be no change to the information that small banking organizations must track and report. The proposal would merely retain the transition provisions in effect for calendar year 2017 for the items that would be affected by the simplifications NPR until the simplifications NPR is finalized or the agencies determine otherwise.

The proposal would permit affected small banking organizations, beginning in 2018 and thereafter, to deduct less investments in the capital of unconsolidated financial institutions, MSAs, and temporary difference DTAs from common equity tier 1 capital than would otherwise be required under the current transition provisions. The proposal would also allow small banking organizations to continue using a 100 percent risk weight for non-deducted MSAs, temporary difference DTAs and significant investments in the capital of unconsolidated financial institutions rather than the 250 percent risk weight for these items which is scheduled to take effect beginning January 1, 2018. Thus, for small banking

[8] The OCC calculated the number of small entities using the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which are $550 million and $38.5 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining whether to classify a national bank or Federal savings association as a small entity.

[9] *See* 13 CFR 121.201. Effective July 14, 2014, the Small Business Administration revised the size standards for banking organizations to $550 million in assets from $500 million in assets. 79 FR 33647 (June 12, 2014).

[10] *See* 12 CFR 217.1(c)(1)(ii) and (iii); 12 CFR part 225, appendix C; 12 CFR 238.9.

organizations that have significant amounts of MSAs or temporary difference DTAs, the proposal could have a temporary positive impact in their capital ratios during 2018 and thereafter.

The impact from increasing the deduction of investments in the capital of unconsolidated financial institutions, MSAs, and temporary difference DTAs from 80 percent of the amounts to be deducted under the capital rules in 2017 to 100 percent in 2018 is estimated to decrease common equity tier 1 capital by 0.01 percent on average across all covered small bank holding companies, savings and loan holding companies, and state member banks. Similarly, the impact from increasing from 80 percent in 2017 to 100 percent in 2018 the exclusion of surplus minority interest is estimated to decrease total regulatory capital by 0.04 percent across the same set of institutions. Based on March 31, 2017 data for the same set of institutions, increasing the risk-weight for non-deducted MSAs and temporary difference DTAs to 250 percent from 100 percent would result in an increase in risk-weighted assets of 0.64 percent. Therefore, retaining the transition provisions for the regulatory capital treatment of MSAs, temporary difference DTAs, investments in the capital of unconsolidated financial institutions, and minority interests, would have a marginally positive impact on the regulatory capital ratios of small banking organizations.

The Board does not believe that the proposed rule duplicates, overlaps, or conflicts with any other Federal rules. In addition, the primary alternative to the proposed rule would be to retain the transition provisions as currently written in the capital rules, which would mean that the transitions would become fully phased-in starting on January 1, 2018. As discussed, this would result in marginally lower regulatory capital ratios than if the proposal were finalized. In light of the foregoing, the Board does not believe that the proposed rule, if adopted in final form, would have a significant economic impact on a substantial number of small entities. Nonetheless, the Board seeks comment on whether the proposed rule would impose undue burdens on, or have unintended consequences for, small organizations, and whether there are ways such potential burdens or consequences could be minimized in a manner consistent with the purpose of the proposed rule. A final regulatory flexibility analysis will be conducted after consideration of comments received during the public comment period.

FDIC: The Regulatory Flexibility Act (RFA) generally requires that, in connection with a notice of proposed rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis describing the impact of the proposed rule on small entities. A regulatory flexibility analysis is not required, however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Small Business Administration has defined ''small entities'' to include banking organizations with total assets less than or equal to $550 million. As of March 31, 2017, the FDIC supervises 3,750 banking institutions, 3,028 of which qualify as small entities according to the terms of the RFA.

The proposed rule would extend the current regulatory capital treatment of: (i) Mortgage servicing assets (MSAs); (ii) deferred tax assets (DTAS) arising from temporary differences that could not be realized through net operating loss carrybacks; (iii) significant investments in the capital of unconsolidated financial institutions in the form of common stock; (iv) non-significant investments in the capital of unconsolidated financial institutions; (v) significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock; and (vi) common equity tier 1 minority interest, tier 1 minority interest, and total capital minority interest exceeding the capital rules' minority interest limitations. The transitions NPR would likely pose small economic benefits for small FDIC-supervised institutions by preventing any increase in risk-based capital requirements due to the completion of the transition provisions for the above items.

According to Call Report data (as of March 31, 2017), 431 FDIC-supervised small banking entities reported holding some volume of the above asset classes. Additionally, as of March 31, 2017, the risk-based capital deduction related to these assets under the capital rules has been incurred by only 53 FDIC-supervised small banking entities.

The impact from increasing the deduction of investments in the capital of unconsolidated financial institutions, MSAs, and temporary difference DTAs from 80 percent of the amounts to be deducted under the capital rules (12 CFR 324.300) in 2017 to 100 percent in 2018 would decrease common equity tier 1 capital by 0.02 percent on average across all covered small FDIC-supervised banking institutions. Similarly, the impact from increasing from 80 percent in 2017 to 100 percent under the capital rules (12 CFR 324.300) in 2018 the exclusion of surplus minority interest would decrease total regulatory capital by 0.01 percent across the same set of institutions. Based on March 31, 2017 data for the same set of institutions, increasing the risk-weight for non-deducted MSAs and temporary difference DTAs to 250 percent from 100 percent would result in an increase in risk-weighted assets of 0.37 percent. Therefore, retaining the transition provisions for the regulatory capital treatment of MSAs, temporary difference DTAs, investments in the capital of unconsolidated financial institutions, and minority interests, would have a marginally positive impact on the regulatory capital ratios of substantially all small FDIC-supervised banking institutions.

FDIC analysis has identified that absent the transitions NPR, 23 small FDIC-supervised banking institutions would have a decrease of 1 percent or more in common equity tier 1 capital, tier 1 capital and or total capital. Furthermore, 33 small FDIC-supervised banking institutions would have an increase in risk weighted assets greater than 3 percent absent the transitions NPR. Therefore, the FDIC certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities that it supervises.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The agencies have sought to present the transitions NPR in a simple and straightforward manner, and invite comment on the use of plain language. For example:

- Have the agencies organized the material to suit your needs? If not, how could they present the transitions NPR rule more clearly?
- Are the requirements in the transitions NPR clearly stated? If not, how could the transitions NPR be more clearly stated?
- Do the regulations contain technical language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes would achieve that?

• What other changes can the agencies incorporate to make the regulation easier to understand?

D. OCC Unfunded Mandates Reform Act of 1995 Determination

The OCC analyzed the proposed rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532). Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted for inflation). The OCC has determined that this proposed rule would not result in expenditures by State, local, and Tribal governments, or the private sector, of $100 million or more in any one year.[11] Accordingly, the OCC has not prepared a written statement to accompany this NPR.

List of Subjects

12 CFR Part 3

Administrative practice and procedure, Capital, National banks, Risk.

12 CFR Part 217

Administrative practice and procedure, Banks, Banking, Capital, Federal Reserve System, Holding companies.

12 CFR Part 324

Administrative practice and procedure, Banks, Banking, Capital adequacy, Savings associations, State non-member banks.

Office of the Comptroller of the Currency

For the reasons set out in the joint preamble, the OCC proposes to amend 12 CFR part 3 as follows.

PART 3—CAPITAL ADEQUACY STANDARDS

■ 1. The authority citation for part 3 continues to read as follows:

Authority: 12 U.S.C. 93a, 161, 1462, 1462a, 1463, 1464, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907, 3909, and 5412(b)(2)(B).

■ 2. Section 3.300 is amended by revising paragraph (b)(4), adding paragraph (b)(5), and revising paragraph (d)(1) and table 10 to § 3.300 to read as follows:

§ 3.300 Transitions.

* * * * *

(b) * * *

(4) *Additional transition deductions from regulatory capital.* Except as provided in paragraph (b)(5) of this section:

(i) Beginning January 1, 2014 for an advanced approaches national bank or Federal savings association, and beginning January 1, 2015 for a national bank or Federal savings association that is not an advanced approaches national bank or Federal savings association, and in each case through December 31, 2017, a national bank or Federal savings association, must use Table 7 to § 3.300 to determine the amount of investments in capital instruments and the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds (§ 3.22(d)) (that is, MSAs, DTAs arising from temporary differences that the national bank or Federal savings association could not realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock) that must be deducted from common equity tier 1 capital.

(ii) Beginning January 1, 2014 for an advanced approaches national bank or Federal savings association, and beginning January 1, 2015 for a national bank or Federal savings association that is not an advanced approaches national bank or Federal savings association, and in each case through December 31, 2017, a national bank or Federal savings association must apply a 100 percent risk weight to the aggregate amount of the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds that are not deducted under this section. As set forth in § 3.22(d)(2), beginning January 1, 2018, a national bank or Federal savings association must apply a 250 percent risk weight to the aggregate amount of the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds that are not deducted from common equity tier 1 capital.

TABLE 7 TO § 3.300

Transition period	Transitions for deductions under § 3.22(c) and (d)—Percentage of additional deductions from regulatory capital
Calendar year 2014	20
Calendar year 2015	40
Calendar year 2016	60
Calendar year 2017	80
Calendar year 2018 and thereafter	100

(iii) For purposes of calculating the transition deductions in this paragraph (b)(4) beginning January 1, 2014 for an advanced approaches national bank or Federal savings association, and beginning January 1, 2015 for a national bank or Federal savings association that is not an advanced approaches national bank or Federal savings association, and in each case through December 31, 2017, a national bank's or Federal savings association's 15 percent common equity tier 1 capital deduction threshold for MSAs, DTAs arising from temporary differences that the national bank or Federal savings association could not realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock is equal to 15 percent of the sum of the national bank's or Federal savings association's common equity tier 1 elements, after regulatory adjustments and deductions required under § 3.22(a) through (c) (transition 15 percent common equity tier 1 capital deduction threshold).

(iv) Beginning January 1, 2018, a national bank or Federal savings association must calculate the 15 percent common equity tier 1 capital deduction threshold in accordance with § 3.22(d).

(5) *Special transition provisions for non-significant investments in the capital of unconsolidated financial institutions, significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock, MSAs, DTAs arising from temporary differences that the national bank or Federal savings association could not realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock.* Beginning January 1, 2018, a national bank or Federal savings association that is not an advanced approaches national bank

[11] The OCC estimates that the proposed rule would lead to an aggregate increase in reported regulatory capital of $665.5 million in 2018 for national banks and Federal savings associations compared to the amount they would report if they were required to complete the 2018 phase-in provisions. The OCC estimates that this increase in reported regulatory capital—which could allow banking organizations to increase their leverage and thus increase their tax deductions for interest paid on debt—would have a total aggregate value of approximately $16 million per year across all directly impacted OCC-supervised entities (that is, national banks and Federal savings associations not subject to the advanced approaches risk-based capital rules).

or Federal savings association must continue to apply the transition provisions described in paragraphs (b)(4)(i), (ii), and (iii) of this section applicable to calendar year 2017 to items that are subject to deduction under § 3.22(c)(4), (c)(5), and (d), respectively.

* * * * *

(d) *Minority interest*—(1) *Surplus minority interest*—(i) *Advanced approaches national bank or Federal savings association surplus minority interest.* Beginning January 1, 2014 through December 31, 2017, an advanced approaches national bank or Federal savings association may include in common equity tier 1 capital, tier 1 capital, or total capital the percentage of the common equity tier 1 minority interest, tier 1 minority interest, and total capital minority interest outstanding as of January 1, 2014, that exceeds any common equity tier 1 minority interest, tier 1 minority interest, or total capital minority interest includable under § 3.21 (surplus minority interest), respectively, as set forth in Table 10 to § 3.300.

(ii) *Non-advanced approaches national bank and Federal savings association surplus minority interest.* A national bank or Federal savings association that is not an advanced approaches national bank or Federal savings association may include in common equity tier 1 capital, tier 1 capital, or total capital 20 percent of the common equity tier 1 minority interest, tier 1 minority interest and total capital minority interest outstanding as of January 1, 2014, that exceeds any common equity tier 1 minority interest, tier 1 minority interest, or total capital minority interest includable under § 3.21 (surplus minority interest), respectively.

* * * * *

TABLE 10 TO § 3.300

Transition period	Percentage of the amount of surplus or non-qualifying minority interest that can be included in regulatory capital during the transition period
Calendar year 2014	80
Calendar year 2015	60
Calendar year 2016	40
Calendar year 2017	20
Calendar year 2018 and thereafter	0

* * * * *

12 CFR Part 217

Board of Governors of the Federal Reserve System

For the reasons set out in the joint preamble, part 217 of chapter II of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q)

■ 3. The authority citation for part 217 continues to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

■ 4. Section 217.300 is amended by revising paragraph (b)(4), adding paragraph (b)(5), and revising paragraph (d)(1) and table 10 to § 217.300 to read as follows:

§ 217.300 Transitions.

* * * * *

(b) * * *

(4) *Additional transition deductions from regulatory capital.* Except as provided in paragraph (b)(5) of this section:

(i) Beginning January 1, 2014 for an advanced approaches Board-regulated institution, and beginning January 1, 2015 for a Board-regulated institution that is not an advanced approaches institution, and in each case through December 31, 2017, an institution, must use Table 7 to § 217.300 to determine the amount of investments in capital instruments and the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds (§ 217.22(d)) (that is, MSAs, DTAs arising from temporary differences that the institution could not realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock) that must be deducted from common equity tier 1 capital.

(ii) Beginning January 1, 2014 for an advanced approaches institution, and beginning January 1, 2015 for an institution that is not an advanced approaches institution, and in each case through December 31, 2017, an institution must apply a 100 percent risk-weight to the aggregate amount of the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds that are not deducted under this section. As set forth in § 217.22(d)(2), beginning January 1, 2018, a Board-regulated institution must apply a 250 percent risk-weight to the aggregate amount of the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds that are not deducted from common equity tier 1 capital.

TABLE 7 TO § 217.300

Transition period	Transitions for deductions under § 217.22(c) and (d)—percentage of additional deductions from regulatory capital
Calendar year 2014	20
Calendar year 2015	40
Calendar year 2016	60
Calendar year 2017	80
Calendar year 2018 and thereafter	100

(iii) For purposes of calculating the transition deductions in this paragraph (b)(4) beginning January 1, 2014 for an advanced approaches Board-regulated institution, and beginning January 1, 2015 for Board-regulated institution that is not an advanced approaches Board-regulated institution, and in each case through December 31, 2017, an institution's 15 percent common equity tier 1 capital deduction threshold for MSAs, DTAs arising from temporary differences that the institution could not realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock is equal to 15 percent of the sum of the institution's common equity tier 1 elements, after regulatory adjustments and deductions required under § 217.22(a) through (c) (transition 15 percent common equity tier 1 capital deduction threshold).

(iv) Beginning January 1, 2018 a Board-regulated institution must calculate the 15 percent common equity tier 1 capital deduction threshold in accordance with § 217.22(d).

(5) *Special transition provisions for non-significant investments in the capital of unconsolidated financial institutions, significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock, MSAs, DTAs arising from temporary differences that the Board-regulated institution could not realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock.* Beginning January 1,

2018, a Board-regulated institution that is not an advanced approaches Board-regulated institution must continue to apply the transition provisions described in paragraphs (b)(4)(i), (ii), and (iii) of this section applicable to calendar year 2017 to items that are subject to deduction under § 217.22(c)(4), (c)(5), and (d), respectively.

* * * * *

(d) *Minority interest*—(1) *Surplus minority interest*—(i) *Advanced approaches institution surplus minority interest.* Beginning January 1, 2014 through December 31, 2017, an advanced approaches Board-regulated institution may include in common equity tier 1 capital, tier 1 capital, or total capital the percentage of the common equity tier 1 minority interest, tier 1 minority interest and total capital minority interest outstanding as of January 1, 2014 that exceeds any common equity tier 1 minority interest, tier 1 minority interest or total capital minority interest includable under § 217.21 (surplus minority interest), respectively, as set forth in Table 10 to § 217.300.

(ii) *Non-advanced approaches institution surplus minority interest.* A Board-regulated institution that is not an advanced approaches Board-regulated institution may include in common equity tier 1 capital, tier 1 capital, or total capital 20 percent of the common equity tier 1 minority interest, tier 1 minority interest and total capital minority interest outstanding as of January 1, 2014, that exceeds any common equity tier 1 minority interest, tier 1 minority interest or total capital minority interest includable under § 217.21 (surplus minority interest), respectively.

* * * * *

TABLE 10 TO § 217.300

Transition period	Percentage of the amount of surplus or non-qualifying minority interest that can be included in regulatory capital during the transition period
Calendar year 2014	80
Calendar year 2015	60
Calendar year 2016	40
Calendar year 2017	20
Calendar year 2018 and thereafter	0

* * * * *

12 CFR Part 324

Federal Deposit Insurance Corporation

For the reasons set out in the joint preamble, the FDIC proposes to amend 12 CFR part 324 as follows.

PART 324—CAPITAL ADEQUACY OF FDIC-SUPERVISED INSTITUTIONS

■ 5. The authority citation for part 324 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; 5371; 5412; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, 2355, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note); Pub. L. 111–203, 124 Stat. 1376, 1887 (15 U.S.C. 78o–7 note).

■ 6. Section 324.300 is amended by revising paragraph (b)(4), adding paragraph (b)(5), and revising paragraph (d)(1) and table 9 to § 324.300 to read as follows:

§ 324.300 Transitions.

* * * * *

(b) * * *

(4) *Additional transition deductions from regulatory capital.* Except as provided in paragraph (b)(5) of this section:

(i) Beginning January 1, 2014, for an advanced approaches FDIC-supervised institution, and beginning January 1, 2015, for an FDIC-supervised institution that is not an advanced approaches FDIC-supervised institution, and in each case through December 31, 2017, an FDIC-supervised institution, must use Table 7 to § 324.300 to determine the amount of investments in capital instruments and the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds (§ 324.22(d)) (that is, MSAs, DTAs arising from temporary differences that the FDIC-supervised institution could not realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock) that must be deducted from common equity tier 1 capital.

(ii) Beginning January 1, 2014, for an FDIC-supervised advanced approaches institution, and beginning January 1, 2015, for an FDIC-supervised institution that is not an advanced approaches FDIC-supervised institution, and in each case through December 31, 2017, an FDIC-supervised institution must apply a 100 percent risk-weight to the aggregate amount of the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds that are not deducted under this section. As set forth in § 324.22(d)(2), beginning January 1, 2018, an FDIC-supervised institution must apply a 250 percent risk-weight to the aggregate amount of the items subject to the 10 and 15 percent common equity tier 1 capital deduction thresholds that are not deducted from common equity tier 1 capital.

TABLE 7 TO § 324.300

Transition period	Transitions for deductions under § 324.22(c) and (d)—Percentage of additional deductions from regulatory capital
Calendar year 2014	20
Calendar year 2015	40
Calendar year 2016	60
Calendar year 2017	80
Calendar year 2018 and thereafter	100

(iii) For purposes of calculating the transition deductions in this paragraph (b)(4) beginning January 1, 2014, for an advanced approaches FDIC-supervised institution, and beginning January 1, 2015, for an FDIC-supervised institution that is not an advanced approaches FDIC-supervised institution, and in each case through December 31, 2017, an FDIC-supervised institution's 15 percent common equity tier 1 capital deduction threshold for MSAs, DTAs arising from temporary differences that the FDIC-supervised institution could not realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock is equal to 15 percent of the sum of the FDIC-supervised institution's common equity tier 1 elements, after regulatory adjustments and deductions required under § 324.22(a) through (c) (transition 15 percent common equity tier 1 capital deduction threshold).

(iv) Beginning January 1, 2018, an FDIC-supervised institution must calculate the 15 percent common equity tier 1 capital deduction threshold in accordance with § 324.22(d).

(5) *Special transition provisions for non-significant investments in the capital of unconsolidated financial institutions, significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock, MSAs, DTAs arising from temporary differences that the FDIC-supervised institution could not*

realize through net operating loss carrybacks, and significant investments in the capital of unconsolidated financial institutions in the form of common stock. Beginning January 1, 2018, an FDIC-supervised institution that is not an advanced approaches FDIC-supervised institution must continue to apply the transition provisions described in paragraphs (b)(4)(i), (ii), and (iii) of this section applicable to calendar year 2017 to items that are subject to deduction under § 324.22(c)(4), (c)(5), and (d), respectively.

* * * * *

(d) *Minority interest*—(1) *Surplus minority interest*—(i) *Advanced approaches FDIC-supervised institution surplus minority interest.* Beginning January 1, 2014, through December 31, 2017, an advanced approaches FDIC-supervised institution may include in common equity tier 1 capital, tier 1 capital, or total capital the percentage of the common equity tier 1 minority interest, tier 1 minority interest and total capital minority interest outstanding as of January 1, 2014 that exceeds any common equity tier 1 minority interest, tier 1 minority interest or total capital minority interest includable under § 324.21 (surplus minority interest), respectively, as set forth in Table 9 to § 324.300.

(ii) *Non-advanced approaches FDIC-supervised institution surplus minority interest.* An FDIC-supervised institution that is not an advanced approaches FDIC-supervised institution may include in common equity tier 1 capital, tier 1 capital, or total capital 20 percent of the common equity tier 1 minority interest, tier 1 minority interest and total capital minority interest outstanding as of January 1, 2014 that exceeds any common equity tier 1 minority interest, tier 1 minority interest or total capital minority interest includable under § 324.21 (surplus minority interest), respectively.

* * * * *

TABLE 9 TO § 324.300

Transition period	Percentage of the amount of surplus or non-qualifying minority interest that can be included in regulatory capital during the transition period
Calendar year 2014	80
Calendar year 2015	60
Calendar year 2016	40
Calendar year 2017	20

TABLE 9 TO § 324.300—Continued

Transition period	Percentage of the amount of surplus or non-qualifying minority interest that can be included in regulatory capital during the transition period
Calendar year 2018 and thereafter	0

* * * * *

Dated: August 2, 2017.

Keith A. Noreika,

Acting Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, August 16, 2017.

Ann E. Misback,

Secretary of the Board.

Dated at Washington, DC this 9th of August, 2017.

By order of the Board Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–17822 Filed 8–24–17; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0024; Product Identifier 2000–NE–12–AD]

RIN 2120–AA64

Airworthiness Directives; Safran Helicopter Engines, S.A., Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2013–11–09 that applies to all Safran Helicopter Engines, S.A., Arrius 2B1 and 2F turboshaft engines. Depending on the engine model, AD 2013–11–09 requires the repetitive replacement of the fuel injector manifolds and privilege injector, or only the privilege injector. Since we issued AD 2013–11–09, we received reports of engine flameouts as a result of reduced fuel flow due to the presence of coking. This proposed AD would retain the repetitive hardware replacement requirements of AD 2013–11–09, but only allow replacement pipe injector preferred assembly, part number (P/N) 0 319 73 044 0, on the Arrius 2F engines. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by October 10, 2017.

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

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

For service information identified in this NPRM, contact Safran Helicopter Engines, S.A., 40220 Tarnos, France; phone: (33) 05 59 74 40 00; fax: (33) 05 59 74 45 15. You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0024; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Robert Green, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No.

FAA–2013–0024; Product Identifier 2000–NE–12–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On May 23, 2013, we issued AD 2013–11–09, Amendment 39–17469 (78 FR 32551, May 31, 2013), ''AD 2013–11–09'' for all Turbomeca S.A. Arrius 2B, 2B1, and 2F turboshaft engines. Depending on the engine model, AD 2013–11–09 requires the repetitive replacement of the fuel injector manifolds and privilege injector, or only the privilege injector. AD 2013–11–09 resulted from a report that the corrective actions of AD 2001–08–14, R1, Amendment 39–14423 (71 FR 2993, January 19, 2006) were insufficient to eliminate the unsafe condition. We issued AD 2013–11–09 to prevent an engine flameout of Arrius 2B1 and 2F turboshaft engines and damage to the helicopter.

Actions Since AD 2013–11–09 Was Issued

Since we issued AD 2013–11–09, we received reports of engine flameouts as a result of reduced fuel flow due to the presence of coking. Also since we issued AD 2013–11–09, the European Aviation Safety Agency (EASA) has issued AD 2017–0070, dated April 25, 2017, which requires replacement of pipe injector preferred assemblies, P/N 0 319 73 835 0, with improved assembly, P/N 0 319 73 044 0, on Arrius 2F engines.

Related Service Information

We reviewed Safran Helicopter Engines, S.A., Service Bulletin (SB) No. 319 73 4839, Version A, dated December 13, 2016. The SB describes procedures for replacing pipe injector preferred assemblies.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require, for Arrius 2B1 turboshaft engines, initial and repetitive replacement of the main fuel injector half-manifolds and preferred injector with a part eligible for installation within the compliance times specified. This proposed AD would also require, for Arrius 2F turboshaft engines, initial and repetitive replacement of the preferred injector and replacing pipe injector preferred assemblies, P/N 0 319 73 835 0, with assembly, P/N 0 319 73 044 0.

Costs of Compliance

We estimate that this proposed AD affects 50 Arrius 2B1 and 105 Arrius 2F turboshaft engines installed on helicopters of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Arrius 2B1 fuel injector manifolds and injector replacement.	3 work-hours × $85 per hour = $255	$0	$255	$12,750
Arrius 2F pipe injector preferred assembly replacement.	3 work-hours × $85 per hour = $255	3,154	3,409	357,945

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2013–11–09, Amendment 39–17469 (78 FR 32551, May 31, 2013), and adding the following new AD:

Safran Helicopter Engines, S.A. (Type Certificate previously held by Turbomeca S.A): Docket No. FAA–2013–0024; Product Identifier 2000–NE–12–AD.

(a) Comments Due Date

We must receive comments by October 10, 2017.

(b) Affected ADs

This AD supersedes AD 2013–11–09, Amendment 39–17469 (78 FR 32551, May 31, 2013).

(c) Applicability

This AD applies to all Turbomeca S.A. Arrius 2B1 and 2F turboshaft engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7320, Fuel Controlling System.

(e) Unsafe Condition

This AD was prompted by several reports of engine flameouts as a result of reduced fuel flow due to the presence of coking. We are issuing this AD to prevent an engine flameout of Arrius 2B1 and 2F turboshaft engines and damage to the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For Arrius 2B1 turboshaft engines, do the following:

(i) Replace each main fuel injector half-manifold and preferred injector with a part eligible for installation before exceeding the operating hours (hours accumulated by the part since installation on an engine) specified in Figure 1 to paragraph (g) of this AD.

FIGURE 1 TO PARAGRAPH (g)—REPLACEMENT

Part	Operating hours
Main fuel injector half-manifold—post-mod TU117	600
Main fuel injector half-manifold—pre-mod TU117	200
Preferred injector pre/post-mod TU117	200

(ii) Borescope-inspect (BSI) the flame tube and the high-pressure turbine (HPT) area for turbine distress, when replacing the fuel injector manifolds and preferred injector for the first time.

(iii) Thereafter, replace the fuel injector manifolds and preferred injector with a part eligible for installation before exceeding the operating hours (hours accumulated by the part since installation on an engine) specified in Figure 1 to paragraph (g) of this AD.

(2) For Arrius 2F turboshaft engines, do the following:

(i) Replace each pipe injector preferred assembly, part number (P/N) 0 319 73 835 0 and P/N 0 319 73 044 0, with a part eligible for installation before exceeding 400 operating hours (hours accumulated by the part since installation on an engine).

(ii) BSI the flame tube and the HPT area for turbine distress, when replacing the privilege injector for the first time.

(iii) Unless already accomplished as required by paragraph (g)(2)(i) of this AD, within 16 months after the effective date of this AD, replace the pipe injector preferred assembly, P/N 0 319 73 835 0, with a part eligible for installation before the next flight.

(iv) Thereafter, replace the pipe injector preferred assembly with a part eligible for installation within 400 operating hours since the last pipe injector preferred assembly replacement.

(h) Definitions

(1) For Arrius 2B1 turboshaft engines, a main fuel injector half-manifold or preferred injector is eligible for installation if it has not exceeded the operating hours specified in Figure 1 to paragraph (g) of this AD since first installation on an engine or since last cleaning.

(2) For Arrius 2F turboshaft engines, a pipe injector preferred assembly, P/N 0 319 73 044 0, is eligible for installation if it has not exceeded 400 operating hours since first installation on an engine or since last cleaning.

(i) Installation Prohibition

(1) For Arrius 2B1 turboshaft engines, after the effective date of this AD, do not install a main fuel injector half-manifold or preferred injector onto any engine, or any engine onto a helicopter, unless the main fuel injector half-manifold and preferred injector are eligible for installation.

(2) For Arrius 2F turboshaft engines, after the effective date of this AD, do not install a pipe injector preferred assembly onto any engine, or any engine onto a helicopter, unless the pipe injector preferred assembly is eligible for installation.

(3) For Arrius 2F turboshaft engines, after the effective date of this AD, do not install a pipe injector preferred assembly, P/N 0 319 73 835 0, onto any engine.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, ECO Branch, Compliance and Airworthiness Division, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (k)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(k) Related Information

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency (EASA) AD 2017–0070, dated April 25, 2017, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0024.

(3) Safran Helicopter Engines S.A., SB No. 319 73 4839, Version A, dated December 13, 2016, can be obtained from Safran Helicopter Engines S.A., using the contact information in paragraph (k)(4) of this AD.

(4) For service information identified in this AD, contact Safran Helicopter Engines, S.A., 40220 Tarnos, France; phone: (33) 05 59 74 40 00; fax: (33) 05 59 74 45 15.

(5) You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on August 18, 2017.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2017–17829 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0805; Product Identifier 2017–NM–051–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) airplanes, Model MD–88 airplanes, and Model MD–90–30 airplanes. This proposed AD was prompted by a report of loss of airspeed

indication due to icing. This proposed AD would require modifying the air data heat (ADH) system. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by October 10, 2017.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0805.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0805; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Eric Igama, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5388; fax: 562–627–5210; email: *roderick.igama@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0805; Product Identifier 2017–NM–051–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received a report of both pilots' airspeed indicators freezing at 80 knots during takeoff. The outside air temperature was 25 degrees Fahrenheit and the wind was at approximately 20 knots in light snow. The airplane had been waiting in this weather condition for about two hours for de-icing before takeoff.

Air data sensors directly affect flight computers and flight deck instrumentation. The air data sensors have heaters to prevent blockage from ice formation in the sensor or from ice formation on the static plates. Incorrect airspeed indications can be the direct result of pitot tube icing. Failure to activate the ADH system in icing conditions could result in irregular airspeed or altitude indications, which could possibly result in a runway overrun during a high speed rejected takeoff (RTO) due to failure to rotate before the end of the runway, or a stall/overspeed during flight.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin MD80–30A132, dated April 28, 2017; and Boeing Alert Service Bulletin MD90–30A031, dated June 2, 2017. This service information describes procedures for modifying the ADH system so that it activates when the left and right fuel switches are in the ON position. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of the service information described previously, except for differences between this proposed AD and the service information that are identified in the regulatory text of this proposed AD. For information on the procedures, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0805.

Master Minimum Equipment List relief may be developed and approved by the FAA Long Beach, CA Aircraft Evaluation Group (AEG) Flight Operations Evaluation Board (FOEB) to allow operation of an airplane with an ADH system modified in accordance with this proposed AD that is inoperable for a specified time period. This potential relief is specified in paragraph (i) of this proposed AD.

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin MD80–30A132, dated April 28, 2017, specifies to contact the manufacturer for change instructions, but this proposed AD would require obtaining and doing those change instructions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 553 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification, MD80 Group 1, 84 airplanes	56 work-hours × $85 per hour = $4,760	$4,459	$9,219	$774,396
Modification, MD80 Group 2, 11 airplanes	57 work-hours × $85 per hour = $4,845	11,014	15,859	174,449
Modification, MD80 Group 3, 336 airplanes	57 work-hours × $85 per hour = $4,845	8,589	13,434	4,513,824
Modification, MD80 Group 4, 1 airplane	56 work-hours × $85 per hour = $4,760	4,479	9,239	9,239
Modification, MD80 Group 5, 37 airplanes	57 work-hours × $85 per hour = $4,845	11,034	15,879	587,523
Modification, MD90 Group 1, 84 airplanes	37 work-hours × $85 per hour = $3,145	4,395	7,540	633,360

We have received no definitive data that would enable us to provide cost estimates for doing the modification on MD80 Group 6 airplanes.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0805; Product Identifier 2017–NM–051–AD.

(a) Comments Due Date

We must receive comments by October 10, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) airplanes, Model MD–88 airplanes, and Model MD–90–30 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 3410; Flight environment data.

(e) Unsafe Condition

This AD was prompted by a report of loss of airspeed indication due to icing. We are issuing this AD to prevent operation of unheated air data sensors in icing conditions. Failure to activate the air data heat (ADH) system in icing conditions could result in irregular airspeed or altitude indications, which could possibly result in a runway overrun during a high speed rejected takeoff (RTO) due to failure to rotate before the end of the runway, or a stall/overspeed during flight.

(f) Compliance

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

(g) Required Actions

At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD: Do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–30A132, dated April 28, 2017; and Boeing Alert Service Bulletin MD90–30A031, dated June 2, 2017; as applicable; except as required by paragraph (h) of this AD.

(1) For Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) model airplanes and Model MD–88 airplanes: Within 28 months after the effective date of this AD.

(2) For Model MD–90–30 airplanes: Within 27 months after the effective date of this AD.

(h) Exception to Service Information Specifications

Where Boeing Alert Service Bulletin MD80–30A132, dated April 28, 2017, specifies contacting Boeing, and specifies that action as ''RC'' (Required for Compliance): This AD requires using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Master Minimum Equipment List (MMEL)

In the event that the ADH system as modified by this AD is inoperable, an airplane may be operated as specified in the FAA-approved MMEL, provided MMEL provisions that address the modified ADH system are included in the MMEL and those provisions are included in the operator's Minimum Equipment List.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs

for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

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

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

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

(k) Related Information

(1) For more information about this AD, contact Eric Igama, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5388; fax: 562–627–5210; email: *roderick.igama@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 16, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17839 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0778; Product Identifier 2017–NM–038–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 757–200 series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the side panel-to-frame attachments and frames of the aft cargo compartment are subject to widespread fatigue damage (WFD). This proposed AD would require an inspection of the side panel-to-frame attachments and frames to verify that certain modifications have been done, and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by October 10, 2017.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0778.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0778; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Muoi Vuong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5205; fax: 562–627–5210; email: *Muoi.Vuong@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0778; Product Identifier 2017–NM–038–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a

lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as widespread fatigue damage. It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

Any frame crack at the attachment points of the side panel-to-frame attachments of the aft cargo compartment could go undetected and grow in length. This condition could result in reduced structural integrity of the body frames, and consequent rapid decompression of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017. The service information describes procedures for a general visual inspection of the side panel-to-frame attachments and frames to verify that certain modifications have been done. The service information also describes procedures for on-condition actions, which include repetitive inspections for cracking, repairs, and modifications.

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

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0778.

Explanation of Compliance Time

The compliance time for the replacement specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 13 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
General visual inspection	1 work-hour × $85 per hour = $85	$0	$85	$1,105

We estimate the following costs to do any necessary on-condition actions that would be required. We have no way of determining the number of aircraft that might need these on-condition actions.

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
Up to 45 work-hours × $85 per hour = Up to $3,825	Unavailable	Up to $3,825.

* The costs in the table do not include the cost estimate for on-condition repairs. We have received no definitive data that would enable us to provide cost estimates for the on-condition repairs specified in this proposed AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0778; Product Identifier 2017–NM–038–AD.

(a) Comments Due Date

We must receive comments by October 10, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that the side panel-to-frame attachments and frames of the aft cargo compartment are subject to widespread fatigue damage. We are issuing this AD to prevent fatigue cracking at the attachment points of the side panel-to-frame attachments of the aft cargo compartment, which could result in reduced structural integrity of the body frames, and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) One-Time General Visual Inspection and Corrective Actions

Except as required by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD, the phrase ''the effective date of this AD'' may be substituted for ''the Revision 1 date of this service bulletin,'' as specified in Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017.

(2) Where Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017, specifies contacting Boeing, and specifies that action as RC: This AD requires using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Terminating Action for Inspections

Accomplishment of a modification in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017, terminates the inspections required by paragraph (g) of this AD at the modified location only.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (h)(2) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps,

including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

(1) For more information about this AD, contact Muoi Vuong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5205; fax: 562–627–5210; email: *Muoi.Vuong@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 10, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17538 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0779; Product Identifier 2017–NM–040–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 airplanes. This proposed AD was prompted by reports of degraded bond-line performance of co-bonded upper wing stringer-to-skin joints. This proposed AD would require repetitive inspections of certain upper wing stringers for any disbond and corrective actions, if necessary; and a terminating preventative modification of installing disbond arrestment (DBA) fasteners. This proposed AD would also require revising the inspection or maintenance program to incorporate an airworthiness limitation. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by October 10, 2017.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0779.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0779; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Allen Rauschendorfer, Aerospace Engineer, Airframe Branch, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6487; fax: 425–917–6590; email: *allen.rauschendorfer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0779; Product Identifier 2017–NM–040–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received reports of degraded bond-line performance of co-bonded upper wing stringer-to-skin joints. The co-bonded upper wing stringer-to-skin joints were determined to have degraded bond-line performance due to the exposure of the bond surface with the use of BMS 8–308 peel ply to cure times that exceeded 4 hours at a temperature of 345 degrees Fahrenheit (F) plus or minus 10 F. The upper wing stringer-to-skin joint disbonding can reduce the structural capability to where it cannot sustain limit load, which could adversely affect the structural integrity of the airplane.

Related Service Information Under 1 CFR Part 51

We have reviewed Boeing Alert Service Bulletin B787–81205–SB570030–00, Issue 001, dated March 17, 2017 (''ASB B787–81205–SB570030–00, Issue 001''). This service information describes procedures for inspection of certain upper wing stringers for any disbond and repairs; and for a preventative modification which consists of, depending on airplane configuration, applying copper foil to the upper wing at certain stringer and rib bay locations, installing DBA fasteners on the upper flanges of the upper wing stringers at the stringer and rib bay locations, applying cap seals to the DBA fasteners, and applying edge sealant to the stringers at the DBA fastener installation locations.

We have also reviewed Airworthiness Limitation (AWL) 57–AWL–13, ''Inspection Requirements for In-Tank Fasteners and Edge Seal near Disbond Arrestment (DBA) Fastener Installations of Lightning Zone 2,'' of Boeing 787 Special Compliance Items/Airworthiness Limitations, D011Z009–03–04, dated February 2017. This service information describes tasks for inspecting in-tank fasteners and edge seals near DBA fastener installations of lightning zone 2.

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

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' For information on the procedures and compliance times in ASB B787–81205–SB570030–00, Issue 001, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0779.

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

The phrase ''corrective actions'' is used in this proposed AD. Corrective actions correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This Proposed AD and the Service Information

ASB B787–81205–SB570030–00, Issue 001, specifies to contact the manufacturer for certain instructions, but this proposed AD would require using repair methods, modification deviations, and alteration deviations in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Explanation of Applicability

In the applicability of this proposed AD, we refer to the airplanes identified in ASB B787–81205–SB570030–00, Issue 001. In addition, we have included line numbers 10, 13, 15, 16, 17, 18, and 19 in the applicability of this proposed AD because those line numbers are included in the applicability for AWL 57–AWL–13. Those line numbers are not listed in ASB B787–81205–SB570030–00, Issue 001, and the actions specified in ASB B787–81205–SB570030–00, Issue 001 are not required for those line numbers because the actions in the service information were completed during production.

Costs of Compliance

We estimate that this proposed AD affects 24 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	49 work-hours × $85 per hour = $4,165 per inspection cycle.	$0	$4,165 per inspection cycle.	$99,960 per inspection cycle.
Modification	Up to 352 work-hours × $85 per hour = $29,920.	1,902	Up to $31,822	Up to $763,728.
Maintenance or Inspection Program Revision.	1 work-hour × $85 per hour = $85	0	$85	$2,040.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0779; Product Identifier 2017–NM–040–AD.

(a) Comments Due Date

We must receive comments by October 10, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin B787–81205–SB570030–00, Issue 001, dated March 17, 2017 (''ASB B787–81205–SB570030–00, Issue 001''), and line numbers 10, 13, 15, 16, 17, 18, and 19.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of degraded bond-line performance of co-bonded upper wing stringer-to-skin joints. We are issuing this AD to prevent upper wing stringer-to-skin joint disbonding, which can reduce the structural integrity of the airplane.

(f) Compliance

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

(g) Inspections and Corrective Actions

For airplanes identified in ASB B787–81205–SB570030–00, Issue 001: Except as specified in paragraph (k)(1) of this AD, at the applicable time specified in paragraph 5., ''Compliance,'' of ASB B787–81205–SB570030–00, Issue 001: Do an ultrasonic inspection for any disbond on the left side and right side upper wing stringers; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of ASB B787–81205–SB570030–00, Issue 001, except as specified in paragraph (k)(2) of this AD. Do all applicable corrective actions before further flight.

Repeat the inspection of the upper wing stringers thereafter at the applicable intervals specified in paragraph 5., ''Compliance,'' of ASB B787–81205–SB570030–00, Issue 001 until the actions required by paragraph (j) of this AD are done.

(h) Maintenance or Inspection Program Revision

(1) For airplanes identified in ASB B787–81205–SB570030–00, Issue 001: Prior to or concurrently with accomplishing the actions required by paragraph (g) of this AD, revise the inspection or maintenance program, as applicable, to incorporate Airworthiness Limitation (AWL) 57–AWL–13. ''Inspection Requirements for In-Tank Fasteners and Edge Seal near Disbond Arrestment (DBA) Fastener Installations of Lightning Zone 2,'' of Boeing 787 Special Compliance Items/Airworthiness Limitations, D011Z009–03–04, dated February 2017. The initial compliance time for accomplishing the tasks specified in AWL 57–AWL–13 is within 24,000 flight cycles or 12 years, whichever occurs first, after accomplishing the actions specified in ASB B787–81205–SB570030–00, Issue 001.

(2) For airplanes having line numbers 10, 13, and 15 through 19 inclusive: Within 60 days after the effective date of this AD, revise the inspection or maintenance program, as applicable, to incorporate AWL 57–AWL–13, ''Inspection Requirements for In-Tank Fasteners and Edge Seal near Disbond Arrestment (DBA) Fastener Installations of Lightning Zone 2,'' of Boeing 787 Special Compliance Items/Airworthiness Limitations, D011Z009–03–04, dated February 2017. The initial compliance time for accomplishing the tasks specified in AWL 57–AWL–13 is prior to the accumulation of 24,000 total flight cycles or within 12 years after the date of issuance of the original airworthiness certificate or date of issuance of the original export certificate of airworthiness, whichever occurs first.

(i) No Alternative Actions or Intervals

After the action required by paragraph (h) of this AD has been done, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (l) of this AD.

(j) Inspection and Modification

For airplanes identified in ASB B787–81205–SB570030–00, Issue 001, that have not done ''PART 3: PREVENTIVE MODIFICATION'' of the Accomplishment Instructions of ASB B787–81205–SB570030–00, Issue 001, at all of the unrepaired areas of the upper wing stringers: At the applicable time specified in paragraph 5., ''Compliance,'' of ASB B787–81205–SB570030–00, Issue 001, do the actions specified in paragraphs (j)(1) and (j)(2) of this AD, in accordance with the Accomplishment Instructions of ASB B787–81205–SB570030–00, Issue 001, except as specified in paragraph (k)(2) of this AD. Doing the actions required by this paragraph terminates the repetitive inspections required by paragraph (g) of this AD.

(1) Do an ultrasonic inspection for any disbond on the left side and right side upper wing stringers, and do all applicable corrective actions. Do all applicable corrective actions before further flight.

(2) Do the preventative modification in accordance with ''PART 3: PREVENTIVE MODIFICATION'' of the Accomplishment Instructions of ASB B787–81205–SB570030–00, Issue 001.

(k) Exceptions to Service Information

(1) Where paragraph 5., ''Compliance,'' of ASB B787–81205–SB570030–00, Issue 001, specifies a compliance time ''after the Issue 001 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Although ASB B787–81205–SB570030–00, Issue 001, specifies to contact Boeing for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (k)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (l)(4)(i) and (l)(4)(ii) of this AD apply.

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining

approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(m) Related Information

(1) For more information about this AD, contact Allen Rauschendorfer, Aerospace Engineer, Airframe Branch, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6487; fax: 425–917–6590; email: *allen.rauschendorfer@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 9, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–17543 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0719; Product Identifier 2017–NE–22–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Division

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines. This proposed AD was prompted by the discovery of multiple cracked outer diffuser cases. This proposed AD would require initial and repetitive inspections to detect cracks in the outer diffuser case and removal from service of cases that fail inspection. We are proposing this AD to address the unsafe condition on these products.

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

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

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

For service information identified in this NPRM, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800–565–0140; fax: 860–565–5442. You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0719; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Theriault, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division,1200 District Avenue, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0719; Directorate Identifier 2017–NE–22–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We were notified of the discovery of multiple cracked outer diffuser cases. This proposed AD requires initial and repetitive inspections to detect cracks in the outer diffuser case and removal from service of cases that fail inspection. This condition, if not corrected, could result in failure of the outer diffuser case, uncontained case release, damage to the engine, and damage to the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed PW Service Bulletin (SB) No. PW4G–112–A72–347, dated March, 31, 2017. This PW SB provides guidance on performing outer diffuser case fluorescent penetrant inspections (FPI). This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

We reviewed PW4000 Series (112 Inch) Engine Cleaning, Inspection and Repair (CIR) Manual, Part Number 51A750, Revision Number 74, section 72–41–13, Inspection/Check-02, dated July 15, 2017. This manual section provides guidance on performing the high sensitivity FPI of the outer diffuser case at piece-part exposure.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require initial and repetitive inspections to detect cracks in the outer diffuser case and removal from service of cases that fail inspection.

Costs of Compliance

We estimate that this proposed AD affects 121 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Tt3 boss inspection	3.5 work-hours × $85 per hour = $297.50	$0	$297.50	$35,997.50

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We estimate six cases will need to be replaced in the domestic fleet.

ON-CONDITION COST

Action	Labor cost	Parts cost	Cost per product
FPI Inspection of outer diffuser case	10 work-hours × $85 per hour = $850.00	$0	$850.00
Replacement of outer diffuser case	$0	750,000	750,000

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pratt & Whitney Division: Docket No. FAA–2017–0719; Product Identifier 2017–NE–22–AD.

(a) Comments Due Date

We must receive comments by September 25, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines with outer diffuser case, part number (P/N) 50J775 or P/N 50J930, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7240, Turbine Engine Combustion Section.

(e) Unsafe Condition

This AD was prompted by the discovery of multiple cracked outer diffuser cases. We are issuing this AD to prevent failure of the outer diffuser case. The unsafe condition, if not corrected, could result in failure of the outer diffuser case, uncontained case release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Perform an initial high sensitivity fluorescent penetrant inspection (FPI) of the outer diffuser case T3 thermocouple probe boss (Tt3 boss) prior to accumulating 13,000 cycles since new (CSN), or within 1,000 flight cycles from the effective date of this AD, whichever occurs later. If the case CSN is unknown, inspect within 1,000 flight cycles from the effective date of this AD.

(2) Thereafter, repeat the high sensitivity FPI of the outer diffuser case Tt3 boss within 2,000 flight cycles since the last FPI.

(3) If a crack is found during the inspections required by paragraphs (g)(1) or (2) of this AD, re-inspect or remove the outer diffuser case from service as follows:

(i) For engines installed on-wing, re-inspect or remove in accordance with Part A, 1.G., of PW Service Bulletin (SB) No. PW4G–112–A72–347, dated March 31, 2017.

(ii) For assembled engines not installed on-wing, re-inspect or remove in accordance with Part B, 1.C., of PW SB No. PW4G–112–A72–347, dated March 31, 2017.

(iii) For disassembled engines, remove from service before further flight.

(4) Within 30 days of the effective date of this AD, update the mandatory inspections of the Airworthiness Limitations Section (ALS) of your Instructions for Continued Airworthiness to include the piece-part inspections of the diffuser case as defined in Figure 1 to paragraph (g) of this AD.

FIGURE 1 TO PARAGRAPH (g)—ADDITION TO ALS

Description	Part No.	CIR manual section	CIR manual inspection	CIR manual
Case, Diffuser, Outer	All	72–41–13	Inspection/Check (I/C–02)	P/N 51A750

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, ECO Branch, Compliance and Airworthiness Division, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(i) Related Information

(1) For more information about this AD, contact Jo-Ann Theriault, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

(2) For service information identified in this AD, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800–565–0140; fax: 860–565–5442. You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on August 18, 2017.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2017–17827 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0313; Product Identifier 2017–NE–11–AD]

RIN 2120–AA64

Airworthiness Directives; CFM International S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain CFM International S.A. (CFM) CFM56–7B turbofan engines. This proposed AD was prompted by a report of an in-flight fan blade failure and uncontained forward release of debris on a CFM56–7B turbofan engine. This proposed AD would require an ultrasonic inspection (USI) of certain fan blades and, if they fail the inspection, their replacement with parts eligible for installation. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by October 10, 2017.

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

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

For service information identified in this NPRM, contact CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877–432–3272; fax: 877–432–3329; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0313; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kasra Sharifi, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7773; fax: 781–238–7199; email: *kasra.sharifi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0313; Directorate Identifier 2017–NE–11–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received a report of a fan blade failure and inlet separation on a CFM56–7B engine that occurred during a revenue flight. This fan blade failure was contained by the engine case, but there was subsequent uncontained forward release of inlet cowl and other debris. The fracture in the blade initiated from the fan blade dovetail. The investigation, however, into the root cause of the fan blade failure is not complete. This condition, if not

corrected, could result in fan blade failure, uncontained forward release of debris, damage to the engine, and damage to the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed CFM Service Bulletin (SB) No. CFM56–7B S/B 72–1019, Revision 1 dated June 13, 2017. The SB describes procedures for performing a USI of the affected fan blades. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

CFM CFM56–7B Engine Shop Manual, Revision 55, dated January 15, 2017, task 72–21–01–200–001, provides guidance on performing an eddy current inspection of the affected fan blades.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require a USI of the affected fan blades.

Interim Action

We consider this proposed AD interim action. We will determine if further action is needed based on the results of the root cause investigation of the fan blade failure.

Costs of Compliance

We estimate that this proposed AD affects 220 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
USI	2 work-hours × $85 per hour = $170	$0	$170	$37,400

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International S.A.: Docket No. FAA–2017–0313; Product Identifier 2017–NE–11–AD.

(a) Comments Due Date

We must receive comments by October 10, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CFM International S.A. (CFM) CFM56–7B20, CFM56–7B22, CFM56–7B22/B1, CFM56–7B24, CFM56–7B24/B1, CFM56–7B26, CFM56–7B26/B2, CFM56–7B27, CFM56–7B27A, CFM56–7B26/B1, CFM56–7B27/B1, CFM56–7B27/B3, CFM56–7B20/2, CFM56–7B22/2, CFM56–7B24/2, CFM56–7B26/2, CFM56–7B27/2, CFM56–7B20/3, CFM56–7B22/3, CFM56–7B22/3B1, CFM56–7B24/3, CFM56–7B24/3B1, CFM56–7B26/3, CFM56–7B26/3B1, CFM56–7B26/3B2, CFM56–7B27/3, CFM56–7B27/3B1, CFM56–7B27/3B3, CFM56–7B27A/3, CFM56–7B26/3F, CFM56–7B26/3B2F, CFM56–7B27/3F, CFM56–7B27/3B1F, CFM56–7B20E, CFM56–7B22E, CFM56–7B22E/B1, CFM56–7B22E/B2, CFM56–7B24E, CFM56–7B24E/B1, CFM56–7B26E, CFM56–7B26E/B1, CFM56–7B26E/B2, CFM56–7B27E, CFM56–7B27E/B1, CFM56–7B27E/B3, CFM56–7B26E/F, CFM56–7B26E/B2F, CFM56–7B27E/F, and CFM56–7B27E/B1F engine models.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by a report of an in-flight failure of a fan blade on a CFM56–7B turbofan engine. We are issuing this AD to prevent fan blade failure, uncontained forward release of debris, damage to the engine, and damage to the airplane.

(f) Compliance

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

(1) For engines, on the effective date of this AD, with more than 15,000 cycles-in-service (CIS) since the last engine shop visit, with any part number (P/N) fan blade installed, perform an ultrasonic inspection (USI) of the fan blades within 6 months after the effective date of this AD.

(2) For engines, on the effective date of this AD, with 15,000 CIS or less since the last engine shop visit and with fan blades, P/N 340–001–022–0, 340–001–027–0, 340–001–029–0, 340–001–037–01, or 340–001–039–0, installed, perform a USI of the fan blades within 18 months after the effective date of this AD or at the next fan blade lubrication after the effective date of this AD, whichever occurs first.

(3) Use the Accomplishment Instructions, paragraphs 3.A (3)(a) through (g), of CFM Service Bulletin (SB) No. CFM56–7B 72–1019, Revision 1, dated June 13, 2017, to do the USI required by paragraphs (f)(1) and (2) of this AD.

(4) If any fan blade fails the inspection required by paragraphs (f)(1) or (2) of this AD, replace with a part eligible for installation.

(g) Definition

(1) For the purpose of this AD, an ''engine shop visit'' is the removal of an engine when the subsequent engine maintenance performed prior to reinstallation of the engine entails:

(i) A 360-degree separation of major mating engine flanges, or

(ii) the removal of a disk, hub, or spool.

(2) The following actions do not constitute an engine shop visit:

(i) Replacement of an engine module on-wing,

(ii) Replacement of a gearbox, or

(iii) Accomplishment of a top/bottom case.

(h) Credit for Previous Actions

You may take credit for the USI required by paragraph (f) of this AD, if you performed an eddy current inspection of the affected fan blades before the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, ECO Branch, Compliance and Airworthiness Division, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(j) Related Information

(1) For more information about this AD, contact Kasra Sharifi, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7773; fax: 781–238–7199; email: *kasra.sharifi@faa.gov.*

(2) CFM SB No. CFM56–7B 72–1019, Revision 1, dated June 13, 2017, and CFM CFM56–7B Engine Shop Manual (ESM), Revision 55, dated January 15, 2017 can be obtained from CFM using the contact information in paragraph (j)(3) of this proposed AD.

(3) For service information identified in this proposed AD, contact CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877–432–3272; fax: 877–432–3329; email: *aviation.fleetsupport@ge.com.*

(4) You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on August 18, 2017.

Robert J. Ganley,

Manager, Engine & Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2017–17828 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

Regulatory Reform; Public Hearings

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notification of public hearings.

SUMMARY: In accordance with Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' the Department of Education (Department) is seeking input on Department regulations related to postsecondary education that may be appropriate for repeal, replacement, or modification. We announce two public hearings at which interested parties may provide input.

DATES: The dates, times, and locations of the public hearings are listed under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For further information on this document contact: Wendy Macias, U.S. Department of Education, 400 Maryland Ave. SW., Room 6C111, Washington, DC 20202. Telephone: (202) 203–9155 or by email: *Wendy.Macias@ed.gov.*

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

SUPPLEMENTARY INFORMATION: On February 24, 2017, President Trump signed Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. Section 3(a) of the Executive Order directs Federal agencies to establish a Regulatory Reform Task Force (Task Force). One of the duties of an agency Task Force is to evaluate existing regulations and ''make recommendations to the agency head regarding their repeal, replacement, or modification.'' The Executive Order further asks that each Task Force ''attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation;

(ii) Are outdated, unnecessary, or ineffective;

(iii) Impose costs that exceed benefits;

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

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

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

Section 3(e) of the Executive Order calls on each Task Force to ''seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations'' on regulations that meet some or all of the criteria above. A ''regulation'' for this purpose ''means an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency. . . .'' See Executive Order 13771, section 4.

On June 22, 2017, the Department published a notice in the **Federal Register** (82 FR 28431) soliciting written comments from the public to inform its Task Force's evaluation of all of the Department's existing regulations and guidance, including regulations and

guidance related to postsecondary education programs, that have a policy impact. We are now announcing two public hearings that will supplement this effort by seeking public input on Department regulations and guidance specific to postsecondary education programs that may be appropriate for repeal, replacement, or modification. This includes regulations and guidance for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended, as well as regulations and guidance for the institutional service, international and foreign language education, and student service programs.

Public Hearings

We will hold two public hearings:

- September 26, 2017, at Salt Lake Community College—Miller Campus, 9750 South 300 West, Karen Gail Miller Conference Center, Copper Creek Room A&B, Sandy, Utah 84070.
- October 4, 2017, at the U.S. Department of Education, 400 Maryland Ave. SW., Barnard Auditorium, Washington, DC 20202.

The public hearings will be held from 9:00 a.m. to 4:00 p.m., local time.

Individuals who would like to present comments at the public hearings must register by sending an email to *operegreformhearings@ed.gov.* The email should include the name of the presenter along with the public hearing at which the individual would like to speak, the general topic(s) the individual would like to address, and a general timeframe during which the individual would like to speak (for example, a presenter could indicate morning or afternoon, or before 11:00 a.m. or after 3:00 p.m.). We will attempt to accommodate each speaker's preference, but, if we are unable to do so, we will make the determination on a first-come first-served basis, based on the time and date the email was received. It is likely that each participant will be limited to five minutes. The Department will notify registrants of the location and time slot reserved for them. An individual may make only one presentation at the public hearings. If we receive more registrations than we are able to accommodate, the Department reserves the right to reject the registration of an entity or individual that is affiliated with an entity or individual that is already scheduled to present comments, and to select among registrants to ensure that a broad range of entities and individuals is allowed to present. We will accept walk-in registrations for any remaining time slots on a first-come first-served basis, beginning at 8:30 a.m. on the day of the public hearing at the Department's on-site registration table. Registration is not required to observe the public hearings; however, space may be limited.

The Department will post transcripts of the hearings to *https://www2.ed.gov/policy/highered/reg/reform/2017/index.html.* Although the Department will not be videoing the hearings, as this is a public meeting, speakers should be aware that they may be filmed or recorded by members of the public.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) or register to present comments by contacting Wendy Macias, U.S. Department of Education, 400 Maryland Ave. SW., Room 6C111, Washington, DC 20202. Telephone: (202) 203–9155 or by email: *Wendy.Macias@ed.gov.*

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

Program Authority: 20 U.S.C. 1098a.

Dated: August 22, 2017.

Kathleen A. Smith,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2017–18104 Filed 8–24–17; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0143; FRL–9966–58–Region 7]

Air Plan Approval; Iowa; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the State Implementation Plan (SIP) submitted by the State of Iowa for the purpose of incorporating an amendment to the Administrative Consent Order (ACO), Grain Processing Corporation (GPC), Muscatine, Iowa. The revision amends the ACO to change the date for completion of performance testing to allow the state more time to complete processing air construction permit applications submitted by GPC and specify testing requirements as appropriate in the final permits. This revision will not impact the schedule for installation and operation of control equipment, will not alter any other compliance dates, and will not adversely affect air quality in Muscatine, Iowa. In the ''Rules and Regulations'' section of this **Federal Register**, we are approving the state's SIP revisions as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Comments must be received by September 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0143, to *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at

(913) 551–7039, or by email at *hamilton.heather@epa.gov*.

SUPPLEMENTARY INFORMATION: This document proposes to take action on a SIP revision submitted by the State of Iowa for the purpose of incorporating an amendment to the Administrative Consent Order (ACO) with Grain Processing Corporation (GPC), Muscatine, Iowa.

The state held a 30-day comment period, during which no comments were received.

Additional information with respect to this proposed rule is included in the Technical Support Document that is part of this docket.

We have published a direct final rule approving the State's SIP revision (s) in the ''Rules and Regulations'' section of this **Federal Register**, because we view this as a noncontroversial action and anticipate no relevant adverse comment. We have explained our reasons for this action in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 9, 2017.

Edward H. Chu,

Acting Regional Administrator, Region 7.

[FR Doc. 2017–17418 Filed 8–24–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[AU Docket No. 17–182; WC Docket No. 10–90; FCC 17–101]

Comment Sought on Competitive Bidding Procedures and Certain Program Requirements for the Connect America Fund Phase II Auction (Auction 903)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) initiates the pre-auction process for the Connect America Fund Phase II auction (Phase II auction, auction, or Auction 903). The Commission proposes and seeks comment on the procedures to be used in the Phase II auction. The Phase II auction will award up to $1.98 billion over 10 years to service providers that commit to offer voice and broadband services to fixed locations in unserved high-cost areas. The auction is scheduled to begin in 2018. A guide that provides further technical and mathematical detail regarding the bidding, assignment, and support amount determination procedures proposed in this document, as well as examples for potential bidders, is available at: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0804/DA-17-733A1.pdf.*

DATES: Comments are due on or before September 18, 2017 and reply comments are due on or before October 18, 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 document, you should advise the contact listed below as soon as possible.

ADDRESSES: Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

▪ *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*

▪ *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

▪ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

▪ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

▪ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Heidi Lankau or Katie King, Telecommunications Commission, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484; Mark Montano or Angela Kung, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's document in AU Docket No. 17–182; WC Docket No. 10–90; FCC 17–101, released on August 4, 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 St. SW., Washington, DC 20554 or at the following Internet address: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0807/FCC-17-101A1.pdf.*

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above in AU Docket No. 17–182 and WC Docket No. 10–90.

I. Introduction

1. By this document, the Commission initiates the pre-auction process for the Connect America Fund Phase II auction (Phase II auction, auction, or Auction 903). The Phase II auction will award up to $198 million annually for 10 years to service providers that commit to offer voice and broadband services to fixed locations in unserved high-cost areas. The auction is scheduled to begin in 2018.

2. Auction 903 will be the first auction to award ongoing high-cost universal service support through competitive bidding in a multiple-round, reverse auction. Through this auction, the Commission intends to maximize the value the American people receive for the universal service dollars it spends, balancing higher-quality services with cost efficiencies. Therefore, the auction is designed to select bids from providers that would deploy high-speed broadband and voice services in unserved communities for lower relative levels of support.

3. While many of the pre-auction and bidding procedures and processes proposed for this auction are similar to those used in the Commission's Mobility Fund Phase I auction and in its spectrum auctions, the Commission proposes some new pre-auction and bidding procedures and processes for this auction. As is typical prior to a Commission auction, it proposes and seeks comment in this Public Notice on the procedures to be used in this auction, including (i) how an applicant can become qualified to participate in the auction, (ii) how bidders will submit bids, and (iii) how bids will be processed to determine winners and assign support amounts. The Commission also proposes procedures for, among other things, aggregating eligible areas into larger geographic units for bidding, setting reserve prices, and making auction information available to bidders and the public. The Commission asks that commenters advocating a particular procedure provide specific details regarding the costs and benefits of that procedure.

4. The Commission will announce final procedures and other important information concerning Auction 903 after considering comments provided in response to this document, pursuant to governing statutes and the Commission's rules. Because the Commission expects that the Phase II auction will attract parties that have never participated in a Commission auction, the Commission anticipates providing detailed educational materials and hands-on practice opportunities in advance of the auction to help such potential bidders understand the procedures ultimately adopted to govern the auction after consideration of comments in response to this Public Notice.

II. Minimum Geographic Area for Bidding

5. As an initial matter, and in the interest of providing bidders with as much flexibility as feasible, the Commission proposes to use census block groups containing one or more eligible census blocks as the minimum geographic area for bidding in the auction. Although the Commission previously decided that support will be available for specified eligible census blocks, it proposes to aggregate eligible census blocks by census block groups for purposes of bidding. The Commission seeks comment on this approach. In August 2016, as directed by the Commission, the Wireline Competition Bureau (WCB) released a preliminary list of eligible census blocks based on June 30, 2015, FCC Form 477 data. This list included approximately 300,000 eligible census blocks, which are located in 36,000 census block groups and 20,000 census tracts.

6. In the *Phase II Auction Order,* 81 FR 44414, July 7, 2016, the Commission indicated that it expected to use census block groups that contain one or more eligible census blocks as the minimum geographic unit for bidding, rather than a larger geographic area, such as census tracts or counties. While the Commission reserved the right to require that bids be submitted for census tracts so as to limit the number of discrete biddable units, the Commission thinks that it is unnecessary to do so here. The number of eligible census block groups would not materially increase the complexity of the Phase II auction. At the same time, using census block groups will provide bidders with more flexibility to develop a bidding strategy that aligns with their intended network expansion or construction. Bidding at the census tract level could be particularly problematic for small providers that may seek to construct smaller networks or expand existing networks because a larger minimal geographic area, like a census tract or county, may extend beyond a bidder's service territory, franchise area, or license area. The Commission invites comment on using census block groups as the minimum geographic unit for bids.

7. In addition, the Commission directed WCB to determine the census blocks that will be eligible for the Phase II auction and to publish the final list of eligible census blocks no later than three months prior to the deadline for submission of short-form applications. The *Preliminary Phase II Auction Areas document* provides a summary of the Commission's decisions regarding the categories of blocks that will be included in the auction. As directed, WCB will update the list of eligible census blocks, based on the most recent publicly available Form 477 data at that time by identifying blocks that are not served by terrestrial, fixed voice and broadband services at speeds of 10/1 Mbps or higher, whether offered by the incumbent price cap carrier or an unsubsidized competitor. Separately, WCB has released additional information and is seeking comment on certain census blocks that may be incorporated into the final list of eligible census blocks, consistent with the Commission's previous decisions.

III. Proposed Application Requirements

8. In this section, the Commission describes and seeks comment on certain information it proposes to require each applicant to provide in its short-form application. This information should help promote an effective, efficient, and fair auction and facilitate Commission staff's evaluation of whether a potential bidder is qualified to participate in Auction 903. The *Phase II Auction Order* adopted a two-stage application filing process for the Phase II competitive bidding process. The two stages consist of a pre-auction short-form application and a post-auction long-form application. In its short-form application, a potential bidder will seek to establish its eligibility to participate in the Phase II auction. After the auction, upon receipt of a winning bidder's long-form application, Commission staff will conduct a more extensive review of the winning bidder's qualifications to receive support.

9. The Commission's rules require each applicant seeking to participate in the Phase II auction to provide in its short-form application, among other things, basic ownership information, certifications regarding its qualifications to receive support, and information regarding its operational and financial capabilities. The Commission's Phase II short-form application rules also provide for the collection of such additional information as the Commission may require to evaluate an applicant's qualifications to participate in the Phase II auction. The information provided in a short-form application helps confirm that an applicant meets certain basic qualifications for participation in the bidding and enables Commission staff to ensure compliance with certain rules and bidding restrictions that help protect the integrity of the auction.

10. After the deadline for filing short-form applications, Commission staff will review all timely submitted applications to determine whether each applicant has complied with the application requirements and provided all information concerning its qualifications for bidding. After this review, WCB and the Wireless Telecommunications Bureau (WTB) (collectively, the Bureaus) will issue a public notice identifying the applications that are complete and those that are incomplete because of minor defects that may be corrected. For those applications found to be incomplete, the public notice will set a deadline for the resubmission of corrected applications. After reviewing the resubmitted applications, and well in advance of the start of bidding in Auction 903, the Bureaus will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those

applicants that submitted short-form applications deemed timely-filed and complete. To be clear, however, the finding from Commission staff that a short-form application is complete and that an applicant is qualified to bid only qualifies the applicant to participate in the bidding; it does not authorize a winning bidder to receive Phase II support.

11. After Auction 903 concludes, each winning bidder must submit a long-form application that Commission staff will review to determine whether the winning bidder meets the eligibility requirements for receiving Phase II support and has the financial and technical qualifications to meet the obligations associated with such support. In its long-form application, each winning bidder must submit information about its qualifications, funding, and the network it intends to use to meet its obligations. In addition, prior to being authorized to receive Phase II support, each winning bidder must demonstrate that it has been designated as an ETC in the area(s) where it was awarded support and must obtain a letter of credit from a bank meeting the Commission's eligibility requirements. The Commission addresses below the types of further information that may be required in the long-form application. If a winning bidder is not authorized to receive Phase II support (*e.g.,* the bidder fails to file or prosecute its long-form application or its long-form application is dismissed or denied), the winning bidder is in default.

12. Consistent with the Commission's practice in the Mobility Fund I auction (Auction 901) and its spectrum auctions, the Commission proposes to require each applicant to identify in its short-form application the state(s) in which it intends to bid for support in the Phase II auction. An applicant will be able to place bids for eligible areas only in the states identified in its application. This restriction is designed to improve the administrative efficiency of the auction for both bidders and the Commission and to safeguard against coordinated bidding while preserving bidders' flexibility to decide whether to bid for specific census block groups in a state until the start of the auction.

13. To discourage coordinated bidding that may disadvantage other bidders, the Commission proposes to prohibit separate applicants that are commonly-controlled or parties to a joint bidding arrangement from bidding in any of the same states. Absent such a restriction, there is a risk that separate bidders could coordinate their bidding through a joint bidding arrangement identified on their respective applications and engage in communications during the competitive bidding process under the exception to the Commission's rule prohibiting certain communications during the competitive bidding process. Knowing the specific state(s) for which each applicant intends to bid, in combination with the ownership and bidding agreement information collected on the short-form application, will enable the Commission to ensure applicants' compliance. Accordingly, the Commission intends to resolve any state overlaps and determine the specific state(s) in which an applicant is eligible to bid prior to the commencement of the bidding.

14. To implement the restriction described above, the Commission proposes to use definitions adopted for similar purposes in its spectrum auctions and rely to the extent appropriate on past precedent and guidance regarding the Commission's rules on prohibited communications. Specifically, to identify commonly-controlled entities, the Commission proposes to define a ''controlling interest'' for purposes of the Phase II auction as an individual or entity with positive or negative *de jure* or *de facto* control of the applicant. In addition, the Commission proposes to adapt the definition of ''joint bidding arrangements'' that it uses in its spectrum auctions to those that (i) relate to any eligible area in the Phase II auction, and (ii) address or communicate bids or bidding strategies, including arrangements regarding Phase II support levels (*i.e.,* bidding percentages) and specific areas on which to bid, as well as any arrangements relating to the post-auction market structure in an eligible area. As a result, if two or more applicants are parties to an agreement that falls within this definition, they would be prohibited from bidding in the same state in the Phase II auction. Furthermore, the prohibited communications rule applicable to the Phase II auction, section 1.21002(b), is analogous to rules that were applicable in past auctions. In past auctions, the Commission explained that the rule does not prohibit an applicant covered by the rule from communicating bids or bidding strategies to a third-party consultant or consulting firm, provided that such an applicant takes appropriate steps to ensure that any third party it employs for advice pertaining to its bids or bidding strategies does not become a conduit for prohibited communications to other covered entities, which in the Phase II auction would include another applicant, unless both applicants are parties to a joint bidding agreement disclosed on their respective applications. The Commission notes that WTB has expressed particular concerns about employing the same individual for bidding advice. The Commission seeks comment on whether there are alternative procedures that it could adopt that would be equally effective in preventing the competitive harm from coordinated bidding that the Commission seeks to avoid through section 1.21002(b) and the procedures proposed herein.

15. Entities that are commonly-controlled or parties to a joint bidding arrangement have several options for submitting short-form applications to avoid the Commission's proposed restriction on state overlaps. It is important that entities carefully consider these options prior to the short-form application filing deadline. At the deadline, the prohibited communications rule takes effect, and only minor amendments or modifications to applications will be permitted.

16. *First,* such entities may submit a single short-form application and qualify to bid as one applicant in a state. The Commission's Phase II auction rules do not restrict service providers from determining which of their related entities will apply to participate in bidding. For example, a holding or parent company may choose to submit a single short-form application on behalf of all its affiliated operating companies in one or more states. So that Commission staff can readily identify such applications, it proposes requiring each applicant to indicate whether it is submitting the application on behalf of one or more existing operating companies and if so, to identify such companies. Similarly, parties to a joint bidding arrangement may form a consortium or a joint venture and submit a single short-form application that identifies each party to the consortium or joint venture. At least one related entity, affiliate, or member of the holding or parent company, consortium, or joint venture must demonstrate that it meets the operational and financial requirements of section 54.315(a)(7).

17. Consistent with the Commission's practice for consortium and joint venture applicants that are winning bidders in spectrum auctions, the Commission proposes that if a holding/parent company or a consortium/joint venture is announced as a winning bidder in Auction 903, the entity may, during the long-form application review process, designate at least one operating

company for each state that will be authorized to receive Phase II support for the winning bids. While the Commission would permit more than one operating company to be designated in each state, in order to deter strategic conduct, it proposes that a winning bidder would not be allowed to apportion a winning bid for a package of eligible census block groups among multiple operating companies. Because the Commission recognizes that the holding company or the consortium may wish to form a new operating company to serve the area associated with its winning bid(s), the holding company or consortium would be permitted to file a long-form application in its own name and during the long-form application review process, identify the operating company for which it seeks authorization to receive support for each winning bid. The operating company that should be identified as the entity authorized to receive support must be the entity that is designated as the ETC by the relevant state(s) in the areas covered by the winning bid(s) and is named in the letter of credit that each winning bidder must obtain. The entity authorized to receive support is the entity that will be required to meet the associated Phase II public interest obligations.

18. *Second,* commonly-controlled entities or parties to a joint bidding arrangement may bid in the Phase II auction independently and submit separate short-form applications, provided that they do not submit bids in the same state. The Commission expects that such applicants would exercise due diligence to confirm that no other commonly-controlled entity or party to a joint bidding arrangement, or an entity that controls any party to such an arrangement, has indicated its intent to bid in any of the same states the applicant has selected. To provide further assurance, the Commission proposes requiring each applicant to certify that it acknowledges that it cannot place any bids in the same state as (i) another commonly-controlled entity; (ii) another party to a joint bidding arrangement related to Phase II auction support that it is a party to; or (iii) any entity that controls a party to such an arrangement. The Commission's rules require each applicant to disclose in its short-form application information concerning its real parties in interest and its ownership, and identify all real parties in interest to any agreements relating to the participation of the applicant in the competitive bidding. The Commission proposes requiring an applicant to also provide in its short-form application a brief description of any such agreements, including any joint bidding arrangements. Commission staff would use such information to identify and resolve any impermissible state overlaps prior to the auction.

19. The Commission further proposes to require every applicant to certify in its short-form application that it has not entered into any explicit or implicit agreements, arrangements, or understandings of any kind related to the support to be sought through the Phase II auction, other than those disclosed in the short-form application. The Commission further proposes requiring each winning bidder to submit in its long-form application any updated information regarding the agreements, arrangements, or understandings related to its Phase II auction support disclosed in its short-form application. A winning bidder may also be required to disclose in its long-form application the specific terms, conditions, and parties involved in any agreement into which it has entered and the agreement itself.

20. If during short-form application review Commission staff identifies applicants that are commonly-controlled and/or parties to a joint bidding arrangement where any controlling interests have selected the same states in their respective applications, the Commission proposes that all such applications would be deemed to be incomplete on initial review. The Bureaus would inform each affected applicant of the identity of each of the other applicants with which it has an impermissible state overlap and the specific state(s) associated with such overlap. To the extent that an affected applicant has disclosed a joint bidding arrangement with one or more of the other affected applicants, these applicants must decide amongst themselves which applicant will bid in each overlapping state and then revise their short-form applications during the application resubmission period, as appropriate, in order to become qualified to bid. However, any affected applicant that has not disclosed a joint bidding arrangement with the other affected applicants will be barred by the Commission's prohibited communications rule from discussing the overlap with any of the other affected applicants. As a result, any affected applicant that cannot discuss and resolve the overlap(s) due to the failure to disclose a joint bidding arrangement will be prohibited from bidding in any states where there is an overlap. Due to the prohibition on certain communications that takes effect as of the short-form application filing deadline, all commonly-controlled entities must have entered into any joint bidding arrangements prior to the short-form filing deadline and disclosed them in their applications to be able to take advantage of the exception afforded by the Commission's rules. By taking these steps, commonly-controlled entities could discuss and jointly resolve any state overlaps identified by Commission staff. After the application resubmission period has ended, the Bureaus would inform each applicant about how it can find out the states in which it is eligible to bid, and the bidding system would permit an applicant to place bids only in those states.

21. The Commission seeks comment on this process and whether its proposals efficiently and effectively promote straightforward bidding and safeguard the integrity of the auction.

22. The Commission proposes to have its staff determine, at the short-form application stage and in advance of the start of bidding in the auction, each applicant's eligibility to bid for the performance tier and latency combinations it has selected in its application. The Commission also proposes a standard and a process Commission staff will use in making this determination. Moreover, the Commission proposes requiring each applicant to submit additional high-level operational information in its short-form application to aid Commission staff in making this determination, and for each winning bidder to submit updated and supportive information in its long-form application.

23. In the *Phase II Auction Order,* the Commission concluded that it would accept bids for four performance tiers with varying speed and usage allowances and with respect to each tier would provide for bids at either high or low latency. All bids will be considered simultaneously so that bidders that propose to meet one set of performance standards will compete directly against bidders that propose to meet other performance standards, taking into account the weights adopted by the Commission for each performance tier and latency level. Pursuant to the Commission's rules, each applicant for the Phase II auction must indicate in its short-form application the performance tier and latency combinations for which it intends to bid and the technologies it intends to deploy to meet the relevant public interest obligations. Additionally, each Phase II auction applicant must indicate whether it has at least two years' experience providing a voice, broadband, and/or electric distribution or transmission service and must submit certain financial

information. The Commission's rules also require each applicant to submit any additional information that the Commission may require to establish its eligibility for the weights associated with the applicant's selected performance tier and latency combinations.

24. Requiring a potential bidder to submit evidence in its short-form application that it can meet the service requirements associated with the performance tier and latency combinations for which it intends to bid will help safeguard consumers from situations where bidders that are unable to meet the specified service requirements divert support from bidders that can meet the service requirements. Accordingly, the Commission seeks to collect sufficient operational information in the short-form application regarding an applicant's experience providing voice, broadband, and/or electric distribution or transmission service and its plans for provisioning service if awarded support to assess a bidder's technical qualifications to bid for specific performance tier and latency combinations. At the same time, the Commission wants to minimize the burden on applicants and Commission staff.

25. The Commission intends to use the short-form application to assess the likelihood that an applicant will default if selected as a winning bidder. If the applicant becomes qualified to bid in the Phase II auction and subsequently becomes a winning bidder, Commission staff will evaluate the information submitted in the long-form application and will rely on the applicant's letter of credit to determine whether an applicant is capable of meeting its Phase II auction obligations in the specific areas where it has been selected as a winning bidder. Accordingly, a determination at the short-form stage that an applicant is eligible to bid for a performance tier and latency combination would not preclude a determination at the long-form application stage that an applicant does not meet the technical qualifications for the performance tier and latency combination and thus will not be authorized to receive Phase II support. In addition, the Commission's adoption of certain non-compliance measures in the event of default—both before a winning bidder is authorized for support and if a winning bidder does not fulfill its Phase II obligations after it has been authorized—should encourage each applicant to select performance tier and latency combinations with public interest obligations that it can reasonably expect to meet. With these considerations in mind, the Commission describes its proposals: (1) For what information and showing each applicant must submit to establish its qualifications for the performance tier and latency combinations it has selected on its application, (2) for the process Commission staff would use to determine whether an applicant is eligible to bid on those combination(s), and (3) not to adopt any additional non-compliance measures for this process beyond those adopted in the *Phase II Auction Order.*

26. The Commission proposes to collect high-level operational information from each applicant to complete its operational showing and enable Commission staff to determine whether the applicant is expected to be reasonably capable of meeting the public interest obligations (*e.g.,* speed, usage, latency, and build-out milestones) for each performance tier and latency combination that it selected in its application. As noted above, each applicant seeking to participate in the Phase II auction is required to make certain certifications in its short-form application, including a certification that it is technically qualified to meet the public interest obligations in each tier and in each area for which it seeks support, and a certification regarding its experience in providing voice, broadband, and/or electric distribution or transmission service. The Commission's rules also require an applicant to submit certain information in its short-form application in connection with those certifications.

27. The Commission proposes making such determinations on a state-by-state basis. Accordingly, for each selected performance tier and latency combination, an applicant will be required to demonstrate how it intends to provision service if awarded support and that it is reasonably capable of meeting the relevant public interest obligations for each state it selects. Some parties have suggested in the Phase II proceeding that the Commission should only require additional information from, and conduct an eligibility review for, applicants that select certain performance tier and latency combinations. Instead, to reduce the risk of defaults, the Commission proposes to evaluate all combinations selected by each applicant to determine its eligibility to bid for any such combination.

28. Specifically, the Commission proposes to require each applicant to answer the questions listed in the following Proposed Auction 903 Short-Form Application Operational Questions for each state it selects in its application. The questions are intended to elicit short, narrative responses from each applicant regarding its experience in providing voice, broadband, and/or electric distribution or transmission service, and the network(s) it intends to use to meet its Phase II public interest obligations. The questions are designed to confirm that each applicant has developed a preliminary design or business case for meeting the public interest obligations for its selected performance tier and latency combinations. They ask the applicant to identify the information it could make available to support the assertions in its application. Because the Commission expects that applicants will have already started planning to be ready to deploy the required voice and broadband services upon authorization of Phase II support, the Commission does not anticipate that it will be unduly burdensome to respond to these questions. The Commission seeks comment on the specific questions it proposes and ask whether there are other questions the Commission should include.

29. The Commission also seeks comment on the assumptions an applicant will need to make about network usage and subscription rates when determining whether it can meet the public interest obligations for its selected performance tier and latency combination(s). For example, the Commission's rules require that each winning bidder provide in its long-form application a certification by a professional engineer that the applicant's proposed network can deliver the required service to at least 95 percent of the required number of locations. The Commission seeks comment on the suggestion by some parties that an applicant be required to demonstrate that its network could be engineered to deliver the required service to every location in the relevant census blocks. The Commission also seeks comment on whether it should require each service provider to assume a subscription rate of at least 70 percent for voice services, broadband services, or both when determining whether it can meet the public interest obligations for its selected performance tiers and latency combinations. This subscription rate is consistent with the assumptions made in the Connect America Cost Model (CAM) when calculating the amount of support made available. Some parties in the Phase II proceeding have suggested that the Commission should not expect that all end users

passed by a Phase II support recipient will subscribe to a service package at speeds required by the relevant performance tier, or that they will subscribe to the provider's service at all. Does the presumed subscription rate need to change over time to reflect the number of locations that a bidder is able to serve in a given year? For example, if a provider will only have facilities in place in year two to serve 10 percent of the eligible locations in its bid area, should it be required to make its assumptions based on this subscription rate in that year? The Commission also seeks comment on whether it should specify the assumptions an applicant should make concerning per-subscriber data usage to ensure that its network is sufficient to support peak usage busy hour offered load, accounting for the monthly data usage allowance associated with the performance tier(s) the applicant selects in its short-form application. The Commission seeks comment on these issues and on whether it should set any other parameters for assumptions about the network that will be used to meet Phase II obligations.

30. The Commission proposes requiring each applicant that intends to use radiofrequency spectrum to submit certain types of information regarding the sufficiency of the spectrum to which it has access to aid Commission staff in determining whether the applicant is expected to be reasonably capable of meeting the public interest obligations for each performance tier and latency combination that it selected in its application.

31. The Commission's Phase II auction rules require a short-form applicant that plans to use radiofrequency spectrum to demonstrate that it has (i) the proper spectrum use authorizations, if applicable; (ii) access to operate on the spectrum it intends to use; and (iii) sufficient spectrum resources to cover peak network usage and meet the minimum performance requirements to serve the fixed locations in eligible areas. Consistent with the Commission's approach in the Mobility Fund Phase I auction, for the described spectrum access to be sufficient as of the date of the short-form application, the applicant must have obtained any necessary approvals from the Commission for the spectrum, if applicable, subject to the earth station license exception for satellite providers described below. The Phase II auction short-form rules also require an applicant to certify that it will retain such authorizations for 10 years.

32. A number of parties sought clarification on how an applicant can demonstrate that it has access to sufficient spectrum resources. The Commission proposes that an applicant (i) identify the spectrum band(s) it will use for last mile, backhaul, and any other parts of the network; (ii) describe the total amount of uplink and downlink bandwidth (in megahertz) that it has access to in such spectrum band(s) for last mile; (iii) describe the authorizations it has obtained to operate in the spectrum, if applicable; and (iv) list the call signs and/or application file numbers associated with its spectrum authorizations. This spectrum information, combined with the operational and financial information submitted in the short-form application, will allow Commission staff to determine whether an applicant has sufficient spectrum resources and is expected to be reasonably capable of meeting the public interest obligations required by its selected performance tier and latency combination(s).

33. In the following Proposed Auction 903 Spectrum Chart, the Commission identifies the spectrum bands that it anticipates could be used for the last mile to meet Phase II obligations and indicates whether the spectrum bands are licensed or unlicensed. The Commission seeks comment on whether the individual bands—or, in some cases, the blocks within them, individually or in combination with each other—provide sufficient uplink or downlink bandwidth to support the wireless technologies that a provider may use to meet the Phase II obligations. In addition to the amount of bandwidth, should Commission staff consider the differences between licensed and unlicensed spectrum, or the differences between upper band and lower band frequencies when evaluating whether an applicant has sufficient spectrum resources? Are there other spectrum bands that can offer sufficient uplink or downlink bandwidth—individually or in combination—to meet the various performance tier and latency combination qualifications? If so, what last mile technologies and corresponding last mile network architecture can be used in those spectrum bands?

34. The Commission also proposes requiring any applicant that intends to provide service using satellite technology to identify in its short-form application any space station licenses it intends to use in the areas where it intends to bid. The Commission expects that this information, coupled with the additional operational information it will collect in the short-form application, will be sufficient to enable the Commission to assess whether satellite providers have the required authorizations and adequate access to spectrum. Some parties have suggested in the Phase II proceeding that each satellite provider should also be required to demonstrate that it has obtained earth station licenses for the terminals it will use to communicate with satellites. But satellite providers must bring their earth stations into operation within one year of obtaining a license, and may not be ready to do so within a year of the short-form application deadline. Because the first Phase II auction interim milestone is not until the end of the third year of support and the final milestone is not until the end of the sixth year of support, a satellite provider could obtain an earth station license during the support term and still meet its obligations. Nevertheless, the Commission would expect that each satellite provider would describe in its short-form application its expected timing for applying for earth station licenses.

35. In addition to information provided in a short-form application, the Commission proposes to allow its staff to consider any information that a provider has submitted to the Commission in other contexts when determining whether a service provider is reasonably capable of meeting the public interest obligations for its selected performance tier and latency combinations. This other information would include information submitted to the Commission in other contexts—including data reported in FCC Form 477 Local Telephone Competition and Broadband Report (FCC Form 477), FCC Form 481 Carrier Annual Reporting Data Collection Form (FCC Form 481), FCC Form 499–A Annual Telecommunications Reporting Worksheet (FCC Form 499–A)—and any public information. For example, Commission staff may consider whether an applicant already offers service that meets the public interest obligations associated with its selected performance tier and latency combinations and the number of subscribers to that service.

36. To facilitate Commission staff's collection and review of data provided to the Commission by applicants outside the Phase II auction short-form application process, the Commission proposes to collect information in the short-form application about the unique identifiers a provider uses to submit other data to the Commission.

37. Specifically, the Commission proposes to collect in the short-form application any FCC Registration Numbers (FRNs) that an applicant or its parent company—and in the case of a holding company applicant, its

operating companies—have used to submit their FCC Form 477 data for the past two years. By collecting the FRNs that an applicant has used to submit FCC Form 477, Commission staff will be able to cross-reference FCC Form 477 data that an applicant has filed for the past two years.

38. Data on where a service provider offers voice and broadband service, the number of subscribers to its voice and broadband services, and the broadband speeds it offers would provide insight into an applicant's experience in providing voice or broadband service. This information could help Commission staff determine whether an applicant can reasonably be expected to meet the public interest obligations associated with the performance tier and latency combinations it has selected in its application. The Commission expects that it would generally be sufficient to review FCC Form 477 data from only the past two years because those data would reflect the services that the applicant is currently offering or recently offered, and would illustrate the extent to which an applicant was able to scale its network in the recent past.

39. The Commission proposes to collect in the short-form application any study area codes (SAC) associated with an applicant (or its parent company) that indicates it is an existing ETC. In the case of a holding company applicant, the Commission proposes collecting the SACs of its operating companies. An applicant is required by the Commission's Phase II short-form application rules to disclose its status as an ETC if applicable. By identifying its SACs, an applicant will be disclosing its status as an existing ETC. As noted above, an applicant need not have obtained an ETC designation in the areas where it seeks Phase II support until after it is named as the winning bidder in those areas. The Commission proposes to collect these SACs even if the relevant entity is not an ETC in the areas where the applicant intends to bid. ETCs also file their annual reports on their FCC Form 481 for each of their SACs. Collecting the SACs associated with every applicant (if applicable) will allow Commission staff to easily cross-reference the Form 481 data filed by the applicant or its parent company, or in the case of a holding company applicant, the Form 481 data filed by its operating companies. An ETC is required to file FCC Form 481 data and certifications regarding its compliance with existing ETC obligations. Being able to review an ETC's past compliance with its ETC obligations will be useful for determining whether an applicant is reasonably capable of meeting the relevant Phase II obligations.

40. Finally, the Commission proposes to collect in the short-form application any FCC Form 499 filer identification numbers that the applicant or its parent company, and in the case of a holding company, its operating companies, have used to file an FCC Form 499–A in the past year, if applicable. Subject to some exceptions, the Commission requires telecommunications carriers and certain other providers of telecommunications (including VoIP providers) to report on an annual basis in FCC Form 499–A certain revenues from the prior year for a number of purposes, including for purposes of calculating contributions to the Universal Service Fund and the Telecommunications Relay Services Fund, the administration of the North American Numbering Plan, for shared costs of the local number portability administration, and for calculating and assessing Interstate Telecommunications Service Provider regulatory fees. By collecting the relevant FCC Form 499 filer identification numbers, Commission staff would be able to easily cross-reference the most recent FCC Form 499–A filed by the applicant and obtain the revenue data therein, which could be useful in assessing the financial qualifications of the applicant.

41. Because the Commission expects each applicant already keeps track of its identifiers to meet various regulatory obligations, the Commission does not anticipate that requiring these identifiers to be provided in the short-form application would be unduly burdensome for Phase II auction applicants. The Commission seeks comment on its proposed collection and use of these various identifiers, and on whether there are other ways Commission staff can leverage data that are already reported to the Commission to assess the qualifications of Phase II applicants.

42. To streamline the review of short-form applications, the Commission proposes to preclude an applicant that intends to use certain technologies from selecting certain performance tier and latency combinations that are inconsistent with those technologies. For example, the Commission proposes to prohibit satellite providers from selecting low latency in combination with any of the performance tiers. As satellite providers have acknowledged, they cannot meet the low latency requirement that 95 percent or more of all peak period measurements of network round trip latency are at or below 100 milliseconds due to the limitations of geostationary spacecraft. Moreover, based on the record and publicly available Form 477 data, the Commission is not convinced that a satellite provider would be able to persuade the Commission staff that the provider is reasonably capable of offering broadband at speeds of 1 Gbps downstream/500 Mbps upstream and 2 TB of monthly data to consumers by the first interim build-out milestone. No satellite provider reports offering broadband speeds in excess of 25 Mbps downstream in FCC Form 477 data (as of June 30, 2016), and ViaSat reports that it is the first satellite provider to offer a 150 GB monthly data allowance. While ViaSat claims that it is deploying networks that will be capable of offering speeds of at least 100 Mbps in the near term, the record lacks specificity on whether or when satellite providers would be able to offer 1 Gbps/500 Mbps speeds and a minimum monthly 2 TB data usage allowance to U.S. consumers.

43. While a certain technology may eventually be able to meet the public interest obligations required by certain performance tier and latency combinations, it may not serve the public interest to award Phase II support for such a technology at this time based on possible future technological advances. Should applicants be limited to bidding on performance tier and latency combinations that they or similar providers are currently offering? Specifically, what combination of technologies, performance tiers, and latency levels should the Commission prohibit?

44. The Commission seeks comment on the above proposals for determining an applicant's eligibility to bid on the performance tier and latency combination(s) selected in its short-form application. A party submitting alternative proposals should explain how its proposal appropriately balances the Commission's objective of assessing an applicant's capability to meet the Phase II obligations with its intent not to impose undue costs on applicants or the Commission.

45. The Commission proposes that its staff review the information submitted by an applicant in its short-form application and any other relevant information available to staff to determine whether the applicant has planned how it would provide service if awarded support and is therefore expected to be reasonably capable of meeting the public interest obligations for its selected performance tier and latency combinations in its selected states. The Commission proposes that if staff finds that an applicant is reasonably expected to be capable of meeting the relevant public interest

obligations in a state, the applicant would be eligible to bid for its selected performance tier and latency combinations in that state.

46. If Commission staff, in its initial review, is unable to find that an applicant can reasonably be expected to meet the relevant public interest obligations based on the information submitted in its short-form application, the Bureaus would deem the application incomplete, and the applicant would have another opportunity during the application resubmission period to submit additional information to demonstrate that it meets this standard. The Bureaus would notify the applicant that additional information is required to assess the applicant's eligibility to bid for any or all of the specific states and performance tier and latency combinations selected in its short-form application. During the application resubmission period, an applicant would be able to submit additional information to establish its eligibility to bid for the relevant performance tier and latency combinations. An applicant would also have the option of selecting a lesser performance tier and latency combination for which it might be more likely to be technically qualified. The Commission would consider these to be permissible minor modifications of the short-form application. Once the application resubmission period has ended, the Bureaus would make their final determination of an applicant's eligibility to bid for any or all of the specific states and performance tier and latency combinations selected in its application, and then notify each applicant in which states and for which performance tier and latency combinations it is eligible to bid. The bidding system will be configured to permit a bidder to bid only in the state(s) and for the performance tier and latency combinations on which it is eligible to bid. The Commission seeks comment on this proposed process.

47. The Commission proposes not to adopt any specific measures or remedies related to an applicant's representations in its short-form or long-form applications of its capabilities with respect to the performance tier and latency combination(s) for which it seeks to be eligible to bid. First, the Commission expects that its Phase II auction default rules and the measures adopted by the Commission relating to an authorized recipient that does not meet its obligations will impress upon each applicant the importance of both ensuring that it can meet the technical qualifications associated with each performance tier and latency combination for which it is eligible to bid and submitting documentation that accurately reflects its capabilities. Second, to the extent documentation may be falsified, the Commission has broad discretion to impose additional non-compliance measures on a defaulting winning bidder, including disqualifying that entity from future universal service competitive bidding. Finally, each applicant is required to declare, under the penalty of perjury, that the information in its short-form and long-form applications is true and correct. The Commission believes these collective measures provide adequate incentives for an applicant to submit truthful and accurate evidence of its technical qualifications. The Commission seeks comment on this analysis. To the extent commenters believe that additional measures may be needed to ensure that Commission staff receive accurate information, they should explain why the current non-compliance scheme is inadequate and describe with specificity the additional non-compliance measures that they propose.

48. In addition to the audited financial statements that certain applicants are already required to provide at the short-form stage to establish their financial qualifications to provide broadband service, the Commission proposes to require all applicants to submit financial statements. The Commission also proposes to require applicants to identify and report certain specific information from their financial statements on the short-form application.

49. In the *Phase II Auction Order,* the Commission required each applicant for the Phase II auction to certify its financial capabilities to provide the required services within the specified timeframe in the geographic areas for which it seeks support. In addition, an applicant certifying that it has provided voice, broadband, and/or electric transmission or distribution services for at least two years must submit audited financial statements from the prior fiscal year, including balance sheets, and statements of net income and cash flow, unless it has not obtained an audit of financial statements in the ordinary course of business. If the applicant cannot make that certification, it must submit (1) audited financial statements for the three most recent consecutive fiscal years, including balance sheets, and statements of net income, and cash flow, and (2) a letter of interest from a qualified bank with terms acceptable to the Commission that the bank would provide a letter of credit to the bidder if the bidder were selected for support of a certain dollar magnitude. The Commission seeks comment on whether it should also require applicants submitting audited financial statements to identify and report certain specific information from their most recent financial statements on the short-form application to facilitate the Commission's review of their financial capabilities.

50. In the *Phase II Auction Order,* the Commission permitted an applicant certifying that it has provided voice, broadband, and/or electric transmission or distribution services for at least two years, but that is not audited in the ordinary course of business to wait until after it is announced as a winning bidder to submit audited financial statements. Such an applicant must certify that it will submit the prior fiscal year's audited financial statements by the deadline during the long-form application process. The Commission seeks comment on whether it should require these applicants to submit unaudited financial statements with the short-form application and to identify and report the same information in the short-form application as an applicant that submits audited financial statements.

51. Based on the Commission's experience with the rural broadband experiments, it proposes that Commission staff use criteria similar to those used there in evaluating the financial statements of those applications, including a five-point scale described below. Specifically, the Commission proposes to require an applicant to respond to one financial question and submit four financial metrics. An applicant could receive one point for each of the five areas, and those points would be summed as shown in the table below. The five-point scale should help Commission staff evaluate, quickly and efficiently, an applicant's financial qualifications, and it would expect an applicant with a score of at least three points to be financially qualified to bid in the auction. An applicant with a score of less than three points or a score of zero for the ratio of current assets to current liabilities and total equity divided by total capital would warrant a more in-depth review of the full set of financial statements submitted with the short-form application, as well as other information, to determine whether the applicant is qualified to bid in the Phase II auction.

52. Specifically, the short-form application would ask an applicant whether, to the extent that its prior year-end financial statements were audited, it had received an unmodified, non-

qualified opinion from the auditor; an applicant would receive one point for a ''yes'' answer. Each applicant would also enter the following metrics from its prior year-end financial statements: (1) Latest operating margins (*i.e.,* operating revenue less operating expenses), where an operating margin greater than zero receives one point; (2) time interest earned ratio (TIER), where TIER ((net income plus interest expense)/interest expense) greater than or equal to 1.25 would receive one point; (3) current ratio (*i.e.,* current assets divided by current liabilities), where a ratio greater than or equal to 2 would receive one point; and (4) total equity divided by total capital, where a result greater or equal to 0.5 would receive one point. This scoring methodology is summarized in the chart below:

If the applicant has audited financial statements, did it receive an unmodified (non-qualified) opinion?	Yes	+1
Operating margin	>0	+1
Times Interest Earned Ratio (TIER)	>=1.25	+1
Ratio current assets/current liabilities	>=2	+1
Total equity/total capital (total equity plus total liabilities)	>=0.5	+1

53. The Commission proposes common and simple financial metrics to evaluate the financial position of the types of applicants that it anticipates will seek to participate in the auction. The question regarding an applicant's audit opinion measures both the applicant's financial condition and operations. The metric for operating margin measures core profitability, and the metrics for current ratio and ratio of equity to capital measure the applicant's short- and long-term financial condition, respectively. TIER measures the ability to pay the interest on outstanding debt. The Commission seeks comment on these five evaluative criteria. Are there additional metrics that the Commission should consider that are both common and simple and can be used to analyze the financial qualifications of auction applicants?

54. The Commission staff's determination at the short-form stage that an applicant is financially qualified to bid would not preclude a determination at the long-form application review stage that an applicant is not authorized to receive Phase II support. The Commission's rules require that during the long-form application stage a winning bidder: (1) Certify that it will have available funds for all project costs that exceed the amount of Phase II support for the first two years, (2) submit a description of how the required construction will be funded, and (3) obtain a letter of credit.

55. The Commission proposes requiring an applicant to certify that it has performed due diligence concerning its potential participation in the Phase II auction. Specifically, the Commission proposes that each applicant make the following certification in its application under penalty of perjury:

The applicant acknowledges that it has sole responsibility for investigating and evaluating all technical and marketplace factors that may have a bearing on the level of Connect America Fund Phase II support it submits as a bid, and that, if the applicant wins support, it will be able to build and operate facilities in accordance with the Connect America Fund obligations and the Commission's rules generally.

56. This proposed certification will help ensure that each applicant acknowledges and accepts responsibility for its bids and any forfeitures imposed in the event of default, and that the applicant will not attempt to place responsibility for the consequences of its bidding activity on either the Commission or third parties. The Commission seeks comment on this proposal.

57. The Commission proposes to require each winning bidder to submit certain information in its long-form application to aid the Commission staff in evaluating whether the winning bidder is technically and financially qualified to meet the relevant Phase II public interest obligations in the areas where it was awarded support. As required by the Commission's rules, a winning bidder must also provide in its long-form application more in-depth information regarding the networks it intends to use to meet its Phase II obligations and how it intends to fund such networks. Among other things, the Commission proposes to require each applicant to provide in its long-form application any updates to its spectrum authorizations or spectrum access and to certify in its long-form application that it will retain access to the spectrum for at least 10 years from the date of the funding authorization. Requiring this information in the long-form application will provide the Commission with additional assurance that a winning bidder intends to retain appropriate access to spectrum, particularly if any changes identified in the long-form application were not certified to in the short-form application. The Commission expects to provide guidance in a future public notice regarding the specific types of information that each winning bidder will be required to submit in its long-form application to support its operational assertions in the short-form application.

IV. Auction Reserve Prices

58. The Commission proposes that the reserve price for each census block group will be the sum of the support amounts calculated for each eligible census block in that census block group, subject to the cap on extremely high-cost locations. For all census blocks with average costs above the funding threshold but below the extremely high-cost threshold (*i.e.,* high-cost census blocks), the Commission proposes to set a reserve price based on the support per-location calculated by the CAM for that census block. This would ensure that no high-cost census block will receive more Connect America Fund Phase II support than the CAM calculates is necessary for deploying and operating a voice and broadband-capable network in that census block.

59. Under the Commission's rules on competitive bidding for high-cost universal service support, the Commission has the discretion to establish maximum acceptable per-unit bid amounts and reserve amounts, separate and apart from any maximum opening bids. In the *Phase II Auction Order,* the Commission decided that bids in excess of a reserve price set using the CAM will not be accepted, and that winning bidders generally would be those that accept the lowest percentages of the reserve price for the areas for which they bid. Assigned support amounts would take into account the performance tiers and latencies specified in the winning bids. The Commission also decided to cap the amount of support per location provided to extremely high-cost census blocks.

60. For census blocks with average costs that exceed the extremely high-cost threshold, the Commission proposes imposing a $146.10 per-location-per-month funding cap so that the reserve price will be equal to $146.10 multiplied by the number of

locations in that census block as determined by the CAM. This cap would be calculated by starting with the extremely high-cost benchmark of $198.60 and subtracting the funding threshold of $52.50 that WCB determined could reasonably be recovered through end-user charges. This approach would help ensure that Phase II auction support is not unreasonably skewed toward areas that the Commission has deemed the most expensive to serve and the most remote. These areas also tend to be sparsely populated. If the Commission were to allocate all the available Connect America Fund support to areas where few consumers live, it would leave many consumers unserved. In circumstances where bidders can make a business case to serve these extremely high-cost areas with support at or below the capped amount, they would be able to bid for support in these areas. To the extent bidders cannot, the census blocks would not receive bids, and thus would remain eligible for the Remote Areas Fund auction if they continue to be unserved.

61. Finally, for administrative simplicity, the Commission proposes to round the reserve prices for each census block group to the nearest dollar. Because auction participants will place bids for annual support amounts, the Commission proposes to multiply the monthly reserve price for a census block group by 12 and then perform the rounding. As a simplified example, if an annual reserve price for a census block group is $15,000.49, the reserve price would be rounded down to $15,000; and if a reserve price is $15,000.50, the reserve price would be rounded up to $15,001. Thus, any census block group that has a reserve price of less than $0.50 would be ineligible for the Phase II auction.

62. When it released the preliminarily eligible census block list in August 2016 based on the June 30, 2015 FCC Form 477 data, WCB included the annual CAM-calculated support amounts for the high-cost census blocks and capped the CAM-calculated support amount at $146.10 per location-per-month for extremely high-cost census blocks. That list is available at *https://apps.fcc.gov/edocs_public/attachmatch/DA-16-908A1_Rcd.pdf.* Commenters can refer to this list and round the annual support amounts to the nearest dollar for each census block group to see approximate reserve prices for these areas based on the Commission's proposed methodology. To be clear, the list is intended to be illustrative for purposes of showing *potential* reserve prices and preliminary eligible areas, and parties should not assume that support ultimately will be made available in all the areas listed. For example, the census blocks located in New York will be removed from the final list because they are no longer eligible for the Phase II auction due to the Commission's decision to allocate up to $170.4 million dollars in partnership with New York's New NY Broadband program in eligible census blocks. In addition, WCB will update the eligible census block list to reflect publicly available Form 477 data and may further modify the list in light of the public notice that WCB recently released seeking comment on certain census blocks. A final list of eligible census blocks will be released at least three months prior to the short-form application filing deadline.

63. The Commission seeks comment on these proposals and on any other proposed methodology for calculating reserve prices using the Connect America Cost Model.

V. Proposed Bidding Procedures

64. The Commission proposes to use a descending clock auction to identify the providers that will be eligible to receive Phase II support and to establish the amount of support that each bidder will be eligible to receive using a ''second-price'' rule, subject to post-auction application review. In the *Phase II Auction FNPRM Order,* 82 FR 14466, March 21, 2017, the Commission decided that bids for different areas at specified performance tier and latency levels will be compared to each other based on the percentage each bid represents of their respective areas' reserve prices. In the sections below, the Commission discusses and seeks comment on the details of the proposed auction format and procedures. As directed by the Commission, the Bureaus also compiled and released a guide that provides further technical and mathematical detail regarding the bidding, assignment, and support amount determination procedures proposed here, as well as examples for potential bidders. In addition, the Commission seeks comment on what types of additional information (*e.g.,* fact sheets and user guides) it could make available to help educate parties that have never participated in a Commission auction. The Commission also seeks comment on whether the Bureaus should use the Commission's Office of Communications Business Opportunities to engage with small providers interested in the auction process.

65. The Bureaus will conduct the Phase II auction over the Internet, and bidders will upload bids in a specified file format for processing by the bidding system. The Commission proposes that the bidding system announce a base clock percentage before each round. The base clock percentage is used to delimit the acceptable prices in each round of the auction and as a common unit to compare bids for different performance tiers and latencies. The round's base clock percentage implies an annual support amount for a given area at the performance tier and latency combination specified in a bid using the formula determined in the *Phase II Auction FNPRM Order.*

66. The base clock percentage begins at a high level, implying a support amount that is equal to or close to the full reserve price, and which descends from one round to the next. In a round, a bidder can submit a bid for a given area at a performance tier and latency combination at any percentage that is greater than or equal to the round's base clock percentage and less than the previous round's base clock percentage. A bid indicates that the bidder is willing to provide service to the area that meets the specified performance tier and latency requirements in exchange for support that is no less than the support amount implied by the bid percentage.

67. The base clock percentage will continue to descend in a series of bidding rounds, implying diminishing support amounts, until the aggregate amount of support represented by the bids placed in a round at the base clock percentage is no greater than the budget. At that point, when the budget ''clears,'' the bidding system will assign support to current bidders in areas where there are not competing bids from two or more bidders to provide service. Bidding will continue, however, for areas where there are competing bids, and the clock will continue to descend in subsequent rounds. When there is no longer competition for any area, the auction will end. A winning bidder may receive support in amounts at least as high, because of the second-price rule, as the support amounts corresponding to their bid percentages.

68. The Commission proposes that the Phase II descending clock auction will consist of sequential bidding rounds according to an announced schedule providing the start time and closing time of each bidding round. As is typical for Commission auctions, the Commission proposes to retain the discretion to change the bidding schedule—with advance notice to bidders—in order to foster an auction pace that reasonably balances speed with giving bidders sufficient time to study round results and adjust their bidding strategies. Under this proposal,

the Bureaus may modify the amount of time for bidding rounds, the amount of time between rounds, or the number of rounds per day, depending on bidding activity and other factors. The Commission seeks comment on this proposal. Commenters suggesting alternatives to this proposal should address any other means the Commission should use to manage the auction pace.

69. The Commission proposes that under its descending clock auction format, the base clock will be denominated in terms of a percentage, which will be decremented for each round. To determine the annual support amount implied at each percentage, the percentage will be adjusted for the weights for each performance tier and latency combination for which bids will be accepted, and an area-specific reserve price, as in the formula set forth below. This proposed approach is consistent with previous Commission decisions regarding the Phase II auction.

70. In the *Phase II Auction Order,* the Commission concluded that it would accept bids for four performance tiers with varying speed and usage allowances and, for each performance tier, would provide for bids at either high or low latency. The Commission further decided to consider all bids simultaneously so that bidders proposing varying performance standards would be competing directly against each other for the limited Phase II budget. In addition, the Commission decided that bidders would bid for support expressed as a fraction of an area's reserve price and declined to adopt an approach that would conduct bidding on a dollar per location basis.

71. In the *Phase II Auction FNPRM Order,* the Commission adopted weights to compare bids for the performance tiers and latency combinations adopted in the *Phase II Auction Order.* The Commission determined that Minimum performance tier bids will have a 65 weight; Baseline performance tier bids will have a 45 weight; Above Baseline performance tier bids will have a 15 weight; and Gigabit performance tier bids will have zero weight. Moreover, high latency bids will have a 25 weight and low latency bids will have zero weight added to their respective performance tier weight. The lowest possible weight for a performance tier and latency combination is 0, and the highest possible weight is 90. Each weight uniquely defines a performance tier and latency combination, as shown in the table below.

WEIGHTS FOR PERFORMANCE TIERS AND LATENCIES

Minimum		Baseline		Above baseline		Gigabit	
High latency	Low latency	High latency	Low latency	High latency	Low latency	High latency	Low latency
90	65	70	45	40	15	25	0

The Commission's proposal for a clock auction format with a base clock percentage and weights for performance tier and latency combinations implements these Commission decisions and provides a simple way to compare bids of multiple types. The Commission seeks comment on this proposal.

72. The Commission proposes that the base clock percentage in each round will imply a total amount of annual support in dollars for each area available for bidding, based on the performance tier and latency (''T+L'') combination specified in the bid. The annual support amount implied at the base clock percentage will be the smaller of the reserve price and the annual support amount obtained by using a formula that incorporates the performance tier and latency weights. Specifically:

Implied Annual Support Amount (at the base clock percentage) =

$$\min\left\{R, \left(\frac{BC-(T+L)}{100}\right)R\right\}$$

Where:

R denotes the area's reserve price
T denotes the tier weight
L denotes the latency weight
BC denotes the base clock percentage

73. Because the highest implied support amount can never exceed an area's reserve price, when the base clock percentage is greater than 100, the total implied annual support for lower weighted performance tier and latency combinations may remain at an area's reserve price for one or more rounds, while the total implied annual support of one or more higher weighted performance tier and latency combinations may be lower than an area's reserve price. When the base clock percentage is decremented below 100, the total implied annual support for all area, performance tier and latency combinations will be below the areas' respective reserve prices.

74. The formula above (the ''implied support formula'') can be used to determine the implied support at any price point percentage by substituting a given percentage for the base clock percentage.

75. The Commission proposes that, in each round, a bidder may place a bid at any price point percentage equal to or greater than the base clock percentage and strictly less than the previous round's base clock percentage, specified up to two decimal places. This proposal will reduce the likelihood of ties and allow bids to correspond to smaller increments in annual support amounts. The Commission seeks comment on this proposal.

76. The Commission proposes that bids must imply a support amount that is one percent or more of an area's reserve price to be acceptable. For a given performance tier and latency combination, when the price point percentage equals T+L, the formula implies that the annual support amount is zero. When the price point percentage equals T+L+1, the formula implies an annual support amount that is one percent of the area's reserve price. Hence, a bid must be at least T+L+1 to be accepted by the bidding system. The Commission seeks comment on this proposal.

77. The Commission anticipates that the ability to submit bids at price points other than the base clock percentage, as proposed, will be especially useful to a bidder when the lowest support amount it will accept for an area corresponds to a percentage between the base clock percentages for two consecutive rounds. In such a case, the proposed option will allow the bidder to more precisely indicate the point at which it wishes to drop out of bidding for the area. In contrast, a bidder still willing to accept a support amount equal to or less than that implied by the base clock percentage will simply bid at the base clock percentage. In rounds before the budget clears, a bidder may bid at an intermediate price point in one round and then bid again for the same area in a subsequent round, but its ability to do so is limited. In rounds after the budget clears, no area switching is permitted.

78. The Commission proposes that the minimum geographic area for bidding will be a census block group. A bid for

a census block group is a bid for support for the eligible census blocks within that census block group.

79. To simplify the bidding process, ensure manageable bid processing, and promote straightforward bidding, the Commission proposes for Auction 903 to allow a bidder to place only one bid on a given geographic area in a round, whether that area is bid on singly or included in a package bid. The Commission proposes to extend this restriction on a bidder placing overlapping area bids in a round to also apply to multiple bidders that are able to coordinate their bidding, which includes commonly-controlled bidders and bidders subject to joint bidding arrangements. The Commission anticipates that the restriction on overlapping bids by a single bidder will simplify bid strategies for bidders and eliminates the need for the auction system to use mathematical optimization to consider multiple ways to assign winning bids to a bidder, thus simplifying bid processing. The restriction on overlapping bids by multiple bidders able to coordinate their bidding should promote straightforward bidding by eliminating the possibility that separate bidders may coordinate their bids in ways that may disadvantage other bidders in the auction.

80. To implement the restriction on bids by a single bidder, the Commission proposes that the bidding system not accept multiple bids by a bidder in a round that include the same area. To implement the restriction on multiple bidders that are able to coordinate their bidding, the Commission proposes to restrict the ability of such applicants to select the same state during the pre-auction application process, as discussed above. Specifically, the Commission's proposed application procedures require that commonly-controlled applicants or applicants subject to joint bidding arrangements not select on their applications any of the same states but instead resolve any overlapping state bidding interests prior to becoming qualified to participate in the auction. The Commission seeks comment on this proposal.

81. A bid is an offer to serve the locations in eligible census blocks within the indicated census block group at the indicated performance tier and latency combination for a total annual amount of support that is not less than the implied annual support at the price point percentage specified by the bidder and not more than the reserve price. In each round, a bid for a single available census block group with reserve price R consists of three pieces: A performance tier weight, T, latency weight, L, and a price point that is a percentage not less than the current round's base clock percentage and less than the previous round's base clock percentage. For a given round, a census block group can be included in at most one bid—whether a bid on a single census block group or a package bid on multiple census block groups—made by a bidder, and a bidder can only bid on census block groups that are in states that the bidder selected on its application. If a bidder wants to know the annual support amount implied by its bid percentage, the bidder can calculate the implied annual support, by taking the smaller of the reserve price R and the annual support calculated according to the implied support formula.

82. Before the budget has cleared, a bidder may change the performance tier and latency combination in any of its bids from the previous round, provided the bidder qualified for the performance tier and latency combination for the state at the application stage.

83. The Commission proposes package bidding procedures that will give bidders the option to place bids to serve a bidder-specified list of census block groups, with corresponding bid processing procedures that may assign fewer than the full list of areas to the bidder as long as the funding associated with the assigned areas is at least equal to a bidder-specified percentage of the funding requested for the complete list of areas. The Commission proposes to allow a bidder to specify a package bid by providing a list of census block groups, a performance tier and latency combination for each census block group in the list, a single price point for the list, and a minimum scale percentage for the package. The minimum scale percentage must be no higher than a maximum value defined by the Commission, which will be less than 100 percent. Thus, a package bid is an offer by the bidder to serve any subset of areas in the list at the support amount implied at the bid percentage, provided that the ratio of the total implied support of the subset to the total implied support of the list meets or exceeds the bidder-defined minimum scale percentage.

84. The Commission proposes further procedures defining acceptable package bids. The Commission proposes that each census block group in the list may have a different performance tier and latency combination. Every census block group in a package bid must be in the same state. As discussed above, for a given round, a census block group can appear in at most one bid—either a single bid or a package bid—made by a given bidder. A bidder may change the minimum scale percentage in any package bid from round to round. The Commission seeks comment, as well, on whether it should set a limit on the total amount of implied support that may be included in a single package. Limiting packages to the census block groups within a state will impose a *de facto* limit on the total support that may be assigned in a package bid, but the Commission asks whether a limit, lower than the maximum possible state-level amount of support, should also be implemented.

85. The Commission also seeks comment on the appropriate upper limit of the bidder-specified minimum scale percentage. The Commission proposes 80 percent as the Commission-defined maximum of the minimum scale percentage. The Commission proposes to use an upper limit less than 100 percent so that small overlaps in the areas included in package bids do not prevent support from being assigned to a potentially much larger number of areas included in the package bids, which could occur if packages were assigned on an all-or-nothing basis. While an upper limit that is too high will not be effective for this purpose, an upper limit that is too low will hinder bidders' ability to achieve a minimum amount of funding.

86. The proposed package bidding format permits a bidder to choose between a minimum amount of support or no support, guaranteeing that the bidder will not be assigned an amount that does not meet the bidder's specified minimum scale requirement. The Commission seeks comment on the proposed package bidding format. Will this package bidding format facilitate packages that include areas with diverse costs, population densities, and other characteristics? Would the option to submit package bids be useful to both bidders that have small networks and bidders that have large networks?

87. The Commission seeks comment on the possibility of using proxy bidding, which could reduce bidders' need to submit bids manually every bidding round and provide bidders with a safeguard against accidentally failing to submit a bid. With proxy bidding, a bidder could submit instructions for the system to continue to bid automatically for an area with a specified performance tier and latency combination in every round until either the base clock percentage falls below a bidder-specified proxy amount, the bidder intervenes to change its bid, or the area is assigned, whichever happens first. In the auction format the Commission proposes, proxy bidding instructions for

a single area or a package of areas would contain all the information required for these bids, and the specified price point percentage would potentially be valid for multiple rounds, as described below. The Commission proposes that proxy bidding instructions will not be permitted to include instructions for changes to the performance tier and latency combination, to the minimum scale percentage of a package bid, nor to the specified area or areas.

88. Under the Commission's proposal for proxy bidding, during a round, the bidding system will generate a bid at the base clock percentage on behalf of the bidder as long as the percentage specified in the proxy instruction is equal to or below the current base clock percentage. If the proxy percentage exceeds the current base clock percentage but is lower than the prior round's base clock percentage, then the bidding system will generate a bid at the price point percentage of the proxy. These bids would be treated by the auction system in the same way as any other bids placed in the auction. Thus, proxy instructions will remain effective through the round in which the base clock percentage is equal to or less than the proxy percentage. During a bidding round, a bidder may cancel or enter new proxy bidding instructions. Since proxy instructions may expire as the base clock descends, even with proxy bidding, bidders must monitor the progress of the auction to assure that they do not need to cancel or adjust their proxy instructions.

89. The Commission seeks comment on whether to provide for proxy bidding in this way. The Commission also seeks comment on whether the bidding system should alert bidders regarding the status of their proxy instructions (*i.e.,* whether the proxy instructions remain in effect).

90. Under the Commission's proposal, proxy bidding instructions will be treated as confidential information and would not be disclosed to the public at any time after the auction concludes, because they may reveal private cost information that would not otherwise be made public (*e.g.,* if proxy bidding instructions are not fully implemented because the base clock percentage does not fall as low as the specified proxy percentage). However, the amount of support awarded for any assigned bid, regardless of whether it was placed by the bidder or by the bidding system according to proxy bidding instructions, will be publicly disclosed. The Commission seeks comment on these proposals.

91. The Commission proposes to measure a bidder's bidding activity in a round in terms of implied support dollars and to adopt activity rules that prevent a bidder's activity in a round from exceeding its activity in the previous round. Activity rules for bidding are used in multiple round auctions to encourage bidders to express their bidding interests early and sincerely, thus generating reliable information about the level of bidding across the various geographic areas in the auction. Activity rules promote the orderly collection of bids across rounds and limit undesirable strategic bidding behavior such as insincerely switching bids across areas, waiting to bid until everyone else has bid, or suddenly increasing the number of areas for which bids were submitted. Activity rules balance these concerns with allowing bidders some freedom to react to competition and price changes.

92. For this descending clock auction, the Commission proposes that a bidder's activity in a round: (1) Be calculated as the sum of the implied support amounts (calculated at the bid percentage) for all the areas bid for in the round, and (2) not exceed its activity from the previous round. The Commission further proposes that a bidder be limited in its ability to switch to bidding for support in different areas from round to round. Specifically, a bidder's activity in a round from areas that the bidder did not bid on at the previous round's base clock percentage cannot exceed an amount determined by a percentage (the ''switching percentage'') of the bidder's total implied support from bids at the previous round's base clock percentage. The Commission proposes to set this switching percentage at 10 percent initially and to give the Bureaus the discretion to change the switching percentage, with adequate notice, before a round begins.

93. The Commission seeks comment on these proposed activity rules. In addition, the Commission asks for comment on the appropriate size of the switching percentage, and, if it is to be changed across rounds, when and how it should be changed. Will the proposed 10 percent switching percentage allow a bidder sufficient flexibility to react to other bidders' bids from the prior round?

94. Since bidding in rounds after the budget has cleared is limited to bidding to resolve competition among areas for which more than one bidder was willing to accept the base clock percentage in the round when the budget cleared, a bidder's permissible bids after clearing will necessarily satisfy the activity rules, which therefore are no longer constraining. After the budget clears, the Commission proposes that a bidder not be allowed to switch to bidding for different areas or to change the performance tier and latency combination of a bid.

95. The Commission proposes that once a bidding round closes, the bidding system will consider the submitted bids to determine whether an additional round of bidding at a lower base clock percentage is needed to bring the amount of requested support down to a level within the available budget. If the total requested support at the base clock percentage exceeds the budget, another bidding round occurs. In a round in which the amount of overall requested support falls to a level within the budget, bid processing will take the additional steps of assigning support for a given area to the bid at the lowest percentage (as measured by the price point percentage of the bid) and determining support amounts to be paid according to a second-price rule. If there are multiple bids for a given area at the base clock percentage, the bidding system will commence another round of bidding to resolve the competition, and rounds will continue with bidding for these areas at lower base clock percentages until, for each of the contested areas, there is a single low bid. The winning bidder will then be assigned support at the price point percentage of the second lowest bid. Additional details and examples of bid processing are provided in the technical guide released by the Bureaus.

96. As a result of these proposed procedures, the bids that can be assigned under the budget in the round when the budget clears and in any later rounds will determine the areas that will be provided support under Phase II. At most, one bid per area will be assigned support, and as set forth above, the winning bid for an area will generally be the bid made at the lowest percentage. The specifications of that bid, in turn, determine the performance tier and latency combination at which service will be provided to the eligible locations in the area.

97. ViaSat has suggested an alternative approach to assigning winning bids. Instead of ranking bids based strictly on the percentage of the reserve price, ViaSat proposes that the auction system take the number of locations to be covered, as well as performance tier and latency, into account when assigning winning bids. As another party has observed, however, this suggestion conflicts with the Commission's decision not to assign support based on the number of locations covered and therefore is beyond the scope of this Public Notice.

98. The Commission seeks comment generally on its proposed approach to assigning bids and determining support amounts. The Commission asks any commenters supporting an alternative approach to consider the goals of the Commission in the Connect America Fund Phase II proceeding, the decisions made to date on auction design, and how any suggested alternatives would integrate with other aspects of the auction design.

99. The Commission's specific proposals for bid processing procedures fall into three categories: Before, during, and after the round in which the budget clears. The Commission addresses them in order below, after first addressing proposals for the base clock percentage.

100. In each of a series of discrete bidding rounds, a bidder will be offered an amount of support for an area at a specified performance tier and latency combination that is determined by the base clock percentage for the round. By bidding at that base clock percentage, the bidder indicates that it is willing to provide the required service within the bid area in exchange for a payment at least as large as that implied by the base clock percentage. The opening base clock percentage will determine the highest support amount that the bidder will be offered in the auction for a given area and performance tier and latency combination.

101. The Commission proposes to start the base clock percentage at 100 percent of an area's reserve price plus an additional percentage equal to the largest performance tier and latency combination discount that may be submitted by any qualified bidder in the auction. Therefore, if any applicant is qualified to bid to provide service at the Minimum performance tier and high latency—a performance tier and latency combination assigned a weight of 90—the Commission proposes that the base clock percentage will start at 190 percent. Starting the clock at this level will allow bidders at the lower performance tier and latency combinations multiple bidding rounds in which to compete for support simultaneously with bidders offering higher performance tier and latency combinations.

102. The Commission seeks comment on this approach to setting the initial base clock percentage, and request that commenters, in considering the proposal, bear in mind the Commission's previous decisions to: (1) Provide an opportunity for bidders offering different performance standards to compete against each other, and (2) balance this approach with the use of performance scoring weights previously determined by the Commission.

103. The Commission proposes to decrement the base clock percentage by 10 percentage points in each round. However, the Commission also proposes to provide the Bureaus with the discretion to change that amount during the auction if it appears that a lower or higher decrement would better manage the pace of the auction. For example, if bidding is proceeding particularly slowly, the Commission may increase the bid decrement to speed up the auction, recognizing that bidders have the option of bidding at an intra-round price point percentage if the base clock percentage falls to a percentage corresponding to an amount of support that is no longer sufficient. Under this proposal, the Commission would begin the auction with a decrement of 10 percent and limit any further changes to the decrement to between 5 percent and 20 percent.

104. The Commission asks commenters to address proposals to begin the auction with a base clock percentage decrement of 10 percent, with subsequent decrements between 5 and 20 percent. The Commission also seeks comment on circumstances under which it should consider changing the decrement during the auction.

105. Under the Commission's proposed approach to bid processing, after each clock round until the budget has cleared, the bidding system will calculate an ''aggregate cost,'' an estimate of what it would cost to assign support at the base clock percentage to the bids submitted in the round, in order to determine whether the budget will clear in that round. More precisely, the aggregate cost is the sum of the implied support amounts for all the areas receiving bids at the base clock percentage for the round, evaluated at the base clock percentage. The calculation counts each area only once, even if the area receives bids, potentially including package bids, from multiple bidders. If there are multiple bids for an area at different performance tier and latency combinations, the calculation uses the bid with the highest implied support amount. If the aggregate cost for the round exceeds the budget, the bidding system will implement another regular clock round with a lower base clock percentage.

106. The first round in which the aggregate cost, as calculated above, is less than or equal to the overall support budget is considered the ''clearing round.'' In the clearing round, the bidding system will further process bids submitted in the round, to determine those areas that can be assigned and the support amounts winning bidders will receive. Once the clearing round has been identified, the system no longer calculates the aggregate cost, even if there are subsequent bidding rounds.

107. In the clearing round, the bidding system will consider bids in more detail to determine which can be identified as winning, or ''assigned,'' bids in that round; the ''second prices'' to be paid for winning bids; and which bids will carry over for bidding in an additional bidding round or rounds. The Commission addresses its proposed procedures for these determinations below.

108. Until the clearing round, the auction is generally driven by cross-area competition for the budget, and until the clearing round, implied support amounts for all areas are reduced proportionately. In estimating cost, the system does not determine which of multiple bids competing for support in the same area will be assigned, although it does take into account that only one bid per area may be assigned. Processing during the clearing round considers intra-area competition as well, assigning support to bids that require the lowest level of support for a given area, as long as any assigned package bids meet the bidder's minimum scale percentage. Bid processing in the clearing round also determines support amounts for assigned bids according to a second-price rule, so that bids are supported at a price percentage at least as high as the bid percentage.

109. Once bid processing has determined that the current round is the clearing round, the bidding system will begin to assign winning bids, awarding support to at most one bid for a given area. The system will first assign bids made at the base clock percentage for areas not bid on by another bidder at the base clock percentage. Any package bids that are assigned must meet the bidder's minimum scale percentage.

110. Under the proposed bid processing procedures, the system then considers all other bids submitted in the round in ascending order of price point percentage to see if additional bids can be assigned and, considering the bids assigned so far, to determine the highest price point percentage at which the total support cost of the assigned bids does not exceed the budget (the ''clearing price point''). Bids at price point percentages above the clearing price point are not assigned.

111. As it considers bids in ascending price point percentage order, the system assigns a bid if no other bid for the same area has already been assigned, as long as the area did not receive multiple bids at the base clock percentage and the

areas to be assigned in a package bid meet the bid's minimum scale percentage. The bidding system also checks to ensure that sufficient budget is available to assign the bid.

112. To determine whether there is sufficient budget to support a bid, the bidding system keeps a running sum of support costs. This cost calculation at price point percentages between the current and previous base clock percentages extends the concept of the aggregate cost calculation (which identifies the clearing round) to take into account, at sequential intermediate price points, the cost of bids that have been assigned so far and the estimated cost of bids that have not been assigned.

113. The Commission proposes that at each ascending price point increment, starting at the base clock percentage, the running cost calculation is the sum of support for three types of bids: (1) For assigned bids for which there were no other bids for support for their respective areas at price points lower than the currently-considered price point percentage, the system calculates the cost of providing support as the amount of support implied by the currently-considered price point, (2) for assigned bids for areas that did receive other bids at price points lower than the currently-considered price point, support is generally calculated as the amount implied by the next-higher price point at which the area received a bid (where next-higher is relative to the price point of the assigned bid, not the currently-considered price point), and (3) competing bids at the base clock percentage are not assigned and are evaluated as they were in the pre-clearing aggregate cost calculation: Only one bid per area is included in the calculation, and if there are bids for an area at different performance tier and latency combinations, the calculation uses the bid with the highest implied support amount, all evaluated at the base clock percentage.

114. The auction system continues to assign bids meeting the assignment criteria in ascending price point order as long as the cost calculation does not exceed the budget. The highest price point at which the running total cost will not exceed the budget is identified as the clearing price point. This process is addressed in more detail in the technical guide that has been released by the Bureaus.

115. Bids that were assigned for areas that received no other bids at less than the clearing price point are supported at an amount implied by the clearing price point percentage.

116. Bids assigned in the clearing round, when there was also a bid at a price point higher than the base clock percentage, are generally supported at an amount determined by the price point percentage of the higher unassigned bid. For example, if there are two bids for an area, the lower bid is supported at the bid price point of the higher bid.

117. The Commission seeks comment on these assignment and pricing proposals for the clearing round.

118. Once the budget clears, further bidding resolves competition for areas where more than one bidder is still bidding for support at the lowest base clock percentage announced so far, which is the base clock percentage in the previous round. Therefore, bidding rounds continue after the clearing round at lower base clock percentages, but bids are restricted to areas for which the bidder had bid at the clearing round's base clock percentage but which could not be assigned in the clearing round. Such bids may be for a given unassigned area that received multiple single bids, package bids that were not assigned because the bidder's minimum scale percentage for the package was not met, or remainders of package bids—unassigned areas that formed part of package bids that were partially assigned.

119. The Commission proposes that these bids at the base clock percentage for unassigned areas will carry over automatically to the next bidding round at the previous round's clock percentage, since the bidder had previously accepted that percentage. In the round into which the bids carry forward, the bidder may also bid for support for these areas at the current round's base clock percentage or at intermediate price points. In rounds after the clearing round, a bidder cannot switch to bidding for an area for which it did not bid in the previous round, nor can a bidder bid at a different performance tier and latency combination for an area for which it bid previously.

120. While bids for unassigned packages will carry over at the previous clock percentage, the bidder for such a package may group the bids for the areas in the package into smaller packages and bid on those smaller packages at current round percentages. However, the unassigned remainders of assigned package bids will carry over as individual area bids. Any bids the bidder places for the remainder areas at the new round percentages must be bids for individual areas—that is, the bidder cannot create a new package of any of the unassigned remainders.

121. The Commission proposes that proxy instructions, if at a price point percentage below the base clock percentage of the previous round, continue to apply in rounds after the clearing round under the same conditions that apply to other bids. For package bids made by proxy that are only partially assigned because there are multiple bids at the base clock percentage, the proxy instructions continue to apply to the unassigned areas in the package bid. That is, the price point percentage specified in the proxy instructions would apply to bids for the individual remainder areas.

122. As in the clearing round, in subsequent rounds the system considers bids for assignment and support amount determination in ascending price point percentage order. The system first considers bids at the new round's base clock percentage, and any bids for areas that received no other bids at the base clock percentage are assigned, as long as any package bid meets the minimum scale percentage of the bid. The system then processes bids in ascending price point order, assigning those bids for as yet unassigned areas, as long as any package bids meet the minimum scale condition.

123. If there is only one bid for an area in a round, the assigned bid is paid at the base clock percentage for the previous round, consistent with the second-price rule. If an assigned bid is for an area that received more than one bid in the round, the assigned bid is supported at the next higher price point percentage at which there is a bid for the area.

124. If there is more than one bid for an area at the current base clock percentage, including a package bid, there will be another bidding round at a lower base clock percentage, with the same restrictions on bids and following the same assignment and pricing procedures. The Commission seeks comment on these proposed procedures for assigning bids and determining support amounts in rounds after the clearing round.

125. Under the proposed auction design, the auction will end once the overall budget has cleared and there are no longer competing bids for any areas.

126. As in past Commission auctions, the Commission proposes that the public will have access to certain auction information, while auction participants will have secure access to additional, non-public information.

127. The Commission proposes to limit the disclosure of information regarding bidding in the auction. During the auction, the Commission proposes to make available to bidders sufficient information about the status of their own bids and the eligible areas in the

states in which they are qualified to bid to allow them to bid confidently and effectively. At the same time, the Commission proposes to restrict the availability of information that may facilitate identification of other bidders and their bids, which could potentially lead to undesirable strategic bidding. With that distinction in mind, after each round ends, and before the next round begins, the Commission proposes to make the following information available to individual bidders:

- The base clock percentage for the upcoming round.
- The aggregate cost, as calculated above, at the previous round's base clock percentage up until the budget clears.
  - The aggregate cost at the base clock percentage is not disclosed for the clearing round or any later round.
- The bidder's activity, based on all bids in the previous round, and activity based on bids at the base clock percentage, whether submitted directly or by proxy. These will determine, respectively, the maximum activity the bidder is allowed in the next round and the maximum activity the bidder is allowed in the next round on areas for which the bidder did not bid at the prior round's base clock percentage.
  - In rounds after the clearing round, the bidder's assigned support and the implied support of its carried-forward bids will be available.
- Summary statistics of the bidder's bidding in the previous round, including:
  - The number of areas for which it bid, at the clock percentage and at other price points.
  - Breakdowns of activity and number of areas by proxy bids, including proxy instructions for future rounds.
  - After the clearing round, areas and support amounts it has been assigned and those for which it is still bidding.
    - Status of carried-forward bids.
- For all eligible areas in all states, including those in which the bidder was not qualified to bid or is not bidding, whether the number of bids placed at the previous round's base clock percentage was 0, 1, or 2 or more.
  - The performance tier and latency combination of the bids is not disclosed.

128. Prior to each round, the Commission also proposes to make available to bidders the support amounts, corresponding to the areas and performance tier and latency combinations for which they are eligible to bid, that are implied by the round's base clock percentage.

129. Consistent with the Commission's practice in the Mobility Fund Phase I auction (Auction 901) and recent spectrum auctions, the Commission proposes to adopt procedures for limited information disclosure for Auction 903. Specifically, the Commission proposes to withhold from the public, as well as other applicants, the following information related to the short-form application process:

- The state(s) identified by an applicant in which it is interested in bidding.
- The state(s) for which the applicant has been determined to be eligible to bid.
- The performance tier and latency combination(s) identified by an applicant.
- The performance tier and latency combination(s) for which the applicant has been determined to be eligible to bid.
- Operational information that is intended to demonstrate an applicant's ability to meet the public interest obligations for each performance tier and latency combination that the applicant has identified in its application.

130. The Commission also proposes to withhold financial information submitted by an applicant that also files financial information on FCC Form 481 pursuant to a protective order. The Commission proposes to identify such applicants via a question on the short-form application. All other applicants may request confidential treatment of their financial data by submitting a request under Section 0.459 at the same time such information is submitted. The Commission cautions that requests that it withhold financial data that applicants elsewhere disclose to the public will not be granted.

131. In addition, until the Commission's announcement of auction results, it does not intend to publicly release information pertaining to the progression of the Phase II auction. This includes information such as the round, base clock percentage, aggregate cost (as it relates to the budget), or any information that may reveal or suggest the identities of bidders placing bids and taking other bidding-related actions. While auction participants will have access to some of this information to inform their bidding, such information is of little value to the general public, particularly when the Commission projects the auction to close within a month. At the same time, the public release of preliminary auction data would impose non-trivial costs on the Commission to devise and set up a mechanism for that release and to prepare aggregated preliminary data at the end of each round or other appropriate interval. Furthermore, due to the preliminary and complex nature of the data, its release may engender confusion among the general public.

132. After the close of bidding and announcement of auction results, the Commission proposes to make publicly available all short-form application information and bidding data, except for an applicant's operational information, confidential financial information, and proxy bidding instructions. This approach is consistent with the Commission's practice in the Mobility Fund Phase I auction and its typical spectrum auctions. The Commission recognizes that the Phase II auction bidding data it proposes to release would presumably encompass bids for eligible areas that do not receive Phase II support and therefore may be eligible for Remote Areas Fund (RAF) support in a subsequent auction, and that these non-winning Phase II bids may be used to inform bids in the RAF auction. However, that information is of value to all potential RAF auction participants—not just those that participated in the Phase II auction and thus potentially would have had access to information about bids in those areas. Accordingly, the public release of Phase II bidding data would prevent asymmetric information from being disseminated among potential RAF auction bidders, which could ultimately distort competition in the RAF auction.

133. The Commission seeks comment on its proposals to limit the availability of bidding information during the auction and to adopt limited information procedures for the Phase II auction concerning the application and bidding data that will be publicly available before, during, and after the auction.

Proposed Auction 903 Short-Form Application Operational Questions

Has the applicant previously deployed consumer broadband networks (Yes/No)? If so, identify the date range for when broadband service was offered and in which state(s) service was offered. What specific last mile and interconnection (backhaul) technologies were used? How many subscribers were served? What services (*e.g.,* voice, video, broadband Internet access) were provided?

Answer for each state the applicant selected in its application:

1. Which network architectures and technologies will be used in the applicant's proposed deployment? How will voice services be provided? How will broadband Internet access service be provided?

2. What are the relevant industry standards for the last-mile technologies in the applicant's proposed deployment? What features of this technology and proposed network will enable performance tier, latency and voice service requirements to be met?

3. Can the applicant demonstrate that the technology and the engineering design will fully support the proposed performance tier, latency and voice service requirements for the requisite number of locations during peak periods (Yes/No)? What assumptions about subscription rate and peak period data usage is the applicant making in this assertion? List the information that can be made available to support this assertion.

4. Can the applicant demonstrate that all the network buildout requirements to achieve all service milestones can be met (Yes/No)? Describe the information that the applicant can make available in a project plan to support this assertion.

5. For the proposed performance tier, latency and voice service, can the applicant demonstrate that potential vendors, integrators and other partners are able to provide commercially available and fully compatible network equipment, interconnection, last mile technology and customer premise equipment (CPE) at cost consistent with applicant's buildout budget and in time to meet service milestones (Yes/No)? Describe the information and sources of such information that the applicant could make available to support this response.

6. Can the applicant describe how the network will be maintained and services provisioned (Yes/No)? Can the applicant demonstrate that it can provide internally-developed operations systems for provisioning and maintaining the proposed network including equipment and segments, interconnections, CPE and customer services at cost consistent with applicant's buildout budget and in time to meet service milestones (Yes/No)? If not, can the applicant demonstrate that potential vendors, integrators, and other partners are able to provide commercially available and fully compatible operations systems and tools for provisioning and maintaining the proposed network at cost consistent with applicant's buildout budget and in time to meet service milestones (Yes/No)? Describe the information and sources of such information that the applicant could make available to support these responses.

7. If the applicant is using satellite technologies, describe the total satellite capacity available and possible methods the applicant will utilize to assign bandwidth and capacity for each spot beam.

PROPOSED AUCTION 903 SPECTRUM CHART

Spectrum band/service	Paired licensed		Unpaired licensed	Unlicensed
	Uplink freq. (MHz)	Downlink freq. (MHz)	Uplink & downlink freq. (MHz)	Unlicensed (MHz)
600 MHz	663–698	617–652		
Lower 700 MHz	698–716	728–746	716–728 (Downlink only)	
Upper 700 MHz	776–787	746–757		
800 MHz SMR	813.5/817–824	858.5/862–869		
Cellular	824–849	869–894		
Broadband PCS	1850–1915	1930–1995		
AWS–1	1710–1755	2110–2155		
AWS (H Block)	1915–1920	1995–2000		
AWS–3	1755–1780	2155–2180	1695–1710 (Uplink only)	
AWS–4			2000–2020	
			2180–2200 (Downlink only)	
BRS/EBS			2496–2690	
WCS	2305–2315	2350–2360	2315–2320	
			2345–2350	
CBRS (3.5 GHz)			3550–3700	
2.4 GHz				2400–2483.5
5 GHz				5150–5250
				5725–5850
24 GHz				24,000–24,250
Ku Band (satellite)	14,000–14,500	11,700–12,200		
Ka Band (satellite)	27,500–30,000	17,700–20,000		
UMFUS (terrestrial)			27,500–28,350	
			38,600–40,000	

Abbreviations

AWS Advanced Wireless Services
BRS/EBS Broadband Radio Service/ Education Broadband Service
CBRS Citizens Broadband Radio Service
PCS Personal Communications Service
SMR Specialized Mobile Radio
UMFUS Upper Microwave Flexible Use Service
WCS Wireless Communications Service

VI. Procedural Matters

134. This document seeks to implement the information collections adopted in the *Phase II Auction Order* and does not contain any additional proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The Commission is currently seeking PRA approval for information collections related to the short-form application process and will in the future seek PRA approval for information collections related to the long-form application process. In addition, therefore, this document does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

135. As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission prepared Initial Regulatory Flexibility Analyses (IRFAs) in connection with the *USF/ICC Transformation Order FNPRM,* 76 FR 78384, December 16, 2011, the *April 2014 Connect America FNPRM,* 79 FR 39196, July 9, 2014, and the *Phase II*

Auction FNPRM, 81 FR 40235, June 21, 2016 (collectively, *Phase II FNPRMs*), and Final Regulatory Flexibility Analyses (FRFAs) in connection with the *April 2014 Connect America Order,* 79 FR 39164, July 9, 2014, the *Phase II Auction Order,* and the *Phase II Auction FNPRM Order* (collectively, *Phase II Orders*). The Commission sought written public comment on the proposals in the *Phase II FNPRMs,* including comments on the IRFAs. The Commission did not receive any comments in response to those Regulatory Flexibility Analyses.

136. The IRFAs for the *Phase II NPRMs* and the FRFAs for the *Phase II Orders* set forth the need for and objectives of the Commission's rules for the Phase II auction; the legal basis for those rules; a description and estimate of the number of small entities to which the rules apply; a description of projected reporting, recordkeeping, and other compliance requirements for small entities; steps taken to minimize the significant economic impact on small entities and significant alternatives considered; and a statement that there are no federal rules that may duplicate, overlap, or conflict with the rules. The proposals in this Public Notice do not change any of those descriptions. However, because this Public Notice proposes specific procedures for implementing the rules proposed in the *Phase II FNPRMs* and adopted in the *Phase II Orders,* the Commission has prepared a supplemental IRFA seeking comment on how the proposals in this Public Notice could affect those Regulatory Flexibility Analyses.

137. The proposals in this Public Notice include procedures for awarding Phase II support through a multi-round, reverse auction, the minimum geographic area for bidding in the auction, aggregating eligible areas into larger geographic units for bidding, setting reserve prices, capping the amount of support per location provided to extremely high-cost census blocks, and the availability of application and auction information to bidders and to the public during and after the auction. This Public Notice also includes detailed proposed bidding procedures for a descending clock auction, including bid collection, clock prices, proposed bid format, package bidding format, proxy bidding, bidder activity rules, bid processing, and how support amounts are determined. The bidding procedures proposed in this Public Notice are designed to facilitate the participation of qualified service providers of all kinds, including small entities, in the Phase II program, and to give all bidders, including small entities, the flexibility to place bids that align with their intended network construction or expansion, regardless of the size of their current network footprints. In addition, the Public Notice specifically seeks comment on information the Commission could make available to help educate parties that have not previously participated in a Commission auction, and on whether the Bureaus should work with the Commission's Office of Communications Business Opportunities to engage with small providers.

138. To implement the rules adopted by the Commission in the *Phase II Orders* for the pre-auction process, this Public Notice proposes specific procedures and requirements for applying to participate and becoming qualified to bid in the Phase II auction, including designating the state(s) in which an applicant intends to bid, and providing operational and financial information designed to allow the Commission to assess the applicant's qualifications to meet the Phase II public interest obligations for each area for which it seeks support. The Public Notice also makes proposals that address the types of further information that may be required in the post-auction long-form application that a winning bidder must file to become authorized to receive support. The application procedures proposed in this Public Notice are intended to require applicants to submit enough information to permit the Commission to determine their qualifications to participate in the Phase II auction, without requiring so much information that it is cost-prohibitive for any entity, including small entities, to participate.

139. As noted above, the Commission seeks comment on how the proposals in this Public Notice could affect the IRFAs for the *Phase II FNPRMs* or the FRFAs in the *Phase II Orders.* Such comments must be filed in accordance with the same filing deadlines for responses to this Public Notice and have a separate and distinct heading designating them as responses to the IRFAs and FRFAs.

140. *People with Disabilities:* To request materials in accessible formats (braille, large print, electronic files, audio format) for people with disabilities, send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

141. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–18041 Filed 8–24–17; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 82, No. 164

Friday, August 25, 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 22, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 25, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Report of Supplemental Nutrition Assistance Program Issuance and Report of Commodity Distribution for Disaster Relief.

OMB Control Number: 0584–0037.

Summary of Collection: Disaster assistance through the Supplemental Nutrition Assistance Program (SNAP) is authorized by sections 402 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) and the temporary emergency provisions contained in Section 5 of the Food and Nutrition Act of 2008, and in 7 CFR part 280 of the SNAP regulations. This program is initiated in a SNAP project area by FNS when all or part of the area has been affected by a disaster. Food distribution in a disaster situation is authorized under Section 32 of the Act of August 24, 1935. Surplus foods are made available by State distributing agencies for relief purposes to victims of natural disaster such as hurricanes, floods, tornadoes, etc. Distribution to these recipients is made primarily through such organizations as the American Red Cross or the Salvation Army. These organizations use surplus foods for both central feeding operations and for distribution to families in homes cut off from normal sources of food supply.

Need and Use of the Information: FNS will collect information through the use of form FNS–292–A and B, which is used to monitor program activity, assess coverage provided to recipients, and assure the validity of requested commodity reimbursement and to prepare budget requests. If the information were not collected, FNS would be unable to monitor the issuance of SNAP benefits and the distribution of surplus foods during disaster situations.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; On occasion.

Total Burden Hours: 9.

Food and Nutrition Service

Title: Child Nutrition Database.

OMB Control Number: 0584–0494.

Summary of Collection: The Child Nutrition Database (CNDB) is required under 7 CFR 210.10(i)(4) to be part of all the nutrient analysis software approved by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) in implementation of the National School Lunch Program (NSLP) and School Breakfast Program (SBP). This database is designed to be incorporated into USDA-approved nutrient analysis software and is used to provide an accurate source of nutrient data. The software allows schools participating in the NSLP and the SBP to analyze meals and measure the compliance of the menus to established nutrition goals and standards specified in 7 CFR 210.10 for the NSLP and 7 CFR 220.8 for the SBP. The CNDB is updated annually with brand name or manufactured foods commonly used in school food service. Form FNS–710 CN Database Qualification Report is used to collect the nutrient data from the food industry. The form is available as a paper form, through an online Web Tool, or as a spreadsheet.

Need and Use of the Information: State agencies use the CNDB to obtain the nutrient data for foods typically used in school recipes and menus, as well as for food products that are marketed to schools by food manufacturers. This data is necessary for the State agencies to monitor their compliance with the dietary specifications for calories, saturated fat, and sodium and to conduct the nutrient analysis of school lunches and breakfasts required by administrative reviews. The CNDB contains nutrient composition data for: (1) Food items from the USDA National Nutrient Database for Standard Reference (SR); (2) standardized recipes for Child Nutrition Programs developed by FNS; (3) brand name commercially processed foods; and (4) USDA Foods (commodities).

Description of Respondents: Businesses or other for-profit.

Number of Respondents: 32.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 2,240.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–18025 Filed 8–24–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Notice of Request for an Extension or Renewal of a Currently Approved Information Collection

AGENCY: Office of the Assistant Secretary for Civil Rights, Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Office of the Assistant Secretary for Civil Rights (OASCR) to request a renewal of a currently approved information collection. OASCR will use the information collected to process Respondents' discrimination complaints about programs conducted or assisted by USDA.

DATES: Comments on this notice must be received by October 24, 2017 to be assured of consideration.

ADDRESSES: Office of the Assistant Secretary for Civil Rights/Office of Compliance, Policy, and Training invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.

Mail, including CD–ROMs, etc.: Send to Docket Clerk, 1400 Independence Avenue SW., Washington, DC 20250–3700, Mailstop 9401.

Hand- or courier-delivered submittals: Deliver to 1400 Independence Avenue SW., Washington, DC 20250–3700, Mailstop 9401.

Instructions: All items submitted by mail or electronic mail must include the Office of the Assistant Secretary for Civil Rights/Office of Compliance, Policy, and Training, Docket No. 0508–0002, Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the Office of the Assistant Secretary for Civil Rights/Office of Compliance, Policy, and Training, Docket Room at 1400 Independence Avenue SW., Washington, DC 20250–3700, Mailstop 9401, between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Contact Anna G. Stroman, Deputy Director, Office of Compliance, Policy, and Training, Office of the Assistant Secretary for Civil Rights, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250, (202) 205–5953 or *Anna.Stroman@ascr.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: USDA Program Discrimination Complaint Form.

OMB Number: OMB No. 0508–0002.

Expiration Date of Approval: December 31, 2017.

Type of Request: Extension or renewal of the USDA Program Discrimination Complaint Form.

Abstract: Under 7 CFR 15.6, ''Any person who believes himself/herself or any specific class of individuals to be subjected to discrimination [in any USDA assisted program or activity] * * * may by himself/herself or by an authorized representative file * * * a written complaint.'' Under 7 CFR 15d.4, ''Any person who believes that he or she (or any specific class of individuals) has been, or is being, subjected to [discrimination in any USDA conducted program or activity] * * * may file on his or her own, or through an authorized representative, a written complaint alleging such discrimination.'' The collection of this information is an avenue by which the individual or his representative may file such a program discrimination complaint.

The requested information, which can be submitted by filling out a form or by submitting a letter, is necessary in order for USDA OASCR to address the alleged discriminatory action. The Respondent is asked to state his/her name, mailing address, property address (if different from mailing address), telephone number, email address (if any) and to provide a name and contact information for the Respondent's representative (if any). A brief description of who was involved with the alleged discriminatory action, what occurred and when, is requested. In the event that the Respondent is filing the program discrimination complaint more than 180 days after the alleged discrimination occurred, the Respondent is asked to provide the reason for the delay.

Finally, the Respondent is asked to identify which bases are alleged to have motivated the discriminatory action. The form explains that laws and regulations prohibit on the bases of race, color, national origin, age, sex, gender identity (including gender expression), disability, religion, sexual orientation, marital or familial status, or because all or part of the individual's income is derived from any public assistance program, but that not all bases apply to all programs.

The program discrimination complaint filing information, which is voluntarily provided by the Respondent, will be used by the staff of USDA OASCR to intake, investigate, resolve, and/or adjudicate the Respondent's complaint. The program discrimination complaint form will enable OASCR to better collect information from complainants in a timely manner, therefore, reducing delays and errors in determining USDA jurisdiction.

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

Respondents: Producers, applicants, and USDA customers.

Estimated Number of Respondents: 141.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 141 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Anna G. Stroman, Deputy Director, Office of Compliance, Policy, and Training, Office of the Assistant Secretary for Civil Rights. All comments received will be available for public inspection during regular business hours at the same address.

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

Winona Lake Scott,

Acting Deputy Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights.

[FR Doc. 2017–18021 Filed 8–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0035]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Hygiene

AGENCY: Office of the Deputy Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Deputy Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring a public meeting on October 11, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 49th Session of the Codex Committee on Food Hygiene (CCFH) of the Codex Alimentarius Commission (Codex), which will take place in Chicago, Illinois, November 13–17, 2017. The Deputy Under Secretary for Food Safety and the FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 49th Session of the CCFH and to address items on the agenda.

DATES: The public meeting is scheduled for Wednesday, October 11, 2017, from 1:00 p.m.–4:00 p.m.

ADDRESSES: The public meeting will take place at the USDA, Jamie L. Whitten Building, 1400 Independence Avenue SW., Room 107–A, Washington, DC 20250.

Documents related to the 49th Session of the CCFH will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Jenny Scott, U.S. Delegate to the 49th Session of the CCFH, invites U.S. interested parties to submit their comments electronically to the following email address: *Jenny.Scott@fda.hhs.gov.*

Call-in-Number

If you wish to participate in the public meeting for the 49th Session of the CCFH by conference call, please use the call-in-number listed.

Call-in-Number: 1–888–844–9904.

Participant Code: 5126092.

Registration

Attendees may register to attend the public meeting by emailing *barbara.mcniff@fsis.usda.gov* by October 9, 2017. Early registration is encouraged as it will expedite entry into the building. The meeting will take place in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through security screening systems. Persons who are not able to attend the meeting in person, but wish to participate may do so by phone.

FOR FURTHER INFORMATION ABOUT THE 49TH SESSION OF THE CCFH CONTACT: Jenny Scott, Senior Advisor, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, HFS–300, Room 3B–014, College Park, MD 20740–3835, Telephone: (240) 402–2166, Fax: (202) 436–2632, Email: *Jenny.Scott@fda.hhs.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Barbara McNiff, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, Washington, DC 20250, Telephone: (202) 690–4719, Fax: (202) 720–3157, Email: *Barbara.McNiff@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, the Codex seeks to protect the health of consumers and ensure fair practices are used in the food trade.

The CCFH is responsible for:

(a) Drafting basic provisions on food hygiene applicable to all food;

(b) Considering, amending if necessary, and endorsing provisions on hygiene prepared by Codex commodity committees and contained in Codex commodity standards;

(c) Considering, amending if necessary, and endorsing provisions on hygiene prepared by Codex commodity committees and contained in Codex codes of practice unless, in specific cases, the Commission has decided otherwise;

(d) Drafting provisions on hygiene applicable to specific food items or food groups, whether coming within the terms of reference of a Codex commodity committee or not;

(e) Considering specific hygiene problems assigned to it by the Commission;

(f) Suggesting and prioritizing topics on which there is a need for microbiological risk assessment at the international level and developing questions to be addressed by the risk assessors; and

(g) Considering microbiological risk management matters in relation to food hygiene, including food irradiation, and in relation to the risk assessment of FAO and WHO.

The CCFH is hosted by the United States.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 49th Session of the CCFH will be discussed during the public meeting:

- Matters referred by Codex or other Codex Subsidiary Bodies to the Food Hygiene Committee.
- Matters arising from the work of the FAO, WHO, and other International Intergovernmental Organizations:

(a) Progress report on the Joint FAO/WHO expert meetings on Microbiological Risk Assessment and related matters.

(b) Information from the World Organisation for Animal Health.

- Proposed draft revision of the General Principles of Food Hygiene(CAC/RCP 1–1969) and its HACCP Annex at Step 4.
- Proposed draft Guidance for histamine control in the Code of Practice for Fish and Fishery Products (CAC/RCP 52–2003) at Step 4.
- Discussion paper on future work on Shiga toxin-producing Escherichia coli (STEC).
- Other Business and Future Work:

(a) New Work/Forward Workplan (Proposals in reply to CL 2017/68–FH).

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the October 11, 2017, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 49th Session of the CCFH, Jenny Scott (see **ADDRESSES**). Written comments should state that they relate to the activities of the 49th Session of the CCFH.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register**

publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register*.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at:*http://www.fsis.usda.gov/subscribe*. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410

Fax: (202) 690–7442

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on August 22, 2017.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2017–18084 Filed 8–24–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0036]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Labeling

AGENCY: Office of the Deputy Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Deputy Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), are sponsoring a public meeting on September 13, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 44th Session of the Codex Committee on Food Labeling (CCFL) of the Codex Alimentarius Commission (Codex), which will take place in Asuncion, Paraguay, October 16–20, 2017. The Deputy Under Secretary for Food Safety and the FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 44th Session of the CCFL and to address items on the agenda.

DATES: The public meeting is scheduled for Wednesday, September 13, 2017, from 12:00 noon–4:00 p.m.

ADDRESSES: The public meeting will take place at the FDA, Harvey W. Wiley Federal Building, Center for Safety and Applied Nutrition (CFSAN), 5100 Paint Branch Parkway, Room 1A–003, College Park, MD 20740.

Documents related to the 44th Session of the CCFL will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/*.

Felicia Billingslea, U.S. Delegate to the 44th Session of the CCFL, invites U.S. interested parties to submit their comments electronically to the following email address: *ccfl@fda.hhs.gov.*

Call-in-Number

If you wish to participate in the public meeting for the 44th Session of the CCFL by conference call, please use the call-in-number listed:

Call-in-Number: 1–855–828–1770.

Meeting ID: 741955932.

Meeting Password: 01134.

Registration

Attendees may register to attend the public meeting by emailing *barbara.mcniff@fsis.usda.gov* by September 7, 2017. The meeting will take place in a Federal building. Early registration is encouraged as it will expedite entry into the building and parking area. Attendees should bring photo identification and plan for adequate time to pass through security screening systems. If you require parking, please include the vehicle make and tag number when you register. Persons who are not able to attend the meeting in person, but wish to participate may do so by phone.

FOR FURTHER INFORMATION ABOUT THE 44TH SESSION OF THE CCFL CONTACT: Office of Nutrition, Labeling, and Dietary Supplements, CFSAN/FDA, 5100 Paint Branch Parkway (HFS–800), College Park, MD 20740, Email: *ccfl@fda.hhs.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Barbara McNiff, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, Washington, DC 20250, Telephone: (202) 690–4719, Fax: (202) 720–3157, Email: *Barbara.McNiff@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The CCFL is responsible for:

(a) Drafting provisions on labeling applicable to all foods;

(b) Considering, amending if necessary, and endorsing draft specific provisions on labeling prepared by other Codex Committees that draft standards, codes of practice, and guidelines;

(c) Studying specific labeling problems assigned to it by the Commission; and

(d) Studying problems associated with the advertisement of food with particular reference to claims and misleading descriptions. The Committee is hosted by Canada.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 44th Session of the CCFL will be discussed during the public meeting:

- Matters referred to the Committee by Codex and other Codex Subsidiary Bodies;
- Matters outstanding from CCFL43: use of terms flavour and flavourings in labelling;
- Matters of interest from FAO and WHO;
- Consideration of labelling provisions in draft Codex standards;
- Date marking (Draft Revision of the General Standard for the Labelling of Prepackaged Foods);
- Proposed draft Guidance for the Labelling of non-retail containers;
- Front of pack labeling (discussion paper); Consumer preference claims (discussion paper)
- Other Business and Future Work.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the September 13, 2017, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Felicia Billingslea for the 44th Session of the CCFL (see **ADDRESSES**). Written comments should state that they relate to the activities of the 44th Session of the CCFL.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register*.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe*. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email: *Mail:* U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, *Fax:* (202) 690–7442, *Email: program.intake@usda.gov*.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC on August 22, 2017.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2017–18083 Filed 8–24–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0037]

Codex Alimentarius Commission: Meeting of the Codex Committee on Fresh Fruits and Vegetables

AGENCY: Office of the Deputy Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Deputy Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Agricultural Marketing Service (AMS), are sponsoring a public meeting on September 1, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 20th Session of the Codex Committee on Fresh Fruits and Vegetables (CCFFV) of the Codex Alimentarius Commission (Codex), which will take place in Kampala, Uganda, October 2–6, 2017. The Deputy Under Secretary for Food Safety and the AMS recognize the importance of providing interested parties the opportunity to obtain background information on the 20th Session of the CCFFV and to address items on the agenda.

DATES: The public meeting is scheduled for Friday, September 1, 2017, from 1:00 p.m.–4:00 p.m.

ADDRESSES: The public meeting will take place at the USDA, South Building, 1400 Independence Avenue SW., 0752, Washington, DC 20250.

Documents related to the 20th Session of the CCFFV will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/*.

Dorian Lafond, the U.S. Delegate to the 20th Session of the CCFFV, invites U.S. interested parties to submit their comments electronically to the following email address: *dorian.lafond@usda.gov.*

Call-in-Number

If you wish to participate in the public meeting for the 20th Session of the CCFFV by conference call, please use the following call-in-number listed:

Call-in-Number: 1–888–844–9904.

Access Code: 5126092.

Registration

Attendees may register to attend the public meeting by emailing *kenneth.lowery@fsis.usda.gov* by August 29, 2017. Early registration is encouraged as it will expedite entry into the building. The meeting will take place in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through security screening systems. Persons who are not able to attend the meeting in person, but who wish to participate, may do so by phone.

FOR FURTHER INFORMATION ABOUT THE 20TH SESSION OF CCFFV CONTACT: Dorian

LaFond, Agricultural Marketing Service, Fruits and Vegetables Division, Mail Stop 0235, Room 2086, USDA, 1400 Independence Avenue SW., Washington, DC 20250. Telephone: (202) 690–4944, Fax: (202) 720–0016, Email: *dorian.lafond@usda.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Kenneth Lowery, U.S. Codex Office, 1400 Independence Avenue, Room 4861, Washington, DC 20250. Telephone: (202) 690–4042, Fax: (202) 720–3157, Email: *Kenneth.Lowery@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The CCFFV is responsible for elaborating worldwide standards and codes of practice as may be appropriate for fresh fruits and vegetables and for consulting with other international organizations in the standards development process to avoid duplication.

The Committee is hosted by Mexico.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 20th Session of the CCFFV will be discussed during the public meeting:

- Matters arising from Codex and other Committees;
- Matters arising from other international organizations on the standardization of fresh fruits and vegetables
- Draft Standard for Aubergines;
- Draft Standard for Garlic;
- Draft Standard for Kiwifruit;
- Draft Standard for Ware Potatoes;
- Proposed Draft Standard for Fresh Date;
- Proposals for new work on Codex standards for fresh fruits and vegetables;
- Proposed layout for Codex standards for fresh fruits and vegetables (Outstanding issues); and
- Discussion paper on Glossary of terms used in the Layout for Codex standards for fresh fruits and vegetables.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the September 1, 2017, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 20th Session of the CCFFV, Dorian LaFond (see **ADDRESSES**). Written comments should state that they relate to activities of the 20th Session of CCFFV.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register*.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe*. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410. *Fax:* (202) 690–7442. *Email: program.intake@usda.gov*.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC on August 22, 2017.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2017–18082 Filed 8–24–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Uinta-Wasatch-Cache National Forest, Evanston-Mountain View Ranger District; Utah; West Fork Smiths Fork Colorado River Cutthroat Trout Enhancement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Evanston-Mountain View Ranger District of the Uinta-Wasatch-Cache National Forest (''Forest Service''), in cooperation with the Utah Division of Wildlife Resources (UDWR), proposes to treat the streams in the West Fork Smiths Fork drainage including some waters within the High Uintas Wilderness and High Uintas Inventoried Roadless Area with rotenone to remove non-native fish species and enhance habitat for native Colorado River cutthroat trout (CRCT; *Onchorhynchus clarki pleuriticus*).

Implementation of this proposal would require the use of a piscicide (a substance used to kill fish; *i.e.,* rotenone) to remove competing and hybridizing non-native fish species from selected streams. Non-native fish species to be removed are primarily rainbow trout (*Oncorhynchus mykiss*) and hybridized Colorado River cutthroat trout, although all fish species would be removed from the project area. Following the last treatment of the selected streams, CRCT, sculpin (*Cottus* sp.), mountain sucker (*Catostomus*

platyrhynchus), and speckled dace (*Rhinichthys osculus*) (all native to the drainage) would be restocked. Tiger trout (*Salmo trutta* x *Salvelinus fontinalis*) are a sterile hybrid that may be stocked in the project area to provide fishing opportunities while the CRCT population is expanding.

The waters proposed for treatments include selected streams that are the headwaters of the West Fork Smiths Fork drainage, on the north slope of the Uinta Mountains. Implementation would potentially begin during the summer or fall of 2018. Treatments of all identified target waters is expected to take place over the course of two to three years. Monitoring will occur after the treatments to ensure all fish are removed throughout the project area. Once the treatment is completed and CRCT, sculpin, mountain sucker, speckled dace and tiger trout are stocked back in the drainage, populations will be monitored every five to ten years to ensure the native populations are well established.

DATES: Comments concerning the scope of the analysis must be received by September 25, 2017. The Draft Environmental Impact Statement (DEIS) is expected January 2018 and the Final Environmental Impact Statement is expected July 2018. Those who wish to establish standing to object under 36 CFR part 218 subparts A and B should submit scoping comments no later than 30 days after publication of this notice of intent or during the comment period for the DEIS.

ADDRESSES: Written comments concerning the scope of the analysis, including any attachments, must be sent via regular mail, hand-delivered or express delivered to: Logan Ranger District, Attn: West Fork Smiths Fork CRCT Enhancement, 1500 E Highway 89, Logan, UT 84321. The office business hours for submitting hand-delivered comments are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding federal holidays. Electronic comments must be submitted in a format such as an email message or attached to an email in a format such as, .pdf, .txt, .rtf, .doc, or .docx to: *comments-intermtn-wasatch-cache-evanston-mtnview@fs.fed.us.* Comments may also be faxed to 435–755–3639. Public scoping meetings are not being considered at this time.

FOR FURTHER INFORMATION CONTACT: Paul Chase, Fisheries Biologist, at 435–755–3629 or *pchase@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: This process is being conducted pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality Regulations for Implementing the NEPA (40 CFR parts 1500–1508), and Forest Service NEPA regulations. This project is subject to pre-decisional administrative review pursuant to 36 CFR part 218, subparts A and B. Also called the ''objection process'' the pre-decisional administrative review process replaced the appeal process in March 2013. Only persons or organizations who have previously submitted ''specific written comments'' regarding the proposed project during any designated opportunity for public comment are eligible to file an objection. Opportunity for public comment on a DEIS includes request for comments during scoping, the 40 CFR 1506.10 comment period, or other public involvement opportunity where written comments are requested by the responsible official (36 CFR 218.5). An objection period for the draft Record of Decision and Final Environmental Impact Statement will be provided, consistent with those subparts.

Purpose and Need for Action

The purpose of the project is to permit the UDWR, having jurisdiction by law, to manage, protect, maintain, enhance, rehabilitate, and extend the fish and wildlife populations of the State of Utah, to conduct activities in order to protect known populations of indigenous species (*i.e.,* CRCT) that could become threatened or endangered where necessary for their perpetuation and to aid in their recovery in previously occupied habitat. The Forest Service purpose and need is centric to responding to UDWR's proposal to use piscicide in wilderness as necessary to conduct fish removal prior to restocking with CRCT.

The purpose of this project is to establish Colorado River cutthroat trout (CRCT) populations free of competing and hybridizing fish species (rainbow trout) in streams in the West Fork Smiths Fork drainage on the Evanston-Mountain View Ranger District of the Uinta-Wasatch-Cache National Forest. Removal of competing and hybridizing non-native fish is necessary to enhance habitat and restore genetically pure native CRCT populations to suitable habitats within the West Fork Smiths Fork drainage. Therefore, the primary objective is to remove rainbow and hybridized cutthroat trout that occur within these waters.

The upper reaches of the West Fork Smiths Fork drainage is within the High Uintas Wilderness and considered by state and Forest Service fisheries biologists to be critical and essential habitat in the watershed. Moreover, a wilderness is to be ''protected and managed so as to preserve its natural conditions'' meaning that wilderness ecological systems are substantially free from the effects of modern civilization. To preserve this quality, it is necessary to take action to correct unnatural conditions and address the scenic and conservation public purposes of wilderness, even if they were present at the time of wilderness designation. Any impacts resulting from the influence of modern civilization (such as the effects on indigenous CRCT from historic stocking of non-native rainbow trout) affect the natural quality of wilderness character.

In order to preserve the natural conditions within the wilderness and conserve the native CRCT and re-populate West Fork Smiths Fork with native CRCT the presence of the non-native hybridized CRCT and rainbow trout must be addressed in upper reaches of the West Fork Smiths Fork drainage. Limiting the project to the stream segments outside wilderness is not sufficient due to stream connectivity; the existing rainbow and hybridized CRCT within wilderness would continue downstream progression in the absence of a migration barrier.

This action is being considered at this time because these non-native fish species continue to threaten CRCT populations through competition and hybridization. This action is important to meet the objective identified in the CRCT Conservation Strategy to ''secure or enhance CRCT populations'' by removing non-native fish species. Once hybridization and repeated backcrossing of CRCT populations has begun, options for restoring a genetically pure stock are few. If mating between CRCT and rainbow trout or nonnative cutthroat continues for a number of generations and if hybrids do not show reduced fitness, then the genes of non-native stocks will pervade virtually all remaining individuals to produce a hybrid swarm within a particular area.

Removal of hybrids often fails for two reasons: First, whereas it is often possible to recognize first-generation hybrids between rainbow trout and cutthroat trout visually, backcrosses and later-generation individuals can be indistinguishable from genetically pure adults without the aid of genetic testing; second, if introgressive hybridization has progressed through several

generations, nearly all individuals will carry at least some introduced genes, and reducing this influence to undetectable levels is probably futile.

Establishing populations of indigenous CRCT free from the threats from non-native trout would greatly benefit CRCT recovery efforts within the species historic range, which includes portions of Utah, Wyoming, and Colorado. The project would contribute to the conservation of the species and reduce the potential need for federal protection under the Endangered Species Act.

This action is tiered to the 2003 Revised Land and Resource Management Plan [for the] Uinta-Wasatch-Cache National Forest, as amended through the September 2015 Plan, and helps move the project area towards desired conditions described in that plan. The UDWR and Forest Service want to ensure the persistence of the CRCT within its historic range. This includes preserving genetic integrity and providing adequate populations to maintain intrinsic and recreational values. This proposed project would not require a Forest Plan amendment.

Proposed Action

The Forest Service proposes to permit the UDWR, being the agency responsible for the management of fish populations, to treat target waters with piscicide (rotenone) to remove competing and hybridizing non-native trout species within the proposed project area. Target streams are located within the West Fork Smiths Fork drainage including some areas within the High Uintas Wilderness. The waters proposed for treatments includes approximately 12 stream miles (approximately 4 miles outside of wilderness and 8 miles within wilderness) on the north slope of the Uinta Mountains. Implementation would potentially begin during the summer or fall of 2018. Treatments of all identified target waters is expected to take place over the course of 2 to 3 years.

The following is a summary of the proposed suite of activities for the West Fork Smiths Fork Colorado River Cutthroat Trout Enhancement project. The UDWR would take the lead in implementing the treatment project within target waters of the proposed project areas. The Forest Service would assist as the agency responsible for management of fish habitat.

Transporting Crew Members, Equipment, and Supplies. Crew members, equipment, and supplies will be brought into the High Uintas Wilderness by foot and pack stock using designated trails; mechanical transport will not be used. Implementation of the proposed treatment project would require small crews to camp near the target waters. Crew members would set up base camp(s) in the wilderness to stay overnight. The actual dispensing of rotenone, which would require the most man-power (approximately 8–10 people), would occur over a short one to two day period in the late summer or fall of each year. On those days, crew members would disperse along the stream corridors and would be spread out at approximately one-half mile intervals along streams targeted for piscicide application; crew members would return to camp after the application has concluded for the day. On the final day crew members, equipment, and supplies would be hiked out and/or removed with pack stock using designated trails.

The neutralization stage (one to two week period) which would occur outside the wilderness, would require that crew members set up a base camp at the Hewinta Guard Station.

Piscicide Application (''Treatment'') and Neutralization. The proposed project would be implemented during a two week period in July through September of each year. Rotenone liquid would be applied up to a concentration of 1.0 parts per million of product however the minimum concentration needed to remove target species would be used. All target waters to be treated that year would be treated with rotenone during a one to two-day period. Streams would be treated a minimum of two times. This would likely be completed in consecutive years but could be within the same year. If two treatments occur within the same year, a one to two months resting period would occur between treatments.

Liquid emulsifiable rotenone would be used to treat the flowing water sections following procedures outlined in the Rotenone Standard Operating Procedures Manual (SOP). Rotenone would be applied from drip stations located at approximately 0.5–1.0 mile intervals for a 6-hour period. Pressurized backpack sprayers would also be used to apply rotenone to springs and backwater areas; motorized transport would not be used during this process. A small amount of rotenone may be used to treat small side tributaries or standing water. Sentinel fish would be placed in live cages at strategic locations along the stream to monitor the effectiveness of the treatment.

Procedures outlined in the Rotenone SOP would be followed for neutralizing rotenone-treated waters. Potassium permanganate would be dispensed at or near the fish migration barrier at the downstream end of the project area (outside of the wilderness). Potassium permanganate would be dispensed to neutralize rotenone and prevent mortality of non-target organisms beyond target treatment areas.

Powdered potassium permanganate would be used as a neutralizing agent for the rotenone. The application rate of potassium permanganate would be determined after the pre-treatment factors of water temperature and hardness are measured. The neutralization zone for the project would be approximately the 30-minute travel distance downstream from the location potassium permanganate is dispensed into the stream. Neutralization of rotenone would take an estimated one to two weeks, dependent on temperature and other factors. Continuous use of the auger and gas powered generator would be necessary to effectively dispense potassium permanganate during this one to two week period (occurs outside of wilderness).

Fish Recovery. Dead fish would be washed downstream, consumed by scavenging wildlife or provide needed nutrients for repopulating aquatic macroinvertebrates; dead fish would not be collected.

Public Access and Area Closures. Public access into the High Uintas Wilderness would remain open to the public during the treatment, however closures (1–2 days) for public access to the target stream(s) during the treatment would occur. UDWR would post signs warning of the upcoming treatment prior to starting and actual closure signs would be posted along the trail(s) during the treatment. These temporary signs would be removed at the conclusion of each treatment. Public access would be allowed during the neutralization phase.

Fish Stocking. UDWR would be the entity responsible for reintroducing/stocking fish species; fish would be released throughout the drainage. Buckets required to carry fish for restocking would be transported by small crews using designated trails and disperse along the stream corridors. Trucks would transport fish to the project area; no aircraft or mechanical transport would be used in wilderness. Fish reintroduction/stocking would occur a few weeks after the last treatment (year two). Treated waters would be restocked with CRCT, sculpin, mountain sucker, speckled dace, and tiger trout. Tiger trout are a sterile hybrid that would be stocked in the project area to provide fishing opportunities while the CRCT

population is expanding following the last treatment of the selected water. Once CRCT are well established, tiger trout will no longer be stocked and will disappear from the system over 4–5 years.

Monitoring. Monitoring will occur after both the first and second treatments to ensure all fish are removed throughout the proposed project area. Once the treatment is completed and CRCT, sculpin, mountain sucker, speckled dace and tiger trout are stocked back in the drainage, populations will be monitored every 5–10 years to ensure the native populations are well established.

Possible Alternatives

At this time, there are two alternatives that are being considered: Alternative 1 (No Action) and Alternative 2 (Proposed Action). Alternative 1 would not authorize the application of piscicide in the wilderness and associated suite of activities. Alternative 2 is described above. During the course of development of the Environmental Impact Statement it is possible that the public, Forest Service staff, or both will identify additional alternatives to be evaluated.

Lead and Cooperating Agencies

The Evanston-Mountain View Ranger District of the Uinta-Wasatch-Cache National Forest will be the lead agency preparing the Environmental Impact Statement. The Utah Division of Wildlife Resources will be a cooperating agency.

Responsible Official

Unless specified otherwise, the Regional Forester is responsible for approving all measures that implement Forest Service Manual direction on the use of other resources in wilderness. Specific responsibilities include approving the use of pesticides within wilderness.

The responsible official for this project is the Regional Forester for the Intermountain Region (R4).

Nature of Decision To Be Made

The decision to be made includes whether or not to approve the proposed suite of activities, in whole or in part, specifically: (1) Application of piscicide (''treatment'') within designated wilderness on National Forest System (NFS) land and neutralization outside of designated wilderness on NFS land; (2) seasonal and multi-year timing of the action; (3) method of transport for materials, equipment, and personnel to treatment areas; (4) closing public access to the stream during the treatment; (5) restocking with CRCT, sculpin, mountain sucker, speckled dace, and tiger trout; (6) monitoring following treatment and neutralization; and, (7) what mitigation measures will be implemented. Because the majority of streams occur within wilderness, methodologies and activities selected for implementation must conform to special land use restrictions as much as possible.

Preliminary Issues

Preliminary issues that have been identified include potential impacts to fisheries and aquatic resources, health and human safety, wilderness and other undeveloped lands, wildlife (terrestrial), soil and water resources, wilderness, and wildlife. Additional issues may arise based on comments received from the public during the scoping and comment processes.

Permits or Licenses Required

The Utah Division of Wildlife Resources would submit a Pesticide Use Proposal as well as a National Pollutant Discharge Elimination System to the Regional Forester for approval. These permits are required to allow application of the piscicide to targeted waters within wilderness.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the Environmental Impact Statement. In addition to and concurrent with publication of this notice of intent, a public scoping document was published to the project-specific information page on the Uinta-Wasatch-Cache National Forest Web site at: *https://www.fs.usda.gov/project/?project=51924,* and a postcard was sent to individuals, entities, and organizations informing them that the notice of intent and public scoping document had been published. Comments may be submitted in a variety of ways, specifically: Via regular mail, hand-delivered or express delivered, via fax, and via email. Comments sought include specific comments to the proposed action, appropriate information that could be pertinent to analysis of environmental consequences, identification of significant issues, and identification of potential alternatives.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the Environmental Impact Statement. Therefore, comments should be provided prior to the close of the scoping period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: August 1, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18016 Filed 8–24–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Northern New Mexico Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Northern New Mexico Resource Advisory Committee (RAC) will meet in Santa Fe, New Mexico. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/santafe/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 12–13, 2017, from 9:00 a.m. to 4:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Santa Fe National Forest (NF) Supervisor's Office, 11 Forest Lane, Santa Fe, New Mexico.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Santa Fe NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Reuben Montes, RAC Coordinator, by

phone at 505–438–5356 or via email at *rmontes@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and recommend projects proposals for Title II funds

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 8, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Reuben Montes, RAC Coordinator, Sante Fe NF Supervisor's Office, 11 Forest Lane, Santa Fe, New Mexico 87508; by email to *rmontes@fs.fed.us,* or via facsimile to 505 438–5391.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 17, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18014 Filed 8–24–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Plumas County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Plumas County Resource Advisory Committee (RAC) will meet in Quincy, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held on August 26, 2017, at 9:30 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Plumas-Sierra County Fairgrounds Mineral Building, 204 Fairground Road, Quincy, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Plumas National Forest (NF) Headquarters. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lee Anne Schramel, RAC Coordinator, by phone at 530–283–7850 or via email at *easchramel@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and
2. Make project funding recommendations for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by one week prior to the meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Lee Anne Schramel, RAC Coordinator, Plumas NF Headquarters, 159 Lawrence Street, Quincy, California 95971; by email to *easchramel@fs.fed.us,* or via facsimile to 530–283–7746.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: August 9, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18015 Filed 8–24–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notices in the Southwestern Region, Which Includes Arizona, New Mexico, and Parts of Oklahoma and Texas

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Grasslands, Forests, and the Regional Office of the Southwestern Region to publish legal notices. The intended effect of this action is to inform interested members of the public which newspapers the Forest Service will use to publish notices of proposed actions, notices of decision, and notices of opportunity to file an objection or appeal. This will provide the public with constructive notice of Forest Service proposals and decisions, provide information on the procedures to comment, appeal, or object, and establish the date that the Forest Service will use to determine if comments, appeals, or objections were timely.

DATES: Publication of legal notices in the listed newspapers will begin on the date of this publication and continue until further notice.

ADDRESSES: Roxanne Turley, Regional Administrative Review Coordinator, Forest Service, Southwestern Region; 333 Broadway SE., Albuquerque, NM 87102–3498.

FOR FURTHER INFORMATION CONTACT: Roxanne Turley, Regional Administrative Review Coordinator; (505) 842–3178.

SUPPLEMENTARY INFORMATION: The administrative procedures at 36 CFR parts 218 and 219 require the Forest Service to publish notices in a

newspaper of general circulation. The content of the notices is specified in 36 CFR parts 218 and 219. In general, the notices will identify: The decision or project, by title or subject matter; the name and title of the official making the decision; how to obtain additional information; and where and how to file comments, appeals, or objections. The date the notice is published will be used to establish the official date for the beginning of the comment, appeal, or objection period. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper of record of which publication date shall be used for calculating the time period to file comment, appeal, or an objection.

Southwestern Regional Office

Regional Forester

Notices of Availability for Comment and Decisions and Objections affecting New Mexico Forests:—''*Albuquerque Journal*'', Albuquerque, New Mexico, for National Forest System Lands in the State of New Mexico for any projects of Region-wide impact, or for any projects affecting more than one National Forest or National Grassland in New Mexico. Regional Forester Notices of Availability for Comment and Decisions and Objections affecting Arizona Forests:—''*The Arizona Republic*'', Phoenix, Arizona, for National Forest System lands in the State of Arizona for any projects of Region-wide impact, or for any projects affecting more than one National Forest in Arizona.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting National Grasslands in New Mexico, Oklahoma, and Texas are listed by Grassland and location as follows: Kiowa National Grassland notices published in:—''*Union County Leader*'', Clayton New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma notices published in:—''*Boise City News*'', Boise City, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas notices published in:—''*The Dalhart Texan*'', Dalhart, Texas. Black Kettle National Grassland in Roger Mills County, Oklahoma notices published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma. Black Kettle National Grassland in Hemphill County, Texas notices published in:—''*The Canadian Record*'', Canadian, Texas. McClellan Creek National Grassland in Gray County, Texas notices published in:—''*The Pampa News*'', Pampa, Texas.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting only one National Forest or National Grassland unit will appear in the newspaper of record elected by each National Forest or National Grassland as listed below.

Arizona National Forests

Apache-Sitgreaves National Forests

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Alpine Ranger District, Black Mesa Ranger District, Lakeside Ranger District, and Springerville Ranger District are published in:—''*The White Mountain Independent*'', Apache County, Arizona.

Clifton Ranger District Notices are published in:—''*Copper Era*'', Clifton, Arizona.

Coconino National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Mogollon Rim Ranger District, and Flagstaff Ranger District are published in:—''*Arizona Daily Sun*'', Flagstaff, Arizona.

Red Rock Ranger District Notices are published in:—''*Red Rock News*'', Sedona, Arizona.

Coronado National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor and Santa Catalina Ranger District are published in:—''*The Arizona Daily Star*'', Tucson, Arizona.

Douglas Ranger District Notices are published in:—''*Daily Dispatch*'', Douglas, Arizona; notices for projects occurring within the Peloncillo Mountain Range (the Peloncillo Ecological Management Area) are published in:—''*Hidalgo County Herald*'', Lordsburg, New Mexico. Nogales Ranger District Notices are published in:—''*Nogales International*'', Nogales, Arizona. Sierra Vista Ranger District Notices for projects east of Highway 83 are published in:—''*Sierra Vista Herald*'', Sierra Vista, Arizona; notices for projects west of Highway 83 are published in:—''*Nogales International*'', Nogales, Arizona. Safford Ranger District Notices are published in:—''*Eastern Arizona Courier*'', Safford, Arizona.

Kaibab National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, North Kaibab Ranger District, Tusayan Ranger District, and Williams Ranger District Notices are published in:—''*Arizona Daily Sun*'', Flagstaff, Arizona.

Prescott National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Bradshaw Ranger District, and Chino Valley Ranger District are published in:—''*Daily Courier*'', Prescott, Arizona.

Verde Ranger District Notices are published in: ''*Verde Independent*'', Cottonwood, Arizona.

Tonto National Forest

Notices for Availability for Comments, Decisions, and Objections by Forest Supervisor, Cave Creek Ranger District, and Mesa Ranger District are published in:—''*Arizona Capitol Times*'', in Phoenix, Arizona.

Globe Ranger District Notices are published in:—''*Arizona Silver Belt*'', Globe, Arizona. Payson Ranger District, Pleasant Valley Ranger District and Tonto Basin Ranger District Notices are published in:—''*Payson Roundup*'', Payson, Arizona.

New Mexico National Forests

Carson National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Camino Real Ranger District, Tres Piedras Ranger District and Questa Ranger District are published in:—''*The Taos News*'', Taos, New Mexico.

Canjilon Ranger District and El Rito Ranger District Notices are published in:—''*Rio Grande Sun*'', Espanola, New Mexico.

Jicarilla Ranger District Notices are published in:—''*Farmington Daily Times*'', Farmington, New Mexico.

Cibola National Forest and National Grasslands

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor affecting lands in New Mexico, except the National Grasslands are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Forest Supervisor Notices affecting National Grasslands in New Mexico, Oklahoma and Texas are published by grassland and location as follows: Kiowa National Grassland in Colfax, Harding, Mora and Union Counties, New Mexico published in:—''*Union County Leader*'', Clayton, New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma published in:—''*Boise City News*'', Boise City, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas published in:—''*The Dalhart Texan*'', Dalhart, Texas. Black Kettle National Grassland, in Roger Mills County, Oklahoma published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma. Black Kettle National Grassland, in Hemphill County, Texas, published in:—''*The*

Canadian Record'', Canadian, Texas. McClellan Creek National Grassland published in:—''*The Pampa News*'', Pampa, Texas.

Mt. Taylor Ranger District Notices are published in:—''*Cibola County Beacon*'', Grants, New Mexico.

Magdalena Ranger District Notices are published in:—''*Defensor-Chieftain*'', Socorro, New Mexico.

Mountainair Ranger District Notices are published in:—''*Mountain View Telegraph*'', Moriarity, New Mexico.

Sandia Ranger District Notices are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Kiowa National Grassland Notices are published in:—''*Union County Leader*'', Clayton, New Mexico.

Rita Blanca National Grassland Notices in Cimarron County, Oklahoma are published in:—''*Boise City News*'', Boise City, Oklahoma while Rita Blanca National Grassland Notices in Dallam County, Texas are published in:—''*Dalhart Texan*'', Dalhart, Texas.

Black Kettle National Grassland Notices in Roger Mills County, Oklahoma are published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma, while Black Kettle National Grassland Notices in Hemphill County, Texas are published in:—''*The Canadian Record*'', Canadian, Texas. McClellan Creek National Grassland Notices are published in:—''*The Pampa News*'', Pampa, Texas.

Gila National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Quemado Ranger District, Reserve Ranger District, Glenwood Ranger District, Silver City Ranger District and Wilderness Ranger District are published in:—''*Silver City Daily Press*'', Silver City, New Mexico.

Black Range Ranger District Notices are published in:—''*The Herald*'', Truth or Consequences, New Mexico.

Lincoln National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor and the Sacramento Ranger District are published in:—''*Alamogordo Daily News*'', Alamogordo, New Mexico.

Guadalupe Ranger District Notices are published in:—''*Carlsbad Current Argus*'', Carlsbad, New Mexico.

Smokey Bear Ranger District Notices are published in:—''*Ruidoso News*'', Ruidoso, New Mexico.

Santa Fe National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Coyote Ranger District, Cuba Ranger District, Espanola Ranger District, Jemez Ranger District and Pecos-Las Vegas Ranger District are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Dated: August 9, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18017 Filed 8–24–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Olympic Peninsula Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Olympic Peninsula Resource Advisory Committee (RAC) will meet in Forks, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/olympic/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 20, 2017, from 9:00 a.m. to 5:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Rainforest Art Center, 35 North Forks Avenue, Forks, Washington.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Olympic National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Susan Piper, RAC Coordinator, by phone at 360–956–2435 or via email at *spiper@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals; and
2. Make recommendations for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 10, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Susan Piper, RAC Coordinator, Olympic NF Supervisor's Office, 1835 Black Lake Boulevard Southwest, Olympia, Washington 98512; by email to *spiper@fs.fed.us,* or via facsimile to 360–956–2330.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 17, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18013 Filed 8–24–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Davy Crockett-Sam Houston Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Davy Crockett-Sam Houston Resource Advisory Committee (RAC) will meet in Ratcliff, Texas. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to

provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcvhAAC.*

DATES: The meeting will be held on September 14, 2017, from 3:00 p.m. to 5:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Davy Crockett Ranger District, Conference Room, 18551 State Highway 7 East, Kennard, Texas. Participants who would like to attend by teleconference or by video conference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Davy Crockett Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Michelle Rowe, RAC Coordinator, by phone at 936–655–2299 extension 224 or via email at *lrowe@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce new members,
2. Elect a chairman, and
3. Review and approve new RAC projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 1, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Gerald Lawrence, Jr., Designated Federal Officer, Davy Crockett Ranger District, 18551 State Highway 7 East, Kennard, Texas 75847; by email to *glawrence@fs.fed.us,* or via facsimile to 936–655–2817.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 10, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18019 Filed 8–24–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972, the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act of 1976, and the Federal Public Lands Recreation Enhancement Act. Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's Web site at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

DATES: The meeting will be held on Wednesday, September 20, 2017, at 1:00 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Forest Service Center, 8221 Mount Rushmore Road, Rapid City, South Dakota.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–440–1409 or by email at *sjjacobson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide:

(1) Teckla—Osage 230 kV Transmission Line Update;

(2) Black Hills Resilient Landscape Project update;

(3) Forest Health Working Group—BHRL Update;

(4) Long Term Timber Program Discussion;

(5) Non-motorized Trails—Working Group update;

(6) Over Snow Use; and

(7) Recreation Site Analysis.

The meeting is open to the public. People wishing to make comments may do so in writing. Written comments should be submitted prior to the start of the meeting. Individuals wishing to make an oral statement should submit a request in writing by September 11, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 17, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18020 Filed 8–24–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Notice of Intent To Revise a Currently Approved Information Collection

AGENCY: National Institute of Food and Agriculture, USDA.

Agency Docket Number: NIFA–2017–0005.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations which implement the Paperwork Reduction Act of 1995, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to request approval to extend the currently approved information collection in support of authorizations to use the 4–H Club Name and/or Emblem.

DATES: Written comments on this notice must be received by October 24, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: NIFA invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.

Mail/Electronic Mail, including CD–ROMs, etc. may be submitted by email to: *rmartin@nifa.usda.gov;* by Fax to: 202–720–0857; or by Mail to: Office of Information Technology (OIT), NIFA, USDA, STOP 2216, 1400 Independence Avenue SW., Washington, DC 20250–2216.

Hand- or courier-delivered submittals: Deliver to Robert Martin, Office of Information Technology (OIT), NIFA, USDA, 800 Main Avenue SW., Room 4206 Waterfront Centre, Washington, DC 20024.

Instructions: All items submitted by mail or electronic mail must include the Agency name (NIFA) and docket number NIFA–2017–0005. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Martin, eGovernment Program Leader; Email: *rmartin@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Authorization to Use the 4–H Club Name and/or Emblem.

OMB Number: 0524–0034.

Expiration Date of Current Approval: March 31, 2019.

Type of Request: Intent to seek approval for the revision of a currently approved information collection for three years.

Abstract: Use of the 4–H Club Name and/or Emblem is authorized by an Act of Congress (18 U.S.C. 707). Use of the 4–H Club Name and/or Emblem by anyone other than 4–H Clubs and those duly authorized by them, representatives of the United States Department of Agriculture, the land grant colleges and universities, and persons authorized by the Secretary of Agriculture is prohibited by the provisions of 18 U.S.C. 707. The Secretary of Agriculture has delegated authority to the Administrator of NIFA to authorize others to use the 4–H Club Name and Emblem. The Administrator has promulgated regulations at 7 CFR part 8 that govern such use. The regulatory requirements for use of the 4–H Club Name and/or Emblem reflect the high standards of 4–H and its educational goals and objectives. Pursuant to provisions of 7 CFR part 8 anyone requesting authorization from the Administrator to use the 4–H Club Name and Emblem is asked to describe the proposed use in a formal application. The collection of this information is used to determine whether the applicant's proposed use will meet the regulatory requirements in 7 CFR part 8 and whether an authorization for use should be granted.

Need and Use of the Information: NIFA will collect information on the name of the individual, partnership, corporation, or association; the organizational address; the name of an authorized representative; the telephone number, facsimile number, and email address; the proposed use of the 4–H Club Name and/or Emblem; and the plan for sale or distribution of the product bearing the 4–H Club Name and/or Emblem. The information collected by NIFA will be used to determine if those applying to use the 4–H Name and/or Emblem meet the regulatory requirements. If the information is not collected, it would not be possible to ensure that the products, services, and materials meet the regulatory requirements as well as 4–H educational goals and objectives.

Estimate of Burden: Minor changes have been proposed to this collection to increase ease of use while clarifying the information needed. Drop down menus were created to replace the open text boxes to standardize the categories and terms used to describe the requests. The public reporting burden remains at the estimated average .5 hours per response.

Type of Respondents: Individuals, households, business or other for-profit or not-for-profit institutions.

Estimated Number of Respondents: [50].

Estimated Number of Responses: [50]. If there is only one form/non-form to complete one time annually this figure will be the same as respondents. However, this figure may be higher if multiple forms/non-forms each respondent completes one time or multiple times.

Estimated Number of Responses per Respondent: [1] Number of responses divided by the number of respondents.

Estimated Total Annual Burden on Respondents: [25]. As stated in 13c of the Form OMB 83–1.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden 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 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. All responses to this notice will be summarized and included in the request to OMB for approval. All comments will become a matter of public record.

Done in Washington, DC this 17th day of August, 2017.

Michele Esch,

Acting Chief of Staff, Research, Education, and Economics.

[FR Doc. 2017–18065 Filed 8–24–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Connecticut Advisory Committee

AGENCY: 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 (FACA), that a meeting of the Connecticut Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EDT) on: Wednesday, September 13, 2017. The purpose of the meeting is to complete its work on the Advisory Memorandum on Solitary Confinement. The committee may vote on the Advisory Memorandum.

DATES: Wednesday, September 13, at 12:00 p.m. EDT.

PUBLIC CALL-IN INFORMATION: Conference call-in number: 1–888–438–5448 and conference call 3640132.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–438–5448 and conference call 3640132. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and 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 conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–888–438–5448 and conference call 3640132.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=239;* click the ''Meeting Details'' and ''Documents'' links.Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda Wednesday, September 13, 2017

- Open—Roll Call
- Work on Advisory Memorandum
- Vote on Memorandum, if ready
- Open Comment
- Adjourn

Dated: August 21, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–18005 Filed 8–24–17; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New Hampshire Advisory Committee

AGENCY: 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 (FACA), that a meeting of the New Hampshire Advisory Committee to the Commission will convene by conference call at 9:00 a.m. (EDT) on: Friday, September 15, 2017. The purpose of the meeting is to continue to work on the voting rights project and to review civil rights project proposals.

DATES: Friday, September 15, 2017, at 9:00 a.m. EDT

Public Call-In Information: Conference call-in number: 1–888–455–2265 and conference call 5671146.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–455–2265 and conference call 5671146. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and 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 conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–888–455–2265 and conference call 5671146.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=262,* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda Friday, September 15, 2017

- Rollcall
- Discussion of Voting Rights Report
- Review Civil Rights Project Proposals
- Next Steps
- Other Business
- Open Comment
- Adjourn

Dated: August 21, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–18006 Filed 8–24–17; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Proposed Information Collection; Comment Request; Form ED–209 & Form ED–209I; Revolving Loan Fund Reporting and Compliance Requirements

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The Economic Development Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a proposed extension of an information collection request currently approved through December 31, 2017, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 24, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW., Washington, DC 20230 (or via email at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mitchell Harrison, Program Analyst, Performance and National Programs Division, Economic Development Administration U.S. Department of Commerce, 1401 Constitution Avenue NW., Mail Stop 71030, Washington, DC 20230, telephone (202) 482–4696, or via email at *mharrison@eda.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Economic Development Administration (''EDA'') leads the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy.

The EDA Revolving Loan Fund (''RLF'') Program, authorized under section 209 of the Public Works and Economic Development Act of 1965, as amended (''PWEDA'') (42 U.S.C. 3149), has served as an important pillar of EDA investment programs since the establishment of the RLF Program in 1975. The purpose of the RLF Program is to provide regions with a flexible and continuing source of capital, to be used with other economic development tools, for creating and retaining jobs and inducing private investment that will contribute to long-term economic stability and growth. EDA provides RLF grants to eligible recipients, which include State and local governments, Indian tribes, and non-profit organizations, to operate a lending program that offers loans with flexible repayment terms, primarily to small businesses in distressed communities that are unable to obtain traditional bank financing. These loans enable small businesses to expand and lead to new employment opportunities that pay competitive wages and benefits.

A unique feature of the RLF Program is that, by law, EDA must exercise fiduciary responsibility over its RLF portfolio in perpetuity. EDA RLF regulations therefore require RLF recipients to submit Form ED–209, Revolving Loan Fund Financial Report, every six months for each RLF they operate (13 CFR 307.14(a)). In addition, RLF recipients must submit Form ED–209I, RLF Income and Expense Statement, if either of the following conditions applies to their RLF: Administrative expenses for the reporting period exceeded $100,000, or RLF administrative expenses for the reporting period exceeded 50 percent of RLF income earned during the reporting period (13 CFR 307.14(c)). EDA requires that both of these reports be completed using an authorized and EDA-provided fillable PDF (Portable Document Format) Form.

II. Method of Collection

Currently, Form ED–209 and Form ED–209I may be obtained by RLF recipients from EDA's Web site, *www.eda.gov,* or upon request from EDA RLF Administrators at each of the EDA regional offices. RLF recipients are responsible for completing the Forms and submitting them to their assigned EDA RLF Administrators in compliance with EDA regulations.

III. Data

Office of Management and Budget (OMB) Control Number: 0610–0095.

Form Number(s): ED–209 and ED–209I.

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

Affected Public: EDA RLF recipients: State, local and tribal governments; community organizations; not-for-profit organizations.

Estimated Number of Respondents: 1,328.

Estimated Time per Response: ED–209, 3 hours; and ED–209I, 1 hour.

Estimated Total Annual Burden Hours: 3,796 Hours.

Estimated Total Annual Cost to Public: $266,973 (cost assumes application of U.S. Bureau of Labor Statistics first quarter 2017 mean hourly wage for management, business, and financial occupations of $70.33).

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the agency's functions, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden (including hours and cost) 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 other forms of information technology.

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

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–18092 Filed 8–24–17; 8:45 a.m.]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

First Responder Network Authority Combined Committee and Board Meeting

AGENCY: First Responder Network Authority (''FirstNet''), U.S. Department of Commerce.

ACTION: Notice of open public meetings.

SUMMARY: The Board of the First Responder Network Authority (''Board'') will convene an open public meeting on September 14, 2017, preceded by a combined meeting of the Committees of the First Responder Network Authority (''Board Committees'') that will be open to the public via teleconference and WebEx on September 13, 2017.

DATES: A combined meeting of the Board Committees will be held on September 13, 2017, between 9:00 a.m. and 12:00 p.m., Mountain Daylight

Time (MDT). The meeting of the Board Committees will be open to the public via teleconference and WebEx only from 9:00 a.m. to 12:00 p.m. MDT. The meeting of the Board will be held on September 14, 2017, between 9:00 a.m. to 12:00 p.m. MDT. The meeting of the Board will be open to the public from 9:00 a.m. to 12:00 p.m. MDT.

ADDRESSES: The combined meeting of the Board Committees will be conducted via teleconference and WebEx only. Members of the public may listen to the meeting by dialing toll free 1–800–593–8976 and using passcode 3471793. The meeting of the Board will be held at the Hyatt Place Boulder, 2280 Junction Place, Boulder, CO 80301. Members of the public may listen to the meeting by dialing toll free 1–800–593–8976 and entering participant code 3471793.

FOR FURTHER INFORMATION CONTACT: Karen Miller-Kuwana, Board Secretary, FirstNet, 12201 Sunrise Valley Drive, M/S 243, Reston, VA 20192; telephone: (571) 665–6177; email: *Karen.Miller-Kuwana@firstnet.gov.* Please direct media inquiries to Ryan Oremland at (571) 665–6186.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Board Committees will convene a combined meeting open to the public via teleconference and WebEx only on September 13, 2017, and the Board will convene an open public meeting on September 14, 2017.

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401 *et seq.*)) (''the Act'') established FirstNet as an independent authority within the National Telecommunications and Information Administration that is headed by a Board. The Act directs FirstNet to ensure the building, deployment, and operation of a nationwide, interoperable public safety broadband network. The FirstNet Board is responsible for making strategic decisions regarding FirstNet's operations. The FirstNet Board held its first public meeting on September 25, 2012.

Matters to be Considered: FirstNet will post a detailed agenda for the combined meeting of the Board Committees and Board meeting on its Web site, *http://www.firstnet.gov,* prior to the meetings. The agenda topics are subject to change. Please note that the subjects that will be discussed by the Board Committees and the Board may involve commercial or financial information that is privileged or confidential or other legal matters affecting FirstNet. As such, the Board Committee Chairs and Board Chair may call for a vote to close the meetings only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Times and Dates of Meeting: A combined meeting of the Board Committees will be held on September 13, 2017, between 9:00 a.m. and 12:00 p.m., Mountain Daylight Time (MDT). The meeting of the Board Committees will be open to the public via teleconference and WebEx from 9:00 a.m. to 12:00 p.m. MDT. The meeting of the Board will be held on September 14, 2017, and will be open to the public between 9:00 a.m. to 12:00 p.m. MDT. The times listed above are subject to change. Please refer to FirstNet's Web site at *www.firstnet.gov* for the most up-to-date information.

Place: The combined meeting of the Board Committees, on September 13, 2017, will be conducted via teleconference and WebEx only and accessible as described in this notice. The Board Meeting on September 14, 2017, will be held at the Hyatt Place Boulder, 2280 Junction Place, Boulder, CO 80301.

Other Information: The combined meeting of the Board Committees is open to the public via teleconference and WebEx only. On the date and time of the meeting, members of the public may call toll free 1–800–593–8976 and using passcode 3471793. To view the slide presentation, the public may visit the URL: *https://www.mymeetings.com/nc/join/* and enter Conference Number PWXW5018602 and audience passcode 3471793. Alternatively, members of the public may view the slide presentation by directly visiting the URL: *https://www.mymeetings.com/nc/join.php?i=PWXW5018602&p=3471793&t=c.*

If you experience technical difficulty, please contact the Conferencing Center customer service at 1–866–900–1011. Public access will be limited to listen-only. Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis.

The Board Meeting is open to the public and press on a first-come, first-served basis. Space is limited. To ensure an accurate headcount, all expected attendees are asked to provide notice of intent to attend by sending an email to *BoardRSVP@firstnet.gov.* If the number of RSVPs indicates that expected attendance has reached its capacity, FirstNet will respond to all subsequent notices indicating that capacity has been reached and that in-person viewing may no longer be available but that the meeting may still be viewed by webcast as detailed below. For access to the meetings, valid government issued photo identification may be requested for security reasons. The Board Meeting will also be webcast. Please refer to FirstNet's Web site at *www.firstnet.gov* for webcast instructions and other information. Viewers experiencing any issues with the live webcast may email *support@sparkstreetdigital.com* or call 202–684–3361 x3 for support. A variety of automated troubleshooting tests are also available via the ''Troubleshooting Tips'' button on the webcast player. The Board Meeting will also be available to interested parties by phone. To be connected to the Board Meeting in listen-only mode by telephone, please dial toll free 1–800–593–8976 and using passcode 3471793. If you experience technical difficulty, please contact the Conferencing Center customer service at 1–866–900–1011. The Combined Committee Meetings and Board Meeting are accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Ms. Miller-Kuwana by telephone (571) 665–6177 or email at *Karen.Miller-Kuwana@firstnet.gov* at least five (5) business days before the applicable meeting.

Records: FirstNet maintains records of all FirstNet Board proceedings. Minutes of the FirstNet Board Meeting and the Board Committee Meetings will be available at *www.firstnet.gov.*

Dated: August 21, 2017.

Karen Miller-Kuwana,

Board Secretary, First Responder Network Authority.

[FR Doc. 2017–18008 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–TL–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–913]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Amended Final Results of Countervailing Duty Administrative Review, 2014

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

SUMMARY: The Department of Commerce (the Department) is amending the final results of the countervailing duty administrative review of certain new pneumatic off-the-road tires from the People's Republic of China (PRC) to correct certain ministerial errors. The period of review (POR) is January 1, 2014, through December 31, 2014.

DATES: Applicable August 25, 2017.

FOR FURTHER INFORMATION CONTACT:

Chien-Min Yang or Jack Zhao, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–5484 and 202–482–1396, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(b)(5), on April 18, 2017, the Department published its final results in the countervailing duty administrative review of certain new phenumatic off-the-road tires from the PRC.[1] Titan Tire Corporation (Titan) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (the USW) (collectively, the petitioners) and Xuzhou Xugong Tyres Co. Ltd. (Xuzhou Xugong) timely alleged ministerial errors on April 21 and 24, 2017.[2] Xuzhou Xugong, the petitioners, and Guizhou Tyre Co., Ltd. (Guizhou Tyre) timely filed rebuttal comments on April 26 and 28, 2017.[3]

Scope of the Order

The products covered by the scope are new pneumatic tires designed for off-the-road (OTR) and off-highway use. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.70.0010, 4011.62.00.00, 4011.80.1020, 4011.90.10, 4011.70.0050, 4011.80.1010, 4011.80.1020, 4011.80.2010, 4011.80.2020, 4011.80.8010, and 4011.80.8020. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope, which is contained in the Issues and Decision Memorandum accompanying the *Final Results,* is dispositive.[4]

Ministerial Errors

Section 751(h) of the Act, and 19 CFR 351.224(f) define a ''ministerial error'' as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.'' The Department finds that one of the ministerial errors alleged by the petitioners constitutes a ministerial error within the meaning of 19 CFR 351.224(f).[5] Specifically, we made a ministerial error with regard to the selection of a synthetic rubber benchmark for the calculation of the provison of synthetic rubber at less than adequate remuneration for Guizhou Tyre and Xuzhou Xugong. For a complete discussion of these alleged errors, *see* the Response to Ministerial Error Allegations.[6]

In accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results.*[7] Specifically, we are amending the net subsidy rates for Guizhou Tyre, Xuzhou Xugong, and the 44 companies for which a review was requested that were not selected as mandatory respondents (the non-selected companies).[8] The revised net subsidy rates are provided below.

Amended Final Results

As a result of correcting the ministerial errors, we determine that Guizhou Tyre's, Xuzhou Xugong's and the non-selected companies' total net countervailable subsidy rates for the period January 1, 2014, through December 31, 2014, are as follows:

Manufacturer/exporter	Subsidy rate (percent ad valorem)
Guizhou Tyre Co., Ltd. and/or Guizhou Tyre Import and Export Co., Ltd.	37.57
Xuzhou Xugong Tyres Co. Ltd.	57.13
Non Selected Companies[9]	47.35

Assessment Rates/Cash Deposits

The Department intends to issue appropriate assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these amended final results of review, to liquidate shipments of subject merchandise produced and/or exported by the respondent listed above entered, or withdrawn from, warehouses for consumption on or after January 1, 2014, through December 31, 2014. On May 10, 12, and 23, 2017, the U.S. Court of International Trade preliminarily enjoined liquidation of certain entries that are subject to the *Final Results.*[10] Accordingly, the Department will not instruct CBP to assess countervailing duties on those enjoined entries pending resolution of the associated litigation.

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties, in the amount shown above for the companies listed above, on shipments of subject merchandise entered, or withdrawn from, warehouses for consumption on or after April 18, 2017, the date of publication of the *Final Results.* For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed,

[1] *See Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2014,* 82 FR 18285 (April 18, 2017) (*Final Results*) and accompanying Issues and Decision Memorandum (Final Results IDM).

[2] *See* Xuzhou Xugong's letter to the Department, ''Xuzhou Xugong Tyres Co., Ltd., (''Xugong''): Allegation of Ministerial Error for the Final Results of Countervailing Duty Administrative Review of New Pneumatic Off-The-Road Tires from the People's Republic of China,'' April 21, 2017, (Xuzhou Xugong's Ministerial Error Allegation); the petitioners' letter to the Department, ''Seventh Administrative Review of the Countervailing Duty Order on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China—Titan and USW's Ministerial Error Comments,'' April 24, 2017 (Petitioners' Ministerial Error Allegation).

[3] See the petitioners' letter to the Department, ''Seventh Administrative Review of the Countervailing Duty Order on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China—Titan and USW's Reply to Xugong's Allegation of Ministerial Error,'' April 26, 2017 (Petitioners' Rebuttal Comment); Xuzhou Xugong's letter to the Department, ''Xuzhou Xugong Tyres Co., Ltd., (''Xugong''): Rebuttal to Petitioners' Allegation of Ministerial Error for the Final Results of Countervailing Duty Administrative Review of New Pneumatic Off-The-Road Tires from the People's Republic of China,'' April 26, 2017, (Xuzhou Xugong's Rebuttal Comment); Guizhou Tyre's letter to the Department, ''GTC Rebuttal Comments on Petitioners' Ministerial Error Comments (re-file per ACCESS): Seventh Administrative Review of the Countervailing Duty Order on Certain Pneumatic Off-the-Road Tires from the People's Republic of China (C–570–913),'' April 28, 2017 (Guizhou Tyre's Rebuttal Comment).

[4] For a full description of the scope of the order, *see* Final Results IDM.

[5] *See* Memorandum, ''Response to Ministerial Error Allegations in the Final Results'' (Response to Ministerial Error Allegations) dated concurrently with this notice.

[6] *Id.*

[7] *See Final Results,* 82 FR at 18285.

[8] Consistent with the *Final Results, see* 82 at 18286, for the non-selected respondents, we assigned to the non-selected respondents the simple average of the amended net subsidy rates calculated for Guizhou Tyre and Xuzhou Xugong. We are using a simple, rather than a weighted, average due to inconsistent units of measure in the publicly ranged quantity and value data provided by Guizhou Tyre and Xuzhou Xugong.

[9] Appendix II of the *Final Results* provides a list of the non-selected companies that are assigned this rate. *See Final Results,* 82 at 18286–87.

[10] The U.S. Court of International Trade issued the related preliminary injunctions in case numbers 17–00101, 17–00105, and 17–00117, which are now consolidated, along with case number 17–00120, under lead case 17–00101.

shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Disclosure

We will disclose the calculations performed for these amended final results to interested parties within five business days of the date of the publication of this notice in accordance with 19 CFR 351.224(b).

We are issuing and publishing these results in accordance with sections 751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: August 21, 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. 2017–18045 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–814]

Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China: Initiation of Anti-Circumvention Inquiry on the Antidumping Duty Order

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

SUMMARY: In response to requests from Tube Forgings of America, Inc. (TFA), Mills Iron Works, Inc. (Mills), and Hackney Ladish, Inc. (Hackney), (collectively, the petitioners), the U.S. Department of Commerce (the Department) is initiating an anti-circumvention inquiry. In this inquiry, the Department will determine whether certain imports of carbon steel butt-weld pipe fittings (butt-weld pipe fittings) into the United States, exported from Malaysia, which were completed in Malaysia using finished or unfinished butt-weld pipe fittings sourced from the People's Republic of China (PRC), are circumventing the antidumping duty order on butt-weld pipe fittings from the PRC.

DATES: Applicable August 25, 2017.

FOR FURTHER INFORMATION CONTACT: Julia Hancock at (202) 482–1394, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On July 6, 1992, the Department issued the *Order* on imports of butt-weld pipe fittings from the PRC.[1] Additionally, on March 31, 1994, the Department issued the affirmative final determination finding that imports into the United States of pipe fittings that were finished in Thailand from unfinished pipe fittings produced in the PRC constituted circumvention of the *Order* within the meaning of section 781(b) of the Tariff Act of 1930, as amended (the Act).[2] The Department applied this finding of circumvention to all imports of butt-weld pipe fittings from Thailand, regardless of manufacturer/producer, unless accompanied by a certification stating that such pipe fittings have not been produced from unfinished PRC pipe fittings.[3]

On May 22, 2017, the petitioners, pursuant to section 781(b) of the Act and 19 CFR 351.225(h), submitted a properly filed request for the Department to initiate an anti-circumvention inquiry to determine whether certain imports of butt-weld pipe fittings which were completed in Malaysia using finished or unfinished butt-weld pipe fittings sourced from the PRC are circumventing the *Order*.[4] Specifically, the petitioners allege that certain imports of butt-weld pipe fittings sourced from unfinished or finished butt-weld pipe fittings from the PRC have undergone minor finishing processes, or were simply marked with ''Malaysia'' as the country of origin, in Malaysia, before export to the United States. The petitioners request that the Department treat all butt-weld pipe fittings imported from Malaysia, regardless of producer or exporter, as subject merchandise under the scope of the *Order* and impose cash deposit requirements for estimated antidumping duties on all imports of butt-weld pipe fittings from Malaysia.[5] In the alternative to an anti-circumvention inquiry, the petitioners requested that we initiate and issue a preliminary scope ruling that certain imports of butt-weld pipe fittings which were completed in Malaysia using finished or unfinished butt-weld pipe fittings sourced from the PRC are covered by the scope of the *Order,* pursuant to 19 CFR 351.225(k).[6]

On May 26, 2017, we received comments objecting to the allegations made by the petitioners from Pantech Steel Industries SDN Ph.D. (Pantech).[7] Also, on June 14, 2017, we received comments objecting to the allegations made by the petitioners from Solidbend Fittings & Flanges Sdn. Bhd. (Solidbend).[8] On June 22, 2017, we received rebuttal comments from the petitioners regarding Solidbend's comments.[9] Additionally, on July 21, 2017, we received comments objecting to the allegations made by the petitioners from Arah Dagang Sdn Bhd (Arah Dagang).[10]

On August 8, 2017, we requested a list of all known producers and exporters of butt-weld pipe fittings in Malaysia from the petitioners, and on August 10, 2017, the petitioners submitted their response.[11] Additionally, on August 14,

[1] *See Antidumping Duty Order and Amendment to the Final Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China,* 57 FR 29702 (July 6, 1992) (*Order*).

[2] *See Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China; Affirmative Final Determination of Circumvention of Antidumping Duty Order,* 59 FR 15155 (March 31, 1994) (*Final Determination of Circumvention 1994*).

[3] *Id.,* at 15158, 15159.

[4] *See* Letter from the petitioners to the Secretary of Commerce, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China; Request for Circumvention Ruling to Section 781(b) of the Tariff Act of 1930,'' dated May 22, 2017 (the petitioners' Request).

[5] *See* the petitioners' Request at 26–30.

[6] *Id.,* at 28–9.

[7] *See* Letter from Pantech to the Secretary of Commerce, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Response to Request for Anti-Circumvention Inquiry,'' dated May 26, 2017).

[8] *See* Letter from Solidbend, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China Anti-Circumvention Inquiry (Third-Country Assembly Malaysia),'' dated June 14, 2017.

[9] *See* Letter from the petitioners to the Secretary of Commerce, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China; Anti-Circumvention Inquiry (Third Country Assembly, Malaysia); Petitioners' Response to Objections of Solidbend Fittings & Flanges,'' dated June 22, 2017 (the petitioners'' Objection Comments).

[10] *See* Letter from Arah Dagang to the Secretary of Commerce, ''Carbon Steel Butt-Weld Pipe Fittings from China: Response to Request for Anti-Circumvention Inquiry,'' dated July 21, 2017.

[11] *See* Letter from Paul Walker, Program Manager, to Tube Forgings of America, Mills Iron Works, Inc., and Hackney Ladish, Inc, ''Request for Producers and Exporters from Malaysia: Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China,'' dated August 8, 2017; and Letter from the petitioners to Secretary of Commerce, ''Carbon Steel Butt-Weld Pipe Fittings from The People's Republic of China; A–570–814; Anticircumvention Inquiry (Third Country Assembly, Malaysia); Petitioners'

2017, and August 18, 2017, we received additional comments from Solidbend and Pantech, respectively, opposing the initiation of an anti-circumvention inquiry based on the petitioners' circumvention allegation.[12] [13]

Scope of the Order

The merchandise covered by the order consists of certain carbon steel butt-weld pipe fittings, having an inside diameter of less than 14 inches, imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (*e.g.,* threaded, grooved, or bolted fittings).[14] Carbon steel butt-weld pipe fittings are currently classified under subheading 7307.93.30 of the HTSUS. The HTSUS subheading is provided for convenience and customs purposes. The written product description remains dispositive.

Determination To Not Initiate a Scope Proceeding

As noted above, the petitioners have requested the Department initiate either a scope proceeding to clarify whether the scope of the *Order* on butt-weld pipe fittings includes the merchandise in question pursuant to 19 CFR 351.225(k) or an anti-circumvention proceeding pursuant to section 781(b) of the Act and 19 CFR 351.225(h). In the instant case, although the petitioners have provided substantial record evidence which may support the initiation of either type of inquiry, the Department has concluded that the issues raised by the parties are better addressed in the context of an anti-circumvention proceeding pursuant to section 781(b) of the Act and 19 CFR 351.225(h).[15] As a result of this determination, the Department will not initiate a scope proceeding pursuant to 19 CFR 351.225(k) at this time.

Merchandise Subject to the Anti-Circumvention Inquiry

This anti-circumvention inquiry covers imports of butt-weld pipe fittings sourced from unfinished or finished butt-weld pipe fittings from the PRC that have undergone minor finishing processes, or were simply marked with ''Malaysia'' as the country of origin, in Malaysia, before export to the United States.

Initiation of Anti-Circumvention Inquiry

Section 781(b)(1) of the Act provides that the Department may find circumvention of an antidumping or countervailing duty order when merchandise of the same class or kind subject to the order is completed or assembled in a foreign country other than the country to which the order applies. In conducting an anti-circumvention inquiry, under section 781(b)(1) of the Act, the Department will rely on the following criteria: (A) The merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of an antidumping or countervailing duty order or finding; (B) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is subject to the order or merchandise which is produced in the foreign country that is subject to the order; (C) the process of assembly or completion in the foreign country referred to in section (B) is minor or insignificant; (D) the value of the merchandise produced in the foreign country to which the antidumping or countervailing duty order applies is a significant portion of the total value of the merchandise exported to the United States; and (E) the administering authority determines that action is appropriate to prevent evasion of such order or finding. As discussed below, the petitioners provided evidence with respect to these criteria.

A. Merchandise of the Same Class or Kind

The petitioners state that the butt-weld pipe fittings exported to the United States from Malaysia are the same class or kind as the butt-weld pipe fittings covered by the *Order.*[16] The petitioners assert that merchandise subject to the *Order* is comprised of butt-weld pipe fittings ''{i}mported in either finished or unfinished form.'' [17] According to the petitioners, the language of the scope establishes that, once the fitting has been formed, either in finished or unfinished form, regardless of any finishing process occurring in Malaysia, such merchandise is subject to the *Order.*[18] Additionally, the petitioners also provided affidavits, as well as an email from a Malaysian manufacturer, Globefit Manufacturing (Globefit), indicating that Malaysian exporters and producers are exporting merchandise identical to that which is subject to the *Order.*[19] Since the merchandise being imported into the United States from Malaysia is physically identical to the subject merchandise from the PRC, pursuant to section 781(b)(1)(A) of the Act, the petitioners state that the butt-weld pipe fittings are of the same class or kind of merchandise as the butt-weld pipe fittings subject to the *Order.*

B. Completion of Merchandise in a Foreign Country

Section 781(b)(1)(B)(ii) of the Act requires the Department to determine whether, ''before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is produced in the foreign country with respect to which such order or finding applies.'' The petitioners presented evidence demonstrating how butt-weld pipe fittings are completed in Malaysia through finishing or simply marking with ''Malaysia'' as the country-of-origin, from finished or unfinished butt-weld pipe fittings manufactured and imported from the PRC.[20] Additionally, the petitioners provided evidence that there is very little production of butt-weld pipe fittings in Malaysia and that most Malaysian producers have converted their manufacturing operations to trading warehouses focusing on exports to the United States by sourcing butt-weld pipe fittings from the PRC, Taiwan, and South Korea.[21] The petitioners submitted evidence that the capacity to produce butt-weld pipe fittings significantly decreased and, thus, the few remaining Malaysian manufacturers must use imported finished or unfinished butt-weld pipe

Response to the Department's August 8, 2017 Letter,'' dated August 10, 2017.

[12] *See* Letter from Solidbend, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China Anti-Circumvention Inquiry (Third-Country Assembly Malaysia),'' dated August 14, 2017; and Letter from Pantech to the Secretary of Commerce, ''Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Response to Petitioners' August 10, 2017, Letter Identify,'' dated August 16, 2017.

[13] After consideration of the comments filed by interested parties in opposition to the initiation of the petitioners' circumvention allegation, the Department will address the arguments and factual information presented in the comments during the course of this anti-circumvention inquiry.

[14] *See Order.*

[15] As such, the remainder of this notice will focus on the statutory criteria for the initiation of an anti-circumvention inquiry, as defined in section 781(b) of the Act. See also the Analysis section of this notice, below, for the full discussion of the Department's determination to initiate an anti-circumvention inquiry pursuant to section 781(b) of the Act and 19 CFR 351.225(h).

[16] *See* the petitioners' Request at 9–10.

[17] *Id.,* at 9.

[18] *Id.,* at 10; *Order.*

[19] *Id.,* at 10 and Attachments 1 and 2.

[20] *Id.,* at 11, 12, and 15 and Attachments 1 and 2.

[21] *Id.*

fittings from the PRC, which then undergo only minor finishing or are simply stamped with ''Malaysia'' as the country-of-origin.[22] As support, the petitioners provided an affidavit and email documenting that a Malaysian manufacturer, Globefit, had arrangements to purchase unfinished fittings with a PRC butt-weld pipe fitting manufacturer and finish the fittings, which would be stamped with ''Malaysia'' as the country-of-origin along with a certificate, for export to the United States with the purpose of evading the *Order.*[23]

C. Minor or Insignificant Process

Under section 781(b)(2) of the Act, the Department is required to consider five factors to determine whether the process of assembly or completion is minor or insignificant. The petitioners allege that the production of butt-weld pipe fittings in the PRC, which subsequently undergoes only minor finishing processes, or are simply marked with ''Malaysia'' as the country-of-origin, comprises most the value associated with the merchandise imported from Malaysia into the United States, and that the processing occurring in Malaysia adds relatively little to the overall value of the finished butt-weld pipe fittings.[24]

(1) Level of Investment

The petitioners do not have access to the actual level of investment for manufacturing butt-weld pipe fittings in Malaysia.[25] Accordingly, the petitioners provided an affidavit indicating that Malaysian manufacturers of butt-weld pipe fittings have switched their operations from manufacturing to import/export trading and, thus, the level of investment to manufacture butt-weld pipe fittings in Malaysia declined and is minimal.[26] In support of their argument that the level of investment in Malaysia is minimal, the petitioners provided an affidavit from TFA asserting that the cost in equipment to cut, heat, and form seamless pipe into rough fittings is substantially higher than the cost in equipment necessary to only perform the finishing steps for the finished butt-weld pipe fittings, which comprises approximately less than twenty percent of the total cost.[27] Moreover, the petitioners submitted evidence that the level of investment to merely stamp the butt-weld pipe fittings with ''Malaysia'' as the country-of-origin accounts for relatively little of the total cost of equipment needed to complete the full integrated production of a finished butt-weld pipe fitting.[28] While the investment costs of a U.S. producer are not identical to those of a PRC or Malaysian producer, the petitioners argue, based on their own experience, that the investment costs of equipment for each production step would be the same relative to the total equipment cost regardless of the location of the producer.[29]

(2) Level of Research and Development

The petitioners assert that butt-weld pipe fittings are a technologically mature product and that there has been no significant advancement in the product or its production for decades.[30] As such, the level of research and development to produce butt-weld pipe fittings is minimal to non-existent.[31]

(3) Nature of Production Process in Malaysia

According to the petitioners, the additional processing undertaken by Malaysian producers of butt-weld pipe fittings is minimal.[32] Regardless of whether butt-weld pipe fittings exported from the PRC to Malaysia are in finished or unfinished forms, the production steps performed are minor, according to the petitioners.[33] Conversely, the manufacturing process to produce butt-weld pipe fittings in the PRC from the beginning of the production process is much more complex. Specifically, the manufacturing process for butt-weld pipe fittings consists of three production phases: (1) The seamless carbon steel pipe is transformed into a rough shape of an elbow, tee, *etc.,* through a cold- or hot-forming process that produces the rough pipe fitting; (2) then, the rough pipe fitting goes through a reforming or sizing process to ensure that the fitting will match the pipe to which it is to be welded; and (3) the final stage that produces the finished butt-weld pipe fitting includes shot blasting or cleaning, machine beveling of the fitting, boring and tapering its interior, grinding, die stamping, and painting.[34] In contrast, the processing of unfinished forms into a finished butt-weld pipe fitting, which is performed in Malaysia, only involves the third-step of the production process for butt-weld pipe fittings.[35] As a consequence, because the production process is so minimal in Malaysia and unfinished fittings are of the same class or kind of merchandise as the finished butt-weld pipe fittings, the petitioners maintain that the finished butt-weld pipe fittings produced in Malaysia from finished or unfinished butt-weld pipe fittings exported from the PRC are subject to the *Order.*

(4) Extent of Production in Malaysia

The petitioners argue that production facilities in Malaysia are more limited compared to facilities in the PRC.[36] This is because Malaysian manufacturers primarily have shifted their business model from manufacturing to trading and, thus, the production capacity in Malaysia is significantly smaller than it may have been in prior years, as identified in the petitioners' submitted affidavit.[37] Moreover, the petitioners cite information indicating that the production facilities in Malaysia for butt-weld pipe fittings are limited to finishing operations, and, in some instances, limited to only stamping butt-weld pipe fittings with a ''Malaysia'' country-of-origin mark.[38]

(5) Value of Processing in Malaysia

The petitioners assert that the production of butt-weld pipe fittings in the PRC accounts for a large percentage of the total value of the finished butt-weld pipe fittings that are produced in Malaysia.[39] Using information provided in an affidavit from TFA, the petitioners posit that the price of unfinished or finished butt-weld pipe fittings is between approximately 80 percent to 100 percent of the price of finished butt-weld pipe fittings.[40] Thus, the value-added in Malaysia by either just finishing the unfinished butt-weld pipe fittings or merely adding the ''Malaysia'' country-of-origin marking ranges from an estimated 15 percent to a considerably lesser value added. Thus, the petitioners maintain that the completion activities in Malaysia add very little to the finished butt-weld pipe fittings exported to the United States from butt-weld pipe fittings sourced from the PRC.[41] This conclusion is comparable to the little amount of value added by finishing operations

[22] *Id.*

[23] *Id.*

[24] *Id.,* at 17.

[25] *Id.*

[26] *Id.,* at 17 and Attachment 2.

[27] *Id.,* at 18 and Attachment 3.

[28] *Id.*

[29] *Id.*

[30] *Id.,* at 19 (citing to *Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand,* Inv. Nos. 731–TA–308–310 and 520–521, USITC Pub. 4628 (August 2016) (*Fourth Sunset Review*) at I–3).

[31] *Id.*

[32] *Id.,* at 19.

[33] *Id.*

[34] *Id.,* at 16 (citing to *Fourth Sunset Review* at I–3 and I–6).

[35] *Id.,* at 19 and Attachment 2.

[36] *Id.* at 20.

[37] *Id.,* at 20 and Attachment 2.

[38] *Id.*

[39] *Id.,* at 21 and Attachment 3.

[40] *Id.*

[41] *Id.*

performed in Thailand on butt-weld pipe fittings sourced from the PRC in the *Final Determination of Circumvention 1994.*[42]

D. Value of Merchandise Produced in the PRC

The petitioners argue that the evidence, as noted above, in their anti-circumvention request clearly supports their position that the value of unfinished and finished butt-weld pipe fittings produced in the PRC, and then finished or marked with a Malaysian country-origin mark, represents a significant portion of the total value of the merchandise exported to the United States, as measured by a percentage of the total cost of manufacture.[43]

E. Additional Factors To Consider in Determining Whether Inquiry in Warranted

Section 781(b)(3) of the Act directs the Department to consider additional factors in determining whether to include merchandise assembled or completed in a foreign country within the scope of the *Order,* such as ''(A) the pattern of trade, including sourcing patterns, (B) whether the manufacturer or exporter of the merchandise . . . is affiliated with the person who uses the merchandise . . . to assemble or complete in the foreign country the merchandise that is subsequently imported in the United States, and (C) whether imports into the foreign country of the merchandise . . . have increased after initiation of the investigation which resulted in the issuance of such order or finding.''

(1) Pattern of Trade

The petitioners state that the record evidence demonstrates that, since the imposition of the *Order,* a pattern of trade illustrates circumvention between the levels of imports for butt-weld pipe fittings between the PRC, Malaysia, and the United States.[44] Publicly-available import data show that PRC-origin imports of butt-weld pipe fittings into Malaysia increased significantly in recent years, and a steady increase in exports from Malaysia to the United States since the imposition of the *Order.*[45] Also, between 2010 and 2015, publicly-available import data show a marked increase of PRC-origin butt-weld pipe fittings into Malaysia coincides with a decline in volume of exports from the PRC to the United States.[46] Additionally, the petitioners submit that the record evidence shows that, while butt-weld pipe fittings exported from the PRC to the United States declined between 2010 and 2015, butt-weld pipe fittings exported from Malaysia to the United States increased steadily at the same time.[47] No other factual information on the record contradicts this claim.

(2) Affiliation

The petitioners provided no information regarding the affiliation between PRC producers of unfinished and finished butt-weld pipe fittings, and Malaysian producers of butt-weld pipe fittings that undergo only minor finishing processes, or are simply marked with ''Malaysia'' as the country-of-origin.

(3) Subsequent Import Volume

The petitioners presented evidence indicating that shipments of butt-weld pipe fittings from the PRC to Malaysia steadily increased since imposition of the *Order,* whereas shipments of butt-weld pipe fittings from the PRC to the United States steadily declined.[48] No other factual information contradicts this claim.

Analysis of the Allegation

Based on our analysis of the petitioners' anti-circumvention inquiry allegation, the Department determines that the petitioners have satisfied the criteria under section 781(b)(1) of the Act to warrant the initiation of an anti-circumvention inquiry of the *Order* on butt-weld pipe fittings from the PRC.

With regard to whether the merchandise from Malaysia is of the same class or kind as the merchandise produced in the PRC, the petitioners presented information to the Department indicating that, pursuant to section 781(b)(1)(A) of the Act, the merchandise being produced in and/or exported from Malaysia may be of the same class or kind as butt-weld pipe fittings produced in the PRC, which is subject to the *Order.*[49] Consequently, the Department finds that the petitioners provided sufficient information in their request regarding the class or kind of merchandise to support the initiation of this anti-circumvention inquiry.

With regard to completion or assembly of merchandise in a foreign country, pursuant to section 781(b)(1)(B) of the Act, the petitioners also presented information to the Department indicating that the butt-weld pipe fittings exported from Malaysia to the United States are produced in Malaysia using butt-weld pipe fittings from the PRC, which account for a significant portion of the total costs related to the production of butt-weld pipe fittings.[50] We find that the information presented by the petitioners regarding this criterion supports their request to initiate this anti-circumvention inquiry.

The Department finds that the petitioners sufficiently addressed the factors described in section 781(b)(1)(C) and 781(b)(2) of the Act regarding whether the assembly or completion of butt-weld pipe fittings in Malaysia is minor or insignificant. In particular, the petitioners' submission asserts that: (1) The level of investment of butt-weld pipe fittings is minimal in Malaysia; (2) research and development is not taking place in Malaysia; (3) the production process involves only finishing or simply stamping with a Malaysian country-of-origin mark on butt-weld pipe fittings from a country subject to the *Order;* (4) the production facilities in Malaysia are more limited compared to facilities in the PRC; and (5) the value of the processing performed in Malaysia is minimal, as the production of butt-weld pipe fittings in the PRC accounts for approximately 80 percent to 100 percent of the value of finished butt-weld pipe fittings.[51]

With respect to the value of the merchandise produced in the PRC, pursuant to section 78l(b)(l)(D) of the Act, the petitioners relied on one of their member's information and arguments in the ''minor or insignificant process'' portion of their anti-circumvention allegation to indicate that the value of the unfinished or finished butt-weld pipe fittings, produced in the PRC, may be significant relative to the total value of the finished butt-weld pipe fittings exported from Malaysia to the United States.[52] We find that this information adequately meets the requirements of this factor, as discussed above, for the purposes of

[42] *Id.*

[43] *Id.,* at 22.

[44] *Id.* at 23.

[45] *Id.,* at 23 and Attachment 4. The petitioners stated that all imports of butt-weld pipe fittings from the PRC into Malaysia, the PRC into the United States, and Malaysia into the United States declined in 2016, but this was due to the substantial decline in oil prices globally and this decline is not an indication that circumvention of the *Order* through Malaysia ceased, which is further supported by the *Fourth Sunset Review. Id.,* at 24–25 at footnote 59; *Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand,* Inv. Nos. 731–TA–308–310 and 520–21, USITC Pub. 4628 (August 2016) (*Fourth Sunset Review*) at 6 and I–6.

[46] *See* the petitioners' Request at 24–25 and Attachment 4.

[47] *Id.*

[48] *Id.,* at 25–6 and Attachment 4.

[49] *Id.* at 9–10.

[50] *Id.,* at 21–2 and Attachment 3.

[51] *See* discussion of these five factors above.

[52] *See* the petitioners' Request at 10–23 and Attachments 1, 2, and 3.

initiating this anticircumvention inquiry.

With respect to the additional factors listed under section 781(b)(3) of the Act, we find that the petitioners presented evidence indicating that shipments of butt-weld pipe fittings from Malaysia to the United States increased since the imposition of the *Order* and that shipments of butt-weld pipe fittings from the PRC to Malaysia also increased since the *Order* took effect, further supporting initiation of this anti-circumvention inquiry.[53]

Accordingly, we are initiating a formal anti-circumvention inquiry concerning the *Order* on butt-weld pipe fittings from the PRC, pursuant to section 781(b) of the Act.

In connection with this anti-circumvention inquiry, in order to determine: (1) The extent to which PRC-sourced unfinished or finished butt-weld pipe fittings is further processed into butt-weld pipe fittings in Malaysia before shipment to the United States; (2) the extent to which a country-wide finding applicable to all exports might be warranted, as alleged by the petitioners; and (3) whether the process of turning PRC-sourced unfinished or finished butt-weld pipe fittings into finished butt-weld pipe fittings processed in Malaysia is minor or insignificant, the Department will issue questionnaires to Malaysian producers and exporters of butt-weld pipe fittings to the United States. The Department will issue questionnaires to solicit information from the Malaysian producers and exporters concerning their shipments of butt-weld pipe fittings to the United States and the origin of the imported unfinished or finished butt-weld pipe fittings being processed into butt-weld pipe fittings. Companies failing to respond completely and timely to the Department's questionnaire may be deemed uncooperative and an adverse inference may be applied in determining whether such companies are circumventing the *Order. See* section 776 of the Act.

Finally, while we believe sufficient factual information has been submitted by the petitioners supporting their request for an inquiry, we do not find that the record supports the simultaneous issuance of a preliminary ruling. Such inquiries are by their nature complicated and require additional information regarding production in both the country subject to the order and the third-country completing the product. As noted above, the Department intends to request additional information regarding the statutory criteria to determine whether shipments of butt-weld pipe fittings from Malaysia are circumventing the *Order* on butt-weld pipe fittings from the PRC. Thus, further development of the record is required before a preliminary ruling can be issued.

[53] *See* the petitioners' Request at 23–5 and Attachment 4.

Notification to Interested Parties

In accordance with 19 CFR 351.225(e), the Department finds that the issue of whether a product is included within the scope of any order cannot be determined based solely upon the application and the descriptions of the merchandise. Accordingly, the Department will notify by mail all parties on the Department's scope service list of the initiation of anti-circumvention inquiries. Additionally, in accordance with 19 CFR 351.225(f)(1)(i) and (ii), in this notice of initiation issued under 19 CFR 351.225(e), we included a description of the product that is the subject of this anti-circumvention inquiry (*i.e.,* butt-weld pipe fittings that contain the characteristics as provided in the scope of the *Order*), and an explanation of the reasons for the Department's decision to initiate this anti-circumvention inquiry, as provided above.

In accordance with 19 CFR 351.225(1)(2), if the Department issues an affirmative preliminary determination, we will then instruct U.S. Customs and Border Protection to suspend liquidation and require cash deposits of estimated antidumping duties, at the applicable rates, for each unliquidated entry of the merchandise at issue, entered or withdrawn from warehouse for consumption on or after the date of initiation of the inquiry. The Department will establish a schedule for questionnaires and comments for this inquiry. In accordance with section 781(f) of the Act and 19 CFR 351.225(f)(5), the Department intends to issue its final determination within 300 days of the date of publication of this notice.

This notice is published in accordance with 19 CFR 351.225(f).

Dated: August 21, 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. 2017–18046 Filed 8–24–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is amending its final results of the third administrative review of the antidumping duty (AD) order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (PRC). The period of review (POR) is December 1, 2014, through November 30, 2015. The amended final weighted-average dumping margins are listed below in the section entitled, ''Amended Final Results.''

DATES: Applicable August 25, 2017.

FOR FURTHER INFORMATION CONTACT: Krisha Hill, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4037.

SUPPLEMENTARY INFORMATION:

Background

On June 27, 2017, the Department published the final results of the 2014–2015 administrative review of the AD order on solar cells from the PRC in the **Federal Register**.[1] In addition, on June 27, 2017, the Department disclosed to interested parties its calculations for the final results.[2] On June 30, 2017, the Department received a timely filed ministerial error allegation from SolarWorld Americas, Inc. (the petitioner) regarding the Department's calculation of the dumping margin for Trina,[3] one of the mandatory

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2014–2015,* 82 FR 29033 (June 27, 2017) (*Final Results*) and accompanying Issues and Decision Memorandum (IDM).

[2] *See* Department Letter, re: Antidumping Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Ministerial Error Comments,'' dated June 29, 2017.

[3] The Department treated the following six companies as a single entity: Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou)

respondents in the review.[4] Specifically, the petitioner alleged that although the Department stated its intent to disallow the debt restructuring offset that Trina made to its indirect selling expenses, the Department made a ministerial error by excluding indirect selling expenses reported in the INDIRSU field from the U.S. indirect selling expenses used in Trina's margin calculations. No rebuttal comments were submitted, nor were any other ministerial error allegations submitted.

Scope of the Order

The merchandise covered by the order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.[5] Merchandise covered by the order is classifiable under subheading 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Ministerial Error

19 CFR 351.224(e) provides that the Department will analyze any comments received and, if appropriate, correct any ministerial error by amending the final determination or the final results of the review. Section 751(h) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.224(f) define a ''ministerial error'' as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.''

We analyzed the petitioner's ministerial error comments and determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(e) and (f), that we made a ministerial error in our calculation of Trina's dumping margin by inadvertently not including indirect selling expenses reported in the INDIRSU field in the U.S. indirect selling expenses used in our margin calculations. Specifically, in the *Final Results,* we inadvertently treated the INDIRS2U field as reflecting total indirect selling expenses, including the expenses reflected under the INDIRSU field. However, the INDIRS2U field only reflects the additional expense that should be added to INDIRSU field if the debt restructuring offset was denied. We are correcting this ministerial error by including the indirect selling expenses reported in the INDIRSU field in Trina's U.S. indirect sales expenses.[6]

Additionally, because the dumping margin for separate rate companies that the Department did not individually examine, but which demonstrated their eligibility for a separate rate, is based on the mandatory respondents' dumping margins,[7] we also are revising the dumping margin for companies not individually examined in this review as a result of our correction to Trina's dumping margin. The dumping margin for the second mandatory respondent, Canadian Solar,[8] remains unchanged from the dumping margin calculated in the *Final Results.*[9]

Amended Final Results

As a result of correcting this ministerial error, we determine that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margins (Percent)
Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd	5.82
Chint Solar (Zhejiang) Co., Ltd	7.82
ERA Solar Co., Ltd	7.82
ET Solar Energy Limited	7.82
Hangzhou Sunny Energy Science & Technology Co., Ltd	7.82
Hengdian Group DMEGC Magnetics Co., Ltd	7.82
JA Solar Technology Yangzhou Co., Ltd	7.82
Jiawei Solarchina (Shenzhen) Co., Ltd	7.82
Jiawei Solarchina Co., Ltd	7.82
JingAo Solar Co., Ltd	7.82
Lightway Green New Energy Co., Ltd	7.82
Ningbo ETDZ Holdings, Ltd	7.82
Risen Energy Co., Ltd	7.82
Shanghai BYD Co., Ltd	7.82
Shanghai JA Solar Technology Co., Ltd	7.82
Shenzhen Sungold Solar Co., Ltd	7.82
Shenzhen Topray Solar Co., Ltd	7.82
Star Power International Limited	7.82
Systemes Versilis, Inc	7.82

Science & Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd. (collectively, Trina). *See Final Results* and accompanying IDM.

[4] See Petitioner's June 30, 2017, Letter regarding ''Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Comments on Ministerial Errors in the Final Results.''

[5] For a complete description of the scope of the order, *see Final Results* and accompanying IDM.

[6] *See* memorandum: ''Amended Final Results Analysis Memorandum for Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd.,'' dated August 21, 2017.

[7] *See Final Results,* 82 FR 29035; *see also* memorandum: ''Calculation of the Amended Final Dumping Margin for Separate Rate Recipients,'' dated August 21, 2017.

[8] The Department treated the following six companies as a single entity: Canadian Solar International Limited/Canadian Solar Manufacturing (Changshu), Inc./Canadian Solar Manufacturing (Luoyang), Inc./CSI Cells Co., Ltd./CSI–GCL Solar Manufacturing (YanCheng) Co., Ltd./CSI Solar Power (China) Inc. (collectively, Canadian Solar).

[9] The dumping margin for Canadian Solar remains 13.07 percent. *See Final Results,* 82 FR 29035.

Exporter	Weighted-average dumping margins (Percent)
Taizhou BD Trade Co., Ltd	7.82
tenKsolar (Shanghai) Co., Ltd	7.82
Toenergy Technology Hangzhou Co., Ltd	7.82
Wuxi Tianran Photovoltaic Co., Ltd	7.82
Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd./Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing Tianneng Yingli New Energy Resources Co., Ltd./Hainan Yingli New Energy Resources Co., Ltd./Shenzhen Yingli New Energy Resources Co., Ltd	7.82
Zhejiang Era Solar Technology Co., Ltd	7.82
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	7.82

Assessment

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these *Amended Final Results.* In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), the Department will calculate importer- (or customer-) specific assessment rates for merchandise subject to this review. Where the respondent reported reliable entered values, the Department calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to the importer- (or customer) and dividing this amount by the total entered value of the sales to the importer- (or customer).[10] Where the Department calculated an importer- (or customer-) specific weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to the importer- (or customer) by the total sales quantity associated with those transactions, the Department will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[11] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis,* the Department will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis,* or an importer (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[12]

For merchandise whose sale/entry was not reported in the U.S. sales database submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.,* at the individually-examined exporter's cash deposit rate), the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate.[13]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after June 27, 2017, the date of publication of the *Final Results,* as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate listed for each exporter in the table in the ''Amended Final Results'' section of this notice, except if the rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), then the cash deposit rate will be zero; (2) for previously investigated PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate previously established for the PRC-wide entity (*i.e.,* 238.95 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed for these Amended Final Results within five days of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

[10] *See* 19 CFR 351.212(b)(1).

[11] *Id.*

[12] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[13] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

These amended final results and notice are issued and published in accordance with sections 751(h) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: August 21, 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. 2017–18047 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: National Sea Grant Office (NSGO), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public comments.

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 24, 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 Dorn Carlson, 301–734–1080 or *oar.sg.info-admin@noaa.gov.*

SUPPLEMENTARY INFORMATION: This request is for extension of a currently approved information collection.

The objectives of the National Sea Grant College Program, as stated in the Sea Grant legislation (33 U.S.C. 1121–1131) are to increase the understanding, assessments, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources. It accomplishes these objectives by conducting research, education, and outreach programs.

Grant monies are available for funding activities that help obtain the objectives of the Sea Grant Program. Both single and multi-project grants are awarded, with the latter representing about 80 percent of the total grant program. In addition to other standard grant application requirements, three forms are required with the grants. These are the Sea Grant Control Form 90–1, used to identify the organizations and personnel who would be involved in the grant and briefly summarize the proposed activities under the grant; the Project Record Form 90–2, which collects summary data on projects; and the Sea Grant Budget Form 90–4, which provides information similar to, but more detailed than on, forms SF–424A or SF–424C.

The National Sea Grant College Program Act (33 U.S.C. 1126) provides for the designation of a public or private institution of higher education, institute, laboratory, or State or local agency as a Sea Grant college or Sea Grant institute. Applications are required for designation of Sea Grant Colleges and Sea Grant Institutes.

Method of collection: Responses are made in a variety of formats, including forms and narrative submissions, via mail, fax or email. The Sea Grant Project Record Form and Sea Grant Budget Form must be submitted in electronic format through *grants.gov* if the grant applicant has the means to do so.

Data: OMB Number: 0648–0362.

Form Number: NOAA Forms 90–1, 90–2 and 90–4.

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

Affected Public: Academic institutions, not-for-profit institutions; business or other for-profit organizations; individuals or households; State, Local or Tribal Government.

Estimated Number of Respondents: 680.

Estimated Time per Response: 30 minutes for a Sea Grant Control form; 20 minutes for a Project Record Form; 15 minutes for a Sea Grant Budget form; and 20 hours for an application for designation as a Sea Grant college or Sea Grant institute.

Estimated Total Annual Burden Hours: 1091.

Estimated Total Annual Cost to Public: $300 in recordkeeping/reporting costs.

Requests 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 3, 2017.

David Holst,

Acting Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–18067 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF626

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Observer Advisory Committee (OAC) subgroup on low sampling rates in partial coverage.

DATES: The meeting will be held Tuesday, September 12, 2017, from 8:30 a.m. to 10:30 a.m., Alaska time.

ADDRESSES: The meeting will be held via Teleconference only: (907) 271–2896.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

The agenda will be to finalize subgroup recommendations for the Observer Advisory Committee. Details will be posted on the Web site as they become available at: *https://www.npfmc.org/observer-program.* Meeting will be listening-only for those that are not on the OAC subgroup.

Special Accommodations

The meeting is via teleconference. Request for auxiliary aids should be directed to Maria Shawback at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18061 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF632

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Meeting of the South Atlantic Fishery Management Council.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the: Advisory Panel Selection Committee (Closed); Habitat Protection and Ecosystem-Based Management Committee; Southeast Data, Assessment and Review (SEDAR) Committee; Snapper Grouper Committee; Personnel Committee (Closed); Mackerel Cobia Committee; and Executive Finance Committee. There will also be meetings of the full Council. The Council will also hold two formal public comment sessions and take action as necessary.

DATES: The Council meeting will be held from 9 a.m. on Monday, September 11, 2017 until 1 p.m. on Friday, September 15, 2017.

ADDRESSES:

Meeting address: The meeting will be held at the Town & Country Inn, 2008 Savannah Highway, Charleston, SC 29407; phone: (843) 571–1000; fax: (843) 766–9444.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.* Meeting information is available from the Council's Web site at: *http://safmc.net/meetings/council-meetings/.*

SUPPLEMENTARY INFORMATION:

Public comment: Written comments may be directed to Gregg Waugh, Executive Director, South Atlantic Fishery Management Council (see *Council address*) or electronically via the Council's Web site at *http://safmc.net/safmc-meetings/council-meetings/.* The public comment form is open for use when the briefing book is posted to the Web site on the Friday, two weeks prior to the Council meeting (8/25/17). Comments received by close of business the Monday before the meeting (9/4/17) will be compiled, posted to the Web site as part of the meeting materials, and included in the administrative record; please use the Council's online form available from the Web site. For written comments received after the Monday before the meeting (after 9/4/17), individuals submitting a comment must use the Council's online form available from the Web site. Comments will automatically be posted to the Web site and available for Council consideration. Comments received prior to noon on Thursday, September 14, 2017 will be a part of the meeting administrative record.

The items of discussion in the individual meeting agendas are as follows:

Full Council Session, Monday, September 11, 2017, 9 a.m. Until 5 p.m.

1. The Council will hold a special session to address management measures proposed for red snapper following introductions and approval of the June 2017 Council meeting minutes. The Council will receive presentations on new red snapper data for consideration and discuss options for possibly requesting Emergency Action by NOAA Fisheries for a 2017 red snapper season. In addition, the Council will review public hearing comments and management alternatives in Amendment 43 to the Snapper Grouper Fishery Management Plan to modify the annual catch limit (ACL) for red snapper. Public comment will be accepted on options for considering an Emergency Action request and on Amendment 43.

2. The Council is scheduled to take final action to approve Amendment 43 for Secretarial Review. The Council may also approve a request for Emergency Action relative to red snapper.

AP Selection Committee, Tuesday, September 12, 2017, 8:30 a.m. Until 10 a.m. (Closed Session)

1. The Committee will review the structure of the Habitat Protection and Ecosystem-Based Management Advisory Panel and provide recommendations.

2. The Committee will review applications and provide recommendations for appointments to advisory panels.

Habitat Protection and Ecosystem-Based Management Committee, Tuesday, September 12, 2017, 10 a.m. Until 12 p.m.

1. The Committee will review, modify, and approve the Council's Essential Fish Habitat Policy Statement on Artificial Reefs and provide guidance on the draft Fishery Ecosystem Plan II Implementation Plan.

2. The Committee will receive an update on the Fishery Ecosystem Plan II Online System and a section update, an overview of the Habitat and Ecosystem Tools and Model development, discuss and provide guidance to staff.

SEDAR Committee, Tuesday, September 12, 2017, 1:30 p.m. Until 2:30 p.m.

1. The Committee will receive a report from the Scientific and Statistical Committee (SSC) on the proposed Research Track Process for conducting stock assessments and provide guidance to staff.

2. The Committee will receive an update on the status of a joint Marine Recreational Information Program (MRIP) Workshop between the South Atlantic and Gulf of Mexico Fishery Management Councils and provide guidance to staff.

3. The Committee will also discuss guidance to the SEDAR Steering Committee as appropriate and provide direction to staff.

Snapper Grouper Committee, Tuesday, September 12, 2017, 2:30 p.m. Until 5:30 p.m. and Wednesday, September 13, 2017 From 8:30 a.m. Until 4 p.m.

1. The Committee will receive updates from NOAA Fisheries on commercial catches versus quotas for species under ACLs and the status of amendments under formal Secretarial review.

2. The Committee will receive an overview of Vision Blueprint Regulatory Amendment 26 addressing recreational management actions and alternatives and Vision Blueprint Regulatory Amendment 27 addressing commercial management actions and alternatives, as identified in the 2016–2020 Vision Blueprint for the Snapper Grouper Fishery. The Committee will modify the documents as necessary and provide guidance to staff.

3. The Committee will receive an update from Council staff on the Commercial Fishery Socio-economic

Characterization/Portfolio analysis currently underway.

4. The Committee will review projections for red grouper, review management options and provide guidance to staff on development of an amendment to address management needs.

5. The Committee will discuss an amendment to address the Control Rule for Acceptable Biological Catch (ABC Control Rule Amendment) and possible adjustments to accountability measures for various management plans, discuss, and provide direction to staff.

6. The Committee will receive an update on the Wreckfish Individual Transferable Quota (ITQ) review, including a report from a recent meeting of shareholders, and provide guidance to staff.

7. The Committee will address Atlantic coast-wide issues, including coast-wide plans to address climate change. This includes a review of state-by-state regulations for snapper grouper species in the Greater Atlantic Region and data collection and monitoring efforts. The Committee will discuss working with the Mid-Atlantic Fishery Management Council to have them work with the states north of North Carolina to implement complementary regulations for snapper grouper species occurring in the Mid-Atlantic.

Formal Public Comment, Wednesday, September 13, 2017, 4:30 p.m.—Public comment will be accepted on items on the Council agenda. The Council Chair, based on the number of individuals wishing to comment, will determine the amount of time provided to each commenter.

Personnel Committee (Closed), Thursday, September 14, 2017, 8 a.m. Until 9 a.m.

1. The Committee will conduct the performance review for the Executive Director.

Mackerel Cobia Committee, Thursday, September 14, 2017, 9 a.m. Until 12 p.m.

1. The Committee will receive an update on commercial catches versus quotas for species managed under ACLs and an update on the status of amendments currently under Secretarial review.

2. The Committee will also receive an update on the status of a request for recalculation of the 2015 and 2016 recreational landings for Atlantic cobia, discuss and provide direction to staff.

3. The Committee will receive an update on development of the Interstate Atlantic Cobia Management Plan from the Atlantic States Marine Fisheries Commission (ASMFC) and updates from states on the 2017 Atlantic cobia season. The Committee will review public scoping comments on draft Amendment 31 to the Coastal Migratory Pelagic Fishery Management Plan (FMP) addressing complementary management of Atlantic cobia with ASMFC or removal from the FMP. The Committee will provide guidance to staff.

4. The Committee will receive an overview of Atlantic king mackerel trip limits, discuss, and provide guidance to staff.

Executive Finance Committee, Thursday, September 14, 2017, 1:30 p.m. Until 4 p.m.

1. The Committee will receive a report from the August 2017 webinar meeting of the Executive Finance Committee and provide guidance as necessary.

2. The Committee will review the South Atlantic Regional Operations Agreement and the Council Follow-up and Priorities documents and provide guidance to staff.

3. The Committee will discuss options for an advisory panel/workgroup for the System Management Plan for the Council's managed areas and take action as necessary.

4. The Committee will discuss materials available for Council meetings and provide guidance to staff.

Council Session: Thursday, September 14, 2017, 4 p.m. Until 5 p.m. and Friday, September 15, 2017, 8:30 a.m. Until 1 p.m. (Partially Closed Session if Needed)

The Full Council will reconvene beginning on Thursday afternoon with a Call to Order, adoption of the agenda, announcements and introductions, presentation of the Law Enforcement Officer of the Year award, and election of a new Council Chair and Vice-Chair.

The Council will receive a Legal Briefing on Litigation from NOAA General Counsel (if needed) during Closed Session. The Council will receive the Executive Director's Report, an update on the Council's Citizen Science Program, and an overview of the economic value of South Atlantic fisheries. The Council will also receive reports from NOAA Fisheries on the status of commercial and recreational catches versus ACLs for species not covered during an earlier committee meeting, status of the South Atlantic For-Hire Amendment, status of Bycatch Collection Programs, landings of dolphin fish caught with pelagic longline gear by vessel permit type, and the status of commercial electronic logbook reporting. The Council will review any Exempted Fishing Permits received by NOAA Fisheries as necessary. The Council will receive Committee reports from the Advisory Panel Selection, Habitat and Ecosystem-Based Management, SEDAR, Snapper Grouper, Mackerel Cobia, and Executive Finance Committees, review recommendations, and take action as appropriate.

The Council will receive agency and liaison reports; and discuss other business and upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18048 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF625

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Groundfish Plan Teams will meet September 12 through September 15, 2017.

DATES: The meeting will be held on Tuesday, September 12 to Friday, September 15, 2017, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Alaska Fishery Science Center Traynor Room 2076 and NMML Room 2079, 7600 Sand Point Way NE., Building 4, Seattle, WA 98115.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Stram or Jim Armstrong, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, September 12 to Friday September 15, 2017

The Plan Teams will review the preliminary stock assessments for Groundfish and receive reports including but not limited to: 2017 Survey Estimates, CIE Reviews for GOA Pollock and BSAI Flatfish, and the Economic Stock Assessment and Fishery Evaluation (SAFE).

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org*.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18059 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF637

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, September 12, 2017 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The committee will discuss Plan Development Team analysis and draft Framework Adjustment 5 (FW 5) alternatives including updated status determinations for the Northeast Skate Complex, recommendations for the Skate Allowable Biological Catch (ABC), associated possession limits, and allowing the landing of barndoor skate as well as select preferred alternatives for FW 5. They will also discuss PDT analyses of limited access in the Northeast Skate FMP and recommendations for the Committee to consider for 2018 priorities for the Northeast Skate Complex FMP. The Council is scheduled to have an initial discussion of potential 2018 priorities at the September Council meeting. The committee discuss if there are any regulations in the Northeast Skate Complex FMP that could be eliminated, improved, or streamlined. Several recent Executive Orders have been issued about streamlining current regulations, and NOAA is seeking public input on the efficiency and effectiveness of current regulations and whether they can be improved. Other business will be discussed as necessary.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18049 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Membership of the National Oceanic and Atmospheric Administration Performance Review Board

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

ACTION: Notice of Membership of the NOAA Performance Review Board.

SUMMARY: NOAA announces the appointment of members who will serve on the NOAA Performance Review Board (PRB). The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES), Senior Level (SL), and Scientific and Professional (ST) members and making written recommendations to the appointing authority on retention and compensation matters, including performance-based pay adjustments, awarding of bonuses, and reviewing recommendations for potential Presidential Rank Award nominees. The appointment of members to the NOAA PRB will be for a period of two (2) years.

DATES: The effective date of service of the eight appointees to the NOAA Performance Review Board is September 30, 2017.

FOR FURTHER INFORMATION CONTACT: James Triem, Director, Executive Resources Division, Workforce Management Office, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713–6374.

SUPPLEMENTARY INFORMATION: The names and positions of the members for the 2017 NOAA PRB are set forth below:

- RDML Anita L. Lopez, Chair: Deputy Director for Operations, OMAO and Deputy Director, NOAA Corps, Office of Marine and Aviation Operations
- Christopher Cartwright, Co-Chair: Director, Budget Office, Office of the Chief Financial Officer
- Gordon T. Alston: Director, Financial Reporting And Internal Controls, U.S. Department of Commerce
- Sivaraj Shyam-Sunder, Senior Science Advisor to the Under Secretary of Commerce for Standards and Technology, U.S. Department of Commerce

- Albert B. Spencer: Chief Engineer, National Weather Service
- Deborah H. Lee: Director, Office of Great Lakes Environmental Research Laboratory, Office of Oceanic and Atmospheric Research
- Mary S. Wohlgemuth: Director, National Center for Environmental Information, National Environmental Satellite Data and Information Service
- Irene Parker: Assistant Chief Information Officer, National Environmental Satellite Data and Information Service
- Christopher Oliver: Assistant Administrator for Marine Fisheries, National Oceanic and Atmospheric Administration
- Julie Roberts: Director of Communications, National Oceanic and Atmospheric Administration

Dated: August 22, 2017.

Ben Friedman,

Deputy Under Secretary for Operations, Performing the Duties of Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator.

[FR Doc. 2017–18075 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF627

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, September 13, 2017 at 10 a.m.

ADDRESSES: *Meeting address:* The meeting will be held at the Four Points by Sheraton, 1 Audubon Road, Wakefield, MA 01880; telephone: (781) 245–9300.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Advisory Panel will review analyses prepared for Amendment 8 Draft Environmental Impact Statement (DEIS). Measures include alternative Acceptable Biological Catch (ABC) control rules and measures to address potential localized depletion and user conflicts in the herring fishery. The panel may identify preferred alternatives for the Committee to consider the following day. They will also discuss recommendations for the Committee to consider for 2018 work priorities for the Herring Fishery Management Plan (FMP). The Council is scheduled to have an initial discussion of potential 2018 priorities at the September Council meeting. The panel will discuss if there are any regulations in the Herring FMP that could be eliminated, improved, or streamlined. Several recent Executive Orders have been issued about streamlining current regulations, and NOAA is seeking public input on the efficiency and effectiveness of current regulations and whether they can be improved. Other business will be discussed as necessary.

Although other non-emergency issues not on the agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18062 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF639

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Science and Statistical Committee (SSC) of the Mid-Atlantic Fishery Management Council's (Council) will hold a meeting.

DATES: The meeting will be held on Wednesday, September 13, 2017, from 9 a.m. through 4 p.m. See **SUPPLEMENTARY INFORMATION** for agenda details.

ADDRESSES: The meeting will take place at the Royal Sonesta Harbor Court Baltimore, 550 Light Street, Baltimore, MD 21202; telephone: (410) 234–0550.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; Web site: *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review the currently implemented 2018–19 fishing year ABC for spiny dogfish based on the most recent fishery and survey data. The SSC will also review the OFL Working Group progress and recommendations regarding decision rules for specifying the CV of the OFL distribution. In addition, the SSC will review recent work conducted to evaluate the Council's current and alternative ABC control rules.

A detailed agenda and background documents will be made available on the Council's Web site (*www.mafmc.org*) prior to the meeting.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18051 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF601

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Ecosystem-Based Fishery Management (EBFM) Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, September 12, 2017 at 10 a.m.

ADDRESSES: *Meeting address:* The meeting will be held at the Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The committee will receive a report on the application of Georges Bank Operating Models, *i.e.* examples and description of how they could be used to support a Management Strategy Evaluation, from the Ecosystem-Based Fishery Management Plan Development Team. The committee will also discuss progress toward development of an example Fishery Ecosystem Plan for Georges Bank as well as discuss priorities for developing Ecosystem Based Fishery Management in 2018. Other business will be discussed if time permits.

Although other non-emergency issues not on the agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18064 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF638

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Ecosystem and Ocean Planning Committee and Advisory Panel (AP) will hold a public meeting.

DATES: The meeting will be held on Tuesday, September 12, 2017 from 9 a.m. to 5 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Lord Baltimore Hotel, 20 W. Baltimore St., Baltimore, MD 21202; telephone: (410) 659–3096.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their Web site at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to identify the final list of risk elements to be evaluated by the Council as part of its Ecosystem Approach to Fisheries Management. In addition, the EOP Committee and Advisors will provide initial rankings of the risk elements that will be communicated to the full Council at its October meeting in Riverhead, NY. Once adopted, the prioritized risk matrix will be used by the Council to inform its future work and scientific research plans.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18050 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF628

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, September 14, 2017 at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Four Points by Sheraton, 1 Audubon Road, Wakefield, MA 01880; telephone: (781) 245–9300.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee will review analyses prepared for Amendment 8 Draft Environmental Impact Statement (DEIS). Measures include alternative Acceptable Biological Catch (ABC) control rules and measures to address potential localized depletion and user conflicts in the herring fishery. The committee may identify preferred alternatives for the Council to consider. They will also discuss recommendations for the Council to consider for 2018 work priorities for the Herring Fishery Management Plan (FMP). The Council is scheduled to have an initial discussion of potential 2018 priorities at the September Council meeting. The committee will discuss if there are any regulations in the Herring FMP that could be eliminated, improved, or streamlined. Several recent Executive Orders have been issued about streamlining current regulations, and NOAA is seeking public input on the efficiency and effectiveness of current regulations and whether they can be improved. All Committee recommendations on these topics would be forwarded to the Council for consideration. Other business will be discussed as necessary.

Although other non-emergency issues not on the agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18063 Filed 8–24–17; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities, and deletes products and a service previously furnished by such agencies.

DATES: Comments must be received on or before September 24, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entity of the Federal Government identified in this notice will be required to procure the service listed below from a nonprofit agency employing persons who are blind or have other severe disabilities.

The following service is proposed for addition to the Procurement List for production by the nonprofit agency listed:

Service

Service Type: Custodial Service
Mandatory for: US Geological Survey, Wetland and Aquatic Research Center, 700 Cajundome Boulevard, Lafayette, LA
Mandatory Source(s) of Supply: Louisiana Industries for the Disabled, Inc., Baton Rouge, LA
Contracting Activity: Dept of the Interior, US Geological Survey

Deletions

The following products and service are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):
6920–01–NSH–9020—Target, Silhouette
6920–01–NSH–9021—M–16 w/Frame
6920–01–NSH–9022—M–16 w/o Frame
Mandatory Source(s) of Supply: Employment Source, Inc., Fayetteville, NC
Contracting Activity: W6QM MICC FDO FT BRAGG

NSN(s)—Product Name(s): 7510–01–431–6527—Foam Stamp Pad, Size #2, 3¼″ x 6¼″, Blue
Mandatory Source(s) of Supply: Cattaraugus County Chapter, NYSARC, Olean, NY
Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):
8410–01–443–9499—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 26XXLx35 12
8410–01–443–9425—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 26XLx34
8410–01–443–9411—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 24XXLx35½
8410–01–443–9394—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 22XXLx35½
8410–01–443–9389—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 22XLx34
8410–01–443–9384—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 20XXLx35½
8410–01–443–9380—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 20XLx34
8410–01–443–9122—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 18XXLx35½
8410–01–443–9117—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 16XLx34
8410–01–443–9110—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 16XXLx35½
8410–01–443–9088—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 16XLx34
8410–01–443–9084—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 14XXLx35½
8410–01–443–9029—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 14XLx34
8410–01–443–9027—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 12XXLx35½
8410–01–443–9022—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 12XLx34
8410–01–443–9016—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 10XXLx35½
8410–01–443–8989—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, 10XLx34
8410–00–0-sht503—Shirt, Tuck-in, Army, Women's, Long Sleeved, Green, LS
8410–01–415–8427—Shirt, Dress, Army, Women's, Long Sleeved, Green, 20RX31
8410–01–415–8425—Shirt, Dress, Army, Women's, Long Sleeved, Green, 8RX31
8410–01–415–7027—Shirt, Dress, Army, Women's, Long Sleeved, Green, 16Rx31

8410–01–415–7023—Shirt, Dress, Army, Women's, Long Sleeved, Green, 4lX32½
8410–01–415–2914—Shirt, Dress, Army, Women's, Long Sleeved, Green, 16Lx32½
8410–01–415–2913—Shirt, Dress, Army, Women's, Long Sleeved, Green, 24Rx31
8410–01–415–2912—Shirt, Dress, Army, Women's, Long Sleeved, Green, 16Px29½
8410–01–415–2910—Shirt, Dress, Army, Women's, Long Sleeved, Green, 20Px29½
8410–01–415–2908—Shirt, Dress, Army, Women's, Long Sleeved, Green, 26Rx31
8410–01–415–2907—Shirt, Dress, Army, Women's, Long Sleeved, Green, 22Rx31
8410–01–415–2905—Shirt, Dress, Army, Women's, Long Sleeved, Green, 20Lx32½
8410–01–415–1594—Shirt, Dress, Army, Women's, Long Sleeved, Green, 6Lx32½
8410–01–415–1592—Shirt, Dress, Army, Women's, Long Sleeved, Green, 14Rx31
8410–01–415–1589—Shirt, Dress, Army, Women's, Long Sleeved, Green, 6Rx31
8410–01–415–1586—Shirt, Dress, Army, Women's, Long Sleeved, Green, 8Lx32½
8410–01–415–1585—Shirt, Dress, Army, Women's, Long Sleeved, Green, 18Px29½
8410–01–415–1584—Shirt, Dress, Army, Women's, Long Sleeved, Green, 16Rx31
8410–01–415–1583—Shirt, Dress, Army, Women's, Long Sleeved, Green, 18Lx32½
8410–01–415–1582—Shirt, Dress, Army, Women's, Long Sleeved, Green, 18R31
8410–01–415–1581—Shirt, Dress, Army, Women's, Long Sleeved, Green, 12Lx32½
8410–01–415–1580—Shirt, Dress, Army, Women's, Long Sleeved, Green, 12Lx32½
8410–01–415–1579—Shirt, Dress, Army, Women's, Long Sleeved, Green, 14Lx32½
8410–01–415–1578—Shirt, Dress, Army, Women's, Long Sleeved, Green, 12Px29½
8410–01–415–1577—Shirt, Dress, Army, Women's, Long Sleeved, Green, 4Rx31
8410–01–415–1576—Shirt, Dress, Army, Women's, Long Sleeved, Green, 10Rx31
8410–01–415–1575—Shirt, Dress, Army, Women's, Long Sleeved, Green, 10Px29½
8410–01–415–1574—Shirt, Dress, Army, Women's, Long Sleeved, Green, 8Px29½
8410–01–415–1573—Shirt, Dress, Army, Women's, Long Sleeved, Green, 10Longx32½
8410–01–415–1572—Shirt, Dress, Army, Women's, Long Sleeved, Green, 6Px29½
8410–01–415–1571—Shirt, Dress, Army, Women's, Long Sleeved, Green, 4Px29½

Mandatory Source(s) of Supply: Middle Georgia Diversified Industries, Inc., Dublin, GA

Contracting Activity: Defense Logistics Agency Troop Support

Service

Service Type: Custodial Service

Mandatory for: Marine Corps Reserve Center, West Trenton, NJ

Mandatory Source(s) of Supply: Occupational Training Center of Burlington County, Burlington, NJ

Contracting Activity: Dept of the Navy, Navy Facilities Engineering Command

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2017–18093 Filed 8–24–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes products from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* 9/24/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 7/21/2017 (82 FR 33872–33873), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
8925–01–E62–1749—Walnuts, English, Shelled, Halves and Pieces, 2.75 lb.
8925–01–E62–1745—Almonds, Shelled, Sliced, Natural
8925–01–E62–1746—Almonds, Shelled, Sliced, Blanched
8925–01–E62–1747—Almonds, Shelled, Slivered, Blanched
8925–01–E62–1748—Walnuts, English, Shelled, Halves and Pieces, 2 lb.

Mandatory Source(s) of Supply: Transylvania Vocational Services, Inc., Brevard, NC

Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s):
7210–01–076–1087—Mattress, Bed, Innerspring, Type III, Firm, White with Blue Stripes, 36″ x 75″
7210–01–076–1082—Mattress, Bed, Innerspring, Type III, Firm, White with Blue Stripes, 36″ x 80″
7210–01–076–1083—Mattress, Bed, Innerspring, Type III, Firm, White with Blue Stripes, 39″ x 78″
7210–01–076–8359—Mattress, Bed, Innerspring, Type III, Extra Firm, White with Blue Stripes, 38″ x 80″
7210–01–076–9031—Mattress, Bed, Innerspring, Type III, Firm, White with Blue Stripes, 29″ x 76″
7210–01–078–2593—Mattress, Bed, Innerspring, Type III, Firm, White with Blue Stripes, 36″ x 78″
7210–01–177–1492—Mattress, Bed, Innerspring, Type II, Firm, White with Blue Stripes, 36″ x 80″
7210–01–177–1494—Mattress, Bed, Innerspring, Type II, Firm, White with Blue Stripes, 38″ x 75″
7210–01–177–1495—Mattress, Bed, Innerspring, Type II, Firm, White with Blue Stripes, 38″ x 80″
7210–01–177–1497—Mattress, Bed, Innerspring, Type II, Firm, White with Blue Stripes, 53″ x 75″
7210–01–177–1498—Mattress, Bed, Innerspring, Type II, Extra Firm, White with Blue Stripes, 29″ x 76″
7210–01–177–1499—Mattress, Bed, Innerspring, Type II, Extra Firm, White with Blue Stripes, 36″ x 75″
7210–01–177–1500—Mattress, Bed, Innerspring, Type II, Extra Firm, White with Blue Stripes, 36″ x 78″
7210–01–177–1501—Mattress, Bed, Innerspring, Type II, Extra Firm, White with Blue Stripes, 36″ x 80″
7210–01–177–1503—Mattress, Bed, Innerspring, Type II, Extra Firm, White with Blue Stripes, 38″ x 75″

7210–01–177–1504—Mattress, Bed, Innerspring, Type II, Extra Firm, White with Blue Stripes, 38″ x 80″
7210–01–177–1505—Mattress, Bed, Innerspring, Type II, Extra Firm, White with Blue Stripes, 39″ x 78″
7210–01–177–1506—Mattress, Bed, Innerspring, Type II, Extra Firm, White with Blue Stripes, 53″ x 75″
7210–01–177–1507—Mattress, Bed, Innerspring, Type III, Regular, White with Blue Stripes, 29″ x 76″
7210–01–177–1508—Mattress, Bed, Innerspring, Type III, Regular, White with Blue Stripes, 36″ x 75″
7210–01–177–1509—Mattress, Bed, Innerspring, Type III, Regular, White with Blue Stripes, 36″ x 78″
7210–01–177–1510—Mattress, Bed, Innerspring, Type III, Regular, White with Blue Stripes, 36″ x 80″
7210–01–177–1512—Mattress, Bed, Innerspring, Type III, Regular, White with Blue Stripes, 38″ x 75″
7210–01–177–1513—Mattress, Bed, Innerspring, Type III, Regular, White with Blue Stripes, 38″ x 80″
7210–01–177–1514—Mattress, Bed, Innerspring, Type III, Regular, White with Blue Stripes, 39″ x 78″
7210–01–177–1515—Mattress, Bed, Innerspring, Type III, Regular, White with Blue Stripes, 53″ x 75″
7210–01–177–3628—Mattress, Bed, Innerspring, Type II, Firm, White with Blue Stripes, 36″ x 75″

Mandatory Source(s) of Supply: Mississippi Industries for the Blind, Jackson, MS
LC Industries, Inc., Durham, NC
Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Lions Volunteer Blind Industries, Inc., Morristown, TN
Virginia Industries for the Blind, Charlottesville, VA

Contracting Activity: General Services Administration, Fort Worth, TX

NSN(s)—Product Name(s):
8415–00–NSH–1699—Shirt, Underwear, Lightweight Cold Weather Mock Turtle, Marine Corps, Coyote, X Small

Mandatory Source(s) of Supply: Peckham Vocational Industries, Inc., Lansing, MI

Contracting Activity: W40M NORTHEREGION CONTRACT OFC

NSN(s)—Product Name(s):
8415–01–543–7018—Trousers, ECWCS. Level 2, PCU, Army, Brown, M–L
8415–01–542–7642—Trousers, ECWCS. Level 2, PCU, Army, Brown, XS
8415–01–542–8534—Trousers, Lightweight Insulating, Level 2, ECWCS, PCU, Army, Brown, XXL
8415–01–542–8538—Trousers, Lightweight Insulating, Level 2, ECWCS, PCU, Army, Brown, XXXLL
8415–01–542–8540—Trousers, Lightweight Insulating, Level 2, ECWCS, PCU, Army, Brown, XXXL
8415–01–542–8542—Trousers, ECWCS, Insulating Level 2, PCU, Army, Brown, S
8415–01–542–8546—Trousers, Lightweight Insulating, Level 2, ECWCS, PCU, Army, Brown, L
8415–01–542–8549—Trousers, Lightweight Insulating, Level 2, ECWCS, PCU, Army, Brown, L–L
8415–01–542–8552—Trousers, Lightweight Insulating, Level 2, ECWCS, PCU, Army, Brown, XL
8415–01–542–8553—Trousers, Lightweight Insulating, Level 2, ECWCS, PCU, Army, Brown, XL–L
8415–01–542–8555—Trousers, Lightweight Insulating, Level 2, ECWCS, PCU, Army, Brown, XXLL
8415–01–542–9612—Trousers, Lightweight Combat, Level 2, ECWCS, PCU, Army, Brown, MR
8415–01–542–8545—Shirt, Lightweight, Level 2, ECWCS, PCU, Army, Long Sleeved, Brown, XXLL
8415–01–542–9576—Shirt, Lightweight, Level 2, ECWCS, PCU, Army, Long Sleeved, Brown, S
8415–01–542–9598—Shirt, Lightweight, Level 2, ECWCS, PCU, Army, Long Sleeved, Brown, M
8415–01–542–9609—Shirt, Lightweight, Level 2, ECWCS, PCU, Army, Long Sleeved, Brown, XL–L
8415–01–542–9613—Shirt, Lightweight, Level 2, ECWCS, PCU, Army, Long Sleeved, Brown, XXXL
8415–01–542–9615—Shirt, Lightweight, Level 2, ECWCS, PCU, Army, Long Sleeved, Brown, XXXLL
8415–01–542–9617—Shirt, Lightweight, Level 2, ECWCS, PCU, Army, Long Sleeved, Brown, XXL
8415–01–543–7047—Shirt, Level 2, ECWCS, PCU, Army, Long Sleeved, Brown, M–L

Mandatory Source(s) of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY

Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division

NSN(s)—Product Name(s):
8105–01–352–1390—Bag, Contamination
8105–01–352–1391—Bag, Contamination, 12″ x 24″
8105–01–352–1392—Bag, Contamination, 24″ x 24″
8105–01–352–1394—Bag, Contamination, 36″ x 60″

Mandatory Source(s) of Supply: Relay Resources, Portland, OR

Contracting Activity: Naval Supply Systems Command

NSN(s)—Product Name(s):
6545–00–NIB–0058—Kit, Collection, Specimen, Bag, Transparent
6545–00–NIB–0059—Kit, Collection, Specimen, Bottle, White

Mandatory Source(s) of Supply: Alphapointe, Kansas City, MO

Contracting Activity: U.S. Fleet Forces Command

NSN(s)—Product Name(s):
7510–01–584–0893—Business Card Holder, Rosewood
7520–01–554–5467—Rosewood Deluxe Office Start-Up Kit

Mandatory Source(s) of Supply: Tarrant County Association for the Blind, Fort Worth, TX

Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):
7520–01–451–9188—Pen Set, Ballpoint and Fountain, Executive, Metallic Burgundy, Medium Point
7520–01–451–9192—Pen Set, Ballpoint and Fountain, Executive, Metallic Blue, Medium Point
7510–01–451–9186—Refill, Executive Fountain Pen, Blue Ink
7510–01–451–9191—Refill, Executive Fountain Pen, Black Ink
7520–01–451–2278—Pen, Executive Fountain, Refillable, Blue Barrel, Fine Tip
7520–01–451–2274—Pen, Executive, Twist Retractable, Refillable, Navy Blue, Blue Ink, Fine Point
7520–01–451–2275—Pen, Executive, Twist Retractable, Refillable, Burgundy, Black Ink, Fine Point
7520–01–451–2276—Pen, Executive, Twist Retractable, Refillable, Gun Metal, Blue Ink, Medium Point
7520–01–451–2279—Pen, Executive, Twist Retractable, Refillable, Black, Black Ink, Medium Point

Mandatory Source(s) of Supply: Industries for the Blind, Inc., West Allis, WI

Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):
6135–01–275–1363—Battery, Non-Rechargeable, 6.0V, Alkaline, NEDA 1412A

Mandatory Source(s) of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC

Contracting Activity: Defense Logistics Agency Land and Maritime

Services

Service Type: Janitorial/Custodial Service
Mandatory for: Naval & Marine Corps Reserve Center: 1620 East Saginaw Street, Lansing, MI
Mandatory Source(s) of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: Dept of the Navy, Naval FAC Engineering CMD Midwest

Service Type: Janitorial/Custodial Service
Mandatory for: Atlanta Naval Air Station: 1000 Halsey Avenue, Marietta, GA
Mandatory Source(s) of Supply: Nobis Enterprises, Inc., Marietta, GA
Contracting Activity: Dept of the Navy, Naval FAC Engineering CMD

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2017–18094 Filed 8–24–17; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Exclusive Patent License

AGENCY: Air Force Research Laboratory Information Directorate, Department of the Air Force, DOD.

ACTION: Notice of intent to issue an exclusive patent license.

SUMMARY: Pursuant to the provisions of agency regulations, the Department of the Air Force announces its intention to grant Sensible Spreader Technologies, LLC, a corporation of New Hampshire having a place of business at 844 Elm Street, Manchester, New Hampshire 03101, an exclusive license in any right, title and interest the United States Air Force has in: In U.S. Patent 8,428,993 entitled ''Method and Apparatus for Risk Identification and Mitigation in Shift Work Fatigue'', issued on April 23, 2013.

FOR FURTHER INFORMATION CONTACT: An exclusive license for this patent will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice. Written objections should be sent to: Air Force Research Laboratory, Office of the Staff Judge Advocate, AFRL/RIJ, 26 Electronic Parkway, Rome, New York 13441–4514. Telephone: (315) 330–2087; Facsimile (315) 330–7583.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–18053 Filed 8–24–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement for the Special Use Airspace Optimization Project, Holloman Air Force Base, New Mexico

AGENCY: Department of the Air Force, DOD.

ACTION: Notice of intent.

The U.S. Air Force is issuing this notice of intent (NOI) (40 CFR 1508.22) to advise the public of its intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental consequences associated with modifying existing or creating new special use airspace (SUA), and relinquishing to the National Airspace System (NAS) SUA incompatible for today's Air Force mission. SUA used by Holloman Air Force Base (AFB) dates back more than 30 years ago and was designed to support different aircraft with significantly different mission profiles and performance characteristics than the current aircraft (F–16C/D) flown at Holloman AFB. Optimizing Air Force controlled SUA would provide the scheduling flexibility necessary to conduct multiple, simultaneous training missions needed by the aircrews stationed at Holloman AFB, New Mexico to meet the pilot initial qualification training requirements. Two action alternatives identified as meeting the purpose and need for this proposed action will be analyzed in the EIS. Alternative 1 would reconfigure and expand the existing Talon Military Operations Area (MOA) and associated Air Traffic Control Assigned Airspace (ATCAA). Alternative 2 would modify the existing Cato/Smitty MOA/ATCAA and create a new Lobos MOA to the west of White Sands Missile Range. Each alternative includes aircraft activity down to 500 feet above ground level (AGL), supersonic activity at or above 30,000 feet mean sea level (MSL), and the use of defensive chaff and flares within certain parameters. The resulting SUA would provide adequate volumes of SUA to allow for more efficient and simultaneous training activities that currently occur disjointedly throughout several airspace areas in New Mexico and return sub-optimal airspace to the NAS for use by the public.

A No Action Alternative will be included in the EIS, whereby aircrews at Holloman AFB would continue to utilize existing SUA as it is currently configured. Aircrews would continue to be limited to SUA that was developed for legacy aircraft more than 30 years ago and does not have the optimum volume, proximity to the installation, availability, or other attributes to efficiently support the Holloman AFB flying mission. The analysis of the No Action Alternative will provide a benchmark to enable Air Force decision-makers to compare the magnitude of the environmental effects of the proposed action.

Scoping and Agency Coordination: To effectively define the full range of issues and alternatives to be evaluated in the EIS, the Air Force will determine the scope of the analysis by soliciting comments from interested local, state and federal elected officials and agencies, as well as interested members of the public and others. The public and interested parties can submit their comments through the project Web site *www.HollomanAFBAirspaceEIS.com,* by mailing comments to Holloman Airspace EIS, c/o Cardno, 501 Butler Farm Rd., Suite H, Hampton, VA 23666, or by attending one of the public meetings. The Air Force will also pursue government-to-government consultations with interested Native American tribes and pueblos.

Public Meeting Dates and Locations: Public scoping meetings will be held in Carlsbad, Truth or Consequences and Las Cruces, New Mexico at the following dates, times, and locations:

Tuesday, September 12, 2017, 6:00 p.m. to 8:00 p.m., Carlsbad Public Library, 101 S. Halagueno Street, Carlsbad, NM 88220.

Wednesday, September 13, 2017, 6:00 p.m. to 8:00 p.m., Truth or Consequences Civic Center, Ralph Edwards Auditorium, 400 W. 4th Avenue, Truth or Consequences, NM 87901.

Thursday, September 14, 2017, 6:00 p.m. to 8:00 p.m., Hilton Garden Inn, 2550 S. Don Roser Dr., Las Cruces, NM 88001.

Although comments can be submitted to the Air Force any time during the EIS process, scoping comments are requested by September 25, 2017 to ensure full consideration in the draft EIS.

SUPPLEMENTARY INFORMATION: The Air Force has preliminarily identified two broad alternatives to optimize existing training airspace at Holloman AFB. While the alternatives are independent of each other, the decision-maker may choose to implement one, both, or none of the alternatives based on the analysis provided in the EIS.

Alternative 1 would evaluate an expansion to the east of Holloman AFB of the Talon MOA and associated ATCAA. The Talon MOA is located in the vicinity of Carlsbad, New Mexico and covers approximately 1,848 square nautical miles. Under this alternative, the dimensions of the existing MOA/ATCAA would be expanded approximately 1,375 square nautical miles generally to the east. The floor of the MOA would be raised to 500 feet AGL from the current 300 feet AGL. Training within the expanded MOA/ATCAA would include supersonic flight at or above 30,000 feet and use of chaff and flares above 2,000 feet AGL.

Alternative 2 would evaluate the area west of Holloman AFB and White Sands Missile Range for reconfiguring and expanding the Cato/Smitty MOA and associated ATCAA and/or creating a new Lobos MOA/ATCAA. The Cato/Smitty MOA is located in the vicinity of Truth or Consequences, New Mexico and covers approximately 2,680 square nautical miles. Under this alternative, the dimensions of the Cato/Smitty MOA would be reconfigured and expanded to the southeast. Reconfiguring this MOA would result in returning the northern portion of the existing Cato/Smitty MOA back to the NAS. The new Lobos MOA/ATCAA would be created south of the reconfigured Cato/Smitty MOA and west of White Sands Missile Range. The proposed floor of the reconfigured

Cato/Smitty MOA and the new Lobos MOA would be 500 feet AGL (2,000 feet AGL over designated wilderness areas as currently observed). Training within the reconfigured and expanded Cato/Smitty and new Lobos MOAs would include supersonic flight above 30,000 feet and use of chaff and flares above 2,000 feet AGL.

FOR FURTHER INFORMATION CONTACT: For questions regarding the proposed action, scoping, and EIS development, contact Holloman AFB Public Affairs Office, at (575) 572–7383 or at: *49WG.PAOffice@us.af.mil.*

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–18069 Filed 8–24–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Scientific Advisory Board; Notice of Meeting

AGENCY: Air Force Scientific Advisory Board, Department of the Air Force.

ACTION: Meeting notice.

SUMMARY: The United States Air Force Scientific Advisory Board plans to hold its Fall Board meeting on September 20, 2017. A Portion of this meeting will be open to the public.

DATES: The meeting date is September 20, 2017, from 8:00 a.m. to 5:00 p.m.

ADDRESSES: The CENTRA Conference Center, 4121 Wilson Blvd., Suite 200, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: The Scientific Advisory Board meeting organizer, Major Mike Rigoni at *michael.j.rigoni.mil@mail.mil* or 703–695–4297, United States Air Force Scientific Advisory Board, 1500 West Perimeter Road, Ste. #3300, Joint Base Andrews, MD 20762.

SUPPLEMENTARY INFORMATION: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces the United States Air Force (USAF) Scientific Advisory Board (SAB) Fall Board meeting will take place on 20 September 2017 at the The CENTRA Conference Center, located at 4121 Wilson Blvd., Suite 200, Arlington, VA 22203. The purpose of this Air Force Scientific Advisory Board quarterly meeting is to welcome new members, prepare for Science and Technology Reviews of the Air Force Research Laboratory, and apportion time for Air Force senior leaders to brief the SAB on their most vital S&T issues. The meeting will occur from 8:00 a.m.–5:00 p.m. on Wednesday, 20 September 2017. The session that will be open to the *general public* will be held from 8:00 a.m. to 9:00 a.m. on 20 September 2017. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, a number of sessions of the Air Force Scientific Advisory Board Fall Board meeting will be closed to the general public because they will discuss classified information and matters covered by Section 552b of Title 5, United States Code, subsection (c), subparagraph (1).

Any member of the public that wishes to attend this meeting or provide input to the Air Force Scientific Advisory Board must contact the Scientific Advisory Board meeting organizer at the phone number or email address listed in this announcement at least five working days prior to the meeting date. Please ensure that you submit your written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act. Statements being submitted in response to the agenda mentioned in this notice must be received by the Scientific Advisory Board meeting organizer at least five calendar days prior to the meeting commencement date. The Scientific Advisory Board meeting organizer will review all timely submissions and respond to them prior to the start of the meeting identified in this notice. Written statements received after this date may not be considered by the Scientific Advisory Board until the next scheduled meeting.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–18060 Filed 8–24–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Exclusive Patent License

AGENCY: Air Force Research Laboratory Information Directorate, Department of the Air Force, DOD.

ACTION: Notice of intent to issue an exclusive patent license.

SUMMARY: Pursuant to the provisions of agency regulations, the Department of the Air Force announces its intention to grant The Curators of the University of Missouri, a public corporation of Missouri having a place of business at the Office of Technology Management and Industry Relations, 1601 S. Providence Road, #124, Columbia, Missouri 65211, an exclusive license in any right, title and interest the United States Air Force has in: In U.S. Patent Application No. 14/982,030 entitled ''Method for Fast Camera Pose Refinement for Wide Area Motion Imagery'', filed December 19, 2015.

FOR FURTHER INFORMATION CONTACT: An exclusive license for this patent will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice. Written objections should be sent to: Air Force Research Laboratory, Office of the Staff Judge Advocate, AFRL/RIJ, 26 Electronic Parkway, Rome, New York 13441–4514. Telephone: (315) 330–2087; Facsimile (315) 330–7583.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–18052 Filed 8–24–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Government-Industry Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics), Department of Defense (DoD).

ACTION: Federal advisory committee meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal advisory committee meeting of the Government-Industry Advisory Panel. This meeting is open to the public.

DATES: The meetings will be held from 9:00 a.m. to 5:00 p.m. on Wednesday and Thursday, September 6 and 7, 2017. Public registration will begin at 8:45 a.m. on each day. For entrance into the meeting, you must meet the necessary requirements for entrance into the Pentagon. For more detailed information, please see the following link: *http://www.pfpa.mil/access.html.*

Teleconference and direct connect information will be provided by the Designated Federal Officer and support staff at the contact information in the **FOR FURTHER INFORMATION CONTACT** section.

ADDRESSES: Pentagon Library, Washington Headquarters Services,

1155 Defense Pentagon, Washington, DC 20301–1155. The meeting room will be displayed on the information screen for both days. The Pentagon Library and Conference Center (PLC2) is located across the Corridor 8 Bridge.

FOR FURTHER INFORMATION CONTACT: LTC Robert L. McDonald Jr., Office of the Assistant Secretary of Defense (Acquisition), 3090 Defense Pentagon, Washington, DC 20301–3090, email: *Robert.L.McDonald.mil@mail.mil,* phone: 703–614–3811 or Peter Nash, email: *peter.b.nash3.ctr@mail.mil,* phone: 703–693–5111.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the Government-Industry Advisory Panel was unable to provide public notification concerning its meeting on September 6 through 7, 2017, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose of the Meetings: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The Government-Industry Advisory Panel will review sections 2320 and 2321 of title 10, United States Code (U.S.C.), regarding rights in technical data and the validation of proprietary data restrictions and the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interest of the taxpayers and the national defense. The scope of the panel is as follows: (1) Ensuring that the Department of Defense (DoD) does not pay more than once for the same work, (2) Ensuring that the DoD contractors are appropriately rewarded for their innovation and invention, (3) Providing for cost-effective reprocurement, sustainment, modification, and upgrades to the DoD systems, (4) Encouraging the private sector to invest in new products, technologies, and processes relevant to the missions of the DoD, and (5) Ensuring that the DoD has appropriate access to innovative products, technologies, and processes developed by the private sector for commercial use.

Agenda: This will be the twentieth meeting of the Government-Industry Advisory Panel and continued recurring teleconference meetings. The panel will cover details of 10 U.S.C. 2320 and 2321, begin understanding the implementing regulations and detail the necessary groups within the private sector and government to provide supporting documentation for their review of these codes and regulations during follow-on meetings. Agenda items for this meeting will include the following: (1) Final review of tension point information papers; (2) Rewrite FY17 NDAA 2320 and 2321 language; (3) Review Report Framework and Format for Publishing; (4) Comment Adjudication & Planning for follow-on meeting.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the September 6 and 7, 2017 meeting will be available as requested or at the following site: *https://facadatabase.gov/committee/committee.aspx?cid=2561&aid=41.* It will also be distributed upon request.

Minor changes to the agenda will be announced at the meeting. All materials will be posted to the FACA database after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meetings are open to the public. Registration of members of the public who wish to attend the meetings will begin upon publication of this meeting notice and end three business days (September 3) prior to the start of the meetings. All members of the public must contact LTC McDonald or Mr. Nash at the phone number or email listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for Pentagon escort, if necessary. Public attendees should arrive at the Pentagon's Visitor's Center, located near the Pentagon Metro Station's south exit and adjacent to the Pentagon Transit Center bus terminal with sufficient time to complete security screening no later than 8:30 a.m. on September 6 and 7. To complete security screening, please come prepared to present two forms of identification of which one must be a pictured identification card. Government and military DoD CAC holders are not required to have an escort, but are still required to pass through the Visitor's Center to gain access to the building. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number to the Designated Federal Officer (DFO) listed in the **FOR FURTHER INFORMATION CONTACT** section. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access.

Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact LTC McDonald, the committee DFO, or Mr. Nash at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Government-Industry Advisory Panel about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to LTC McDonald, the committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Government-Industry Advisory Panel for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the panel until its next meeting. Please note that because the panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the

committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the panel's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described in this paragraph, will be allotted no more than five (5) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO.

Dated: August 22, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–18089 Filed 8–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0005]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Loan Discharge Application: Forgery

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before September 25, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0005. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

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

Title of Collection: Loan Discharge Application: Forgery.

OMB Control Number: 1845–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 2,786.

Total Estimated Number of Annual Burden Hours: 2,786.

Abstract: This requests is for a new information collection to approve a form to be used to obtain information from federal student loan borrowers who allege that the loan(s) in their name were the result of a forgery. This information will be used by the Secretary to make a determination of forgery for the Direct Loans, FFEL Program Loans, and Federal Perkins Loans held by the Department. This information collection stems from the common law legal principal of forgery, which is not reflected specifically in the Department's statute or regulations, but with which the Department must comply.

Dated: August 22, 2017.

Kate Mullan,

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

[FR Doc. 2017–18026 Filed 8–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0086]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; PLUS Adverse Credit Reconsideration Loan Counseling

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before September 25, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0086. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of

information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: PLUS Adverse Credit Reconsideration Loan Counseling.

OMB Control Number: 1845–0129.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 475,974.

Total Estimated Number of Annual Burden Hours: 356,982.

Abstract: Section 428B(a)(1)(A) of the Higher Education Act of 1965, as amended (HEA), provides that to be eligible to receive a Federal PLUS Loan under the Federal Family Education Loan (FFEL) Program, the applicant must not have an adverse credit history, as determined pursuant to regulations promulgated by the Secretary. In accordance with section 455(a)(1) of the HEA, this same eligibility requirement applies to applicants for PLUS loans under the Direct Loan Program. Since July 1, 2010 the Direct Loan Program is the only Federal loan program that offers Federal PLUS Loans.

The adverse credit history section of the eligibility regulations in 34 CFR 685.200 (b) and (c) specify an applicant for a PLUS loan who is determined to have an adverse credit history must complete loan counseling offered by the Secretary before receiving the Federal PLUS loan.

The Department is requesting an extension to the information collection regarding the adverse credit history regulations in 34 CFR 685.200 (b) and (c) and the burden these changes create for Federal PLUS loan borrowers, both parent and graduate/professional students.

Dated: August 22, 2017.

Kate Mullan,

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

[FR Doc. 2017–18032 Filed 8–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: ER15–794–005; ER15–794–007.

Applicants: Catalyst Paper Operations, Inc.

Description: Notification of Change in Status and Supplement to June 30, 2017 Triennial Market Power Analysis for the Northeast Region of Catalyst Paper Operations, Inc.

Filed Date: 8/18/17.

Accession Number: 20170818–5150.

Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER16–2602–003.

Applicants: 4C Acquisition, LLC.

Description: Compliance filing: Compliance Filing for Market-Based Rate Authorization of 4C Acquisition, LLC to be effective N/A.

Filed Date: 8/18/17.

Accession Number: 20170818–5142.

Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2336–001.

Applicants: Shoreham Solar Commons LLC.

Description: Tariff Amendment: Supplement to Market-Based Rate Application to be effective 10/18/2017.

Filed Date: 8/21/17.

Accession Number: 20170821–5034.

Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: ER17–2337–001.

Applicants: Shoreham Solar Commons Holdings LLC.

Description: Tariff Amendment: Supplement to Market-Based Rate Application to be effective 10/18/2017.

Filed Date: 8/21/17.

Accession Number: 20170821–5035.

Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: ER17–2338–000.

Applicants: Arizona Public Service Company.

Description: Notice of Cancellation of Rate Schedule No. 121 of Arizona Public Service Company.

Filed Date: 8/18/17.

Accession Number: 20170818–5147.

Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2339–000.

Applicants: New England Power Company.

Description: § 205(d) Rate Filing: New England Power Filing—Local Control Center Services Agmt & Waiver Request to be effective 8/17/2017.

Filed Date: 8/21/17.

Accession Number: 20170821–5077.

Comments Due: 5 p.m. ET 9/11/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–19–000.

Applicants: Public Sector Pension Investment Board.

Description: Public Sector Pension Investment Board submits FERC 65–B Change in Facts of Waiver Notification.

Filed Date: 8/18/17.

Accession Number: 20170818–5149.

Comments Due: 5 p.m. ET 9/8/17.

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

Docket Numbers: RD17–7–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of the North American Electric Reliability Corporation for Approval of Errata to Voltage and Reactive Control Reliability Standards.

Filed Date: 8/18/17.

Accession Number: 20170818–5162.

Comments Due: 5 p.m. ET 9/20/17.

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 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18022 Filed 8–24–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9034–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)

Filed 08/14/2017 Through 08/18/2017

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20170160, Draft, BR, CA, Sites Reservoir Project, Comment Period Ends: 11/13/2017, Contact: Mike Dietl 916–978–5070

EIS No. 20170161, Draft, USFS, MT, Kootenai Forest-Wide Young Growth Vegetation Management Project, Comment Period Ends: 10/10/2017, Contact: Quinn Carver 406–283–7695

EIS No. 20170162, Draft Supplement, USFWS, MT, Proposed Amendment to the Endangered Species Act 10(a)(1)(B) Permit Associated with the Montana Department of Natural Resources and Conservation Forested State Trust Lands Habitat Conservation Plan, Comment Period Ends: 10/09/2017, Contact: Amelia Orton-Palmer 303–236–4211

EIS No. 20170163, Final, NPS, MD, Assateague Island National Seashore General Management Plan, Review Period Ends: 09/25/2017, Contact: Deborah Darden 410–629–6080

EIS No. 20170164, Draft, USFS, CA, Exchequer Restoration Project, Comment Period Ends: 10/09/2017, Contact: Elaine Locke 559–855–5355

Dated: August 22, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–18079 Filed 8–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0264; FRL–9966–65–OEI]

Agency Information Collection Activities; Reporting and Recordkeeping for Asbestos Abatement Worker Protection; Submitted to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Reporting and Recordkeeping for Asbestos Abatement Worker Protection'' and identified by EPA ICR No. 1246.13 and OMB Control No. 2070–0072. 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 in this document. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on January 3, 2017 (82 FR 115). With this submission, EPA is providing an additional 30 days for public review.

DATES: Comments must be received on or before September 25, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0264, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: This ICR is currently scheduled to expire on August 31, 2017. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers 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: EPA's asbestos worker protection rule is designed to provide occupational exposure protection to state and local government employees who are engaged in asbestos abatement activities in states that do not have state plans approved by the Occupational Safety and Health Administration (OSHA). The rule provides protection for public employees not covered by the OSHA standard from the adverse health effects associated with occupational exposure to asbestos. Specifically, the rule requires state and local governments to monitor employee exposure to asbestos, take action to reduce exposure to asbestos, monitor employee health and train employees about asbestos hazards.

The rule includes a number of information reporting and recordkeeping requirements. State and local government agencies are required to provide employees with information about exposures to asbestos and the

associated health effects. The rule also requires state and local governments to notify EPA before commencing any asbestos abatement project. State and local governments must maintain medical surveillance and monitoring records and training records on their employees, must establish a set of written procedures for respirator programs and must maintain procedures and records of respirator fit tests. EPA will use the information to monitor compliance with the asbestos worker protection rule. This request addresses these reporting and recordkeeping requirements.

Respondents/Affected Entities: State and local government employers in 24 states, DC, and certain U.S. Territories that have employees engaged in asbestos-related construction, custodial and brake and clutch repair activities without OSHA-approved state plans.

Respondent's obligation to respond: Mandatory (see 40 CFR 763 Subpart G). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Estimated total number of potential respondents: 23,437.

Frequency of response: On occasion.

Estimated total burden: 372,969 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Estimated total costs: $ 15,763,007 (per year), includes no annualized capital investment or maintenance and operational costs.

Changes in the estimates: There is a net increase of 9,452 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects an increase of 24,371 hours to account for updates made from previous ICRs to standardize methodology, and a decrease of 14,919 hours due to Maine's new status of having an OSHA-approved state plan whereby its entities are no longer covered under this ICR. This change is an adjustment.

Authority: 44 U.S.C. 3501 *et seq.*

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2017–17986 Filed 8–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0316; FRL–9966–44–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Onshore Natural Gas Processing Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Onshore Natural Gas Processing Plants (Renewal)'' (EPA ICR No. 1086.11, OMB Control No. 2060–0120), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2017. Public comments were previously requested via the **Federal Register** (81 FR 26546) on May 3, 2016 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before September 25, 2017.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0316, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *http://www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 60, subparts KKK and LLL. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None.

Respondents/affected entities: Owners or operators of onshore natural gas processing plants.

Respondent's obligation to respond: Mandatory (40 CFFR part 60, subparts KKK and LLL).

Estimated number of respondents: 484 (total).

Frequency of response: Initially, semiannually, and occasionally.

Total estimated burden: 102,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $10,800,000 (per year), includes $68,400 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an adjustment decrease in the estimated labor hours and number of responses as currently identified in the OMB Inventory of Approved Burdens. The decrease is due to a projected decline in the number of sources subject to the regulation, as new and modified sources will become subject to NSPS Subpart OOOO. We expect on average 27 existing facilities under Subpart KKK and 3 facilities under Subpart LLL will undergo modifications each year such

that they will become subject to Subpart OOOO. The burden of NSPS Subpart OOOO is accounted for under EPA ICR Number 2437.04 (OMB Control Number 2060–0673).

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–17985 Filed 8–24–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0912]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 24, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0912.

Title: Sections 76.501, 76.503 and 76.504, Cable Attribution Rules.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents and Responses: 40 respondents; 40 responses.

Estimated Time per Response: 1 to 4 hours.

Obligation to Respond: On occasion reporting requirements.

Total Annual Burden: 100 hours.

Total Annual Costs: No costs.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i) and 613(f) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The information collection requirements contained in this collection are as follows: 47 CFR 76.501 Notes 2(f)(1) and 2(f)(3); 47 CFR 76.503 Note 2(b)(3); 47 CFR 76.504 Note 1(b)(1) requires limited partners, Registered Limited Liability Partnerships (''RLLPs''), and Limited Liability Companies (''LLCs'') attempting to insulate themselves from attribution to file a certification of ''non-involvement'' with the Commission. LLCs who submit the non-involvement certification are also required to submit a statement certifying that the relevant state statute authorizing LLCs permits an LLC member to insulate itself in the manner required by our criteria.

Sections 76.501 Note 2, 76.503 Note 2, and 76.504 Note 1, also provides that officers and directors of an entity are considered to have a cognizable interest in the entity with which they are associated. If any such entity engages in businesses in addition to its primary media business, it may request the Commission to waive attribution for any officer or director whose duties and responsibilities are wholly unrelated to its primary business. The officers and directors of a parent company of a media entity with an attributable interest in any such subsidiary entity shall be deemed to have a cognizable interest in the subsidiary unless the duties and responsibilities of the officer or director involved are wholly unrelated to the media subsidiary and a statement properly documenting this fact is submitted to the Commission. This statement may be included on the Licensee Qualification Report.

47 CFR 76.503 Note 2(b)(1) includes a requirement for limited partners who are not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership to certify that fact or be attributed to a limited partnership interest.

47 CFR 76.503(g) states ''Prior to acquiring additional multichannel video-programming providers, any cable operator that serves 20% or more of multichannel video-programming subscribers nationwide shall certify to the Commission, concurrent with its applications to the Commission for transfer of licenses at issue in the acquisition, that no violation of the national subscriber limits prescribed in this section will occur as a result of such acquisition.''

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–18072 Filed 8–24–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, August 22, 2017 at 3:00 p.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting was closed to the public.

ITEMS DISCUSSED: Compliance matters pursuant to 52 U.S.C. 30109.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Acting Deputy Secretary of the Commission.

[FR Doc. 2017–18132 Filed 8–23–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, August 17, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting was open to the public.

Federal Register Notice of Previous Announcement—82 FR 37857.

The following item was also discussed:

Draft Advisory Opinion 2017–08: Point Bridge Capital, LLC

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–18116 Filed 8–23–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 20, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Noble Bancorporation, Inc.,* Spring, Texas; to become a bank holding company by acquiring Falcon Bancorporation, Inc., and thereby indirectly acquiring First Bank and Trust of Memphis, both in Memphis, Texas.

Board of Governors of the Federal Reserve System, August 22, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–18055 Filed 8–24–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 11, 2017.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Agostinho Alfonso Macedo Moncayo, Adriana Macedo Moncayo, Olga E. Macedo de Pita, Mercedes Coromoto de Abreu Gonzalez, Alejandro Jose Pita Macedo, Ricardo Andres Pita Macedo, Javier Andres Macedo Rodriguez, Joanna Graterol Macedo, Juan Javier Graterol Macedo, Massimo Xavier Marzari Macedo, Juan Jose de Abreu Macedo, Ernesto Jose de Abreu Pestana, Juan Christopher de Abreu, Jose Steve de Abreu, Bryan Eduardo de Abreu, Alberto Jose de Abreu, and Oliver David de Abreu Felipe, all of Miami, Florida; Maria Alejandra de Abreu Pestana, of New York City, New York; Jonathan Gabriel de Abreu Felipe, of Madrid, Spain; Miguel Antonio de Abreu Felipe, of Belfast, Northern Ireland; Sandra Macedo Moncayo, Javier Macedo Rodriguez, Belkis Macedo de Graterol, Candida Isabel Macedo Rodriguez, Nelly Macedo Rodriguez, Ernesto de Abreu Gonzalez, Carmen Elena de Abreu, Jose Alberto de Abreu Gonzalez, Diego Jose Macedo Rodriguez, and Juan Pablo de Abreu Macedo, all of Caracas, Venezuela; as well as certain minor children of the listed individuals; Individual Irrevocable Trust Settlement, Villas Irrevocable Trust Settlement, Carlota I Irrevocable Trust Settlement, Carlota II Irrevocable Trust Settlement, Admac Irrevocable Trust Settlement, Norte I Irrevocable Trust Settlement, Norte II Irrevocable Trust Settlement, Ricale Irrevocable Trust Settlement, Asao Holdings Revocable Trust Settlement, Asao Holding Irrevocable Trust Settlement, Aventura Irrevocable Trust Settlement, Los Roques Irrevocable Trust Settlement, Belma Irrevocable Trust Settlement, Joanvier Irrevocable Trust Settlement, Valcan Irrevocable Trust Settlement, Chrisnass Irrevocable Trust Settlement, Nelma Irrevocable Trust Settlement, Jupab Irrevocable Trust Settlement, Juanjo Irrevocable Trust Settlement, Santorini Irrevocable Trust Settlement, Mykonos Irrevocable Trust Settlement, Carmen Elena de Abreu Irrevocable Trust Settlement, Luitxi Irrevocable Trust Settlement, Acaymo Irrevocable Trust Settlement, Joscarda Irrevocable Trust Settlement, and Valle Colino Irrevocable Trust Settlement, all of Miami, Florida; Anchor Trustees International Limited, Auckland, New Zealand, Agostinho Alfonso Macedo Moncayo, Adriana Macedo Moncayo, Olga E. Macedo de*

Pita, Ricardo J. Souto, and Mercedes Coromoto de Abreu Gonzalez, all of Miami, Florida, Sandra Macedo Moncayo, Javier Macedo Rodriguez, Belkis Macedo de Graterol, Candida Isabel Macedo Rodriguez, Nelly Macedo Rodriguez, Ernesto de Abreu Gonzalez, Carmen Elena de Abreu, and Jose Alberto de Abreu Gonzalez, all of Caracas, Venezuela, as trustees for certain of the trusts listed above; Asao Holdings PTE, Ltd., Singapore, Singapore, Individual (USA) Holdings, LLLP, Villas Holding, LLC, Carlota I (USA) Holdings, LLLP, Carlota II (USA) Holdings, LLLP, Norte I (USA) Holdings, LLLP, Norte II (USA) Holdings, LLLP, Asao Holdings DE, LLLP, Aventura (USA) Holdings, LLLP, Los Roques (USA) Holdings, LLLP, Belma (USA) Holdings, LLLP, Joanvier (USA) Holdings, LLLP, Valcan (USA) Holdings, LLLP, Chrisnass (USA) Holdings, LLLP, Nelma (USA) Holdings, LLLP, Jupab (USA) Holdings, LLLP, Juanjo (USA) Holdings, LLLP, Santorini (USA) Holdings, LLLP, Mykonos (USA) Holdings, LLLP, Luitxi (USA) Holdings, LLLP, Acaymo (USA) Holdings, LLLP, Joscarda (USA) Holdings, LLLP, and Valle Colino (USA) Holdings, LLLP, all of Miami, Florida; to retain and acquire voting shares of Ocean Bankshares, Inc., Miami, Florida, and thereby retain and acquire shares of Ocean Bank, Miami, Florida.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Marvin Edward Singleton III,* Waxahachie, Texas; individually, to acquire voting shares of First Citizens Bancshares, Inc., and thereby indirectly acquire shares of Citizens National Bank of Texas, both of Waxahachie, Texas.

In addition, Marvin Edward Singleton III, individually and as trustee of the Singleton Grandchildren's Trust and the Separate Trust created under Section 6.22 of the George H. Singleton and Shirley K. Singleton 2011 Irrevocable Trust Agreement, as a group acting in concert to retain shares of First Citizens Bancshares, Inc., and thereby indirectly retain shares of Citizens National Bank of Texas, all of Waxahachie, Texas.

Board of Governors of the Federal Reserve System, August 21, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–17983 Filed 8–24–17; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–MK–2017–03; Docket No. 2017–0002; Sequence 16]

The Presidential Commission on Election Integrity (PCEI); Upcoming Public Advisory Meeting

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Meeting notice with request for comments.

SUMMARY: The Presidential Advisory Commission on Election Integrity (Commission) was established pursuant to Executive Order 13799. The Commission will hold a meeting open to the public on Tuesday, September 12, 2017. The purpose of and summary agenda for this meeting is for the Commission to receive information relevant to its advisory function pursuant to Executive Order 13799, including information from individuals with experience and knowledge of the public's perception of election integrity and related issues, the effects of such public perception on voter turnout and willingness to participate in the electoral process, and current issues related to election integrity that affect the public's perception of the nation's elections systems and processes.

DATES: *Meeting Date:* The Commission will meet on Tuesday, September 12, 2017, beginning at 10:00 a.m. and ending no later than 4:00 p.m. (Eastern Time). Comments pertaining to the meeting should be submitted no later than 5:00 p.m. Eastern Standard Time on Friday, September 8, 2017.

ADDRESSES: The Commission will meet at the New Hampshire Institute of Politics (Saint Anselm College), 100 Saint Anselm Drive, Manchester, New Hampshire 03102. This location is accessible to individuals with disabilities.

FOR FURTHER INFORMATION CONTACT: For questions, please contact Mr. Ron Williams, Policy Advisor, Presidential Advisory Commission on Election Integrity, via email at *ElectionIntegrityStaff@ovp.eop.gov* or telephone at 202–395–1587. For additional information, please check the Commission's Web page at *https://www.whitehouse.gov/blog/2017/07/13/presidential-advisory-commission-election-integrity.*

SUPPLEMENTARY INFORMATION:

Background

The Commission was established pursuant to Executive Order 13799 of May 11, 2017 (*https://www.federalregister.gov/documents/2017/05/16/2017-10003/establishment-of-presidential-advisory-commission-on-election-integrity*). The Commission will function solely as an advisory body, and shall submit a report to the President of the United States that identifies the following:

a. Those laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections;

b. Those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of the voting processes used in Federal elections; and

c. Those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.

Meeting Access and Attendance at the Meeting

The Commission will convene its meeting at the New Hampshire Institute of Politics (Saint Anselm College), 100 Saint Anselm Drive, Manchester, New Hampshire 03102. This location is accessible to individuals with disabilities.

Due to space limitations, members of the public interested in attending the meeting must register in advance. To register, please submit your full name, organization (if any), email address, and phone number to Ron Williams at the email address above by 5:00 p.m. Eastern Time on Friday, September 8, 2017. Registrations will no longer be accepted once the room reaches maximum capacity.

Meeting materials may be accessed online at *https://www.whitehouse.gov/blog/2017/07/13/presidential-advisory-commission-election-integrity.* Meeting minutes will be posted within 90 days of the meeting.

Procedures for Providing Written Comments

The Commission invites public comments related to laws, rules, policies, activities, strategies, and practices that enhance and/or undermine the American people's confidence in the integrity of the voting processes in Federal elections, as well as vulnerabilities in the voting systems and practices used for Federal elections. The Commission values public feedback. Public comments may be submitted at any time prior to the submission of the Commission's final report (timeframe to be determined);

however, comments pertaining to a particular meeting should be submitted at least five (5) days prior to a specific meeting.

There will not be oral comments from the public at the September 12, 2017 meeting. Individuals who wish to submit written comments for the Commission's consideration may do so by either of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit public comments or written statements via the Federal eRulemaking portal by searching for ''Notice-MK–2017–03.'' Select the link ''Comment Now'' that corresponds with ''Notice–MK–2017–03.'' Follow the instructions provided on the screen. Please include your name, organization (if any), and ''Notice-MK–2017–03'' on your attached document. Please note that any information, including personal or contact information, that you provide on the *www.Regulations.gov* comment form or in an attachment will be publicly disclosed as it is entered, searchable on the Internet, and included in any paper docket.

• *Mail:* Public comments may also be submitted via mail. Please address public comments to: Mr. Ron Williams, Policy Advisor, Presidential Advisory Commission on Election Integrity, 1650 Pennsylvania Avenue NW., Eisenhower Executive Office Building (EEOB), Rm. 268, Washington, DC 20504. Please note that any written comments received via mail will be uploaded to the docket on *Regulations.gov*, where they will be viewable in full by the public, including any personal or contact information.

Written comments not received by 5:00 p.m. Eastern Standard Time on Friday, September 8, 2017 may be submitted but will not be considered for the meeting held on Tuesday, September 12, 2017.

Public comments may be submitted at any time prior to the submission of the Commission's final report (timeframe to be determined); however, comments pertaining to a particular meeting should be submitted at least five (5) days prior to a specific meeting.

Dated: August 18, 2017.

Allison Fahrenkopf Brigati,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2017–17968 Filed 8–24–17; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0018; Docket 2017–0053; Sequence 1]

Information Collection; Certification of Independent Price Determination, Contractor Code of Business Ethics and Compliance, and Preventing Personal Conflicts of Interest

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding a revision and 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 currently approved information collection requirement concerning certification of independent price determination and parent company and identifying data.

DATES: Submit comments on or before October 24, 2017.

ADDRESSES: Submit comments identified by Information Collection 9000–0018, Certification of Independent Price Determination and Parent Company and Identifying Data 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 9000–0018. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0018, ''Certification of Independent Price Determination, Contractor Code of Business Ethics and Compliance, and Preventing Personal Conflicts of Interest.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0018, ''Certification of Independent Price Determination, Contractor Code of Business Ethics and Compliance, and Preventing Personal Conflicts of Interest'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000–0018.

Instructions: Please submit comments only and cite Information Collection 9000–0018, 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. Cecelia L. Davis, Procurement Analyst, Federal Acquisition Policy Division, GSA 202–219–0202 or *cecelia.davis@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection requirement, OMB Control No. 9000–0018, currently titled ''Certification of Independent Price Determination and Parent Company and Identifying Data,'' is proposed to be retitled ''Certification of Independent Price Determination, Contractor Code of Business Ethics and Compliance, and Preventing Personal Conflicts of Interest,'' due to consolidation with two additional currently approved information collection requirements: OMB Control No. 9000–0164, Contractor Business Ethics Compliance Program and Disclosure Requirements; and OMB Control No. 9000–0183, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions.

DoD, GSA and NASA analyzed the FY 2016 data from the Federal Procurement Data System (FPDS) to develop the estimated burden hours for this information collection.

This information collection requirement pertains to information that an offeror contractor must submit in response to the requirements of the following provisions and clauses in FAR 52.203:

1. Certification of Independent Price Determination (FAR 52.203–2). This clause requires the offeror to certify that the prices in the offer have been arrived at independently. Agencies are required to report under 41 U.S.C. 3101 (formerly 41 U.S.C. 252(b)(i)) and 10 U.S.C. 2305(d) suspected violations of the antitrust laws (*e.g.,* collusive bidding, identical bids, uniform estimating systems, etc.) to the Attorney General.

As a first step in assuring that Government contracts are not awarded to firms violating such antitrust laws,

offerors on Government contracts must complete the certificate of independent price determination. An offer will not be considered for award where the certificate has been deleted or modified. Deletions or modifications of the certificate and suspected false certificates are reported to the Attorney General (see FAR 3.103–2 Evaluating the Certification).

The information collection is required each time an offeror responds to a solicitation for firm-fixed price contract or fixed-price economic price adjustment contract unless the acquisition is: (1) Made under the simplified acquisition threshold; (2) at the request for technical proposals under two-step sealed bidding procedures; or (3) for utility services for which rates are set by law or regulation. The FAR rule requires a Certificate of Independent Price Determination so that contractors certify that the prices in their offer have been arrived at independently, have not been or will not be knowingly disclosed, and have not been submitted for the purpose of restricting competition. This clause does not apply to commercial items.

2. Contractor Code of Business Ethics and Conduct (FAR 52.203–13). This clause implements Government policy and Public Law 110–252, Title VI (Close the Contractor Fraud Loophole Act). It requires contractors to notify the respective agency Office of Inspector General when the contractor has credible evidence that the contractor's principal, employee, agent, or subcontractor committed a violation of certain Federal criminal laws, or a violation of the Civil False Claims Act.

The objective of the notification requirement is to emphasize the critical importance of integrity in contracting and reduce the occurrence of improper or criminal conduct in connection with the award and performance of Federal contracts and subcontracts. Information obtained from the notification requirements will be provided to the agency Inspector General by the contractor.

3. Preventing Personal Conflicts of Interest (FAR 52.203–16). In accordance with 41 U.S.C. 2303, this clause requires contractors and subcontractors to: (a) Identify and prevent personal conflicts of interest of their covered employees; and (b) prohibit covered employees who have access to non-public information by reason of performance on a Government contract from using such information for personal gain. Contractors are required to notify contracting officers whenever they become aware of any personal conflict of interest violations by a covered employee. The objective of the notification requirement is to emphasize the critical importance of integrity in contracting and reduce the occurrence of improper or criminal conduct in connection with the award and performance of Federal contracts and subcontracts. Information obtained from the notification requirements will be provided to the agency Inspector General by the contractor. In addition, contractors have the opportunity, in exceptional circumstances, to request mitigation or waiver of the personal conflict-of-interest standards. The information is used by the Government to evaluate the requested mitigation/waiver.

The information provided to and by contractors in accordance with the clause at FAR 52.203–16 is used by the contractor and the contracting officer to identify and mitigate personal conflicts of interest in compliance with Government policy to (a) identify and prevent personal conflicts of interest of covered employees; and (b) prohibit covered employees who have access to non-public information by reason of performance on a Government contract from using such information for personal gain (FAR 3.1102).

B. Annual Reporting Burden

1. Certification of Independent Price Determination (FAR 52.203–2).
Respondents: 24,270.
Responses annually: 30.
Total annual responses: 721,200.
Estimated hrs/response: .25.
Estimated total burden/hrs: 180,300.

2. Contractor Code of Business Ethics and Conduct (FAR 52.203–13).
Respondents: 278.
Responses per respondent: 1.
Total annual responses: 278.
Preparation hours per response: 60.
Total response burden hours: 16,680.

3. Preventing Personal Conflicts of Interest (FAR 52.203–16).
Respondents: 120.
Responses per respondent: 1.
Total responses: 120.
Burden hours per response: 30.
Total response burden hours: 3,600.
Recordkeeping Burden:
Number of recordkeepers: 8,598.
Records per recordkeeper per year: 25.
Total annual records: 214,950.
Estimated hours per record: 2.0.
Total recordkeeping burden hours: 429,900.

4. Total (counting recordkeepers with respondents).
Recordkeepers and respondents: 33,266.
Responses: 721,598.
Hours (reporting and recordkeeping): 707,862.

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. ATTN: Ms. Sosa/IC 9000–0018, telephone 202–501–4755.

Please cite OMB Control No. 9000–0018, Certification of Independent Price Determination, Contractor Code of Business Ethics and Compliance, and Preventing Personal Conflicts of Interest, in all correspondence.

Dated: August 22, 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. 2017–18095 Filed 8–24–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–0879]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the

proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Information Collections to Advance State, Tribal, Local and Territorial (STLT) Governmental Agency and System Performance, Capacity, and Program Delivery (OMB Control No. 0920–0879, Exp. 3/31/2018)—Extension—Office for State, Tribal Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the Department of Health and Human Services is to help provide the building blocks that Americans need to live healthy, successful lives. As part of HHS, CDC's mission is to create the expertise, information, and tools that people and communities need to protect their health—through health promotion, prevention of disease, injury and disability, and preparedness for new health threats. CDC and HHS seek to accomplish its mission by collaborating with partners throughout the nation and the world to: Monitor health, detect and investigate health problems, conduct research to enhance prevention, develop and advocate sound public health policies, implement prevention strategies, promote healthy behaviors, foster safe and healthful environments, and provide leadership and training.

CDC is requesting a three-year approval for a generic clearance to collect information related to domestic public health issues and services that affect and/or involve state, tribal, local and territorial (STLT) government entities.

The respondent universe is comprised of STLT governmental staff or delegates acting on behalf of a STLT agency involved in the provision of essential public health services in the United States. Delegate is defined as a governmental or non-governmental agent (agency, function, office or individual) acting for a principal or submitted by another to represent or act on their behalf. The STLT agency is represented by a STLT entity or delegate with a task to protect and/or improve the public's health.

Information will be used to assess situational awareness of current public health emergencies; make decisions that affect planning, response and recovery activities of subsequent emergencies; fill CDC and HHS gaps in knowledge of programs and/or STLT governments that will strengthen surveillance, epidemiology, and laboratory science; improve CDC's support and technical assistance to states and communities. CDC and HHS will conduct brief data collections, across a range of public health topics related to essential public health services.

CDC estimates up to 30 data collections with STLT governmental staff or delegates, and 10 data collections with local/county/city governmental staff or delegates will be conducted on an annual basis. Ninety-five percent of these data collections will be web-based and five percent telephone, in-person, and focus groups. The total annualized burden of 54,000 hours is based on the following estimates.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per respondent (in hours)
State, Territorial, or Tribal government staff or delegate.	Web, telephone, in-person, focus group	800	30	1
Local/County/City government staff or delegate.	Web, telephone, in-person, focus group	3,000	10	1

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–18035 Filed 8–24–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–116]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any

other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by September 25, 2017.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, *Attention:* CMS Desk Officer, *Fax Number:* (202) 395–5806 *OR*, *Email: OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at Web site address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReduction Actof1995/PRA-Listing.html*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Clinical Laboratory Improvement Amendments (CLIA) Application Form and Supporting Regulations; *Use:* The application must be completed by entities performing laboratory's testing specimens for diagnostic or treatment purposes. This information is vital to the certification process. In this revision, the majority of changes were minor changes to the form and accompanying instructions to facilitate the completion and data entry of the form. However, we added the collection of identifying the non-waived testing to be performed to section VIII of the form. We anticipate that the change to section VIII will take an average of 15 additional minutes to complete. *Form Number:* CMS–116 (OMB Control Number: 0938–0581); *Frequency:* Biennially and Occasionally; *Affected Public:* Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 42,000; *Total Annual Responses:* 51,000; *Total Annual Hours:* 51,000. (For policy questions regarding this collection contact Kathleen Todd at 410–786–3385.)

Dated: August 22, 2017.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–18070 Filed 8–24–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–41]

30-Day Notice of Proposed Information Collection: HUD-Owned Real Estate-Good Neighbor Next Door Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 25, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Colette.Pollard@hud.gov,* or telephone 202–402–3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 19, 2017 at 82 FR 23058.

A. Overview of Information Collection

Title of Information Collection: HUD-Owned Real Estate-Good Neighbor Next Door Program.

OMB Approval Number: 2502–0570.

Type of Request: Revision of currently approved.

Form Number: HUD–9549, HUD–9549–A, HUD–9549–B, HUD–9549–C, HUD–9549–D, HUD–9549–E.

Description of the Need for the Information and Proposed Use: The information collection is used in binding contracts between the purchaser and HUD in implementing the Good Neighbor Next Door Sales program. The respondents are purchasers of single family HUD-owned properties, who are teachers, law enforcement officers and firefighters/emergency medical technicians that meet the eligibility criteria under the Good Neighbor Next Door Sales program.

Affected Public: Individuals or household.

Estimated Number of Respondents: 5,105.

Estimated Number of Responses: 5,105.

Frequency of Response: On occasion.

Average Hours per Response: 2 minutes.

Total Estimated Burdens: 173.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 21, 2017.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–18097 Filed 8–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–43]

30-Day Notice of Proposed Information Collection: Technical Suitability of Products Program Section 521 of the National Housing Act

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 25, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Colette Pollard@hud.gov,* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 19, 2017 at 82 FR 23061.

A. Overview of Information Collection

Title of Information Collection: Technical Suitability of Products Program Section 521 of the National Housing Act.

OMB Approval Number: 2502–0313.

Type of Request: Revision of currently approved.

Form Number: HUD–92005.

Description of the need for the information and proposed use: This information is needed under HUD's Technical Suitability of Products Program to determine the acceptance of materials and products to be used in structures approved for mortgages insured under the National Housing Act.

Respondents: (i.e.,affected public): Business or other for-profit.

Estimated Number of Respondents: 50.

Estimated Number of Responses: 50.

Frequency of Response: 1.

Average Hours per Response: 26.

Total Estimated Burden: 2,200.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 21, 2017.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–18099 Filed 8–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6003–N–07]

60-Day Notice of Proposed Information Collection: Evaluation of the HUD–DOJ Pay for Success Permanent Supportive Housing Demonstration

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 24, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone (202) 402–5534 (this is not a toll-free number) or email

at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone (202) 402–5535 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the HUD–DOJ Pay for Success Permanent Supportive Housing Demonstration.

OMB Approval Number: Pending.

Type of Request: New.

Agency Form Numbers: No agency forms will be used.

Description of the need for the information and proposed use: The U.S. Departments of Housing and Urban Development (HUD) and Justice (DOJ) entered into an interagency collaboration that combines DOJ's mission to promote safer communities by focusing on the reentry population with HUD's mission to end chronic homelessness. This collaboration resulted in the Pay for Success Permanent Supportive Housing Demonstration with $8.68M awarded to seven communities to develop supportive housing for persons cycling between the jail or prison systems and the homeless service systems using pay for success (PFS) as a funding mechanism. HUD–DOJ announced seven grantees from across the country in June 2016. The PFS Demonstration grant supports activities throughout the PFS lifecycle, including feasibility analysis, transaction structuring, and outcome evaluation and success payments, with each grantee receiving funds for different stages in the PFS lifecycle. Through the national evaluation, which is funded through an interagency agreement between HUD and DOJ and managed by HUD's Office of Policy Development and Research, HUD–DOJ seek to assess whether PFS is a viable model for scaling supportive housing to improve outcomes for a re-entry population. The main goal of the evaluation is to learn how the PFS model is implemented in diverse settings with different structures, populations, and community contexts. The Urban Institute has designed a multi-disciplinary, multi-method approach to ''learn as we do'' and meet the key objectives of the formative evaluation. To understand project implementation, the evaluation includes data collection on both the time that project partners dedicate to each PFS project as well as PFS partner perceptions and interactions and community-level changes that may benefit the target population. This information collection request is for an ongoing time survey and an annual partnership web survey. The time survey will be used to assess staff time spent on development of each PFS project throughout the different lifecycle phases and the partnership survey will be used to document partner perceptions and interactions and community-level changes that may benefit the target population.

Respondents: For the annual web-based partnership survey and weekly time text survey, 100 respondents from the grantee and key project partner at 7 demonstration sites. For the monthly web-based time survey, 35 supervisory staff.

Estimated total number of hours needed to prepare the information collection including number of respondents, frequency of response, hours of response, and cost of response time: Based on the below assumptions and tables, we calculate the annual burden hours for the study to be 266.74 hours and the annual cost to be $7,123.92 and the total burden hours for the first three years of this study to be 800.22 hours and the total cost for the first three years to be $21,371.76. Whereas the typical key project partner role is either a management or support role, we estimated the cost per response using the average of the most recent (May 2015) Bureau of Labor Statistics, Occupational Employment Statistics median hourly wages for the labor categories Social and Community Services Manager (11–9151) with a median hour wage of $30.54 and Community and Social Service Specialist, All Other (21–1099) with a rate of $20.14. For the annual partnership survey and weekly text time survey, we averaged the median hourly wage for the two labor categories; this produces an average of both median hourly wage rates equal to $25.34. For the monthly supervisory time survey, we used only the Social and Community Services Manager rate.

Respondent	Occupation	SOC Code	Median hourly wage rate	Average (median) hourly wage rate
HUD–DOJ PFS Key Project Partners.	Social and Community Services Manager	11–9151	$30.54	$25.34
	Community and Social Service Specialist, All Other	21–1099	20.14	
HUD–DOJ PFS Supervisors	Social and Community Services Manager	11–9151	30.54	

Source: Bureau of Labor Statistics, Occupational Employment Statistics (May 2015), *https://www.bls.gov/oes/current/oes_stru.htm.*

To produce a basic hourly rate, we divided the average median annual income amount by 1,950 work hours per year, equaling 5 days at 37.5 hours per week for each of the 52 weeks of the year.

All assumptions are reflected in the table below.

Information collection	Number of respondents	Frequency of response	Burden hour per response	Annual burden hours	Hourly cost per response	Total cost
HUD–DOJ PFS Key Project Partners (Annual web-based partnership survey)	100	1	0.25	25	25.34	$633.50

Information collection	Number of respondents	Frequency of response	Burden hour per response	Annual burden hours	Hourly cost per response	Total cost
HUD–DOJ PFS Key Project Partners (Weekly text time survey)	100	52	0.033	171.6	25.34	4,348.34
HUD–DOJ PFS Supervisors (Monthly web-based time survey)	35	12	0.167	70.14	30.54	2,142.08
Total	235			266.74		7,123.92

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 20, 2017.

Matthew E. Ammon,

General Deputy Assistant, Secretary for Policy Development and Research.

[FR Doc. 2017–18102 Filed 8–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–42]

30-Day Notice of Proposed Information Collection: Housing Contracting With Resident-Owned Business—Application Requirements

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 25, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Colette.Pollard@hud.gov,* or telephone 202–402–3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on December 21, 2016 at FR 93699.

A. Overview of Information Collection

Title of Information Collection: Housing Contracting with Resident-Owned Business—Application Requirements.

OMB Approval Number: 2577–0161.

Type of Request: Reinstatement, with change, of a previously approved collection.

Form Number: None.

Description of the need for the information and proposed use: PHAs that enter into contracts with resident-owned businesses must comply with the requirements/procedures set forth in 24 CFR 963.10, 24 CFR 963.12, 24 CFR 85.36(h), 24 CFR 85.36(i) and other such contract terms that may be applicable to the procurement under the Department's regulations. These requirements include:

- Certified copies of any State, county, or municipal licenses that may be required of the business to engage in the type of business activity for which it was formed. Where applicable, the PHA must obtain a certified copy of its corporate charter or other organizational document that verifies that the business was properly formed in accordance with State law;
- Certification that shows the business is owned by residents, disclosure documents that indicate all owners of the business and each owner's percentage of the business along with sufficient evidence that demonstrates the satisfaction of the PHA that the business has the ability to perform successfully under the terms and conditions of the proposed contract;
- Certification as to the number of contracts awarded, and the dollar amount of each contract award received, under the alternative procurement process; and
- Contract award documents, proof of bonding documents, independent cost estimates and comparable price.

Respondents: (*i.e.,* affected public) Public Housing Agencies and Applicable Resident Entrepreneurs.

TOTAL ESTIMATED BURDENS

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
2577–0161	81	1	81	24	1,944	$29.00	$56,376

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 21, 2017.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–18101 Filed 8–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5998–N–08]

60-Day Notice of Proposed Information Collection: Relocation & Real Property Acquisition Recordkeeping Requirements

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 24, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Christian Christoffers, Relocation Specialist, CPD, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *christian.l.christoffers@hud.gov* or telephone 202–402–3282. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Recordkeeping Requirements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

OMB Approval Number: 2506–0121.

Type of Request: Extension of currently approved collection.

Form Number: NA.

Description of the Need for the Information and Proposed Use: HUD funded projects involving the acquisition of real property or the displacement of persons as a direct result of acquisition, rehabilitation or demolition are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). Agencies receiving HUD funding for such projects are required to document their compliance with the applicable requirements of the URA and its implementing government-wide regulations at 49 CFR 24.

Respondents (*i.e., affected public*): State, local or tribal government.

Estimated Number of Respondents: 2,000.

Estimated Number of Responses: 80,000.

Frequency of Response: 40.

Average Hours per Response: 3.5.

Total Estimated Burdens: 280,000.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	3278	40	3,278	60	196,680	$18.30	$3,599,244

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 27, 2017.

Ralph Gaines,

Principal Deputy Assistant for Community Planning and Development.

[FR Doc. 2017–18100 Filed 8–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5998–N–09]

60-Day Notice of Proposed Information Collection: Closeout Instruction for Community Development Block Grant (CDBG) Program

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 24, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: James R. Castle, CPD Specialist, OBGA, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email James R. Castle at *James.r.castle@hud.gov* or telephone 202–402–2696. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Mr. Castle.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Closeout instructions for CDBG Programs.

OMB Approval Number: 2506–0193.

Type of Request: Extension of currently approved collection.

Form Number: HUD 7082-Funding Approval Form.

Description of the Need for the Information and Proposed Use: The closeout instructions apply to Community Development Block Grant (CDBG) programs (State CDBG Program, CDBG Disaster Recovery Supplemental Funding, CDBG-Recovery Act (CDBG–R)) and Neighborhood Stabilization Programs (NSP) 1, 2, & 3. Section 570.509 of the CDBG regulations contains the grant closeout criteria for Entitlement jurisdictions when HUD determines, in consultation with the recipients that a grant can be closed. The State CDBG program does not have a regulatory requirement for closeouts but has relied on administrative guidance. This is also true for the NSP, CDBG Disaster Recovery and CDBG–R programs administrated by the state. States will use the Notice as a vehicle to verify that State CDBG funds have been properly spent before a grant may be officially closed. The HUD field office will prepare and send a closeout package that includes a transmittal letter, grant closeout agreement, grantee closeout certification and a closeout checklist to the grantee via email or standard mail. The information in the closeout package will assist the Department in determining whether all requirements of the contract between the Department and the Grantee have been completed.

The HUD 7082 Funding Approval Form

The Grant Agreement between the Department of Housing and Urban Development (HUD) and the Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 *et seq.*). HUD will make the funding assistance as specified to the grantee upon execution of the Agreement.

Respondents (i.e., affected public): This information collection applies to all States, Entitlement jurisdictions, Insular Areas, non-entitlement counties in Hawaii and those non-entitlement counties directly funded by NSP 3 and CDBG–DR.

Estimated Number of Respondents/ Estimated Number of Responses: The estimated combined number of respondents is 3,294 for the grant closeout task and for the HUD 7082 funding approval form. The proposed frequency of the response to the collection of information is annual to initiate the grant closeout reporting and submission of the funding approval agreement. The total annual reporting for grant closeout is estimated at 2,602.77 hours for 1,728 grant recipients. The annual submission of the HUD 7082 funding approval form is estimated at 468.5 hours for 1,566 grant recipients.

Frequency of Response: At time of closeout.

Average Hours per Response: 6.23.

Total Estimated Burdens: 2,602.77 hours.

GRANT CLOSEOUT

Grant program closeout task	Number of respondents	Annual frequency per response	Burden hours per response	Total burden hours
State				
CDBG States	50	1	3	150
CDBG–R	50	.33	3	49.5
Disaster [1]	31	1	3	93
NSP [2]	51	1	3	153
States Total	182	3.33	12	445.5

GRANT CLOSEOUT—Continued

Grant program closeout task	Number of respondents	Annual frequency per response	Burden hours per response	Total burden hours
Nonentitlement Counties in Hawaii				
CDBG–R	3	.33	3	2.97
Counties in Hawaii Total	3	.33	3	2.97
Entitlement Jurisdictions				
Disaster	27	1	3	81
NSP [2]	288	1	3	864
CDBG/R	1175	.33	3	1163.25
Entitlement Total	1491	2.33	9	2,108.25
Nonentitlement Direct Grantees				
Disaster	1	1	3	3.00
NSP 3	31	.25	3	23.25
Nonentitlement Total	32	1.25	6	26.25
Non-Profit and Quasi-Public Direct Grantees Responsibilities				
NSP 2	20	.33	3	19.8
Non-Profits and Quasi-public Total	20	.33	3	19.8
Grant Closeout Total	1,728	7.57	33	2,602.77

[1] Disaster recovery funds are contingent upon if the President declared a major disaster and Congress provided a supplemental appropriation.
[2] NSP includes 1, 2, & 3 unless otherwise specified.

FUNDING APPROVAL/AGREEMENT 7082 FORM

Funding approval/agreement form for grant programs	Number of respondents	Annual frequency per response	Burden hours per response	Total burden hours
State				
CDBG State	50	1	.25	12.5
Disaster [1]	31	1	.25	7.75
NSP–3	51	1	.25	12.75
State Total	132	3	.75	33
Nonentitlement Counties in Hawaii				
CDBG–R	3	1	.25	.75
Counties in Hawaii Total	3	1	.25	.75
Entitlement Jurisdictions				
Disaster	27	1	3	81.00
CDBG/R	1,175	1	.25	293.75
NSP–3	197	1	.25	49.25
Entitlement Total	1,399	3	3.50	424
Nonentitlement Direct Grantees				
Disaster	1	1	3	3
NSP3	31	1	.25	7.75
Nonentitlement Direct Grantees Total	32	1	3.25	10.75
Funding Approval Total	1,566	7	7.75	468.5

[1] Disaster recovery funds are contingent upon if the President declared a major disaster and Congress provided a supplemental appropriation.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 27, 2017.

Ralph Gaines,

Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2017–18098 Filed 8–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–45]

30-Day Notice of Proposed Information Collection: Mortgagee's Application for Partial Settlement (Multifamily Mortgage)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 25, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION, CONTACT: Inez C. Downs, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; email *Inez. C.Downs@hud.gov,* or telephone 202–402–8046. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 19, 2017 at 82 FR 23062.

A. Overview of Information Collection

Title of Information Collection: Multifamily Mortgagee's Application for Partial Settlement (Multifamily Mortgage).

OMB Approval Number: 2502–0427.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–2737.

Description of the Need for the Information and Proposed Use: This information collected on the subject form, HUD–2537 (Mortgagee's Application for Partial Settlement-Multifamily Mortgage), provides the required information to determine the partial amount. This amount is computed in accordance with the foregoing statutory provisions and regulations promulgated there under in 24 CFR 207 (B), Contracts Rights and Obligations.

Respondents (i.e. Affected Public): Business or other for profit.

Estimated Number of Respondents: 115.

Estimated Number of Responses: 115.

Frequency of Response: 1.

Average Hours per Response: 29.

Total Estimated Burden: 29.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 28, 2017.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–18096 Filed 8–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–44]

30-Day Notice of Proposed Information Collection: Evaluation of the Section 811 Project Rental Assistance Program, Phase II

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 25, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535.

This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 21, 2017 at 82 FR 18768.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the Section 811 Project Rental Assistance Program, Phase II.

OMB Approval Number: 2528–0309.

Type of Request: (*i.e.,* new, revision or extension of currently approved collection): Substantial revision of currently approved collection.

Form Number: None.

Description of the Need for the Information and Proposed Use: The Office of Policy Development and Research, at the U.S. Department of Housing and Urban Development (HUD), is proposing a revision of currently approved data collection activity as part of the evaluation of the Section 811 Supportive Housing for Persons with Disabilities (Section 811) Project Rental Assistance (PRA) Program. The Section 811 supportive housing model provides people with disabilities affordable housing and access to appropriate, voluntary supportive services. The traditional Section 811 Project Rental Assistance Contract (PRAC) program awarded interest-free capital advances and contracts for project-based rental assistance to nonprofit organizations to develop supportive housing. The Section 811 PRA program is a new approach to supportive housing that provides project-based rental assistance to state housing agencies for the development of supportive housing for extremely low-income persons with disabilities. Housing agencies must have an interagency partnership agreement with the state health and human service agency and the state Medicaid provider to provide services and supports directly to residents living in units funded with Section 811 PRA.

This evaluation is the second phase of a two-phase evaluation. Phase I evaluated the early implementation of the Section 811 PRA Program in the 12 states that were awarded the first round of PRA grants. The OMB Approval Number for Phase I is 2528–0309. HUD is now undertaking the second phase of the Section 811 PRA evaluation. The second phase will continue to evaluate the implementation of the Section 811 PRA Program, but will also assess the program's effectiveness and its impact on residents and will be limited to six states. The evaluation of the Section 811 PRA Program, including the assessment of its effectiveness compared to the traditional Section 811 PRAC Program, is mandated by the Frank Melville Supportive Housing Investment Act of 2010. This **Federal Register** Notice provides the opportunity to comment on the revision of the approved information collection activity for the second phase of the Section 811 PRA evaluation.

Data collection for the second phase of the evaluation of the Section 811 PRA Program includes in-person surveys with residents assisted by the Section 811 PRA and PRAC programs and in-person interviews with staff from PRA program participating agencies (property owners or managers of properties where Section 811 PRA residents live, manager-level staff at organizations that provide supportive services to PRA residents, and manager-level staff at Public Housing Authorities that committed housing subsidies for the PRA program). The purpose of the interviews is to assess the implementation experience of the Section 811 Project Rental Assistance program and the program's impact on residents. Participation in the resident survey is voluntary for PRA and PRAC residents.

Respondents (i.e., Affected Public): Residents assisted with HUD's Section 811 program, Section 811 property managers, supportive service providers, and Public Housing Authorities.

Total Estimated Burdens: Researchers will administer resident surveys for an average of 45 minutes with an additional 30 minutes needed to schedule the call and conduct prescreening questions with the respondent. The total burden for the 480 Section 811 residents is 480 hours. The average burden of interviews for property managers and service providers is one hour, with an additional half-hour to schedule the call and compile information needed to complete the interview. The average burden for Public Housing Authorities is 30 minutes with an additional 30 minutes needed to schedule the call and compile information for the interview. The total burden hours for property owners is 36 hours, the total burden hours for service providers is 72 hours, and the total burden hours for Public Housing Authorities is 12 hours. The total respondent burden for these data collection activities is 600 hours.

ESTIMATED HOUR AND COST BURDEN OF INFORMATION COLLECTION

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Property Owner/Managers	24	1	24	1.50	36	$27.42	$987.12
Service Providers	48	1	48	1.50	72	46.41	3,341.52
PHA Staff/Managers	12	1	12	1.00	12	43.29	519.48
Section 811 PRA/PRAC Residents	480	1	480	1.00	480	9.29	4,459.20
Total	564				600		9,307.32

Based on the assumptions and table below we calculate the total annual cost burden for this information collection to be $9,307.32. For staff of participating agencies, we estimated their cost per response using the most recent (May 2016) Bureau of Labor Statistics, Occupational Employment Statistics median hourly wage for selected occupations classified by Standard Occupational Classification (SOC) codes. To estimate hourly wage rates for property owners and managers of properties where Section 811 residents live, we used the occupation code Property, Real Estate, and Community Association Managers (11–9140), with a median hourly wage of $27.42. For

managers of service providers of Section 811 residents, we used Medical and Health Services Managers (11–9110), with a median hourly wage of $46.41. For Public Housing Authority managers, we used the Administrative Services Manager (11–3010), with a median hourly wage of $43.29.

Respondent	Occupation title	Occupation SOC code	Median hourly wage rate
Section 811 Property Manager	Property, Real Estate, and Community Association Managers.	11–9140	$27.42
Service Provider Manager	Medical and Health Services Managers	11–9110	46.41
Public Housing Authority Manager	Administrative Services Manager	11–3010	43.29

Source: Bureau of Labor Statistics, Occupational Employment Statistics (May 2015), *https://www.bls.gov/oes/current/oes_stru.htm.*

Section 811 PRA and PRAC households participating in the Section 811 evaluation will range in employment position and earnings, but national data indicate the population has very low incomes. According to 2016 HUD Picture of Subsidized Households Data (*https://www.huduser.gov/portal/datasets/assthsg.html*), the average per person household income for Section 811 PRAC residents in the six states where the study is being conducted was $9,307.32, but only six percent of PRAC residents report wages as a major source of household income (current data on PRA participants is not yet available). We estimated the hourly wage burden for Section 811 residents, at $9.29, the average expected prevailing minimum wage in the six states where the evaluation is being conducted [California—$10.50; Delaware—$8.25; Louisiana—$7.25 (federal minimum wage); Maryland—$8.75; Minnesota—$9.50; Washington—$11.00]. We assumed an unweighted average as the survey sample will comprise of approximately 80 residents from each of the six states. (Source: U.S. Department of Labor, Wage and Hour Division, Minimum Wage Laws in the States—January 2017, *https://www.dol.gov/whd/minwage/america.htm*).

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 26, 2017.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–18103 Filed 8–24–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0046; FXIA16710900000–156–FF09A30000]

Foreign Endangered Species; Marine Mammals; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species, marine mammals, or both. We issue these permits under the Endangered Species Act (ESA).

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281. To locate the **Federal Register** notice that announced our receipt of the application for each permit listed in this document, go to *www.regulations.gov* and search on the permit number provided in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, (703) 358–2023 (telephone); (703) 358–2281 (fax); or *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION: On the dates below, as authorized by the provisions of the ESA, as amended (16 U.S.C. 1531 *et seq.*), and/or the Marine Mammal Protection Act (MMPA), as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to certain conditions set forth therein. For each permit for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Emergency Permit Issuances

Permit numbers 19807C and 38670C were issued under emergency provisions, with waivers of the 30-day comment period, in accordance with 50 CFR 17.22. Permit number 19807C was issued for the import of diagnostic samples of wild chimpanzees (*Pan troglodytes*) in Sierra Leone due to a disease outbreak, because diagnosis of the disease is necessary to prevent future deaths of individuals of the species. Permit number 38670C was issued for the import of piping plover (*Charadrius melodus*) eggs that had been salvaged from an abandoned nest in the wild, in order to hatch the eggs in captivity and release fledged birds into the wild. In both cases, these permits were issued in emergency situations where the lives and health of endangered animals were threatened and no reasonable alternatives were available to the applicants.

Permit number 14762C was issued in accordance with section 104(c)(3) of the MMPA, with a waiver of the full 30-day comment period, in order to authorize the U.S. National Park Service to conduct aerial surveys of northern sea otters (*Enhydra lutris kenyoni*) in Glacier Bay, Alaska, a unique research opportunity that would be lost if permit issuance were to be delayed.

The current notice announces waiver of the 30-day comment period for each of these three permit applications.

Permit No.	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
		Endangered Species	
04186C	Columbus Zoo & Aquarium	81 FR 90863; December 15, 2016	May 3, 2017.
04257C	Columbus Zoo & Aquarium	81 FR 86723; December 1, 2016	May 9, 2017.
06738C	Wildlife Conservation Society	81 FR 95628; December 28, 2016	May 25, 2017.
19807C	University of Wisconsin–Madison	Waived	May 19, 2017.
38670C	U.S. Fish and Wildlife Service	Waived	June 6, 2017.
		Marine Mammals	
14762C	U.S. National Park Service	82 FR 24381; May 26, 2017	June 1, 2017.

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017–18038 Filed 8–24–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–ASIS–22489; PPNEASISS0, PPMPSPD1Z.YM0000]

Abbreviated Final Environmental Impact Statement for the Assateague Island National Seashore General Management Plan

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) announces the availability of the Abbreviated Final General Management Plan/Environmental Impact Statement (GMP/EIS) for Assateague Island National Seashore (seashore), Maryland and Virginia. The purpose of the plan is to provide a framework for management decision making that is consistent with the purposes for which the seashore was established by Congress as a unit of the national park system and that protects the seashore's fundamental and other important resources and values.

DATES: The NPS will issue a final decision on the Abbreviated Final GMP/EIS no earlier than 30 days from the date the Environmental Protection Agency publishes its Notice of Availability of the Abbreviated Final GMP/EIS in the **Federal Register**.

ADDRESSES: The Abbreviated Final GMP/EIS is available electronically at *http://www.parkplanning.nps.gov/asis.* A limited number of printed copies will be available upon request by contacting the Superintendent, Assateague Island National Seashore, 7206 National Seashore Lane, Berlin, MD 21811, 410–629–6080.

FOR FURTHER INFORMATION CONTACT: Deborah Darden, Assateague Island National Seashore, 410–629–6080, *deborah_darden@nps.gov*

SUPPLEMENTARY INFORMATION: The seashore was established in 1965 and is composed of more than 41,320 acres including 37-mile Assateague Island in Maryland and Virginia and the surrounding marine and estuarine waters up to one-half mile from the island's shore. Within the seashore boundary are Assateague State Park (owned by the state of Maryland and managed by the Maryland Department of Natural Resources) and Chincoteague National Wildlife Refuge (managed by the U.S. Fish and Wildlife Service). The NPS owns 8,983 acres within the seashore boundary, including land on Assateague Island in Maryland, the Assateague Beach U.S. Coast Guard Station in Virginia, and its mainland Maryland headquarters complex and visitor center. The states of Maryland and Virginia own the submerged lands within the seashore boundary, with ownership extending to mean high water in Maryland and mean low water in Virginia.

Pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the NPS released a Draft GMP/EIS on January 29, 2016 for a 90-day public review period. The Draft GMP/EIS evaluated four alternatives for future seashore management.

Comments received on the Draft GMP/EIS resulted in minor changes to the text but did not significantly alter the alternatives or the impact analysis; thus, the NPS has prepared an Abbreviated Final GMP/EIS. The Abbreviated Final GMP/EIS discusses the public and agency comments received on the Draft GMP/EIS and provides NPS responses. The Abbreviated Final GMP/EIS contains errata sheets that show factual corrections to the text of the Draft GMP/EIS or where the text has been revised to reflect minor additions or changes suggested by commenters.

As in the Draft GMP/EIS, the Abbreviated Final GMP/EIS identifies the NPS preferred alternative as alternative 3—sustainable recreation and climate change adaptation.

NPS decision makers considered the information collected during scoping, the results of the impact analysis, and the seashore's purpose and significance. Findings supported selection of alternative 3 as the NPS preferred alternative because it would provide the highest degree of enhanced public use and enjoyment of the seashore, would provide the highest degree of protection to the seashore's fundamental and other important resources and values, would offer the greatest potential for enhanced coastal resiliency, and would support the most effective organizational management for the seashore.

Dated: May 3, 2017.

Joshua Laird,

Acting Regional Director, Northeast Region, National Park Service.

Editorial Note: This document was received by the Office of the Federal Register on August 21, 2017.

[FR Doc. 2017–18009 Filed 8–24–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1067]

Certain Road Milling Machines and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 19, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Wirtgen America, Inc. of Antioch, Tennessee. Supplements were filed on August 11, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain road milling machines and components thereof by reason of infringement of one or more of U.S. Patent No. 9,644,340 (''the '340 patent''); U.S. Patent No. 9,624,628 (''the '628 patent''); U.S. Patent No. 9,656,530 (''the '530 patent''); U.S. Patent No. 7,530,641 (''the '641 patent''); and U.S. Patent No. 7,828,309 (''the '309 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server 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.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 18, 2017, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain road milling machines and components thereof by reason of infringement of one or more of claims 1–5, 7–12, and 14–17 of the '340 patent; claims 1, 2, 5, 6, 9–22, and 27–29 of the '628 patent; claims 1–7, 13–24, and 26 of the '530 patent; claims 1, 2, 4, 6–8, 11, 12, and 15–17 of the '641 patent; and claims 1–3, 5–24, and 26–36 of the '309 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Wirtgen America, Inc., 6030 Dana Way, Antioch, TN 37013–3116.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Caterpillar Bitelli SpA, Via IV Novembre, 2, 40061 Minerbio BO, Italy

Caterpillar Prodotti Stradali S.r.L., Via IV Novembre, 2, 40061 Minerbio BO, Italy

Caterpillar Americas CV, 76 Route de Frontenex Boite Postale 6000, 1211 Geneva, Switzerland

Caterpillar Paving Products, Inc., 9401 85th Avenue North, Minneapolis, MN 55445

Caterpillar Inc., 100 NE Adams Street, Peoria, IL 61629

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.
Issued: August 21, 2017.

William R. Bishop,
Supervisory Hearings and Information Officer.

[FR Doc. 2017–18024 Filed 8–24–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1036]

Certain Magnetic Tape Cartridges and Components Thereof; Notice of Commission Decision Not To Review an Initial Determination Granting Complainant's Unopposed Motion To Amend the Complaint and Notice of 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 the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 16) granting complainant's unopposed motion for leave to amend the complaint and notice of investigation to reflect a corporate reorganization of complainant Sony Storage Media and Devices Corporation.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. 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 TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 24, 2017, based on a complaint filed by Sony Corporation of Tokyo, Japan; Sony Storage Media and Devices Corporation of Tagajo, Japan (''SSMD''); Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida (collectively, ''Sony''), alleging a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''). 82 FR 8209–10 (Jan 24, 2017). The complaint, as supplemented, alleges violations of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,345,779; 6,896,959; 7,016,137; and 7,115,331 (collectively, ''the patents-in-suit''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The notice of investigation names as respondents Fujifilm Holdings Corporation and Fujifilm Corporation both of Tokyo, Japan; Fujifilm Holdings America Corporation of Valhalla, New York; and Fujifilm Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively, ''Fujifilm''). *Id.* at 8210. The Office of Unfair Import Investigations is also named as a party. *Id.*

On July 28, 2017, Sony filed a motion for leave to amend the complaint and notice of investigation to reflect a corporate reorganization of SSMD. Specifically, Sony seeks to replace the entity SSMD with two distinct entities: ''Sony Storage Media Solutions'' and ''Sony Storage Media Manufacturing Corporation.'' Sony submits that the reorganization did not affect the ownership of the patents-in-suit. Sony stated that its motion is unopposed by Fujifilm or OUII.

On August 4, 2017, the ALJ issued the subject ID, granting Sony's motion pursuant to Commission rule 210.14(b)(1). The ID finds that Sony has shown good cause to amend the complaint and notice of investigation to reflect the corporate reorganization of SSMD. The ID further finds no evidence that these amendments would harm the public interest or prejudice any party to this investigation.

No petitions for review were filed and the Commission has determined not to review the subject ID.

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 22, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–18044 Filed 8–24–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. DIRECTV Group Holdings, LLC, et al.; Public Comment and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States hereby publishes below the comment received on the proposed Final Judgment in *United States* v. *DIRECTV Group Holdings, LLC, et al.,* Case No. 2:16–cv–08150–MWF–E (C.D. Cal.), together with the Response of the United States to Public Comment.

Copies of the comment and the United States' Response are available for inspection at the Department of Justice Antitrust Division, 450 Fifth Street NW., Suite 1010, Washington, DC 20530 (telephone: 202–514–2481), on the Department of Justice's Web site at *https://www.justice.gov/atr/case/us-v-directv-group-holdings-llc-and-att-inc,* and at the Office of the Clerk of the United States District Court for the Central District of California (Western Division), 312 N. Spring Street, Los Angeles, CA 90012. Copies of any of these materials may also be obtained upon request and payment of a copying fee.

Patricia A. Brink,

Director of Civil Enforcement.

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Counsel for Plaintiff,
UNITED STATES OF AMERICA

United States District Court for the Central District of California Western Division

United States of America, Plaintiff, v. *DIRECTV Group Holdings, LLC, et al., Defendants.*

Case No. 2:16–cv–08150–MWF–E
Plaintiff United States' Response to Public Comment on the Proposed Final Judgment
Judge: Hon. Michael W. Fitzgerald

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h) (''APPA'' or ''Tunney Act''), the United States hereby files the single public comment received concerning the proposed Final Judgment in this case and the United States' response to the comment. After careful consideration of the submitted comment, the United States continues to believe that the proposed Final Judgment provides an effective and appropriate remedy for the antitrust violations alleged in the Complaint. The United States will move the Court for entry of the proposed Final Judgment after the public comment and this Response have been published in the **Federal Register** pursuant to 15 U.S.C. § 16(d).

I. PROCEDURAL HISTORY

On November 2, 2016, the United States filed a civil antitrust Complaint alleging that DIRECTV acted as the ringleader of a series of unlawful information exchanges between DIRECTV and three of its competitors—Cox Communications, Inc., Charter Communications, Inc. and AT&T (prior to its acquisition of DIRECTV)—during the companies' parallel negotiations to carry SportsNet LA, which holds the exclusive rights to telecast almost all live Dodgers games in the Los Angeles area. The Complaint alleges that DIRECTV unlawfully exchanged competitively sensitive information with Cox, Charter and AT&T during the companies' negotiations for the right to telecast SportsNet LA (the ''Dodgers Channel''). In 2015, Defendant AT&T acquired DIRECTV, and AT&T was included as a defendant in this action as DIRECTV's successor in interest.

The United States and Defendants subsequently reached a settlement and, on March 23, 2017, the United States filed a Stipulation and Order and proposed Final Judgment (ECF Nos. 31

and 31–1). The Court entered the Stipulation and Order on March 27, 2017 (ECF No. 35). The proposed Final Judgment, if entered by the Court, would remedy the violation alleged in the Complaint by prohibiting Defendants from sharing or seeking to share competitively sensitive information with competing video distributors. Such information includes without limitation ''non-public information relating to negotiating position, tactics or strategy, video programming carriage plans, pricing or pricing strategies, costs, revenues, profits, margins, output, marketing, advertising, promotion or research and development.'' Proposed Final Judgment at 3 (ECF 31–1). At the same time, the United States filed a Competitive Impact Statement (''CIS'') (ECF No. 32), which explains how the proposed Final Judgment is designed to remedy the harm that resulted from Defendants' conduct.

As required by the Tunney Act, the United States published the proposed Final Judgment and CIS in the **Federal Register** on April 13, 2017. *See* 82 FR 17859. In addition, a summary of the terms of the proposed Final Judgment and CIS, together with directions for the submission of written comments, was published in both *The Los Angeles Times* and *The Washington Post* for seven days between April 6 and April 14, 2017. The 60-day period for public comment ended on June 13, 2016. The United States received one comment, which is described below and attached as Exhibit 1.

II. THE INVESTIGATION AND THE PROPOSED SETTLEMENT

The proposed Final Judgment is the culmination of almost two years of investigation and litigation by the Antitrust Division of the United States Department of Justice (''Department''). The Department conducted a comprehensive inquiry into the conduct of DIRECTV and the other companies involved to determine the facts of what occurred and the impact of that conduct on competition. The Department collected more than 100,000 business documents from DIRECTV and others, conducted numerous interviews of individuals and companies with potentially relevant information, obtained deposition testimony from a number of individuals, including those involved in the relevant communications, and required the Defendants to provide interrogatory responses explaining DIRECTV's conduct and any potential justifications for that conduct.

As a result of this detailed investigation, the United States alleged in the Complaint that DIRECTV was the ringleader of information-sharing agreements with three different rivals and that DIRECTV and these rivals agreed to and did exchange non-public information about each company's ongoing negotiations to telecast the Dodgers Channel, as well as each company's future plans to carry—or not carry—the channel. The Complaint also alleges that each company engaged in this conduct in order to obtain bargaining leverage and reduce the risk that a rival would choose to carry the Dodgers Channel (while the company did not), resulting in a loss of subscribers to that rival. The Complaint further alleges that the information learned through these unlawful agreements was a material factor in each company's decision not to carry the Dodgers Channel, harming the competitive process for carriage of the Dodgers Channel and making it less likely that any of these companies would reach a deal because they no longer had to fear that a decision to refrain from carriage would result in subscribers switching to a competitor that offered the channel.

The Complaint alleges that these agreements amounted to a restraint of trade in violation of Section 1 of the Sherman Act, which outlaws ''[e]very contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States.'' 15 U.S.C. 1. The Complaint seeks injunctive relief to prevent DIRECTV and AT&T from sharing non-public information with any other multichannel video programming distributor (''MVPD'') [1] about a variety of competitively sensitive topics concerning potential video programming distribution agreements.

The proposed Final Judgment is designed to remedy the anticompetitive conduct identified in the Complaint. As explained in greater detail in the CIS, Section IV of the proposed Final Judgment provides that Defendants will not, directly or indirectly, communicate a broad array of competitively sensitive, non-public strategic information (such as negotiating strategy, carriage plans, or pricing) to any MVPD, will not request such information from any MVPD, and will not encourage or facilitate the communication of such information from any MVPD. At the same time, Section IV makes clear that the proposed Final Judgment does not prohibit Defendants from sharing or receiving competitively sensitive strategic information in certain specified circumstances. The Final Judgment also requires Defendants to designate an Antitrust Compliance Officer, who is responsible for implementing training and antitrust compliance programs and achieving full compliance with the Final Judgment. This compliance program is necessary considering the extensive communications among rival executives that facilitated Defendants' agreements. The Defendants will be subject to these compliance obligations throughout the five-year term of the proposed Final Judgment.

The terms of the proposed Final Judgment closely track the relief sought in the Complaint and are intended to provide a prompt, certain and effective remedy to ensure that Defendants and their executives will not impede competition by sharing competitively sensitive information with their counterparts at rival MVPDs. The requirements and prohibitions provided for in the proposed Final Judgment will terminate Defendants' illegal conduct, prevent recurrence of the same or similar conduct in the future, and ensure that Defendants establish a robust antitrust compliance program. The proposed Final Judgment protects consumers by putting a stop to the anticompetitive information sharing alleged in the Complaint, while permitting certain potentially beneficial collaborations and transactions as described in detail in the CIS.

III. SUMMARY OF PUBLIC COMMENT AND RESPONSE OF THE UNITED STATES

During the 60-day public comment period, the United States received one comment, from Joe Macera. Mr. Macera stated that, in his opinion, the fact that this case was filed also shows that collusion has occurred between DIRECTV and the owner of the Dodgers Channel, Time Warner Cable. Mr. Macera called for a separate suit against Time Warner Cable for unfair business practices and stated that this settlement should include additional relief in the form of either a fine against DIRECTV or a requirement that DIRECTV telecast live Dodgers games.

The United States appreciates receiving Mr. Macera's comment. The United States conducted a comprehensive investigation of the companies involved in the communications detailed in the

[1] MVPD is an industry acronym standing for *m*ultichannel *v*ideo *p*rogramming *d*istributor, and it applies to a variety of providers of pay television services, including satellite companies (such as DIRECTV and DISH Network), cable companies (such as Cox and Charter), and telephone companies (such as AT&T and Verizon).

Complaint. Based on that investigation, and as recounted in the Complaint, the United States concluded that DIRECTV had agreed with its rival MVPDs to share competitively sensitive information about their plans to carry the Dodgers Channel. The Complaint did not allege that Time Warner Cable was involved in the alleged illegal information sharing agreements, and the Complaint does not draw any conclusions about Time Warner Cable's conduct.

It is well-settled that comments that are unrelated to the concerns identified in the Complaint are beyond the scope of this Court's Tunney Act review. *See, e.g., United States* v. *SBC Commc'ns, Inc.,* 489 F. Supp. 2d 1, 14 (D.D.C. 2007) (explaining that ''a district court is not permitted to 'reach beyond the complaint to evaluate claims that the government did *not* make and to inquire as to why they were not made' '' (quoting *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1459 (D.C. Cir. 1995))); *see also United States* v. *U.S. Airways Group, Inc.,* 38 F. Supp. 3d 69, 76 (D.D.C. 2014) (''A court may not 'construct its own hypothetical case and then evaluate the decree against that case.' '' (quoting *Microsoft,* 56 F.3d at 1459)). Accordingly, the portion of Mr. Macera's comment addressed to Time Warner Cable's conduct does not provide a basis for rejecting the proposed Final Judgment.

Mr. Macera also called for additional relief beyond that included in the proposed Final Judgment, such as a financial penalty or a requirement that DIRECTV carry Dodgers telecasts. The Sherman Act, however, does not provide for civil penalties or civil fines. The injunctive relief sought by the Complaint has been obtained in the proposed Final Judgment, which fulfills the remedial goals of the Sherman Act to ''prevent and restrain'' antitrust violations. *See* 15 U.S.C. § 4 (investing district courts with equitable jurisdiction to ''prevent and restrain'' violations of the antitrust laws). No additional relief is needed to prevent and restrain DIRECTV from entering into information-sharing agreements such as those alleged in the Complaint.

The United States' Complaint in this action also did not seek a requirement that any MVPD carry the Dodgers telecasts. Similarly, and as explained in the CIS, the proposed Final Judgment is not intended to compel any MVPD to reach an agreement to carry any particular video programming, including the Dodgers Channel. Negotiations between video programmers and MVPDs are often contentious, high-stakes undertakings where one or both sides threaten to walk away, or even temporarily terminate the relationship in order to secure a better deal. The proposed Final Judgment is not intended to address such negotiating tactics, or to impose any agreement upon Time Warner Cable or any MVPD that is not the result of an unfettered negotiation in the marketplace. Rather, the Final Judgment is intended to protect the competitive process for acquiring video programming from being corrupted by improper information sharing among rivals and to prevent harm to consumers when such collusion taints that competitive process and makes carriage on competitive terms less likely.

IV. STANDARD OF JUDICIAL REVIEW

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. § 16(e)(1). ''The APPA was enacted in 1974 to preserve the integrity of and public confidence in procedures relating to settlements via consent decree procedures.'' *United States* v. *BNS Inc.,* 858 F.2d 456, 459 (9th Cir. 1988) (noting that the APPA ''mandates public notice of a proposed consent decree, a competitive impact statement by the government, a sixty-day period for written public comments, and published responses to the comments'' (citations omitted)). In making that ''public interest'' determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e)(1)(A) & (B). In considering these statutory factors, the Court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *Microsoft,* 56 F.3d at 1461; *see generally SBC Commc'ns,* 489 F. Supp. 2d 1 (assessing public interest standard under the Tunney Act); *U.S. Airways,* 38 F. Supp. 3d at 75 (explaining that the ''court's inquiry is limited'' in Tunney Act settlements); *United States* v. *InBev N.V./S.A.,* No. 08–1965, 2009 U.S. Dist. LEXIS 84787, at *3 (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanisms to enforce the final judgment are clear and manageable'').[2]

Under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62; *see also BNS,* 858 F.2d at 462–63 (''[T]he APPA does not authorize a district court to base its public interest determination on antitrust concerns in markets other than those alleged in the government's complaint.''); *United States* v. *Nat'l Broad. Co.,* 449 F. Supp. 1127, 1144 (C.D. Cal.1978) (''[I]n evaluating a proposed consent decree, one highly significant factor is the degree to which the proposed decree advances and is consistent with the government's original prayer for relief.'' (citation omitted)). With respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *BNS,* 858 F.2d at 462 (quoting *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft,* 56 F.3d at 1458–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. As the Ninth Circuit has explained:

[t]he balancing of competing social and political interests affected by a

[2] The 2004 amendments substituted ''shall'' for ''may'' in directing relevant factors for courts to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. 16(e) (2004), *with* 15 U.S.C. 16(e)(1) (2006); *see also SBC Commc'ns,* 489 F. Supp. 2d at 11 (concluding that the 2004 amendments ''effected minimal changes'' to Tunney Act review).

proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. *See United States* v. *Nat'l Broad. Co.,* 449 F. Supp. 1127 (C.D. Cal. 1978). The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

Bechtel, 648 F.2d at 666 (emphasis added) (additional citations omitted).[3]

In determining whether a proposed settlement is in the public interest, a district court ''must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that a court should not reject the proposed remedies because it believes others are preferable); *Microsoft,* 56 F.3d at 1461 (noting the need for courts to be ''deferential to the government's predictions as to the effect of the proposed remedies''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant due respect to the United States' prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case). Courts have greater flexibility in approving proposed consent decrees than in crafting their own decrees following a finding of liability in a litigated matter. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' *United States* v. *Am. Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982) (citations omitted) (quoting *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975)), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983).[4] To meet this standard, the United States ''need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17 (citation omitted).

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''[T]he 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged.''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60. Courts ''cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.'' *SBC Commc'ns,* 489 F. Supp. 2d at 15.[5]

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This is what Congress intended when it enacted the Tunney Act in 1974. As Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court's ''scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.'' *SBC Commc'ns,* 489 F. Supp. 2d at 11. ''A court can make its public interest determination based on the competitive impact statement and response to public comments alone.'' *U.S. Airways,* 38 F. Supp. 3d at 76 (citation omitted).

CONCLUSION

After reviewing the public comment, the United States continues to believe that the proposed Final Judgment, as drafted, provides an effective and appropriate remedy for the antitrust violations alleged in the Complaint, and is therefore in the public interest. The United States will move this Court to enter the proposed Final Judgment after the comment and this response are published in the **Federal Register**.

Dated: August 10, 2017.

Respectfully submitted,

PLAINTIFF UNITED STATES OF AMERICA
By: */s/FREDERICK S.YOUNG*
FREDERICK S. YOUNG,

Attorney for the United States, U.S. Department of Justice, Antitrust Division, 450 5th Street NW., Washington, DC 20530, Telephone: 202–307–2869, Facsimile: 202–514–6381, Email: *frederick.young@usdoj.gov.*

Exhibit 1

From: Joe Macera
To: ATR-Antitrust—Internet
Subject: AT&T and DirecTV Case Settlement
Date: Friday, March 24, 2017 12:10:45 p.m.

I am very disappointed with the DOJ decision to settle the AT&T and DirecTV case without affirmative action to end

[3] *Cf. BNS,* 858 F.2d at 464 (holding that the court's ''ultimate authority under the [APPA] is limited to approving or disapproving the consent decree''); *Nat'l Broad. Co.,* 449 F. Supp. at 1142 (under the APPA, ''a court's power to do very much about the terms of a particular decree, even after it has given the decree maximum, rather that minimum, judicial scrutiny, is a decidedly limited power'' (citation omitted)); *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to ''look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass''). *See generally Microsoft,* 56 F.3d at 1461 (discussing whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest' '').

[4] *See also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that ''room must be made for the government to grant concessions in the negotiation process for settlements'' (quoting *SBC Commc'ns,* 489 F. Supp. 2d at 1461) (citing *Microsoft,* 56 F.3d at 1461)); *United States* v. *Alcan Aluminum Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving consent decree even though the court would have imposed a greater remedy).

[5] *See also United States* v. *Mid-Am. Dairymen, Inc.,* No. 73–CV–681–W–1, 1977 U.S. Dist. LEXIS 15858, at *22 (W.D. Mo. May 17, 1977) (''Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.''); S. Rep. No. 93–298, at 6 (1973) (''Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.'').

the blackout of Dodger games. In my opinion collusion has occurred between DirecTV and Time Warner Cable (TWC) which was apparent in the filing of this case. The sharing of inside, confidential information between the parties has put TWC in the position to control their monopoly for the broadcast of Dodger games by knowing where all the competitors stand, giving them an unfair advantage in their negotiations. A settlement in favor of the public would be punishment of the parties either through a fine or requirement to carry the broadcasts and a separate suit against TWC for unfair business practices.

Joe Macera
Email:
Work Cell:
Personal Cell:

[FR Doc. 2017–18091 Filed 8–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Binh M. Chung, M.D.; Decision and Order

On June 29, 2017, the Acting Assistant Administrator, Diversion Control Division, issued an Order to Show Cause to Binh M. Chung, M.D. (hereinafter, Registrant), of Las Vegas, Nevada. The Show Cause Order proposed the revocation of Registrant's Certificate of Registration and the denial of any pending application to renew his registration or for a new registration, on the grounds that: (1) He ''ha[s] been convicted of a felony relating to a controlled substance''; (2) he ''do[es] not have authority to handle controlled substances in . . . Nevada, the [S]tate in which [he is] registered''; and (3) he ''ha[s] committed acts which render [his] registration inconsistent with the public interest.'' GX 2, at 1 (citing 21 U.S.C. 824(a)(2), (3), & (4)).

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant holds Certificate of Registration No. BC9308936, which ''is valid for Drug Schedules II–V,'' at the address of ''8785 Warm Springs Rd.[,] Suite 109, Las Vegas, NV.'' *Id.* The Order also alleged that his registration ''expires . . . on August 31, 2017.'' *Id.*

As to the substantive grounds for the proceeding, the Show Cause Order alleged that ''[o]n May 22, 2017, [Registrant was] found guilty of engaging in a scheme related to [his] administering ketamine to sedate patients and then raping them in [his] medical office.'' *Id.* The Order alleged that Registrant was found guilty in state court of ''multiple sexual assault counts and multiple counts of the administering of a controlled substance to aid in the commission of a felony.'' *Id.* The Order then asserted that ''[t]his constitutes a conviction related to controlled substances under 21 U.S.C. 824(a)(2)'' and ''acts which are inconsistent with the public interest.'' *Id.* (citing 21 U.S.C. 824(a)(4) & 823(f)(5)).

The Show Cause Order further alleged that on June 23, 2015, Registrant's medical license ''was summarily suspended'' by the Nevada Board of Medical Examiners and that he ''currently lack[s] authority to handle controlled substances in Nevada, the [S]tate in which [he is] registered with the'' Agency. *Id.* The Order thus asserted that Registrant's ''lack of authority to handle controlled substances in Nevada is a separate and independent ground to revoke [his] registration.'' *Id.* (citing 21 U.S.C. 802(21) and 824(a)(3)).

The Show Cause Order notified Registrant of his right to request a hearing on the allegations or to submit a written statement while waiving his right to a hearing, the procedure for electing either option, and the consequence of failing to elect either option. *Id.* at 2–3 (citing 21 CFR 1301.43). Finally, the Show Cause Order notified Registrant of his right to submit a Corrective Action Plan. *Id.* at 3 (citing 21 U.S.C. 824(c)(2)(C)).

On June 29, 2017, a DEA Diversion Investigator personally served the Show Cause Order on Registrant who was then incarcerated at the Clark County Detention Center, Las Vegas, Nevada. GX 3, at 2. According to the Government, as of August 15, 2017, Registrant had not requested a hearing nor submitted a written statement in lieu of requesting a hearing. Supplemental Request for Final Agency Action, at 2; *see also* Supplemental Declaration of Diversion Investigator, at 1. The Government further represents that Registrant has not submitted a Corrective Action Plan. *See* Supplemental Request for Final Agency Action, at 2; *see also* Supplemental Declaration of Diversion Investigator, at 1–2.

On July 31, 2017, the Government submitted a Request for Final Agency Action (RFAA) and an investigative record, and on August 16, 2017, it submitted a Supplemental Request for Final Agency Action. Therein, the Government seeks revocation of Registrant's registration pursuant to each of the three grounds set forth above.

Based on the Government's submission, I find that more than 30 days have now passed since the Show Cause Order was served on Registrant, and that neither Registrant, nor anyone purporting to represent him, has requested a hearing on the allegations or submitted a written statement in lieu of hearing. I therefore find that Registrant has waived his right to request a hearing or to submit a written statement and issue this Decision and Order based on relevant evidence in the investigative record. *See* 21 CFR 1301.43(d) & (e). Having reviewed the record, I conclude that the Government is entitled to relief only on the loss of state authority ground. I make the following factual findings.

Findings

Registrant is the holder of DEA Certificate of Registration No. BC9308936, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of 8785 W. Warmsprings Rd., Suite 109, Las Vegas, Nevada. GX 1. This Registration expires on August 31, 2017. *Id.*

Registrant also holds a medical license issued by the Nevada State Board of Medical Examiners. GX 3B (Order of Summary Suspension & Notice of Hearing). However, on June 23, 2015, the Board's Investigative Committee immediately suspended his medical license based on ''preliminary findings'' that Registrant ''injected a minor female [patient] with a medication that caused her to become groggy'' and proceeded ''to abuse her.'' *Id.* at 2. While the Board's Order set a hearing for July 27, 2015 ''to determine whether [the] suspension may continue,'' according to the Board's Web site, of which I take official notice, *see* 5 U.S.C. 556(e), the suspension remains in effect as of the date of this Order. I therefore find that Registrant is not currently authorized to dispense controlled substances under the laws of Nevada.

On May 2, 2017, a Third Amended Indictment was issued in the criminal proceeding brought by the State of Nevada against Registrant. GX 3A, at 1. The indictment charged Registrant with, *inter alia,* four counts of sexual assault; one count of battery with intent to commit a sexual assault; one count of attempted sexual assault; and four counts of administering controlled substances including ketamine and/or midazolam, to aid in the commission of a felony (sexual assault and/or a kidnapping). *Id.* at 2–5. On May 22, 2017, following a trial, a jury found

Registrant guilty of each of the counts set forth above with the exception of one count of administering controlled substances to aid in the commission of a felony. *Id.* at 9 (verdict form). The Government did not, however, submit a judgment of conviction, and it is unclear as to whether a judgment of conviction has been entered by the state court.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823, ''upon a finding that the Registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' Moreover, DEA has held repeatedly that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed Appx. 826 (4th Cir. 2012).

This rule derives from the text of two provisions of the CSA. First, Congress defined ''the term 'practitioner' [to] mean[] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a physician possess state authority in order to be deemed a practitioner under the Act, DEA has held that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he practices medicine. *See, e.g., Calvin Ramsey,* 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988); *see also Hooper* v. *Holder,* 481 Fed. Appx. at 828.

Also, because the CSA makes clear that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for both obtaining and maintaining a practitioner's registration, ''revocation is warranted even where a practitioner's state authority has been summarily suspended and the State has yet to provide the practitioner with a hearing to challenge the State's action at which he may ultimately prevail.'' *Kamal Tiwari,* 76 FR 71604, 71606 (2011); *see also Bourne Pharmacy, Inc.,* 72 FR 18273, 18274 (2007); *Anne Lazar Thorn,* 62 FR 12847 (1997).

As a result of the Nevada Board's June 2015 Order of Summary Suspension, Registrant is not currently authorized to dispense controlled substances in Nevada, the State in which he is registered. Accordingly, I will order that his registration be revoked and that any pending application to renew his registration, or for any other registration in the State of Nevada be denied.[1]

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. BC9308936 issued to Binh M. Chung, M.D., be, and it hereby is, revoked. I further order that any application of Binh M. Chung, M.D., to renew or modify this registration, or for any other registration in the State of Nevada, be, and it hereby is, denied. This Order is effective immediately.[2]

Dated: August 17, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–18081 Filed 8–24–17; 8:45 am]

BILLING CODE 4410–09–P

[1] While the Government also sought revocation on the ground that Registrant has been convicted of an offense related to controlled substances, it produced evidence only as to the existence of a jury verdict and not the existence of a judgment of conviction. The Agency has previously noted that the term ''conviction'' could mean either ''a judgment of conviction or simply a finding of guilty which precedes the entry of a final judgment of conviction.'' *Roger A. Pellman,* 76 FR 17704, 17709 n.10 (citing *Deal* v. *United States,* 508 U.S. 129, 131 (1993)). The Government, however, makes no argument as to why, in the context of the CSA's registration provisions, the term includes a finding of guilty even where no final judgment has been entered.

The Government also sought revocation under the public interest standard, arguing that his ''conduct demonstrates [his] negative experience in dispensing controlled substances and non-compliance with state law relating to controlled substances under the public interest factors.'' RFAA, at 5. However, because the Government produced no evidence that the court has entered a judgment of conviction, the jury's findings are not entitled to preclusive effect. *Cf.* Restatement (Second) of Judgments, § 27 (''When an issue of fact or law is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, the determination is conclusive in a subsequent action . . . whether on the same or a different claim.''). Similarly, because the Board's suspension order was based on its preliminary findings, and there is no evidence that the Board has issued a final decision affirming these findings, these findings cannot support revocation under the public interest standard.

[2] For the same reasons which led the Board to immediately suspend Registrant's registration, I conclude that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995 on the National Science Foundation Proposal and Award Policies and Procedures Guide. NSF 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.

DATES: Comments regarding these information collections are best assured of having their full effect if received September 25, 2017.

ADDRESSES: Comments should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton, Reports Clearance Officer, 703–292–7556.

SUPPLEMENTARY INFORMATION: This is the second notice for public comment; the

first was published in the **Federal Register** at 82 FR 23840, and 50 comments were received 57 responses were received from 3 different organizations/institutions/individuals. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. The primary purpose of this revision is to implement changes described in the **SUPPLEMENTARY INFORMATION** section of this notice. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Summary of Comments on the National Science Foundation Proposal and Award Policies and Procedures Guide and NSF's Responses

The draft NSF PAPPG was made available for review by the public on the NSF Web site at *http://www.nsf.gov/bfa/dias/policy/*. NSF received 57 responses from three commenters in response to the First **Federal Register** notice published on May 24, 2017, at 82 FR 23840. Please see *https://www.reginfo.gov/public/do/PRAMain* for the comments received, and NSF's responses.

Title of Collection: ''National Science Foundation Proposal & Award Policies & Procedures Guide.''

OMB Approval Number: 3145–0058.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The National Science Foundation Act of 1950 (Pub. L. 81–507) sets forth NSF's mission and purpose:

''To promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense . . . .''

The Act authorized and directed NSF to initiate and support:

- Basic scientific research and research fundamental to the engineering process;
- Programs to strengthen scientific and engineering research potential;
- Science and engineering education programs at all levels and in all the various fields of science and engineering;
- Programs that provide a source of information for policy formulation; and
- Other activities to promote these ends.

NSF's core purpose resonates clearly in everything it does: Promoting achievement and progress in science and engineering and enhancing the potential for research and education to contribute to the Nation. While NSF's vision of the future and the mechanisms it uses to carry out its charges have evolved significantly over the last six decades, its ultimate mission remains the same.

Use of the Information: The regular submission of proposals to the Foundation is part of the collection of information and is used to help NSF fulfill this responsibility by initiating and supporting merit-selected research and education projects in all the scientific and engineering disciplines. NSF receives more than 50,000 proposals annually for new projects, and makes approximately 11,000 new awards.

Support is made primarily through grants, contracts, and other agreements awarded to approximately 2,000 colleges, universities, academic consortia, nonprofit institutions, and small businesses. The awards are based mainly on merit evaluations of proposals submitted to the Foundation.

The Foundation has a continuing commitment to monitor the operations of its information collection to identify and address excessive reporting burdens as well as to identify any real or apparent inequities based on gender, race, ethnicity, or disability of the proposed principal investigator(s)/project director(s) or the co-principal investigator(s)/co-project director(s).

Burden on the Public

It has been estimated that the public expends an average of approximately 120 burden hours for each proposal submitted. Since the Foundation expects to receive approximately 52,000 proposals in FY 2017, an estimated 6,240,000 burden hours will be placed on the public.

The Foundation has based its reporting burden on the review of approximately 50,500 new proposals expected during FY 2018. It has been estimated that anywhere from one hour to 20 hours may be required to review a proposal. We have estimated that approximately 5 hours are required to review an average proposal. Each proposal receives an average of 3 reviews, resulting in approximately 757,500 hours per year.

The information collected on the reviewer background questionnaire (NSF 428A) is used by managers to maintain an automated database of reviewers for the many disciplines represented by the proposals submitted to the Foundation. Information collected on gender, race, and ethnicity is used in meeting NSF needs for data to permit response to Congressional and other queries into equity issues. These data also are used in the design, implementation, and monitoring of NSF efforts to increase the participation of various groups in science, engineering, and education. The estimated burden for the Reviewer Background Information (NSF 428A) is estimated at 5 minutes per respondent with up to 10,000 potential new reviewers for a total of 833 hours.

The aggregate number of burden hours is estimated to be 6,817,500. The actual burden on respondents has not changed.

Dated: August 22, 2017.

Ann Bushmiller,

Senior Counsel, National Science Board.

[FR Doc. 2017–18078 Filed 8–24–17; 8:45 am]

BILLING CODE 7555–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting Notice

TIME AND DATE: Thursday, September 14, 2017, 2 p.m. (Open Portion) 2:15 p.m. (Closed Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Meeting Open to the Public from 2 p.m. to 2:15 p.m., Closed portion will commence at 2:15 p.m. (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report.
2. Minutes of the Open Session of the June 15, 2017, Board of Directors Meeting.

FURTHER MATTERS TO BE CONSIDERED (Closed to the Public 2:15 p.m.):

1. Proposed FY 2019 Budget.
2. Insurance Project—Ukraine.
3. Finance Project—Costa Rica.
4. Minutes of the Closed Session of the June 15, 2017, Board of Directors Meeting.
5. Reports and Budget.

6. Pending Projects.

CONTACT PERSON FOR MORE INFORMATION: Information on the meeting may be obtained from Catherine F. I. Andrade at (202) 336–8768, or via email at *Catherine.Andrade@opic.gov.*

Dated: August 22, 2017.

Catherine Andrade,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2017–18143 Filed 8–23–17; 11:15 am]

BILLING CODE 3210–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–174 and CP2017–275; MC2017–175 and CP2017–276; MC2017–176 and CP2017–277; MC2017–177 and CP2017–278]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 28, 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. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–174 and CP2017–275; *Filing Title:* Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 52 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 18, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 28, 2017.

2. *Docket No(s).:* MC2017–175 and CP2017–276; *Filing Title:* Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 53 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 18, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 28, 2017.

3. *Docket No(s).:* MC2017–176 and CP2017–277; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 342 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 18, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 28, 2017.

4. *Docket No(s).:* MC2017–177 and CP2017–278; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 22 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 18, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 28, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–17981 Filed 8–24–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81446; File No. SR–NASDAQ–2017–084]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Address the Application of Rule 11140 in Connection With the Implementation of the Shortened Settlement Cycle (T+2) on September 5, 2017

August 21, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 18, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to address the application of Rule 11140 as it relates to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the ex-dividend date in connection with the implementation of the T+2 settlement cycle on September 5, 2017.

No change to the text of Rule 11140 is required by this proposal.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to address the application of Rule 11140 (Transactions in Securities ''Ex-Dividend,'' ''Ex-Rights'' or ''Ex-Warrants'') as it relates to the ex-dividend date in connection with the implementation of the trade date plus two business days (T+2) settlement cycle on September 5, 2017.

On September 28, 2016, following a recommendation by the securities industry, the Commission proposed amending Exchange Act Rule 15c6–1(a) [3] to shorten the standard settlement cycle for most broker-dealer transactions from trade date plus three business days (T+3) to T+2.[4] The rationale for this proposal was that the shorter settlement cycle would reduce the risks that arise from the value and number of unsettled securities transactions prior to the completion of settlement, including credit, market, and liquidity risk directly faced by U.S. market participants.[5] The SEC adopted the proposed changes to Rule 15c6–1(a) on March 22, 2017.[6]

In connection with the amendments to Rule 15c6–1(a) and the adoption of the shortened settlement cycle, Nasdaq submitted a proposed rule change implementing the new settlement cycle and making corresponding changes to its applicable rules, including Rule 11140(b).[7]

The industry and self-regulatory organizations (''SROs''), including The Depository Trust Company (''DTC''), which processes corporate action events, have raised concern that the September 5, 2017 industry-wide transition date from T+3 to T+2 will result in September 7, 2017 being a ''double'' settlement date for trades that occur on September 1, 2017 (under T+3 and reflecting the Labor Day holiday on September 4, 2017) and trades that occur on September 5, 2017 (under T+2), which generally will result in investors who trade on either date being deemed a record holder of September 7, 2017. In order to avoid confusion about the proper settlement date and to coordinate with other SROs, Nasdaq and the other SROs have agreed that no securities will be ex-dividend on September 5, 2017.

The Exchange is therefore now proposing to address the application of Rule 11140(b) as it relates to the ex-dividend date in connection with the implementation of the T+2 settlement cycle on September 5, 2017.

The ex-dividend date is the date on which a security is first traded without the right to receive a distribution of cash, stock or warrants. Rule 11140(b)(1) establishes the ''ex-dividend date'' for ''normal'' distributions of cash, stock or warrants. The rule provides that, in respect to cash dividends or distributions, or stock dividends, and the issuance or distribution of warrants, which are less than 25% of the value of the subject security, if the definitive information is received sufficiently in advance of the record date,[8] the date designated as the ''ex-dividend date'' shall be the second business day preceding the record date if the record date falls on a business day, or the third business day preceding the record date if the record date falls on a day designated by Nasdaq Regulation as a non-delivery date.

Rule 11140(b)(2) establishes the ex-dividend date with respect to ''large'' distributions, *e.g.,* cash dividends or distributions, stock dividends and/or splits, and the distribution of warrants, which are 25% or greater of the value of the subject security. In this case, the ex-dividend date is the first business day following the payable date.[9]

Consistent with the compliance date of the amendments to Rule 15c6–1(a), the securities industry has adopted Tuesday, September 5, 2017 as the implementation date of the T+2 settlement cycle.[10] With the implementation of the T+2 settlement cycle, the ex-dividend date for ''normal'' distributions pursuant to Rule 11140(b)(1) will be the first business day before the record date.[11] Accordingly, Nasdaq proposes to interpret Rule 11140(b)(1) so that the first record date to which this new ex-dividend date rationale will be applied will be Thursday, September 7, 2017. During the implementation of the T+2 settlement cycle, the ''regular'' ex-dividend dates will be as follows:

Record Date 9/1/2017 Ex date 8/30/2017
Record Date 9/5/2017 Ex date 8/31/2017
Record Date 9/6/2017 Ex date 9/1/2017
Record Date 9/7/2017 Ex date 9/6/2017 [12]

As described above, the ex-dividend date for ''large'' distributions under Rule 11140(b) is the first business day following the payable date. This provision was not amended in connection with the adoption of the T+2 settlement cycle. In order to ensure that no securities will be ex-dividend on September 5, 2017 for purposes of ''large'' distributions, Nasdaq similarly proposes to interpret Rule 11140(b) so that, if an issuer sets September 1, 2017 as the payment date for a large distribution, the ex-dividend date would be September 6, 2017, not September 5, 2017.

Nasdaq notes that it previously issued an Issuer Alert addressing the application of the T+2 implementation date on Rule 11140(b).[13]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15]

[3] 17 CFR 240.15c6–1(a).

[4] *See* Securities Exchange Act Release No. 78962 (September 28, 2016), 81 FR 69240 (October 5, 2016) (Amendment to Securities Transaction Settlement Cycle) (File No. S7–22–16).

[5] *Id.*

[6] *See* Securities Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017) (File No. S7–22–16).

[7] *See* Securities Exchange Act Release No. 79687 (December 23, 2016), 81 FR 96545 (December 30, 2016) (Order approving SR–NASDAQ–2016–183).

[8] The record date is ''the date fixed by the trustee, registrar, paying agent or issuer for the purpose of determining the holders of equity securities, bonds, similar evidences of indebtedness or unit investment trust securities entitled to receive dividends, interest or principal payments or any other distributions.'' *See* Rule 11120(e).

[9] The payable date is the date on which a declared stock dividend is scheduled to be paid.

[10] *See* Securities Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017) (File No. S7–22–16).

[11] *See* Securities Exchange Act Release No. 79687 (December 23, 2016), 81 FR 96545 (December 30, 2016).

[12] September 4, 2017 is Labor Day and not a business day.

[13] *See* Nasdaq Issuer Alert 2017–001 (Changes to Ex-dividend Procedures Effective September 5, 2017 to Accommodate T+2 Settlement), available at *http://nasdaq.cchwallstreet.com/nasdaq/pdf/nasdaq-issalerts/2017/2017–001.pdf.*

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In the interest of minimizing potential confusion about proper settlement in connection with the implementation of the T+2 settlement cycle on September 5, 2017, the SROs have agreed that no securities will be ex-dividend on September 5, 2017. This proposal is consistent with the Act because it interprets the application of Rule 11140(b) on September 5, 2017 so that neither ''normal'' nor ''large'' distributions will be ex-divided on that date, thereby interpreting the application of the Rule on that date while minimizing the possibility of additional operational complexity and potential confusion about settlement that could occur if the rule were interpreted differently.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the SROs, including DTC, have collectively agreed that no securities will be ex-dividend on September 5, 2017 in order to minimize confusion about proper settlement. Accordingly, the proposed rule change interprets the application of Rule 11140(b) on September 5, 2017 so that neither ''normal'' nor ''large'' distributions will be ex-divided on that date.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6) [18] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[19] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Exchange has stated that the purpose of the proposed rule change is to minimize confusion about proper settlement that may arise during the transition to the T+2 settlement cycle on September 5, 2017. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest to avoid the confusion that could arise in connection with the transition to the T+2 settlement cycle on September 5, 2017, if normal or large distributions were to be ex-dividend on that date. Accordingly, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–084 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2017–084. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–084, and should be submitted on or before September 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17999 Filed 8–24–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Advisers Act Release No. 4750; File No. 803–00242]

Edward D. Jones & Co., L.P.

August 22, 2017.

AGENCY: Securities and Exchange Commission (''Commission'')

ACTION: Notice.

Notice of application for an exemptive order under section 206A of the Investment Advisers Act of 1940 (''Advisers Act'') providing an exemption from the written disclosure and consent requirements of section 206(3).

APPLICANT: Edward D. Jones & Co., L.P. (''Applicant'').

RELEVANT ADVISERS ACT SECTIONS: Exemption requested under section 206A from the written disclosure and consent requirements of section 206(3).

SUMMARY OF APPLICATION: The Applicant requests that the Commission issue an order under section 206A exempting it and Future Advisers (as defined below) from the written disclosure and consent requirements of section 206(3) with respect to principal transactions with nondiscretionary advisory client accounts.

FILING DATES: The application was filed on July 21, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving the Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 18, 2017, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Advisers Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicant, Laura E. Flores and Steven W. Stone, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Ave. NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Kay-Mario Vobis, Senior Counsel, at (202) 551–6728, or Robert Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site at *http://www.sec.gov/rules/iareleases.shtml* or by calling (202) 551–8090.

The Applicant seeks relief from the written disclosure and consent requirements of section 206(3) of the Advisers Act that would be similar to relief provided by Advisers Act rule 206(3)–3T (the ''Rule''), which expired by its terms on December 31, 2016. The relief sought by the Applicant, if granted, would be subject to conditions similar to those under the Rule, as well as certain revised or additional conditions.

Applicant's Representations

1. The Applicant is registered as an investment adviser with the Commission and is a registered broker-dealer. The Applicant offers the Edward Jones Guided Solutions® Flex Account (the ''Program''), a nondiscretionary advisory program.

2. The Applicant commenced offering the Program in 2016 with a phased rollout beginning in March and firm-wide availability in July 2016. Prior to December 31, 2016, the Applicant relied on the Rule to engage in principal transactions with its clients in the Program.

3. As of December 31, 2016, the Applicant had a total of 224,739 client accounts enrolled in the Program with approximately $39.7 billion in assets under management. Of the total number of Program accounts, 32,150 were eligible for principal trading under the Rule, with $8 billion in assets under management as of December 31, 2016. In the period of March 21, 2016 through December 31, 2016, 4,595 trades were effected in reliance on the Rule in the Program. Approximately 55% percent of the trades done in reliance on the Rule in this period were purchases by client accounts; the average purchase was approximately $12,204. Approximately 45% percent of the trades done in reliance on the Rule in this period were sales from client accounts; the average sale was approximately $14,311.

4. The Applicant acknowledges that the Order, if granted, would not be construed as relieving in any way the Applicant from acting in the best interests of an advisory client, including fulfilling the duty to seek the best execution for the particular transaction for the advisory client; nor shall it relieve the Applicant from any obligation that may be imposed by sections 206(1) or (2) of the Advisers Act or by other applicable provisions of the federal securities laws or applicable FINRA rules.

Applicant's Legal Analysis

1. Section 206(3) provides that it is unlawful for any investment adviser, directly or indirectly, acting as principal for its own account, knowingly to sell any security to or purchase any security from a client, without disclosing to the client in writing before the completion of the transaction the capacity in which the adviser is acting and obtaining the client's consent to the transaction. The Rule deemed an investment adviser to be in compliance with the provisions of section 206(3) of the Advisers Act when the investment adviser, or a person controlling, controlled by, or under common control with the investment adviser, acting as principal for its own account, sold to or purchased from an advisory client any security, provided that the investment adviser complied with the conditions of the Rule.

2. The Rule required, among other things, that the investment adviser obtain a client's written, revocable consent prospectively authorizing the adviser, directly or indirectly, acting as principal for its own account, to sell any security to or purchase any security from the client. The consent was required to be obtained after the adviser provided the client with written disclosure about: (i) The circumstances under which the investment adviser may engage in principal transactions with the client; (ii) the nature and significance of the conflicts the investment adviser has with its client's interests as a result of those transactions; and (iii) how the investment adviser addresses those conflicts. The investment adviser also was required to provide trade-by-trade disclosure to the client, before the execution of each principal transaction, of the capacity in which the adviser may act with respect to the transaction, and obtain the client's consent (which may be written or oral) to the transaction. The Rule was available only to an investment adviser that was also a broker-dealer registered under section 15 of the Securities Exchange Act of 1934 (''Exchange Act'') and could only be relied upon with respect to a nondiscretionary account that was a brokerage account subject to the Exchange Act, and the rules thereunder, and the rules of the self-regulatory organization(s) of which it is a member. The Rule was not available for principal transactions if the investment adviser or

a person who controlled, was controlled by, or was under common control with the adviser (''control person'') was the issuer or an underwriter of the security (except that an investment adviser could rely on the Rule for trades in which the investment adviser or a control person was an underwriter of non-convertible investment-grade debt securities).

3. The Rule also required the investment adviser to provide to the client a trade confirmation that, in addition to the requirements of rule 10b–10 under the Exchange Act, included a conspicuous, plain English statement informing the client that the investment adviser disclosed to the client before the execution of the transaction that the investment adviser may act as principal in connection with the transaction, that the client authorized the transaction, and that the investment adviser sold the security to or bought the security from the client for its own account. The investment adviser also was required to deliver to the client, at least annually, a written statement listing all transactions that were executed in the account in reliance on the Rule, including the date and price of each transaction.

4. The Rule expired on December 31, 2016. Absent the requested relief, the Applicant would be required to provide trade-by-trade written disclosure to each nondiscretionary advisory client with whom the Applicant sought to engage in a principal transaction in accordance with section 206(3). The Applicant submits that its nondiscretionary clients, many of whom were formerly brokerage clients, have had access to the Applicant's inventory through principal transactions with the Applicant for a number of years, and expect to continue to have such access in the future. The Applicant believes that engaging in principal transactions with its clients provides certain benefits to its clients, including access to securities of limited availability, such as municipal bonds, and that the written disclosure and client consent requirements of section 206(3) act as an operational barrier to its ability to engage in principal trades with its clients, especially when the transaction involves securities of limited availability.

5. Unless the Applicant is provided an exemption from the written disclosure and client consent requirements of section 206(3), the Applicant believes that it will be unable to provide the same range of services and access to the same types of securities to its nondiscretionary advisory clients as it was able to provide to its clients under the Rule.

6. The Applicant notes that, if the requested relief is granted, it will remain subject to the fiduciary duties that are generally enforceable under sections 206(1) and 206(2) of the Advisers Act, which, in general terms, require the Applicant to: (i) Disclose material facts about the advisory relationship to its clients; (ii) treat each client fairly; and (iii) act only in the best interests of its client, disclosing conflicts of interest when present and obtaining client consent to arrangements that present such conflicts.

7. The Applicant further notes that, in its capacity as a broker-dealer with respect to these accounts, it will remain subject to a comprehensive set of Commission and FINRA regulations that apply to the relationship between a broker-dealer and its customer in addition to the fiduciary duties an adviser owes a client. These rules require, among other things, that the Applicant deal fairly with its customers, seek to obtain best execution of customer orders, and make only suitable recommendations. These obligations are designed to promote business conduct that protects customers from abusive practices that may not necessarily be fraudulent, and to protect against unfair prices and excessive commissions. Specifically, these provisions, among other things, require that the prices charged by the Applicant be reasonably related to the prevailing market, and limit the commissions and mark-ups the Applicant can charge. Additionally, these obligations require that the Applicant have a reasonable basis to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer, based on information obtained through reasonable diligence.

8. The Applicant requests that the Commission issue an Order pursuant to section 206A exempting it from the written disclosure and consent requirements of section 206(3) only with respect to client accounts in the Program and any similar nondiscretionary program to be created in the future. The Applicant also requests that the Commission's Order apply to future investment advisers controlling, controlled by, or under common control with the Applicant (''Future Advisers''). Any Future Adviser relying on any Order granted pursuant to the application will comply with the terms and conditions stated in the application.[1]

[1] All entities that currently intend to rely on any order granted pursuant to the application are named as Applicants.

Applicant's Conditions

The Applicant agrees that any Order granting the requested relief will be subject to the following conditions:

1. The Applicant will exercise no ''investment discretion'' (as such term is defined in section 3(a)(35) of the Exchange Act), except investment discretion granted by the advisory client on a temporary or limited basis,[2] with respect to the client's account.

2. The Applicant will not trade in reliance on this Order any security for which the Applicant or any person controlling, controlled by, or under common control with the Applicant is the issuer, or, at the time of the sale, an underwriter (as defined in section 202(a)(20) of the Advisers Act).

3. The Applicant will not directly or indirectly require the client to consent to principal trading as a condition to opening or maintaining an account with the Applicant.

4. The advisory client has executed a written revocable consent prospectively authorizing the Applicant directly or indirectly to act as principal for its own account in selling any security to or purchasing any security from the advisory client. The advisory client's written consent must be obtained through a signature or other positive manifestation of consent that is separate from or in addition to the signature indicating the client's consent to the advisory agreement. The separate or additional signature line or alternative means of expressing consent must be preceded immediately by prominent, plain English disclosure containing either: (a) An explanation of: (i) The circumstances under which the Applicant directly or indirectly may engage in principal transactions; (ii) the nature and significance of conflicts with its client's interests as a result of the transactions; and (iii) how the Applicant addresses those conflicts; or (b) a

[2] Discretion is considered to be temporary or limited for purposes of this condition when the investment adviser is given discretion: (i) As to the price at which or the time to execute an order given by a client for the purchase or sale of a definite amount or quantity of a specified security; (ii) on an isolated or infrequent basis, to purchase or sell a security or type of security when a client is unavailable for a limited period of time not to exceed a few months; (iii) as to cash management, such as to exchange a position in a money market fund for another money market fund or cash equivalent; (iv) to purchase or sell securities to satisfy margin requirements; (v) to sell specific bonds and purchase similar bonds in order to permit a client to take a tax loss on the original position; (vi) to purchase a bond with a specified credit rating and maturity; and (vii) to purchase or sell a security or type of security limited by specific parameters established by the client. *See, e.g.,* Temporary Rule Regarding Principal Trades with Certain Advisory Clients, Investment Advisers Act Release No. 2653 (Sept. 24, 2007) at n. 31.

statement explaining that the client is consenting to principal transactions, followed by a cross-reference to a specific document provided to the client containing the disclosure in (a)(i)–(iii) above and to the specific page or pages on which such disclosure is located; provided, however, that if the Applicant requires time to modify its electronic systems to provide the specific page cross-reference required by clause (b), the Applicant may, while updating such electronic systems, and for no more than 90 days from the date of the Order, instead provide a cross-reference to a specific document provided to the client containing the disclosure in (a)(i)–(iii) above and to the specific section in such document in which such disclosure is located. *Transition provision:* To the extent that the Applicant obtained fully informed written revocable consent from an advisory client for purposes of rule 206(3)–3T(a)(3) prior to January 1, 2017, the Applicant may rely on this Order with respect to such client without obtaining additional prospective consent from such client.

5. The Applicant, prior to the execution of each transaction in reliance on this Order, will: (a) Inform the advisory client, orally or in writing, of the capacity in which it may act with respect to such transaction; and (b) obtain consent from the advisory client, orally or in writing, to act as principal for its own account with respect to such transaction.

6. The Applicant will send a written confirmation at or before completion of each such transaction that includes, in addition to the information required by rule 10b–10 under the Exchange Act, a conspicuous, plain English statement informing the advisory client that the Applicant: (a) Disclosed to the client prior to the execution of the transaction that the Applicant may be acting in a principal capacity in connection with the transaction and the client authorized the transaction; and (b) sold the security to, or bought the security from, the client for its own account.

7. The Applicant will send to the client, no less frequently than annually, written disclosure containing a list of all transactions that were executed in the client's account in reliance upon this Order, and the date and price of each such transaction.

8. The Applicant is a broker-dealer registered under section 15 of the Exchange Act and each account for which the Applicant relies on this Order is a brokerage account subject to the Exchange Act, and the rules thereunder, and the rules of the self-regulatory organization(s) of which it is a member.

9. Each written disclosure required as a condition to this Order will include a conspicuous, plain English statement that the client may revoke the written consent referred to in Condition 4 above without penalty at any time by written notice to the Applicant in accordance with reasonable procedures established by the Applicant, but in all cases such revocation must be given effect within 5 business days of the Applicant's receipt thereof.

10. The Applicant will maintain records sufficient to enable verification of compliance with the conditions of this Order. Such records will include, *without limitation:* (a) Documentation sufficient to demonstrate compliance with each disclosure and consent requirement under this Order; (b) in particular, documentation sufficient to demonstrate that, prior to the execution of each transaction in reliance on this Order, the Applicant informed the advisory client of the capacity in which it may act with respect to the transaction and that it received the advisory client's consent (if the Applicant informs the client orally of the capacity in which it may act with respect to such transaction or obtains oral consent, such records may, for example, include recordings of telephone conversations or contemporaneous written notations); and (c) documentation sufficient to enable assessment of compliance by the Applicant with sections 206(1) and (2) of the Advisers Act in connection with its reliance on this Order.[3] In each case, such records will be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Applicant, and be available for inspection by the staff of the Commission.

11. The Applicant will adopt written compliance policies and procedures reasonably designed to ensure, and the Applicant's chief compliance officer will monitor, the Applicant's compliance with the conditions of this Order. The Applicant's chief compliance officer will, on at least a quarterly basis, conduct testing reasonably sufficient to verify such compliance. Such written policies and procedures, monitoring and testing will address, *without limitation:* (a) Compliance by the Applicant with its disclosure and consent requirements under this Order; (b) the integrity and operation of electronic systems employed by the Applicant in connection with its reliance on this Order; (c) compliance by the Applicant with its recordkeeping obligations under this Order; and (d) whether there is any evidence of the Applicant engaging in ''dumping'' in connection with its reliance on this Order.[4] The Applicant's chief compliance officer will document the frequency and results of such monitoring and testing, and the Applicant will maintain and preserve such documentation in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Applicant, and be available for inspection by the staff of the Commission.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18090 Filed 8–24–17; 8:45 am]

BILLING CODE 8011–01–P

[3] For example, under sections 206(1) and (2), an adviser may not engage in any transaction on a principal basis with a client that is not consistent with the best interests of the client or that subrogates the client's interests to the adviser's own. *Cf.* Investment Advisers Act Release No. 2106 (Jan. 31, 2003) (adopting Rule 206(4)–6).

[4] *See* Report of the Securities and Exchange Commission, Investment Trusts and Investment Companies, H.R. Doc. No. 279, 76th Cong., 2d Sess., pt. 3, at 2581, 2589 (1939); Hearings on S.3580 Before a Subcommittee of the Commission on Banking and Currency, 76th Cong., 3d Sess. 209, 212–23 (1940); Hearings on S. 3580 Before the Subcomm. of the Comm. on Banking and Currency, 76th Cong., 3d Sess. 322 (1940).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form 24F–2; SEC File No. 270–399, OMB Control No. 3235–0456

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 24f–2 (17 CFR 270.24f–2) under the Investment Company Act of 1940 (15 U.S.C. 80a) requires any open-end management companies (''mutual funds''), unit investment trusts (''UITs'') or face-amount certificate companies

(collectively, ''funds'') deemed to have registered an indefinite amount of securities to file, not later than 90 days after the end of any fiscal year in which it has publicly offered such securities, Form 24F–2 (17 CFR 274.24) with the Commission. Form 24F–2 is the annual notice of securities sold by funds that accompanies the payment of registration fees with respect to the securities sold during the fiscal year.

The Commission estimates that 7,284 funds file Form 24F–2 on the required annual basis. The average annual burden per respondent for Form 24F–2 is estimated to be two hours. The total annual burden for all respondents to Form 24F–2 is estimated to be 14,568 hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information required by Form 24F–2 is mandatory. The Form 24F–2 filing that must be made to the Commission is available to the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The Commission requests written comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: August 22, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18074 Filed 8–24–17; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81448; File No. SR–FINRA–2017–026]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Clarify Application of FINRA Rule 11140 (Transactions in Securities ''Ex-Dividend,'' ''Ex-rights'' or ''Ex-Warrants'') in Connection With the Implementation of the Shortened Settlement Cycle (T+2) on September 5, 2017

August 21, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''SEA'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 17, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to address the application of FINRA Rule 11140 (Transactions in Securities ''Ex-Dividend,'' ''Ex-Rights'' or ''Ex-Warrants'') as it relates to establishing ex-dividend dates in connection with the implementation of the T+2 settlement cycle on September 5, 2017.

No change to the text of FINRA Rule 11140(b)(1) is required by this proposal.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

On March 22, 2017, the SEC adopted amendments to SEA Rule 15c6–1(a) to shorten the standard settlement cycle for U.S. secondary market transactions in equities, corporate and municipal bonds, unit investment trusts and financial instruments composed of these products, from three business days after the trade date (''T+3'') to two business days after the trade date (''T+2'').[4] The industry-wide initiative is designed to reduce a number of risks, including credit risk, market risk, and liquidity risk and, as a result, reduce systemic risk for U.S. market participants.[5] The compliance date for the rule amendments is September 5, 2017.

In support of this initiative, FINRA proposed changes to its rules pertaining to securities settlement by, among other things, amending the definition of ''regular way'' settlement as occurring on T+2.[6] On February 9, 2017, the SEC approved FINRA's amendments to the applicable rules, including Rule 11140(b), that establish or reference T+3 to conform to T+2, and these amendments will become effective on September 5, 2017.[7]

During the transition period the industry and self-regulatory organizations (''SROs''), including The Depository Trust Company (''DTC'') which processes corporate action events, have raised concern that the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017) (Securities Transaction Settlement Cycle) (File No. S7–22–16) (stating that, as amended, SEA Rule 15c6–1(a) will prohibit broker-dealers from effecting or entering into a contract for the purchase or sale of a security (other than an exempted security, government security, municipal security, commercial paper, bankers' acceptances or commercial bills) that provides for payment of funds and delivery of securities later than the second business day after the date of the contract, unless otherwise expressly agreed to by the parties at the time of the transaction).

[5] *See supra* note 4.

[6] *See* Securities Exchange Act Release No. 79648 (December 21, 2016), 81 FR 95705 (December 28, 2016) (Notice of Filing of File No. SR–FINRA–2016–047).

[7] *See* Securities Exchange Act Release No. 80004 (February 9, 2017), 82 FR 10835 (February 15, 2017) (Order Approving File No. SR–FINRA–2016–047) and Securities Exchange Act Release No. 80004A (March 6, 2017), 82 FR 13517 (March 13, 2017) (Correction to Order Approving File No. SR–FINRA–2016–047).

September 5, 2017 industry-wide transition date from T+3 to T+2 will result in September 7, 2017 being a ''double'' settlement date for trades that occur on September 1, 2017 (under T+3 and reflecting the Labor Day holiday on September 4, 2017) and trades that occur on September 5, 2017 (under T+2), which generally will result in investors who trade on either date being deemed a record holder of September 7, 2017.[8] In order to avoid confusion about the proper settlement date and to coordinate with other SROs, FINRA is proposing not to establish September 5, 2017 as an ex-dividend date for applicable securities.

Proposal

FINRA is proposing to address the application of Rule 11140(b) as it relates to the ex-dividend date in connection with the implementation of the T+2 settlement cycle on September 5, 2017. As amended to address T+2, the timeframes in Rule 11140 to establish an ex-dividend date were generally reduced by one business day.

The ex-dividend date (or ex-date) is the date on or after which a security is traded without a specific dividend or distribution.[9] Rule 11140(b) provides for the determination of normal ex-dividend and ex-warrant dates for certain types of dividends and distributions. As amended to address T+2, Rule 11140(b)(1) provides that with respect to cash dividends or distributions, or stock dividends, and the issuance or distribution of warrants, which are less than 25% of the value of the subject security (*i.e.,* ''regular'' distributions), if the definitive information is received sufficiently in advance of the record date, the date designated as the ''ex-dividend date'' is the first business day preceding the record date if the record date falls on a business day, or the second business day preceding the record date if the record date falls on a day designated by FINRA's Uniform Practice Code (''UPC'') Committee as a non-delivery date.[10] Rule 11140(b)(2), which did not require amendment in connection with T+2, establishes the ex-dividend date as the first business day following the payable date with respect to cash dividends or distributions, stock dividends and/or splits, and the distribution of warrants, which are 25% or greater of the value of the subject security (*i.e.,* ''large'' distributions).[11]

Consistent with the compliance date of the amendments to SEA Rule 15c6–1(a), the industry and FINRA have adopted Tuesday, September 5, 2017 as the transition date to the T+2 settlement cycle.[12] To mitigate the potential confusion that may result concerning proper settlement during the transition period, FINRA, in coordination with other SROs, supports the proposal that Tuesday, September 5, 2017 should not be designated as an ex-dividend date.[13]

Accordingly, FINRA proposes to interpret Rule 11140(b)(1) so that the first record date to which the new ex-dividend date determination will be applied will be Thursday, September 7, 2017. The ex-dividend dates for ''regular'' distributions during the transition to T+2 will be as follows:

Record date	Ex-date
Friday, September 1, 2017[14].	Wednesday, August 30, 2017.
Tuesday, September 5, 2017[15].	Thursday, August 31, 2017.[16]
Wednesday, September 6, 2017.	Friday, September 1, 2017.[17]
Thursday, September 7, 2017[18].	Wednesday, September 6, 2017.

As described above, the ex-date for ''large'' distributions under Rule 11140(b)(2) is the first business day following the payable date. This provision was not amended in connection with T+2. In order to ensure that September 5, 2017 will not be designated as an ex-dividend date for ''large'' distributions, FINRA will advise issuers to not set September 1, 2017 as the payable date for any ''large'' distribution under Rule 11140(b)(2) and proposes to interpret Rule 11140(b)(2) so that, if an issuer sets September 1, 2017 as the payable date for a ''large'' distribution, the ex-dividend date will be September 6, 2017, not September 5, 2017.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, so FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[19] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, to protect investors and the public interest. FINRA believes that the proposal to address the application of Rule 11140(b) to exclude September 5, 2017 as an ex-dividend date for ''regular'' or ''large'' distributions supports the collective effort among the industry and SROs to mitigate the potential confusion concerning proper settlement during the transition from the T+3 settlement cycle to the T+2 settlement cycle.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the SROs support that no securities will be subject to an ex-date ruling on September 5, 2017. The primary benefit of this proposed rule change is to minimize potential confusion about proper settlement that may arise during the transition to the T+2 settlement cycle.[20] FINRA believes

[8] *See, e.g.,* Nasdaq Issuer Alert 2017–001, Changes to Ex-dividend Procedures Effective September 5, 2017 to Accommodate T+2 Settlement, *http://nasdaq.cchwallstreet.com/nasdaq/pdf/nasdaq-issalerts/2017/2017-001.pdf;* NYSE, NYSE MKT, NYSE ARCA: Changes Related to the Shortened Settlement Cycle (T+2) (July 11, 2017), *https://www.nyse.com/trader-update/history#110000069618.*

[9] *See generally Notice to Members* 00–54 (August 2000).

[10] The record date is the date fixed by an issuer for the purpose of determining the holder of the security who is eligible to receive the dividend, interest or principal payment, or any other distribution relating to the security. *See generally Notice to Members* 00–54 (August 2000).

[11] The payable date is the date that the dividend is sent to the record owner of the security. *See generally Notice to Members* 00–54 (August 2000).

[12] *See Regulatory Notice* 17–19 (SEC Approves Amendments to FINRA Rules to Conform to the Shortened Standard Settlement Cycle for Most Broker-Dealer Transactions From Three Business Days (T+3) to Two Business Days After the Trade Date (T+2)) (May 2017).

[13] *See, e.g.,* Nasdaq Issuer Alert 2017–001, Changes to Ex-dividend Procedures Effective September 5, 2017 to Accommodate T+2 Settlement, *http://nasdaq.cchwallstreet.com/nasdaq/pdf/nasdaq-issalerts/2017/2017-001.pdf;* NYSE, NYSE MKT, NYSE ARCA: Changes Related to the Shortened Settlement Cycle (T+2) (July 11, 2017), *http://www.ust2.com/pdfs/NYSE-T2-Announcements.pdf.*

[14] The last day of the T+3 settlement cycle.

[15] The first day of the T+2 settlement cycle.

[16] Monday, September 4, 2017 is Labor Day, a Federal holiday.

[17] *See supra* note 16.

[18] The date on which previous trades settling on a T+3 settlement cycle and current trades on the T+2 settlement cycle will be processed.

[19] 15 U.S.C. 78*o*–3(b)(6).

[20] As a result of the September 5, 2017 transition date for regular-way settlement from T+3 to T+2, September 7, 2017 will be a ''double'' settlement date for trades that occur on September 1, 2017 (under T+3 and reflecting the Labor Day holiday on

Continued

that the proposed rule change would not impose any additional costs on the industry. As noted above, the proposed rule change does not change the text to Rule 11140(b). Instead, the proposed rule change interprets the application of the rule solely to refrain from designating September 5, 2017 as an ex-dividend date for ''regular'' or ''large'' distributions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6) thereunder.[22]

A proposed rule change filed under Rule 19b–4(f)(6) [23] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[24] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. FINRA has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. FINRA has stated that the purpose of the proposed rule change is to minimize confusion about proper settlement that may arise during the transition to the T+2 settlement cycle on September 5, 2017. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest to avoid the confusion that could arise in connection with the transition to the T+2 settlement cycle on September 5, 2017, if normal or large distributions were to be ex-dividend on that date. Accordingly, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2017–026 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–FINRA–2017–026. 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 FINRA. 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–FINRA–2017–026, and should be submitted on or before September 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–18000 Filed 8–24–17; 8:45 am]

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September 4, 2017) and trades that occur on September 5, 2017 (under T+2).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires FINRA to give the Commission written notice of FINRA's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. FINRA has satisfied this requirement.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

[25] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 15c2–5, SEC File No. 270–195; OMB Control No. 3235–0198

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15c2–5 (17 CFR 240.15c2–5), under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) (''Exchange Act'').

Rule 15c2–5 prohibits a broker-dealer from arranging or extending certain loans to persons in connection with the offer or sale of securities unless, before any element of the transaction is entered into, the broker-dealer: (1) Delivers to the person a written statement containing the exact nature and extent of the person's obligations under the loan arrangement; the risks and disadvantages of the loan arrangement; and all commissions, discounts, and other remuneration received and to be received in connection with the

transaction by the broker-dealer or certain related persons (unless the person receives certain materials from the lender or broker-dealer which contain the required information); and (2) obtains from the person information on the person's financial situation and needs, reasonably determines that the transaction is suitable for the person, and retains on file and makes available to the person on request a written statement setting forth the broker-dealer's basis for determining that the transaction was suitable. The collection of information required by Rule 15c2–5 is necessary to execute the Commission's mandate under the Exchange Act to prevent fraudulent, manipulative, and deceptive acts and practices by broker-dealers.

The Commission estimates that there are approximately 50 respondents that require an aggregate total of 600 hours to comply with Rule 15c2–5.[1] Each of these approximately 50 registered broker-dealers makes an estimated six annual responses, for an aggregate total of 300 responses per year.[2] Each response takes approximately two hours to complete. Thus, the total compliance burden per year is 600 burden hours.[3] The approximate internal compliance cost per hour is $57.00 for clerical labor,[4] resulting in a total internal compliance cost of $34,200.[5] These reflect internal labor costs; there are no external labor, capital, or start-up costs.

Although Rule 15c2–5 does not specify a retention period or record-keeping requirement under the rule, broker-dealers are required to preserve the records for a period no less than six years pursuant to Rule 17a–4(c). The information required under Rule 15c2–5 is necessary for broker-dealers to engage in the lending activities prescribed in the Rule. Rule 15c2–5 does not assure confidentiality for the information retained under the rule.[6]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: August 22, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18073 Filed 8–24–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 50 respondents × 6 responses per year × 2 hours per response = 600 hours per year.

[2] 50 respondents × 6 responses per year = 300 responses per year.

[3] 300 responses per year × 2 hours per response = 600 hours per year.

[4] Cost per hour for a clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[5] 600 hours per year × $57.00 per hour = $34,200 per year.

[6] The records required by Rule 15c2–5 would be available only for examination purposes of the Commission staff, state securities authorities, and the self-regulatory organizations. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15255 and #15256; WEST VIRGINIA Disaster Number WV–00046]

Presidential Declaration of a Major Disaster for the State of West Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4331–DR), dated 08/18/2017.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 07/28/2017 through 07/29/2017.

DATES: Issued on 08/18/2017.

Physical Loan Application Deadline Date: 10/17/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/18/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/18/2017, applications for disaster loans may be filed at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Harrison, Marion, Marshall, Wetzel

Contiguous Counties (Economic Injury Loans Only):

West Virginia: Barbour, Doddridge, Lewis, Monongalia, Ohio, Taylor, Tyler, Upshur.

Ohio: Belmont, Monroe

Pennsylvania: Greene, Washington

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.500
Homeowners without Credit Available Elsewhere	1.750
Businesses with Credit Available Elsewhere	6.610
Businesses without Credit Available Elsewhere	3.305
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.305
Non-Profit Organizations Without Credit Available Elsewhere	2.500
The number assigned to this disaster for physical damage is 152556 and for economic injury is 152560..	

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–18039 Filed 8–24–17; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15257 and #15258; WEST VIRGINIA Disaster Number WV–00047]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of West Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of West Virginia (FEMA–4331–DR), dated 08/18/2017.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 07/28/2017 through 07/29/2017.

DATES: Issued on August 18, 2017.

Physical Loan Application Deadline Date: 10/17/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/18/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/18/2017, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Doddridge, Harrison, Marion, Marshall, Monongalia, Ohio, Preston, Randolph, Taylor, Tucker, Tyler, Wetzel

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500
The number assigned to this disaster for physical damage is 152576 and for economic injury is 152580..	

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–18036 Filed 8–24–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10089]

Memorandum of Agreement Between the U.S. Department of State Bureau of Consular Affairs and Intercountry Adoption Accreditation and Maintenance Entity, Inc.

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Department of State (the Department) is the lead Federal agency for implementation of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Convention), the Intercountry Adoption Act of 2000 (IAA), and the Intercountry Adoption Universal Accreditation Act of 2012 (UAA). Among other things, the IAA and UAA give the Secretary of State responsibility, by entering into agreements with one or more qualified entities and designating such entities as accrediting entities, for the accreditation of agencies and approval of persons to provide adoption services in intercountry adoptions. This notice is to inform the public that on July 28, 2017, the Department entered into an agreement with Intercountry Adoption Accreditation and Maintenance Entity, Inc. (IAAME), designating IAAME as an accrediting entity (AE) for five years.

The text of the Memorandum of Agreement is included in its entirety at the end of this Notice.

FOR FURTHER INFORMATION CONTACT: Kjersti Olson, 202–485–6229. Hearing or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department, pursuant to section 202(a) of the IAA, must enter into an agreement with at least one qualified entity and designate it as an accrediting entity. Accrediting entities may be (1) nonprofit private entities with expertise in developing and administering standards for entities providing child welfare services; or (2) state adoption licensing bodies that have expertise in developing and administering standards for entities providing child welfare services and that accredit only agencies located in that state. Both nonprofit accrediting entities and state accrediting entities must meet any other criteria that the Department may by regulation establish. IAAME is a nonprofit private entity with expertise in developing and administering standards for entities providing child welfare services.

The final rule on accreditation of agencies and approval of persons (22 CFR part 96) was published in the **Federal Register** (71 FR 8064–8066, February 15, 2006) and became effective on March 17, 2006. The final rule establishes the regulatory framework for the accreditation and approval function and provides the standards that the designated accrediting entities will follow in accrediting or approving adoption service providers. Under the UAA, adoption service providers working with prospective adoptive parents in non-Convention adoption cases need to comply with the same accreditation requirement and standards that apply in Convention adoption cases.

Theodore ''Ted'' R. Coley,

Director, Office of Children's Issues, Overseas Citizen Services, Bureau of Consular Affairs.

MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF STATE BUREAU OF CONSULAR AFFAIRS AND INTERCOUNTRY ADOPTION ACCREDITATION AND MAINTENANCE ENTITY, INC.

Parties & Purpose of the Agreement

The Department of State, Bureau of Consular Affairs (Department), and Intercountry Adoption Accreditation and Maintenance Entity, Inc. (IAAME), with its principal office located at 5950 NW 1st Place, Suite A Gainesville, FL 32607, hereinafter the ''Parties,'' are entering into this agreement for the purpose of designating IAAME as an accrediting entity under the Intercountry Adoption Act of 2000 (IAA), Public Law 106–279, and 22 CFR part 96.

Authorities

The Department enters into this agreement pursuant to Sections 202 and 204 of the IAA, 22 CFR part 96, and Delegation of Authority 261. IAAME has full authority to enter into this MOA pursuant to a resolution passed by the Board of Directors of Partnership for

Strong Families, Inc. dated June 26, 2017, which resolution authorizes the creation of IAAME and Stephen Pennypacker as its President & CEO to execute this agreement on behalf of IAAME.

Definitions

For purposes of this memorandum of agreement, terms used here that are defined in 22 CFR 96.2 shall have the same meaning as they have in 22 CFR 96.2.

The Parties **AGREE AS FOLLOWS:**

Article 1

Designation of the Accrediting Entity

The Department hereby designates IAAME as an accrediting entity and thereby authorizes it to accredit agencies and approve persons to provide adoption services in intercountry adoption cases, in accordance with the procedures and standards set forth in 22 CFR part 96, and to perform all of the accrediting entity functions set forth in 22 CFR 96.7(a).

Article 2

Responsibilities of the Accrediting Entity

1) IAAME agrees to perform all accrediting entity functions set forth in 22 CFR 96.7(a) and to perform its functions in accordance with the Convention, the IAA, the Intercountry Adoption Universal Accreditation Act of 2012 (UAA), Public Law 112–276, Part 96 of 22 CFR, and any other applicable regulations, and as additionally specified in this agreement. In performing these functions, IAAME will operate under policy direction from the Department regarding U.S. obligations under the Convention and regarding the functions and responsibilities of an accrediting entity under the IAA, UAA, and any other applicable regulations.

2) IAAME will take appropriate staffing, funding, and other measures to allow it to carry out all of its functions and fulfill all of its responsibilities, and will use the adoptions tracking system and the Complaint Registry (ATS/CR) as directed by the Department, including by updating required data fields in a timely fashion.

3) In carrying out its accrediting entity functions IAAME will:

a) make decisions on accreditation and approval in accordance with the procedures set forth in 22 CFR part 96 and using only the standards in subpart F of 22 CFR part 96 and the substantial compliance weighting system approved by the Department pursuant to para.5, Article 3 below;

b) charge applicants for accreditation or approval only fees approved by the Department pursuant to para. 4, Article 3 below;

c) review complaints, including complaints regarding conduct alleged to have occurred overseas, in accordance with subpart J of 22 CFR part 96 and the additional procedures approved by the Department pursuant to paragraphs 3 c) and 3 d) in Article 3, below. IAAME will exercise its discretion in determining which methods are most appropriate to review complaints regarding conduct alleged to have occurred overseas. This may, when appropriate, include a referral to the Department and/or other appropriate law enforcement authorities for potential investigation of complaints relating to possible civil or criminal violation of IAA section 404 or other possible criminal activity;

d) take adverse actions against accredited agencies and approved persons in accordance with subpart K of 22 CFR part 96, and cooperate with the Department in any case in which the Department considers exercising its adverse action authorities because the accrediting entity has failed or refused after consultation with the Department to take what the Department considers to be appropriate enforcement action;

e) assume full responsibility for defending adverse actions in court proceedings, if challenged by the adoption service provider or the adoption service provider's board or officers;

f) refer an adoption service provider to the Department for debarment if, but only if, it concludes after review that the adoption service provider's conduct meets the standards for action by the Secretary set out in 22 CFR 96.85;

g) promptly report any change in the accreditation or approval status of an adoption service provider to the relevant state licensing authority;

h) maintain and use only the required procedures approved by the Department and those procedures presented to the Department pursuant to Article 3 of this agreement whenever they apply;

i) consult with the Department, when needed, to solicit greater clarity regarding the meaning of relevant laws and regulations.

Article 3

Training, Procedures, and Fees

1) **Accreditation Materials and Training:** In coordination with the Department and any other designated accrediting entities, IAAME will:

a) maintain forms, training materials, and evaluation practices;

b) assist in conducting or participate in any joint training sessions;

c) develop and maintain resources to assist applicants for accreditation and approval in achieving substantial compliance with the applicable standards.

2) **Internal Review Procedure:** IAAME will maintain procedures that have been approved by the Department and use these procedures to determine whether to terminate adverse actions against an accredited agency or approved person on the grounds that the deficiencies necessitating the adverse action have been corrected.

3) **Other Procedures:** IAAME will maintain procedures approved by the Department and update these, subject to the Department's approval, as needed:

a) to evaluate whether a candidate for accreditation meets the applicable eligibility requirements set forth in 22 CFR part 96;

b) to carry out its monitoring duties;

c) to review complaints or information referred to it through the Complaint Registry or from the Department directly;

d) to review complaints that it receives about its own actions as an accrediting entity for adoption service providers;

e) to make the public disclosures required by 22 CFR 96.91; and

f) to ensure the reasonableness of charges for the travel and maintenance of its site evaluators, such as for travel, meals, and accommodations, which charges shall be in addition to the fees charged under 22 CFR 96.8.

4) **Fee Schedule:**

a) IAAME will maintain a fee schedule for accreditation and approval services that meets the requirements of 22 CFR 96, and update these, subject to approval by the Department. Fees will be set based on the principle of recovering no more than the full cost, as defined in OMB Circular A–25 paragraph 6(d)(1), of accreditation and approval services. IAAME will maintain a fee schedule developed using this methodology together with comprehensive documentation, and will provide justification of the proposed fees to the Department for the Department's approval.

b) The approved fee schedule can be amended with the approval of the Department.

5) **Substantial Compliance Weighting Systems:**

a) IAAME will maintain and update a substantial compliance weighting system as described in 22 CFR 96 and as approved by the Department.

b) In maintaining the systems described in paragraph (a) of this section, IAAME will coordinate with any other accrediting entities, and consult with the Department to ensure consistency between the systems used by accrediting entities. These systems can be amended with the approval of the Department.

Article 4

Data Collection, Reporting and Records

1) **Adoptions Tracking System/ Complaint Registry (ATS/CR):**

a) IAAME will maintain and fund a computer and internet connection for use with the ATS/CR that meets system requirements set by the Department;

b) The Department will provide software or access tokens needed by individuals for secure access to the ATS/CR and facilitate any necessary training for use of the ATS/CR.

2) **Annual Report:** IAAME will report on dates agreed upon by the Parties, in a mutually agreed upon format, the information required in 22 CFR 96.93 as provided in that section through ATS/CR.

3) **Additional Reporting:** IAAME will provide any additional status reports or data as required by the Department, and in a mutually agreed upon format.

4) **Accrediting Entity Records:** IAAME will retain all records related to its accreditation functions and responsibilities in printed or electronic form in accordance with the electronic recordkeeping policy that applies to Federal acquisition contracts under Federal Acquisition Regulation 4.703 for a minimum of 3 years after the termination of IAAME's designation as an accrediting entity, or until any litigation, claim, or audit related to the records filed or noticed within its period of designation is finally terminated, whichever is later.

Article 5

Department Oversight and Monitoring

1) To facilitate oversight and monitoring by the Department, IAAME will:

a) provide copies of its forms and other materials to the Department and give Department personnel the opportunity to participate in any training sessions for its evaluators or other personnel;

b) allow the Department to inspect all records relating to its accreditation functions and responsibilities and provide to the Department copies of such records as requested or required for oversight, including to evaluate renewal or maintenance of the accrediting entity's designation, and for purposes of transferring adoption service providers to another accrediting entity;

c) submit to the Department by a date agreed upon by the Parties an annual declaration signed by the President and Chief Executive Officer confirming that IAAME is complying with the IAA, UAA, 22 CFR part 96, any other applicable regulations, and this agreement in carrying out its functions and responsibilities;

d) make appropriate senior-level officers available to attend a yearly performance review meeting with the Department;

e) immediately report to the Department events that have a significant impact on its ability to perform its functions and responsibilities as an accrediting entity, including financial difficulties, changes in key personnel or other staffing issues, legal or disciplinary actions against the organization, and conflicts of interest;

f) notify the Department of any requests for information relating to its role as an accrediting entity under the IAA and UAA or Department functions or responsibilities that it receives from Central Authorities of other countries that are party to the Convention, or any other competent authority (except for routine requests concerning accreditation, temporary accreditation, or approval status or other information publicly available under subpart M of Part 96), and consult with the Department before releasing such information;

g) consult immediately with the Department about any issue or event that may affect compliance with the IAA, UAA, or U.S. compliance with obligations under the Convention.

2) **Departmental Approval Procedures:** In all instances in which the Department must approve a policy, system, fee schedule, or procedure before IAAME can bring it into effect or amend it, IAAME will submit the policy, system, fee schedule, or procedure or amendment in writing to the Department's AE Liaison via email where possible. The AE Liaison will coordinate the Department's approval process and arranging any necessary meetings or telephone conferences with IAAME. Formal approval by the Department will be expeditiously conveyed in writing by the Deputy Assistant Secretary for Overseas Citizens Services or her or his designee.

3) **Suspension or Cancellation:** When the Department is considering suspension or cancellation of IAAME's designation:

a) the Department will notify IAAME in writing of the identified deficiencies in its performance and the time period in which the Department expects correction of the deficiencies;

b) IAAME will respond in writing to either explain the actions that it has taken or plans to take to correct the deficiencies or to demonstrate that the Department's concerns are unfounded within 10 business days;

c) upon request, the Department also will meet with the accrediting entity by teleconference or in person;

d) if the Department, in its sole discretion, is not satisfied with the actions or explanation of IAAME, it will notify IAAME in writing of its decision to suspend or cancel IAAME's designation and this agreement;

e) IAAME will stop or suspend its actions as an accrediting entity as directed by the Department in the notice of suspension or cancellation, and cooperate with any Departmental instructions in order to transfer adoption service providers it accredits (including temporarily accredits) or approves to another accrediting entity, including by transferring fees collected by IAAME for services not yet performed.

4) IAAME will follow its procedures for reviewing complaints against IAAME received by the Department or referred to the Department because the complainant was not satisfied with IAAME's resolution of the complaint. These complaint procedures may be incorporated into the Department's general procedures for handling instances in which the Department is considering whether a deficiency in the accrediting entity's performance may warrant suspension or cancellation of its designation.

Article 6

Other Issues Agreed By the Parties

1) **Conflict of interest provisions:**

a) IAAME shall disclose to the Department the name of any organization of which it is a member that also has as members intercountry adoption service providers. IAAME shall demonstrate to the Department that it has procedures in place to prevent any such membership from influencing its actions as an accrediting entity and shall maintain and use these procedures.

b) IAAME shall identify for the Department all members of its board of directors or other governing body, employees, and site evaluators who also serve as officers, directors, employees, or owners of adoption service providers or of membership organizations who have adoption service providers as members. IAAME shall demonstrate it

has procedures in place to ensure that any such relationships will not influence any accreditation or approval decisions, and shall maintain and use these procedures.

c) IAAME shall disclose to the Department any other situation or circumstance that may create the appearance of a conflict of interest.

2) **Liability:** IAAME agrees to maintain sufficient resources to defend challenges to its actions as an accrediting entity, including by maintaining liability insurance for its actions as an accrediting entity brought by agencies and/or persons seeking to be accredited or approved or who are accredited or approved, and to inform the Department immediately of any events that may affect its ability to defend itself (*e.g.,* change in or loss of insurance coverage, change in relevant state law). IAAME agrees that it will consult with the Department immediately if it becomes aware of any other legal proceedings related to its acts as an accrediting entity, or of any legal proceedings not related to its acts as an accrediting entity that may threaten its ability to continue to function as an accrediting entity.

Article 7

Liaison Between the Department and the Accrediting Entity

1) IAAME's principal point of contact for communications relating to its functions and duties as an accrediting entity will be the Director of Intercountry Adoption Accreditation. The Department's principal point of contact for communication is the Accrediting Entity Liaison officer in the Office of Children's Issues, Office of Overseas Citizens Services, Bureau of Consular Affairs, U.S. Department of State.

2) The parties will keep each other currently informed in writing of the names and contact information for their principal points of contact. As of the signing of this Agreement, the respective principal points of contact are as set forth in Attachment 1.

Article 8

Certifications and Assurances

1) IAAME certifies that it will comply with all requirements of applicable State and Federal law.

Article 9

Agreement, Scope, and Period of Performance

1) **Scope:**

a) This agreement is not intended to have any effect on any activities of IAAME that are not related to its functions as an accrediting entity for adoption service providers providing adoption services in intercountry adoptions.

b) Nothing in this agreement shall be deemed to be a commitment or obligation to provide any Federal funds.

c) All accrediting entity functions and responsibilities authorized by this agreement are to occur only during the duration of this agreement.

d) Nothing in this agreement shall release IAAME from any legal requirements or responsibilities imposed on the accrediting entity by the IAA, UAA, 22 CFR part 96, or any other applicable laws or regulations.

2) **Commencement of responsibilities:** IAAME's responsibilities as an accrediting entity under Article 2 will commence upon approval by the Department of systems, procedures, and a fee schedule that, if applicable, are coordinated between IAAME and any other designated accrediting entity to ensure general consistency in accreditation systems and procedures, and general parity of fees; and, if applicable, determination by the Department of jurisdictional boundaries between IAAME and any other designated accrediting entity.

3) **Duration:** IAAME's designation as an accrediting entity and this agreement shall remain in effect for five years from signature, unless terminated earlier by the Department in conjunction with the suspension or cancellation of the designation of IAAME. The Parties may agree mutually in writing to extend the designation of the accrediting entity and the duration of this agreement. If either Party does not wish to renew the agreement, it must provide written notice no less than one year prior to the termination date, and the Parties will consult to establish a mutually agreed schedule to transfer adoption service providers to another accrediting entity, including by transferring a reasonable allocation of collected fees for the remainder of the accreditation or approval period of such adoption service providers.

4) **Changed Circumstances:** If unforeseen circumstances arise that will render IAAME unable to continue to perform its duties as an Accrediting Entity, IAAME will immediately inform the Department of State. The Parties will consult and make an effort to find a solution that will enable IAAME to continue to perform until the end of the contract period. If no such solution can be reached, the contract may be terminated on a mutually agreed date or, if mutual agreement cannot be reached, on not less than 14 months written notice from IAAME.

5) **Severability:** To the extent that the Department determines, within its reasonable discretion, that any provision of this agreement is inconsistent with the Convention, the IAA, the UAA, the regulations implementing the IAA and UAA, or any other provision of law, that provision of the agreement shall be considered null and void and the remainder of the agreement shall continue in full force and effect as if the offending portion had not been a part of it.

6) **Entirety of Agreement:** This agreement is the entire agreement of the Parties and may be modified only upon written agreement of the Parties.

Dated: July 28, 2017.

David T. Donahue,
Acting Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 2017–18040 Filed 8–24–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 10099]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: "Fragonard: The Fantasy Figures" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Fragonard: The Fantasy Figures,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, District of Columbia, from on or about October 8, 2017, until on or about December 3, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998

(112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–18029 Filed 8–24–17; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36143]

Goose Lake Railway, LLC—Change in Operator Exemption—LRY, LLC d.b.a. Lake Railway

Goose Lake Railway, LLC (GLRY), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to assume operations over approximately 54.45 miles of rail line, known as the Lakeview Branch, between milepost 458.60 at Alturas, Cal., and milepost 513.05 at Lakeview, Or. (the Line).[1]

GLRY states that the Line is owned by Lake County, Or. (Lake County), and LRY, LLC d.b.a. Lake Railway (LRY) currently operates it pursuant to a lease agreement.[2] According to GLRY, Lake County acquired the Line from the Southern Pacific Transportation Company (SPTC) after the Board's predecessor, the Interstate Commerce Commission, authorized SPTC to abandon it.[3] Lake County was authorized to operate the Line pursuant to a Modified Rail Certificate.[4] GLRY states that, under the new operating agreement, GLRY will replace LRY as the operator of the Line upon consummation and LRY will have no further common carrier obligation with respect to the Line. GLRY also states that LRY has agreed to terminate its operation over the Line upon consummation of the transaction between GLRY and Lake County and does not object to the proposed change in operators.

GLRY states that the proposed change in operators does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier. GLRY certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and would not exceed $5 million.

Under 49 CFR 1150.32(b), a change in operators requires that notice be given to shippers. GLRY certifies that it has provided notice of the proposed change in operators to all known shippers on the Line.

GLRY intends to consummate the proposed transaction on or about September 9, 2017, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 1, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36143, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

According to GLRY, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(1).

Board decisions and notices are available on our Web site at *WWW.STB.GOV.*

Decided: August 22, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Rena Laws-Byrum,

Clearance Clerk.

[FR Doc. 2017–18054 Filed 8–24–17; 8:45 am]

BILLING CODE 4915–01–P

[1] This is the same rail line that the Board addressed in a declaratory order proceeding earlier this year. *See LRY, LLC—Pet. for Declaratory Order—Rail Line in Lake Cty., Or. & Modoc Cty., Cal.,* FD 36117 (STB served June 12, 2017).

[2] *See LRY, LLC—Lease & Operation Exemption—Rail Line in Lake Cty., Or.,* FD 35250 (Sub-No. 1) (STB served Dec. 18, 2009).

[3] *See S. Pac. Transp. Co.—Aban.—in Modoc Cty., Cal., & Lake Cty., Or.,* AB 12 (Sub-No. 84) (ICC served Oct. 20, 1985).

[4] *See Lake Cty. R.R.—Modified Rail Certificate,* FD 33581 (STB served Apr. 24, 1998).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The information collected is needed for applicants' noise certification compliance reports in order to demonstrate compliance.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0659.

Title: Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27946). There were no comments. The information collected is needed for applicants' noise certification compliance reports in order to demonstrate compliance with 14 CFR part 36, which is implemented under the Aircraft Noise Abatement Act of 1968. An applicant's collected information is incorporated into a noise compliance report that is provided to and approved by the FAA. The noise compliance report is used by the FAA in making a finding that the airplane is in compliance with regulations.

Respondents: Approximately 10 applicants annually.

Frequency: On occasion.

Estimated Average Burden per Response: 135 hours.

Estimated Total Annual Burden: 1,350 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–18010 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: National Air Tour Safety Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. FAA regulations set safety and oversight rules for a broad variety of sightseeing and commercial air tour flights to improve the overall safety of commercial air tours by requiring all air tour.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0717.

Title: National Air Tour Safety Standards.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27951). There were no comments. FAA regulations set safety and oversight rules for a broad variety of sightseeing and commercial air tour flights to improve the overall safety of commercial air tours by requiring all air tour. The FAA uses the information it collects and reviews to ensure compliance and adherence to regulations and, if necessary, take enforcement action on violators of the regulations.

Respondents: 3,480 pilots and air tour operators.

Frequency: On occasion.

Estimated Average Burden per Response: 10 minutes.

Estimated Total Annual Burden: 30,321 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–18002 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification: Mechanics, Repairman, Parachute Riggers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. FAR part 65 prescribes requirements for mechanics, repairmen, parachute riggers, and inspection authorizations. The information collected shows applicant eligibility for certification.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your

comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0022.

Title: Certification: Mechanics, Repairman, Parachute Riggers.

Form Numbers: FAA Forms 8610–1, 8610–2.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27947). There were no comments. FAR Part 65 prescribes, among other things, rules governing the issuance of certificates and associated rating for mechanic, repairman, parachute riggers, and issuance of inspection authorizations. The information collected on the forms submitted for renewal is used for evaluation by the FAA, which is necessary for issuing a certificate and/or rating. Certification is necessary to ensure qualifications of the applicant.

Respondents: An estimated 66,153 mechanics, repairmen, and parachute riggers.

Frequency: On occasion.

Estimated Average Burden per Response: 20 minutes.

Estimated Total Annual Burden: 44,841 hours.

Issued in Washington, DC on August 21, 2017.

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–18012 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Experimental Permits for Reusable Suborbital Rockets

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The FAA collects information from applicants for experimental permits in order to determine whether they satisfy the requirements for obtaining an experimental permit.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0722.

Title: Experimental Permits for Reusable Suborbital Rockets.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27949). There were no comments. 14 CFR part 437 established requirements for the FAA's authority to issue experimental permits for reusable suborbital rockets to authorize launches for the purpose of research and development, crew training and showing compliance with the regulations. The information collected includes data required for performing a safety review, which includes a technical assessment to determine if the applicant can launch a reusable suborbital rocket without jeopardizing public health and safety and the safety of property. This information collection requirement is intended for incorporating acquired data into the experimental permit, which then becomes binding on the launch or reentry operator. The applicant is required to submit information that enables FAA to determine, before issuing a permit, if issuance of the experimental permit would jeopardize the foreign policy or national security interests of the U.S.

Respondents: Approximately 10 applicants for experimental permits.

Frequency: On occasion.

Estimated Average Burden per Response: 18.6 hours.

Estimated Total Annual Burden: 2,567 hours.

Issued in Washington, DC on August 21, 2017.

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–18001 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Requests for Comments; Clearance of Renewed Approval of Information Collection: Passenger Facility Charge (PFC) Application

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. This program requires public agencies and certain members of the aviation industry to prepare and submit applications and reports to the FAA. Through this program the FAA provides additional funding for airport development which is needed now and in the future.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and

Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0557.

Title: Passenger Facility Charge (PFC) Application.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27943). There were no comments. 49 U.S.C. 40117 authorizes airports to impose passenger facility charges (PFC). The final rule (14 CFR part 158) implementing this Act was effective June 28, 1991. The information collected allows the FAA to approve the collection of PFC revenue for projects which preserve or enhance safety, security, or capacity of the national air transportation system, or which reduce noise or mitigate noise impacts resulting from an airport, or which furnish opportunities for enhanced competition between or among air carriers.

Respondents: Approximately 450 applicants annually.

Frequency: On occasion.

Estimated Average Burden per Response: 10 hours.

Estimated Total Annual Burden: 24,025 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–17990 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Competition Plans, Passenger Facility Charges

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. Title 49, United States Code, Sections 40117 (k) and 47106 (f) require that a covered airport submit a written competition plan to the Secretary/Administrator in order to receive approval to impose a Passenger Facility Charge (PFC) or to receive a grant under the Airport Improvement Program (AIP).

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0661.

Title: Competition Plans, Passenger Facility Charges.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27950). There were no comments. The DOT/FAA will use any information submitted in response to this requirement to carry out the intent of Title 49, Sections 40117(k) and 47106(f), which is to assure that a covered airport has, and implements, a plan that affects its business practices to provide opportunities for competitive access by new entrant carriers or carriers seeking to expand. The affected public includes public agencies controlling medium or large hub airports.

Respondents: 5 affected airports annually.

Frequency: On occasion.

Estimated Average Burden per Response: 136 hours.

Estimated Total Annual Burden: 680 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on August 21, 2017.

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–18007 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification Procedures for Products and Parts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of

Management and Budget (OMB) approval to renew a previously approved information collection. Applicable federal regulations prescribe certification standards for aircraft, aircraft engines, propellers appliances and parts. The information collected is used to determine compliance and applicant eligibility. The respondents are aircraft parts designers, manufacturers, and aircraft owners.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0018.

Title: Certification Procedures for Products and Parts.

Form Numbers: FAA Forms 8110–12, 8130–1, 8130–6, 8130–9, 8130–12.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27948). There were no comments. 14 CFR part 21 prescribes certification standards for aircraft, aircraft engines, propellers appliances and parts. The information collected is used to determine compliance and applicant eligibility. FAA Airworthiness inspectors, designated inspectors, engineers, and designated engineers review the required data submittals to determine that aviation products and articles and their manufacturing facilities comply with the applicable requirements, and that the products and articles have no unsafe features.

Respondents: Approximately 13,339 aircraft parts designers, manufacturers, and aircraft owners.

Frequency: On occasion.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden: 19,487 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–17991 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Requests for Comments; Clearance of Renewed Approval of Information Collection: Aircraft Noise Certification Documents for International Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. This collection ensures that U.S. operators have proper noise certification information when they fly outside the U.S.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0737.

Title: Aircraft Noise Certification Documents for International Operations.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Performance and Handling Requirements for Rotocraft.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27947). There were no comments. 14 CFR part 91 requires operators of U.S. registered civil aircraft flying outside the United States to carry aircraft noise certification information on board. This rule is needed to ensure consistent compliance with the ICAO, Annex 16, Volume 1, Amendment 8 that requires certain noise information be carried on board the aircraft. The rule requires that this information be easily accessible to the flight crew and presentable upon request to the appropriate foreign officials.

Respondents: Approximately 73 operators of aircraft currently registered to U.S. mainline air carriers.

Frequency: On occasion.

Estimated Average Burden per Response: 25 minutes.

Estimated Total Annual Burden: 31 hours.

Issued in Washington, DC on August 21, 2017.

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–17993 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: NAS Data Release Request

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The information enables the FAA to evaluate the validity of the user's request for National Airspace (NAS) data from FAA systems and equipment.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0668.

Title: NAS Data Release Request.

Form Numbers: FAA Form 1200–5.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27951). There were no comments. This data collection is the genesis for granting approval to release filtered NAS data. The information provided sets the criteria for the FAA Data Release Request Committee (DRRC) to approve or disapprove individual requests for NAS data. The information submitted by the requestor determines the requestor's eligibility to use FAA NAS data. The agency currently uses the collected information to determine suitability for procuring NAS data for use in various evaluations.

Respondents: Approximately 9 data requestors annually.

Frequency: On occasion.

Estimated Average Burden per Response: 3 hours.

Estimated Total Annual Burden: 27 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–18004 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Performance and Handling Requirements for Rotocraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The FAA requires that certain performance information be provided in the Rotorcraft Flight Manual in order to show compliance to the regulatory requirements. The flight manual, by regulation, must be furnished with each aircraft.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0726.

Title: Verification of Authenticity of Foreign License, Rating, and Medical Certification.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Performance and Handling Requirements for Rotocraft.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27949). There were no comments. In order to determine that a rotorcraft is a safe vehicle, an applicant for a type certificate must show compliance to specific minimum requirements. In order to show compliance, an applicant must substantiate the type design through analysis, testing, design limitations, and other acceptable means. This substantiation requires that certain performance information for safe operation of the rotorcraft be presented, in the form of tables, diagrams, or charts, in the flight manual. FAA engineers and designated engineers review the required data submittals to determine that the rotorcraft complies with the applicable minimum safety requirements for rotorcraft performance and that the rotorcraft has no unsafe features.

Respondents: Approximately 4 normal or transport category rotorcraft certification applicants.

Frequency: On occasion.

Estimated Average Burden per Response: 5 hours.

Estimated Total Annual Burden: 2 hours.

Issued in Washington, DC on August 21, 2017.

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–17989 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Safe Disposition of Life-Limited Aircraft Parts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. This collection involves response to the Wendall H. Ford Investment and Reform Act for the 21st Century which requires that all persons who remove any life-limited aircraft part have a method to prevent the installation of that part after it has reached its life limit.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0665.

Title: Safe Disposition of Life-Limited Aircraft Parts.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27945). There were no comments. 14 CFR part 43 requires a record keeping system to be maintained that will aid aircraft operators in determining the status of the life-limited parts from inadvertently being installed that have reached their life limit. This action reduces the risk of life-limited parts being used beyond their life limits. This action also requires that manufacturers of life-limited parts provide marking instructions, when requested.

Respondents: Approximately 8,000 air carriers, repair stations, and mechanics.

Frequency: On occasion.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 104,000 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–17984 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Verification of Authenticity of Foreign License, Rating, and Medical Certification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The information is used to identify airmen to allow the agency to verify their foreign license being used to qualify for a US certificate. Respondents are holders of foreign licenses wishing to obtain US certificates.

DATES: Written comments should be submitted by September 25, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at *Barbara.L.Hall@faa.gov* or (817) 222–5448.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0724.

Title: Verification of Authenticity of Foreign License, Rating, and Medical Certification.

Form Numbers: FAA Form 8060–71.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017 (82 FR 27944). There were no comments. The information collected is used to properly identify airmen to allow the agency to verify their foreign license being used to qualify for a U.S. certificate. The respondents are holders of foreign licenses wishing to obtain a U.S.

certificate. A person who is applying for a U.S. pilot certificate/rating on the basis of a foreign-pilot license must apply for verification of that license at least 90 days before arriving at the designated FAA FSDO where the applicant intends to receive the U.S. pilot certificate.

Respondents: Approximately 8,700 foreign applicants for U.S. certificates annually.

Frequency: On occasion.

Estimated Average Burden per Response: 10 minutes.

Estimated Total Annual Burden: 1,450 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–17995 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0024]

Application From the State of Alaska to the Surface Transportation Project Delivery Program and Proposed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (USDOT).

ACTION: Notice of proposed MOU and request for comments.

SUMMARY: This notice announces that FHWA has received and reviewed an application from the Alaska Department of Transportation and Public Facilities (DOT&PF) requesting participation in the Surface Transportation Project Delivery Program (Program). This Program allows for FHWA to assign, and the State to assume, responsibilities under the National Environmental Policy Act of 1969 (NEPA), and all or part of FHWA's responsibilities for environmental review, consultation, or other actions required under any Federal environmental law with respect to one or more Federal highway projects within the State. The FHWA has determined the application to be complete and developed a draft MOU with DOT&PF outlining how the State would implement the Program with FHWA oversight. The FHWA invites the public to comment on DOT&PF's request, including its application and the proposed MOU, which includes the proposed assignments and assumptions of environmental review, consultation, and other activities.

DATES: Please submit comments by September 25, 2017.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Facsimile (Fax):* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Ave. SE., West Building Ground Floor Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE., Washington, DC 20590 between 9:00 a.m. and 5:00 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Tim Haugh, Environmental Program Manager, Federal Highway Administration Alaska Division, P.O. Box 21648, 709 West 9th Street, Room 851, Juneau, AK, 99802, 8:00 a.m.–4:30 p.m. (AKDT), (907) 586–7418, *Tim.Haugh@dot.gov.*

Taylor C. Horne, Statewide Environmental Program Manager, Statewide Environmental Office, Alaska Department of Transportation and Public Facilities, P.O. Box 112500, 3132 Channel Drive, Juneau, AK, 99811, 8:00 a.m.–4:30 p.m. (AKDT), (907) 465–6957, *NEPA@alaska.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded from the **Federal Register**'s home page at *http://www.archives.gov.* An electronic version of the application materials and proposed MOU may be downloaded by accessing the online docket, as described above, at *http://www.regulations.gov/.*

Background

Section 327 of title 23, United States Code (23 U.S.C. 327), allows the Secretary of the U.S. Department of Transportation (Secretary) to assign, and a State to assume, responsibility for all or part of FHWA's responsibilities for environmental review, consultation, or other actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and any Federal environmental law with respect to one or more Federal-aid highway projects within the State. The FHWA is authorized to act on behalf of the Secretary with respect to these matters.

Under the proposed MOU, FHWA would assign to the State, through DOT&PF, the responsibility for making decisions on highway projects within the State of Alaska that are proposed to be funded with title 23 funds or otherwise require FHWA approval, and that require preparation of a categorical exclusion determination, environmental assessment (EA), or environmental impact statement (EIS) with the exception of the following:

(1) EIS projects—67698 & 67877/0922005 & 0922008 Gravina Access, 71100/000S131 Juneau Access Improvements, 53014/0212015 Sterling Highway: MP 45–60;

(2) highway projects authorized under 23 U.S.C. 202, 203, and 204, unless the project will be designed and/or constructed by DOT&PF;

(3) projects that cross or are adjacent to international boundaries;

(4) programs and projects advanced by direct recipients of Federal-aid Highway Program funds other than DOT&PF, including but not limited to recipients of: Recreational Trails program funds, TIGER Discretionary grants, direct recipient Tribal projects, and the Shakwak program;

(5) privately-funded or other Federal agency funded projects requiring NEPA review as part of Interstate access approvals, unless such projects will be designed and constructed by DOT&PF; and

(6) private requests for changes in controlled access, unless such projects will be designed and constructed by DOT&PF.

The assignment also would give the State the responsibility to conduct the following environmental review, consultation, and other related activities for project delivery:

Air Quality

- Clean Air Act, 42 U.S.C. 7401–7671q, with the exception of project level conformity determinations

Alaska Specific

- Alaska National Interest Lands Conservation Act (ANILCA), Public Law 96–487, except any responsibilities under 16 U.S.C. 410hh(4)(d)

Executive Orders (E.O.) Relating to Highway Projects

- E.O. 11593, Protection and Enhancement of the Cultural Environment
- E.O. 11988, Floodplain Management (except approving design standards and determinations that a significant encroachment is the only practicable alternative under 23 CFR parts 650.113 and 650.115)
- E.O. 11990, Protection of Wetlands
- E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- E.O. 13007, Indian Sacred Sites
- E.O. 13112, Invasive Species, as amended by E.O. 13751, Safeguarding the Nation from the Impacts of Invasive Species
- E.O. 13175, Consultation and Coordination with Indian Tribal Governments

FHWA-Specific

- Efficient Project Reviews for Environmental Decision Making, 23 U.S.C. 139
- Environmental Impact and Related Procedures, 23 CFR part 771
- Planning and Environmental Linkages, 23 U.S.C. 168, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135
- Programmatic Mitigation Plans, 23 U.S.C. 169, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135

Hazardous Materials Management

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k
- Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. 9671–9675

Historic and Cultural Resources

- Archeological and Historic Preservation Act of 1974, as amended, 54 USC 312501–312508
- Archeological Resources Protection Act of 1979, 16 U.S.C. 470(aa)–(mm)
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001–3013; 18 U.S.C. 1170
- Preservation of Historical and Archaeological Data, 54 U.S.C. 312501–312508
- Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108.

Land

- Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319

Noise

- Compliance with the noise regulations in 23 CFR part 772
- Noise Control Act of 1972, 42 U.S.C. 4901–4918

Parklands and Other Special Land Uses

- Land and Water Conservation Fund (LWCF) Act, 54 U.S.C. 200302–200310
- Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138, 49 U.S.C. 303, and implementing regulations at 23 CFR part 774

Social and Economic Impacts

- American Indian Religious Freedom Act, 42 U.S.C. 19961
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209

Water Resources and Wetlands

- Clean Water Act, 33 U.S.C. 1251–1387
  - Section 319, 33 U.S.C. 1329
  - Section 401, 33 U.S.C. 1341
  - Section 404, 33 U.S.C. 1344
- Emergency Wetlands Resources Act, 16 U.S.C. 3901 and 3921
- FHWA wetland and natural habitat mitigation regulations, 23 CFR part 777
- Flood Disaster Protection Act, 42 U.S.C. 4001–4130
- Mitigation of Impacts to Wetlands and Natural Habitat, 23 CFR part 777
- Rivers and Harbors Act of 1899, 33 U.S.C. 403
- Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–26
- Wetlands Mitigation, 23 U.S.C. 119(g) and 133(b)(11)
- Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287

Wildlife

- Anadromous Fish Conservation Act, 16 U.S.C. 757a–757f
- Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668–668c
- Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801–1891d
- Marine Mammal Protection Act, 16 U.S.C. 1361–1423h
- Migratory Bird Treaty Act, 16 U.S.C. 703–712
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536

The MOU would allow DOT&PF to act in the place of FHWA in carrying out the environmental review-related functions described above, except with respect to government-to-government consultations with federally recognized Indian tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the listed laws and executive orders. The DOT&PF will continue to handle routine consultations with the tribes and understands that a tribe has the right to direct consultation with the FHWA upon request. The DOT&PF also may assist FHWA with formal consultations, with consent of a tribe, but FHWA remains responsible for the consultation.

The DOT&PF will not assume FHWA's responsibilities for conformity determinations required under Section 176 of the CAA (42 U.S.C. 7506), or any responsibility under 23 U.S.C. 134 or 135, or under 49 U.S.C. 5303 or 5304.

A copy of the proposed MOU may be viewed on the online docket, as described above, or may be obtained by contacting FHWA or the State at the addresses provided above. A copy also may be viewed on DOT&PF's Web site at: *http://dot.alaska.gov/stwddes/desenviron/resources/nepa.shtml.*

The FHWA Alaska Division, in consultation with FHWA Headquarters, will consider the comments submitted when making its decision on the proposed MOU. Any final MOU approved by FHWA may include changes based on comments and consultations relating to the proposed MOU and will be made publicly available.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 327; 42 U.S.C. 4331, 4332; 23 CFR 771.101–139; 23 CFR 773.109; 40 CFR 1507.3; and 49 CFR 1.85.

Issued on: August 21, 2017.

Brandye L. Hendrickson,

Acting Administrator, Federal Highway Administration.

MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES CONCERNING THE STATE OF ALASKA'S PARTICIPATION IN THE SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM PURSUANT TO 23 U.S.C. 327

THIS MEMORANDUM OF UNDERSTANDING (MOU), entered into by and between the FEDERAL HIGHWAY ADMINISTRATION (FHWA), an administration in the UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT), and the STATE OF ALASKA, acting by and through its ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT&PF), hereby provides as follows:

WITNESSETH

Whereas, Section 327 of Title 23 of the United States Code (U.S.C.) establishes the Surface Transportation Project Delivery Program (Program) that allows the Secretary of the United States Department of Transportation (USDOT Secretary) to assign and states to assume the USDOT Secretary's responsibilities under the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. (NEPA), and all or part of the USDOT Secretary's responsibilities for environmental review, consultation, or other actions required by Federal environmental law with respect to highway, public transportation, railroad, and multimodal projects within the state; and

Whereas, 23 U.S.C. 327(b)(2) requires a state to submit an application in order to participate in the Program; and

Whereas, on May 1, 2016, prior to submittal of its application to FHWA, DOT&PF published notice of, and solicited public comment on, its draft application to participate in the Program as required by 23 U.S.C. 327(b)(3), and addressed the comments received as appropriate; and

Whereas, Alaska Statute 44.42.300 authorizes DOT&PF to participate in the Program; and

Whereas, on July 12, 2016, the State of Alaska acting by and through DOT&PF, submitted an application to FHWA with respect to highway projects in the State of Alaska; and

Whereas, on DATE TBD, FHWA published a notice in the **Federal Register** providing an opportunity for comment on its preliminary decision to approve DOT&PF's application and solicited the views of other appropriate Federal agencies concerning DOT&PF's application as required by 23 U.S.C. 327(b)(5); and

Whereas, the USDOT Secretary, acting by and through FHWA pursuant to 49 CFR 1.85(a)(3), has determined that DOT&PF's application meets the requirements of 23 U.S.C. 327 with respect to the Federal environmental laws and highway projects identified in this MOU.

Now, therefore, FHWA and DOT&PF agree as follows:

PART 1. PURPOSE OF MEMORANDUM OF UNDERSTANDING

1.1 Purpose

1.1.1 This MOU officially approves DOT&PF's application to participate in the Program and is the written agreement required by 23 U.S.C. 327(a)(2)(A) and (c) under which the USDOT Secretary may assign, and DOT&PF may assume, the responsibilities of the USDOT Secretary for Federal environmental laws with respect to one or more highway projects within the State of Alaska.

1.1.2 FHWA's decision to execute this MOU is based upon the information, representations, and commitments contained in DOT&PF's May 31, 2016, application. As such, this MOU incorporates the application. To the extent there is any conflict between this MOU and the application, this MOU shall control.

1.1.3 This MOU shall be effective 5 days after signature of the final MOU (Effective Date).

1.1.4 On the Effective Date, the MOU between DOT&PF and FHWA dated September 18, 2015, concerning the State Assumption of Responsibility for Categorical Exclusions under 23 U.S.C. 326 will terminate, and be supplanted by this MOU. The Programmatic Agreements between DOT&PF and FHWA dated April 13, 2012, concerning the processing of categorical exclusions [PCE Agreements pursuant to 23 CFR 771.117(g)] will be suspended for the duration of the MOU. The PCE Agreements may be reinstated after the termination of this MOU if FHWA determines that the PCE Agreements continue to be valid pursuant to applicable statutory and regulatory authorities in effect at the time of MOU termination.

1.1.5 Pursuant to 23 U.S.C. 327(c)(3)(B) and 327(c)(3)(C), and subpart 4.3 of this MOU, third parties may challenge DOT&PF's action in carrying out environmental review responsibilities assigned under this MOU. Otherwise, this MOU is not intended to, and does not, create any new right or benefit, substantive or procedural, enforceable at law or in equity by any third party against the State of Alaska, its departments, agencies, or entities, its officers, employees, or agents. This MOU is not intended to, and does not, create any new right or benefit, substantive or procedural, enforceable at law or in equity by any third party against the United States, its departments, agencies, or entities, its officers, employees, or agents.

PART 2. [RESERVED]

PART 3. ASSIGNMENTS AND ASSUMPTIONS OF RESPONSIBILITY

3.1 Assignments and Assumptions of NEPA Responsibilities

3.1.1 Pursuant to 23 U.S.C. 327(a)(2)(A), on the Effective Date of this MOU, FHWA assigns, and DOT&PF assumes, subject to the terms and conditions set forth in 23 U.S.C. 327 and this MOU, all of the USDOT Secretary's responsibilities for compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., with respect to the highway projects specified under subpart 3.3. This includes statutory provisions, regulations, policies, and guidance related to the implementation of NEPA for Federal-aid highway projects such as 23 U.S.C. 139, 40 CFR parts 1500–1508, USDOT Order 5610.1C, and 23 CFR part 771, as applicable.

3.1.2 On the cover page of each Environmental Assessment (EA), Finding of No Significant Impact (FONSI), Environmental Impact Statement (EIS), and Record of Decision (ROD) prepared under the authority granted by this MOU, and for memoranda corresponding to any Categorical Exclusion (CE) determination it makes, DOT&PF shall insert the following language in a way that is conspicuous to the reader:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated [INSERT

DATE], and executed by FHWA and DOT&PF.

3.1.3 The DOT&PF shall disclose to the public and agencies, as part of agency outreach and public involvement procedures, including any Notice of Intent or scoping meeting notice, the disclosure in subpart 3.1.2 above.

3.2 Assignments and Assumptions of Responsibilities to Comply with Federal Environmental Laws Other Than NEPA

3.2.1 Pursuant to 23 U.S.C. 327(a)(2)(B), on the Effective Date of this MOU, FHWA assigns and DOT&PF assumes, subject to the terms and conditions set forth in this MOU, all of the USDOT Secretary's responsibilities under NEPA for environmental review, reevaluation, consultation, or other action pertaining to the review or approval of highway projects specified under subpart 3.3 of this MOU, required under the following Federal environmental laws:

Air Quality

- Clean Air Act, 42 U.S.C. 7401–7671q, with the exception of project level conformity determinations

Alaska Specific

- Alaska National Interest Lands Conservation Act (ANILCA), Public Law 96–487, except any responsibilities under 16 U.S.C. 410hh(4)(d)

Executive Orders (E.O.) Relating to Highway Projects

- E.O. 11593, Protection and Enhancement of the Cultural Environment
- E.O. 11988, Floodplain Management (except approving design standards and determinations that a significant encroachment is the only practicable alternative under 23 CFR parts 650.113 and 650.115)
- E.O. 11990, Protection of Wetlands
- E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- E.O. 13007, Indian Sacred Sites
- E.O. 13112, Invasive Species, as amended by E.O. 13751, Safeguarding the Nation from the Impacts of Invasive Species
- E.O. 13175, Consultation and Coordination with Indian Tribal Governments

FHWA-Specific

- Efficient Project Reviews for Environmental Decision Making, 23 U.S.C. 139
- Environmental Impact and Related Procedures, 23 CFR part 771
- Planning and Environmental Linkages, 23 U.S.C. 168, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135
- Programmatic Mitigation Plans, 23 U.S.C. 169, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135

Hazardous Materials Management

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k
- Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. 9671–9675

Historic and Cultural Resources

- Archeological and Historic Preservation Act of 1974, as amended, 54 U.S.C. 312501–312508
- Archeological Resources Protection Act of 1979, 16 U.S.C. 470(aa)–(mm)
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001–3013; 18 U.S.C. 1170
- Preservation of Historical and Archaeological Data, 54 U.S.C. 312501–312508
- Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108.

Land

- Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319

Noise

- Compliance with the noise regulations in 23 CFR part 772
- Noise Control Act of 1972, 42 U.S.C. 4901–4918

Parklands and Other Special Land Uses

- Land and Water Conservation Fund (LWCF) Act, 54 U.S.C. 200302–200310
- Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138, 49 U.S.C. 303 and implementing regulations at 23 CFR part 774

Social and Economic Impacts

- American Indian Religious Freedom Act, 42 U.S.C. 19961
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209

Water Resources and Wetlands

- Clean Water Act, 33 U.S.C. 1251–1387
  - Section 319, 33 U.S.C. 1329
  - Section 401 , 33 U.S.C. 1341
  - Section 404, 33 U.S.C. 1344
- Emergency Wetlands Resources Act, 16 U.S.C. 3901 and 3921
- FHWA wetland and natural habitat mitigation regulations, 23 CFR part 777
- Flood Disaster Protection Act, 42 U.S.C. 4001–4130
- Mitigation of Impacts to Wetlands and Natural Habitat, 23 CFR part 777
- Rivers and Harbors Act of 1899, 33 U.S.C. 403
- Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j-26
- Wetlands Mitigation, 23 U.S.C. 119(g) and 133(b)(11)
- Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287

Wildlife

- Anadromous Fish Conservation Act, 16 U.S.C. 757a–757f
- Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668–668c
- Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801–1891d
- Marine Mammal Protection Act, 16 U.S.C. 1361–1423h
- Migratory Bird Treaty Act, 16 U.S.C. 703–712
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536

3.2.2 Any FHWA environmental review responsibility not explicitly listed above and assumed by DOT&PF shall remain the responsibility of FHWA unless the responsibility is added by written agreement of the parties through the amendment process established in Part 14 of this MOU and pursuant to 23 CFR 773.113(b). This provision shall not be interpreted to abrogate DOT&PF's responsibilities to comply with the requirements of any Federal environmental laws that apply directly to DOT&PF independent of FHWA's involvement (through Federal assistance or approval).

3.2.3 The USDOT Secretary's responsibilities for government-to-government consultation with Indian tribes, as defined in 36 CFR 800.16(m), are not assigned to or assumed by DOT&PF under this MOU. The FHWA remains responsible for government-to-government consultation, including initiation of government-to-government consultation consistent with Executive Order 13175—Consultation and Coordination with

Indian Tribal Governments, unless otherwise agreed as described below. A notice from DOT&PF to an Indian tribe advising the tribe of a proposed activity is not considered ''government-to-government consultation'' within the meaning of this MOU. If a project-related concern or issue is raised in a government-to-government consultation process with an Indian tribe, as defined in 36 CFR 800.16(m), and is related to NEPA or another Federal law for which DOT&PF has assumed responsibilities under this MOU, and either the Indian tribe or FHWA determines that the issue or concern will not be satisfactorily resolved by DOT&PF, then FHWA may withdraw the assignment of all or part of the responsibilities for processing the project. In this case, the provisions of subpart 9.1 of this MOU concerning FHWA initiated withdrawal of an assigned project or part of an assigned project will apply.

This MOU is not intended to abrogate, or prevent future entry into an agreement among DOT&PF, FHWA, and a tribe under which the tribe agrees to allow DOT&PF to consult for highway projects in Alaska. However, such agreements are administrative in nature and do not relieve FHWA of its legal responsibility for government-to-government consultation.

3.2.4 Nothing in this MOU shall be construed to permit DOT&PF's assumption of the USDOT Secretary's responsibilities for conformity determinations required by Section 176 of the Clean Air Act (42 U.S.C. 7506) or any responsibility under 23 U.S.C. 134 or 135, or under 49 U.S.C. 5303 or 5304.

3.2.5 On the cover page of each biological evaluation or assessment, historic properties or cultural resources report, Section 4(f) evaluation, or other analyses prepared under the authority granted by this MOU, DOT&PF shall insert the following language in a way that is conspicuous to the reader or include in a CE project record:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated [INSERT DATE] and executed by FHWA and DOT&PF.

3.2.6 The DOT&PF shall disclose to the public and agencies, as part of agency outreach and public involvement procedures, the disclosure in subpart 3.2.5 of this MOU.

3.2.7 The DOT&PF will continue to adhere to the original terms of a Biological Opinion (BO) issued by the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) or both prior to the Effective Date of this MOU, so long as the original BO terms are not amended or revised. Any revisions or amendments to a BO made after the Effective Date of this MOU would be DOT&PF's responsibility. The DOT&PF agrees to assume FHWA's environmental review role and responsibilities as identified in existing interagency agreements among DOT&PF, USFWS, NMFS, and FHWA, and/or negotiate new agreements with USFWS and NMFS, if needed. The DOT&PF agrees to assume FHWA's Endangered Species Act Section 7 responsibilities of consultations (formal and informal) ongoing as of the Effective Date of this MOU.

3.2.8 The DOT&PF will not make any determination that an action constitutes a constructive use of a publicly owned park, public recreation area, wildlife refuge, waterfowl refuge, or historic site under 49 U.S.C. 303/23 U.S.C. 138 [Section 4(f)] without first consulting with FHWA and obtaining FHWA's approval of such determination.

3.3 Highway Projects

3.3.1 Except as provided in subpart 3.3.2 of this MOU or otherwise specified in this subpart, the assignments and assumptions of the USDOT Secretary's responsibilities under subparts 3.1 and 3.2 of this MOU shall apply to the environmental review, consultation, or any other action pertaining to the environmental review or approval of the following classes of highway projects located within the State of Alaska. The definition of ''highway project'' is found at 23 CFR 773.103, and for purposes of this MOU, ''highway project'' includes eligible preventative maintenance activities. The DOT&PF shall conduct any reevaluation required by 23 CFR 771.129 for projects for which construction is not completed prior to the date of this MOU, in accordance with the provisions of this MOU. Prior to approving any CE determination, FONSl, final EIS, or final EIS/ROD, DOT&PF shall ensure and document that for any proposed project the design concept, scope, and funding are consistent with the current Transportation Improvement Plan (TIP), Regional Transportation Plan (RTP), or Metropolitan Transportation Plan (MTP), as applicable.

A. All Class I, or EIS projects, that are funded by FHWA or require FHWA approvals.

B. All Class II, or CE projects, that are funded by FHWA or require FHWA approvals.

C. All Class III, or EA projects, that are funded by FHWA or require FHWA approvals.

D. The DOT&PF will not assume the NEPA responsibilities of other Federal agencies. However, DOT&PF may use or adopt another Federal agency's NEPA analysis or documents consistent with 40 CFR parts 1500—1508, current law, and USDOT and FHWA regulations, policies, and guidance.

3.3.2 The following are specifically excluded from the list in subpart 3.3.1 of highway projects:

A. Any Federal Lands Highway projects authorized under 23 U.S.C. 202, 203, and 204, unless such projects will be designed and constructed by DOT&PF.

B. Any project that crosses or is adjacent to international boundaries. For purposes of this MOU, a project is considered ''adjacent to international boundaries'' if it requires the issuance of a new, or the modification of an existing, Presidential Permit by the U.S. Department of State.

C. Programs and projects advanced by direct recipients of Federal-aid Highway Program funds other than DOT&PF, including but not limited to:

1. Recreational Trails program;
2. TIGER Discretionary grants;
3. Direct recipient tribal projects; and
4. Shakwak program.

D. Privately-funded or other agency funded projects requiring NEPA review as part of Interstate access approvals, unless such projects will be designed and constructed by DOT&PF.

E. NEPA review for private requests for changes in controlled access, unless such projects will be designed and constructed by DOT&PF.

F. This assignment does not include

the environmental review associated with the development and approval of a CE, EA, FONSI, Draft EIS, FEIS, or ROD for the following projects:

1. 67698 & 67877/0922005 & 0922008 Gravina Access;
2. 71100/000S131 Juneau Access Improvements; and
3. 53014/0212015 Sterling Highway: MP 45–60.

The DOT&PF will be responsible for any additional environmental review of these projects after the expiration of the statute of limitations for these projects in accordance with 23 U.S.C. 139(l).

3.4 Limitations

3.4.1 As provided at 23 U.S.C. 327(e), DOT&PF shall be solely responsible and solely liable for carrying out, in lieu of and without further approval by FHWA, all of the responsibilities it has assumed under this MOU.

3.4.2 As provided at 23 U.S.C. 327(a)(2)(D), any highway project or responsibility of the USDOT Secretary that is not explicitly assumed by DOT&PF under subpart 3.3.1 of this MOU remains the responsibility of the USDOT Secretary.

PART 4. CERTIFICATIONS AND ACCEPTANCE OF JURISDICTION

4.1 Certifications

4.1.1 The DOT&PF hereby makes the following certifications:

A. The DOT&PF has the legal authority to accept all the assumptions of responsibility identified in this MOU;

B. The DOT&PF has the legal authority to take all actions necessary to carry out all of the responsibilities it has assumed under this MOU;

C. The DOT&PF has the legal authority to execute this MOU;

D. The State of Alaska has laws in effect that are comparable to the Freedom of Information Act (FOIA) at 5 U.S.C. 552, and those laws are found in the Alaska Public Records Act at Alaska Statutes Title 40, Chapter 25; and

E. The Alaska Public Records Act provides that any decision regarding the public availability of a document under that Act is reviewable by an Alaska court of competent jurisdiction.

4.2 State Commitment of Resources

4.2.1 As required by 23 U.S.C. 327(c)(3)(D), DOT&PF will maintain the financial resources necessary to carry out the responsibilities it is assuming. The DOT&PF asserts, and FHWA agrees, that the summary of financial resources contained in DOT&PF's application, dated July 12, 2016, appears to be adequate for this purpose. Should FHWA determine, after consultation with DOT&PF, that DOT&PF's financial resources are inadequate to carry out the USDOT Secretary's responsibilities, DOT&PF will take appropriate action to obtain the additional financial resources needed to carry out these responsibilities. If DOT&PF is unable to obtain the necessary additional financial resources, DOT&PF shall inform FHWA, and this MOU will be amended to assign only the responsibilities that are commensurate with DOT&PF's financial resources.

4.2.2 Similarly, DOT&PF has and will maintain adequate organizational and staff capability, including competent and qualified consultants where necessary or desirable, to effectively carry out the responsibilities it has assumed under this MOU. This includes, without limitation:

A. Using appropriate environmental, technical, legal, and managerial expertise;

B. Devoting adequate staff resources; and

C. Demonstrating, in a consistent manner, the capacity to perform DOT&PF's assumed responsibilities under this MOU and applicable Federal laws.

Should FHWA determine, after consultation with DOT&PF, that DOT&PF's organizational and staff capability is inadequate to carry out the USDOT Secretary's responsibilities, DOT&PF will take appropriate action to obtain adequate organizational and staff capability to carry out these responsibilities. If DOT&PF is unable to obtain adequate organizational and staff capability, DOT&PF shall inform FHWA, and the MOU will be amended to assign only the responsibilities that are commensurate with DOT&PF's available organizational and staff capability. Should DOT&PF choose to meet these requirements, in whole or in part, with consultant services, including outside counsel, DOT&PF shall maintain on its staff an adequate number of trained and qualified personnel, including counsel provided by the Alaska Department of Law, to oversee the consulting work.

4.2.3 When carrying out the requirements of Section 106 of the National Historic Preservation Act (NHPA), as amended, DOT&PF staff (including consultants) shall comply with 36 CFR 800.2(a)(1). All actions that involve identification, evaluation, analysis, recording, treatment, monitoring, or disposition of historic properties, or that involve the reporting or documentation (including 36 CFR 800.11) of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons who meet the Secretary of the Interior's Professional Qualifications Standards (36 CFR part 61, Appendix A). The DOT&PF shall ensure that all documentation required under 36 CFR 800.11 is reviewed and approved by a staff member or consultant who meets the Professional Qualifications Standards.

4.3 Federal Court Jurisdiction

4.3.1 As required under 23 U.S.C. 327(c)(3)(B), and authorized by Alaska Statute 44.23.020(g), DOT&PF hereby expressly consents, on behalf of the State of Alaska, to accept the jurisdiction of the Federal courts in cases that involve the compliance, discharge, and enforcement of any responsibility of the USDOT Secretary assumed by DOT&PF under Part 3 of this MOU. The consent to Federal court jurisdiction shall remain valid after termination of this MOU, or FHWA's withdrawal of assignment of the USDOT Secretary's responsibilities, for any decision or approval made by DOT&PF pursuant to an assumption of responsibility under this MOU. The DOT&PF understands and agrees that, in accordance with 23 U.S.C. 327, the United States district court shall have exclusive jurisdiction over any civil action against the State of Alaska alleging a failure to carry out any responsibility assumed under this MOU, which constitutes a limited waiver of the State of Alaska's immunity under the Eleventh Amendment to the U.S. Constitution.

PART 5. APPLICABILITY OF FEDERAL LAW

5.1 Procedural and Substantive Requirements

5.1.1 As provided at 23 U.S.C. 327(a)(2)(C), in assuming the USDOT Secretary's responsibilities

under this MOU, DOT&PF shall be subject to the same procedural and substantive requirements that apply to the USDOT Secretary in carrying out these responsibilities. Such procedural and substantive requirements include, but are not limited to, Federal statutes and regulations; Executive Orders issued by the President of the United States; USDOT Orders; Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508); FHWA Orders, guidance, and policy issued by CEQ, Office of Management and Budget (OMB), USDOT, or FHWA (e.g. Guidance Establishing Metrics for the Permitting and Environmental Review of Infrastructure Projects); and any applicable Federal court decisions, and, subject to subpart 5.1.4 of this MOU, interagency agreements, and other similar documents that relate to the environmental review process, *e.g.,* 2015 Red Book—Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects. Official USDOT and FHWA guidance and policies relating to environmental review are posted on FHWA's Website, contained in FHWA Environmental Guidebook or published in the **Federal Register**, or sent to DOT&PF electronically or in hard copy.

A. The DOT&PF has reviewed the 2014 MOA between the U.S. Coast Guard (USCG) and FHWA and understands that by accepting FHWA's NEPA responsibilities, it also agrees to perform FHWA's obligations set forth in the MOU between the USDOT and the USCG and the MOA between FHWA and the USCG.

B. The USDOT Secretary's authorities under 23 U.S.C. 144(h) are not assigned under this MOU.

5.1.2 The FHWA will use its best efforts to ensure that any new or revised Federal policy or guidance, which are final and applicable to FHWA's responsibilities under NEPA and other laws that are assumed by DOT&PF under this MOU, are communicated to DOT&PF within 10 business days of issuance. Delivery may be accomplished by email, web posting (with email or mail to DOT&PF notifying of web posting), mail, or publication in the **Federal Register** (with email or mail to DOT&PF notifying of publication). If communicated to DOT&PF by email or mail, such material will be sent to DOT&PF's Environmental Program Manager and the following address: *NEPA@alaska.gov.* When FHWA is considering changes to the Program or changes that may or will impact DOT&PF's assumed responsibilities or resources, FHWA shall seek input from DOT&PF. In the event a new or revised FHWA policy or guidance is not made available to DOT&PF as described in this subpart, and if DOT&PF had no knowledge of such policy or guidance, then a failure by DOT&PF to comply with such Federal policy or guidance will not be a basis for termination of this MOU or a negative audit finding under this MOU.

5.1.3 The DOT&PF will coordinate with Federal resource agencies concerning applicable laws, formal guidance, and policies that such other Federal agencies are responsible for administering with respect to DOT&PF's highway projects and the assumption of responsibilities under this MOU.

Within six (6) months of the Effective Date of this MOU, DOT&PF will work with FHWA and the resource agencies to modify existing interagency agreements. Such actions may include:

A. Obtaining written consent to the continuation of an interagency agreement in its existing form, but with the substitution of DOT&PF for FHWA; or

B. Amending an interagency agreement as needed so that the interagency agreement continues but that DOT&PF assumes FHWA's responsibilities.

If an affected agency does not agree to modify an interagency agreement then, to the extent permitted by applicable law and regulation, DOT&PF will carry out the assumed environmental review, consultation, or other related activity in accordance with applicable laws and regulations but without the benefit of the provisions of the interagency agreement.

5.1.4 The DOT&PF may enter into an interagency agreement with a Federal, state, tribal, or local agency regarding appropriate proceses and procedures to carry out the project-specific responsibilities assumed under this MOU. Although FHWA is not required to be a signatory, such an interagency agreement must conform with all provisions of this MOU, especially subpart 5.2.1.

5.1.5 Upon termination of this MOU, DOT&PF and FHWA shall contact the Federal resource agency to determine whether any interagency agreement should be amended or reinstated as appropriate.

5.2 Rulemaking

5.2.1 As provided under 23 U.S.C. 327(f), nothing in this MOU allows DOT&PF to assume any rulemaking authority of the USDOT Secretary. Additionally, DOT&PF may not establish policy and guidance on behalf of the USDOT Secretary or FHWA for highway projects covered in this MOU. The DOT&PF's authority to establish State regulations, policy, and guidance concerning the State environmental review of State highway projects shall not supersede applicable Federal environmental review regulations, formal policy, or guidance established by or applicable to the USDOT Secretary or FHWA.

5.2.2 Nothing in this MOU prevents DOT&PF from commenting on any **Federal Register** notice for any matter, including Notices of Proposed Rulemaking and other public notices.

5.3 Effect of Assumption

5.3.1 For purposes of carrying out the responsibilities assumed under this MOU, and subject to the limitations contained in 23 U.S.C. 327 and this MOU, DOT&PF shall be deemed to be acting as FHWA with respect to the environmental review, consultation, and other related actions required under those responsibilities.

5.4 Other Federal Agencies

5.4.1 As provided under 23 U.S.C. 327(a)(2)(E), nothing in this MOU preempts or interferes with any power, jurisdiction, responsibility, or authority of any Federal agency other than USDOT (including FHWA), under applicable statutes and regulations with respect to a highway project.

PART 6. LITIGATION

6.1 Responsibility and Liability

6.1.1 As provided in 23 U.S.C. 327(e), DOT&PF will be solely liable and solely responsible for carrying out the responsibilities assumed under this MOU, in lieu of and without further approval of the USDOT Secretary. The FHWA and USDOT will have no responsibility or liability for the performance of the responsibilities assumed by DOT&PF, including any decision or

approval made by DOT&PF while participating in the Program.

6.2 Litigation

6.2.1 Nothing in this MOU affects the United States Department of Justice's (USDOJ) authority to litigate claims, including the authority to approve a settlement on behalf of the United States if either FHWA or another agency of the United States is named in such litigation or if the United States intervenes pursuant to 23 U.S.C. 327(d)(3). In the event FHWA or any other Federal agency is named in litigation related to matters under this MOU or the United States intervenes in the litigation, DOT&PF will coordinate with FHWA and any USDOJ or Federal agency attorneys in the defense of that action.

6.2.2 The DOT&PF shall defend all claims brought in connection with its discharge of any responsibility assumed under this MOU. In the event of litigation, DOT&PF will provide qualified and competent legal counsel, including outside counsel if necessary. The DOT&PF will provide the defense at its own expense, subject to 23 U.S.C. 327(a)(2)(G) concerning Federal-aid participation in attorney's fees for DOT&PF's counsel. The DOT&PF will be responsible for opposing party's attorney's fees and court costs if a court awards those costs to an opposing party, or in the event those costs are part of a settlement agreement, subject to appropriation by the Alaska legislature and subject to allocation of responsibility between DOT&PF and any co-defendant Federal agency.

6.2.3 The DOT&PF will notify the FHWA's Alaska Division Office and DOJ's Assistant Attorney General for the Environment and Natural Resources Division, within seven (7) calendar days of DOT&PF's receipt of service of process of any complaint, concerning its discharge of any responsibility assumed under this MOU. The DOT&PF's notification to the FHWA and USDOJ shall be made prior to its response to the complaint. In addition, DOT&PF shall notify the FHWA's Alaska Division Office within seven (7) calendar days of receipt of any notice of intent to sue concerning its discharge of any responsibility assumed under this MOU.

6.2.4 The DOT&PF will provide the FHWA's Alaska Division Office and USDOJ copies of any motions, pleadings, briefs, and other such documents filed in any case concerning its discharge of any responsibility assumed under this MOU. The DOT&PF will provide such copies to the FHWA and USDOJ within seven (7) calendar days of receipt of service of any document or, in the case of any documents filed by or on behalf of DOT&PF, within seven (7) calendar days of the date of filing.

6.2.5 The DOT&PF will notify the FHWA's Alaska Division Office and USDOJ prior to settling any lawsuit, in whole or in part, and shall provide the FHWA and USDOJ with a reasonable amount of time of at least ten (10) calendar days, to be extended, if feasible based on the context of the lawsuit, up to a maximum of thirty (30) total calendar days, to review and comment on the proposed settlement. The DOT&PF will not execute any settlement agreement until: (1) FHWA and USDOJ have provided comments on the proposed settlement; (2) indicated that they will not provide comments on the proposed settlement; or (3) the review period has expired, whichever occurs first.

6.2.6 Within seven (7) calendar days of receipt by DOT&PF, DOT&PF will provide notice to FHWA's Division Office and USDOJ of any court decision on the merits, judgment, and notice of appeal arising out of or relating to the responsibilities DOT&PF has assumed under this MOU. The DOT&PF shall notify FHWA's Alaska Division Office and USDOJ within five (5) days of filing a notice of appeal of a court decision. The DOT&PF shall confer with FHWA and USDOJ regarding the appeal at least forty-five (45) days before filing its initial brief on the merits of the appeal.

6.2.7 The DOT&PF's notifications to FHWA and USDOJ in subparts 6.2.3, 6.2.4, 6.2.5, and 6.2.6 shall be made by electronic mail to *FHWA_assignment_lit@dot.gov,* and *NRSDOT.enrd@usdoj.gov,* unless otherwise specified by FHWA and USDOJ. For copies of motions, pleadings, briefs, and other documents filed in a case, as identified in subpart 6.2.4, DOT&PF may opt to either send the materials to the email addresses identified above, send hardcopies to the mail address below, or add to the distribution list in the court's electronic filing system *(e.g.,* PACER) the following two email addresses: *FHWA_assignment_lit@dot.gov* and *efile_nrs.enrd@usdoj.gov.* The FHWA and USDOJ's comments under subpart 6.2.5 and 6.2.6 shall be made by electronic mail to *NEPA@alaska.gov* unless otherwise specified by DOT&PF. In the event that regular mail is determined necessary, mail should be sent by overnight mail service to:

For USDOJ: Assistant Attorney General for the Environment and Natural Resources Division at 950 Pennsylvania Avenue NW., Room 2143, Washington, DC 20530.

For FHWA: Division Administrator, Federal Highway Administration—Alaska Division, P.O. Box 21648, 709 West 9th Street, Room 851, Juneau, AK 99802–1648.

For DOT&PF: Statewide Environmental Program Manager, Alaska Department of Transportation and Public Facilities, 3132 Channel Drive, P.O. Box 112500, Juneau, AK, 99811–2500.

6.3 Conflict Resolution

6.3.1 In discharging any of the USDOT Secretary's responsibilities under this MOU, DOT&PF agrees to comply with any applicable requirements of USDOT and FHWA statute, regulation, guidance, or policy regarding conflict resolution. This includes compliance with the USDOT Secretary's responsibilities for issue resolution under 23 U.S.C. 139(h) with the exception of the USDOT Secretary's responsibilities under 23 U.S.C. 139(h)(7) regarding financial penalties.

6.3.2 The DOT&PF agrees to follow 40 CFR part 1504 in the event of pre-decision referrals to CEQ for Federal actions determined to be environmentally unsatisfactory. The DOT&PF also agrees to coordinate and work with CEQ on matters brought to CEQ with regards to the environmental review responsibilities for Federal highway projects DOT&PF has assumed under this MOU.

PART 7. INVOLVEMENT WITH OTHER AGENCIES

7.1 Coordination

7.1.1 The DOT&PF agrees to seek early and appropriate coordination with all applicable Federal, State, and local agencies in carrying out any of the responsibilities for highway projects assumed under this MOU.

7.2 Processes and Procedures

7.2.1 The DOT&PF will ensure that it has appropriate processes and

procedures in place that provide for proactive and timely consultation, coordination, and communication with applicable Federal agencies in order to carry out the responsibilities assumed under this MOU, including the submission of all EISs together with comments and responses to the Environmental Protection Agency (EPA) as required by 40 CFR 1506.9 and for EPA's review as required by section 309 of the Clean Air Act, 42 U.S.C. 7609. These processes and procedures shall be formally documented. Documentation may be a formally executed interagency agreement or other format as appropriate.

PART 8. INVOLVEMENT WITH FHWA

8.1 Generally

8.1.1 In discharging any of the USDOT Secretary's and FHWA's responsibilities under this MOU, DOT&PF and FHWA agree to work cooperatively to resolve substantive issues regarding the implementation or interpretation of this MOU.

8.1.2 Except as specifically provided otherwise in this MOU, FHWA will not provide project-level assistance to DOT&PF in carrying out the responsibilities it has assumed under this MOU. Project-level assistance includes advice, consultation, or review of draft documents. However, project-level assistance does not include: process or Program-level assistance as described in subpart 8.1.5 of this MOU, including discussions concerning issues addressed in prior projects, interpretations of applicable law contained in Title 23 U.S.C. or Title 49 U.S.C., interpretations of any FHWA or USDOT regulation, or interpretations of FHWA or USDOT policies or guidance.

8.1.3 The FHWA will not intervene, broker, act as intermediary, or otherwise be involved in any issue involving DOT&PF's consultation or coordination with other Federal resource agencies with respect to DOT&PF's discharge of any of the responsibilities assumed under this MOU for any particular highway project. However, FHWA may attend meetings between DOT&PF and other Federal agencies. Further, FHWA may submit comments to DOT&PF and the other Federal agency in the following extraordinary circumstances:

A. FHWA reasonably believes that DOT&PF is not in compliance with this MOU;

B. FHWA determines that an issue between DOT&PF and the other Federal agency concerns an emerging national policy issue under consideration by the USDOT; or

C. upon request by DOT&PF Environmental Program Manager, DOT&PF Commissioner, DOT&PF Deputy Commissioner, or DOT&PF Chief Engineer, or the Federal agency, with agreement by the FHWA.

The FHWA will notify both DOT&PF and the relevant Federal agency prior to attending any meetings between DOT&PF and such other Federal agency.

8.1.4 Other Federal agencies may raise concerns regarding compliance with this MOU by DOT&PF and may communicate these concerns to FHWA. The FHWA will review the concerns and any information provided to FHWA by such other Federal agency. If FHWA determines the concern has merit, FHWA shall inform the DOT&PF Environmental Program Manager. The DOT&PF will review the concerns and any information provided to FHWA, and work with the other Federal agency to resolve the concern. If the concern remains unresolved, FHWA will notify DOT&PF and will work with both DOT&PF and the other Federal agency to resolve the issue and, if necessary, take appropriate action to ensure compliance with this MOU.

8.1.5 At DOT&PF's request, FHWA may assist DOT&PF in evaluating its environmental program and developing or modifying any of its processes or procedures to carry out the responsibilities it has assumed under this MOU, including, but not limited to, emerging national policy issues and those processes and procedures concerning DOT&PF's consultation, coordination, and communication with other Federal agencies.

8.1.6 Communications between DOT&PF and FHWA regarding the administration of the responsibilities assigned and assumed under this MOU, and other process and Program-level communications described in subparts 8.1.2 and 8.1.5 of this MOU, are normally considered intra-agency communications for the purpose of deliberative process privileges under the Freedom of Information Act and the Alaska Public Records Act. The DOT&PF and FHWA shall promptly notify each other of requests for public records regarding the administration of the Program in Alaska.

8.1.7 For active projects where DOT&PF is assuming responsibilities from FHWA under this MOU, FHWA shall allow DOT&PF access to its project files and arrange for copies to be provided upon request by DOT&PF.

8.1.8 The DOT&PF's obligations and responsibilities under 23 CFR 1.5 are not altered in any way by executing this MOU.

8.2 MOU Monitoring and Oversight

8.2.1 FHWA will provide necessary and appropriate monitoring and oversight of DOT&PF's compliance with this MOU. The FHWA's monitoring and oversight activities in years one through four of this MOU's term will primarily consist of an annual audit as provided at 23 U.S.C. 327(g) and Part 11 of this MOU, and evaluating attainment of the performance measures listed in Part 10 of this MOU. After the fourth year of DOT&PF's participation in the Program, FHWA will monitor DOT&PF's compliance with the MOU including the provision by DOT&PF of financial resources to carry out the MOU. The FHWA's monitoring and oversight may also include submitting requests for information to DOT&PF and other relevant Federal agencies, verifying DOT&PF's financial and personnel resources dedicated to carrying out the responsibilities assumed, and reviewing documents and other information.

8.2.2 Pursuant to 23 U.S.C. 327(c)(4), DOT&PF is responsible for providing FHWA any information FHWA reasonably considers necessary to ensure that DOT&PF is adequately carrying out the responsibilities assigned. When requesting information subject to section 327(c)(4), FHWA will provide the request to DOT&PF in writing, and the request will identify with reasonable specificity the information required. FHWA will also indicate in the request a deadline for the information to be provided. DOT&PF will, in good faith, work to ensure the information requested is provided by the deadline. DOT&PF's response to an information request under this paragraph will include, where appropriate, making relevant

employees and consultants available at their work location (including in-person meeting, teleconference, videoconference or other electronic means as may be available).

8.2.3 The DOT&PF shall make project files and general administrative files pertaining to the discharge of the responsibilities it has assumed under this MOU reasonably available for inspection by FHWA at the files' locations upon reasonable notice, which is not less than five business days. These files shall include, but are not limited to, letters and comments received from governmental agencies, the public, and others with respect to DOT&PF's discharge of the responsibilities assumed under this MOU. The DOT&PF will maintain privileged communications in separate files and, at the request of FHWA, will provide those communications to FHWA's counsel for the purposes of FHWA's review and monitoring of the Program and to preserve DOT&PF's privileges in those communications.

8.2.4 In carrying out the responsibilities assumed under this MOU, DOT&PF agrees to carry out regular quality control and quality assurance (QA/QC) reviews to ensure that the assumed responsibilities are being conducted in accordance with applicable law and this MOU. At a minimum, DOT&PF's QA/QC process will include the review and monitoring of its processes and performance relating to project decisions, completion of environmental analysis, project file documentation, checking for errors and omissions, and legal sufficiency reviews, and taking appropriate corrective action as needed. Within three (3) months of the Effective Date of this MOU, DOT&PF shall finalize a QA/QC process that satisfies the requirements in this subpart. In developing and implementing the QA/QC process, DOT&PF shall consult with the FHWA Alaska Division Office. DOT&PF agrees cooperate with FHWA to consider recommendations FHWA may have made with respect to its QA/QC process.

8.2.5 The DOT&PF shall perform annual self-assessments of its QA/QC process and performance to determine if its process is working as intended. If any process areas are identified as needing improvement, DOT&PF will take appropriate and timely corrective actions to address such areas. At least one month prior to the date of a scheduled FHWA audit DOT&PF will transmit a summary of its most recent self-assessment to FHWA Alaska Division Office. The summary will include a description of the scope of the self-assessment conducted and the areas reviewed, a description of the process followed in conducting the self-assessment, a list of the areas identified as needing improvement, any corrective actions that have been or will be implemented and a statement from DOT&PF's Environmental Program Manager concerning whether the processes are ensuring that the responsibilities DOT&PF has assumed under this MOU are being carried out in accordance with this MOU and all applicable Federal laws and policies, and a summary of DOT&PF's progress toward attaining the performance measures listed in Part 10 of this MOU.

8.2.6 Upon the Effective Date of this MOU, DOT&PF will maintain a list of NEPA approvals and decisions (CE, EA, FONSI, DEIS, FEIS, FEIS/ROD, ROD) and Section 4(f) approvals it makes under this MOU. The DOT&PF will provide an updated list to FHWA every six (6) months.

8.3 Records Retention

8.3.1 DOT&PF will retain project files, and files pertaining to the discharge of its responsibilities under this MOU, in accordance with the DOT&PF Statewide Design and Engineering Services Division, State of Alaska Records Retention and Disposition Schedule, which meets or exceeds requirements established in FHWA Records Disposition Manual (Field Offices) Chapter 4, FHWA Order No. 1324.1 B, issued July 29, 2013 or in accordance with any subsequent order that supersedes or replaces Order No. 1324.1 B. In accordance with DOT&PF Records Retention and Disposition Schedule 25–539.2, records will be retained for six (6) fiscal years after the completion of the project, reporting requirement or other applicable activity. Capital project files of historical significance (NEPA decision documents including CE, EA and EIS) will be retained permanently.

To the extent that FHWA's Records Disposition Manual is amended to provide for a longer retention period, DOT&PF will meet such requirement.

DOT&PF will permanently store records for Significant Transportation Projects as they are defined in FHWA Order No. 1324.1B.

8.3.2 For the following record types DOT&PF will ensure that the following retention periods are maintained in the following manner:

A. FHWA–DOT&PF Environment Correspondence Files: Correspondence between FHWA and DOT&PF relative to the interpretation, administration, and execution of this MOU and the environmental aspects of the Federal-aid Highway Program, as established in 8.1.2 and 8.1.5, shall be maintained by DOT&PF for a period of six (6) years after the resolution of the particular issue or after the guidance has been superseded. After six (6) years DOT&PF may follow the State records disposition process for these records.

B. National Environmental Policy Act (NEPA) and Related Documents: For a period of 8 years after approval of the final construction voucher DOT&PF shall maintain Final NEPA Documents (Draft EISs, Final EISs, Supplemental EISs, RODs, EAs, FONSIs, CE documentation and determinations), Supporting Materials (documentation supporting the Sec. 139 environmental review process [*i.e.,* coordination plans that include project schedules, evidence for opportunities for public/agency input in purpose and need, alternatives], scoping, public and agency comments; meeting minutes; NOI, Public Involvement Plans, public meeting summaries, public hearing certifications and transcripts, mitigation reports/tracking, technical reports; correspondence; studies and reports; references; errata sheets; and reevaluation documents); NEPA Reference Documents (written statements and supporting documents needed for reference); and official documents and correspondence related to reviews under other environmental requirements (*e.g.,* ESA, CWA, Section 4(f), Section 106). After 8 years DOT&PF may follow the State records disposition process for these records except that DOT&PF will permanently store the above referenced records for Significant Transportation Projects as they are

defined in Order No. 1224.1B.

Drafts and working copies of paper or electronic documents should be kept until the final version of a document is completed. For long or complex documents, several earlier drafts and the current draft may be retained to ensure document integrity until the final draft is approved. Then, previous revisions may be erased or destroyed and only the final text and the requisite back-up copies will be kept as identified above.

C. Environmental Impact Statements—Other Agencies: Files containing reviews and comments furnished by DOT&PF to other Federal agencies following reviews of an EIS for which another Federal agency is the lead agency shall be maintained by DOT&PF for a period of 5 years. After 5 years, DOT&PF may destroy these files when no longer needed.

D. Noise Barriers: DOT&PF agrees to maintain the necessary information to comply with 23 CFR 772.13(f) regarding noise abatement measures reporting. DOT&PF shall maintain this information for a period of 4 years after the end of the Federal fiscal year in which the project file is closed.

8.3.3 In the case of a conflict between FHWA Records Disposition Manual, FHWA Order 1324.1B, DOT&PF Records Management Policy, and Retention and Disposal Schedule the more stringent retention requirements shall control.

8.3.4 Nothing contained in this MOU is intended to relieve DOT&PF of its recordkeeping responsibilities under 2 CFR 200.333–200.337 (Record Retention and Access) or other applicable laws.

8.4 Federal Register

8.4.1 For any documents that are required to be published in the **Federal Register**, such as the Notice of Intent under 23 CFR 771.123(a) and Notice of Final Agency Action under 23 U.S.C. 139(*l*)(2), DOT&PF shall transmit such document to FHWA's Alaska Division Office, with a request for publication in the **Federal Register** on behalf of DOT&PF. The FHWA's Alaska Division Office will submit such document to the **Federal Register** within five (5) calendar days of receipt of DOT&PF's request for publication in the **Federal Register**. If requested, DOT&PF shall reimburse FHWA for costs associated with publishing such documents in the **Federal Register** (excluding FHWA's overhead).

8.5 Participation in Resource Agency Reports

8.5.1 DOT&PF agrees to provide data and information requested by FHWA and resource agencies for the preparation of national reports to the extent that the information relates to determinations, findings, and proceedings associated with projects processed under this MOU. Such reports include but are not limited to:

A. Information on the completion of and duration to complete all NEPA classes of action (EIS, EA, CE);

B. Archeology Reports requested by the National Park Service (NPS);

C. Endangered Species Act Expenditure Reports requested by the USFWS and NMFS;

D. Project schedules and other project information for nationwide infrastructure transparency initiatives

E. Project status and information for EAs and EISs for use on the searchable website maintained under section 41003(b) of the FAST Act [Fixing America's Surface Transportation Act, 42 U.S.C. 4370m–2(b) and 23 U.S.C. 139(o)] (Federal Permitting Dashboard) to be submitted in accordance with current and any future reporting standard issued by U.S. DOT pursuant to such provisions;

F. NEPA Litigation Reports requested by CEQ; and

G. Environmental Conflict Resolution reports requested by the Office of Management and Budget and CEQ.

8.6 Conformity Determinations

8.6.1 Pursuant to 23 U.S.C. 327(a)(2)(B)(iv)(II), for any project requiring a project-level conformity determination under the Clean Air Act and its implementing regulations, FHWA's Alaska Division Office will document the project level conformity determination within a reasonable timeframe. The FHWA's Alaska Division Office will restrict its review to only that data, analyses, applicable comments and responses, and other relevant documentation that enable FHWA to make the project-level conformity determination.

8.7 Certification of NEPA Compliance

8.7.1 For projects funded by FHWA, DOT&PF shall ensure that a certification is included with each NEPA approval specifying that DOT&PF has fully carried out all responsibilities assumed under this MOU in accordance with this MOU and all applicable Federal laws, regulations, Executive Orders, and policies. DOT&PF shall ensure that this certification is made prior to the execution of any future Federal-aid approval or action. The DOTPF shall include the certification in its request for authority to proceed to final design, right-of-way acquisition, or construction. The DOT&PF agrees to provide FHWA access to NEPA approvals and certifications.

8.8 Enforcement

8.8.1 Should FHWA determine that DOT&PF is not in compliance with this MOU, then FHWA shall take appropriate action to ensure DOT&PF's compliance, including appropriate remedies provided at 23 CFR 1.36 for violations of or failure to comply with Federal law or regulations at 23 CFR with respect to a project, withdrawing assignment of any responsibilities that have been assumed as provided in Part 9 of this MOU, or terminating DOT&PF's participation in the Program as provided in Part 13 of this MOU.

PART 9. WITHDRAWAL OF ASSIGNED RESPONSIBILITIES

9.1 FHWA-Initiated Withdrawal of Assigned Projects

9.1.1 The FHWA may, at any time, withdraw the assignment of all or part of the USDOT Secretary's responsibilities that have been assumed by DOT&PF under this MOU for any highway project or highway projects upon FHWA's determination that:

A. With respect to such project or projects, DOT&PF is not in compliance with a material term of this MOU or applicable Federal laws or policies, and DOT&PF has not taken sufficient corrective action to the satisfaction of FHWA;

B. The highway project or highway projects involve significant or unique national policy interests for which DOT&PF's assumption of the USDOT Secretary's responsibilities would be inappropriate; or

C. DOT&PF cannot satisfactorily resolve an issue or concern raised in government-to-government consultation process, as provided in subpart 3.2.3.

9.1.2 Upon the FHWA's determination to withdraw assignment of the USDOT Secretary's responsibilities

under subpart 9.1.1, FHWA will informally notify DOT&PF of FHWA's determination. After informally notifying DOT&PF of its determination, FHWA will provide DOT&PF written notice of its determination including the reasons for its determination. Upon receipt of this notice, DOT&PF may submit any comments that would resolve the compliance concern or objections to FHWA within 30 calendar days, unless FHWA agrees to an extended period of time. Upon receipt of DOT&PF's comments or objections, FHWA will make a final determination within 30 calendar days, unless extended by FHWA for cause, and notify DOT&PF of its decision. In making its determination, FHWA will consider DOT&PF's comments or objections, the effect the withdrawal of assignment will have on the Program, the amount of disruption to the project concerned, the effect on other projects, confusion the withdrawal of assignment may cause to the public, the potential burden to other Federal agencies, and the overall public interest.

9.1.3 The FHWA shall withdraw assignment of the responsibilities DOT&PF has assumed for any highway project when the preferred alternative that is identified in the CEs, EA, or FEIS is a highway project or part of a program that is specifically excluded in subpart 3.3.2. In such case, subpart 9.1.2 of this MOU shall not apply.

9.2 DOT&PF-Initiated Withdrawal of Assignment of Projects

9.2.1 The DOT&PF may, at any time, provide FHWA with notice of its intent to withdraw a highway project assumed under this MOU.

9.2.2 Upon DOT&PF's decision to request FHWA withdraw the assignment of the USDOT Secretary's responsibilities under subpart 9.2.1, DOT&PF shall informally notify FHWA of its desire for FHWA to withdraw assignment of its responsibilities. After informally notifying FHWA of its desire, DOT&PF will provide FHWA written notice of its desire, including the reasons for wanting FHWA to withdraw assignment of the responsibilities. Upon receipt of this notice, FHWA will have 30 calendar days, unless extended by FHWA for cause, to determine whether it will withdraw assignment of the responsibilities requested. In making its determination, FHWA will consider the reasons DOT&PF desires FHWA to withdraw assignment of the responsibilities, the effect the withdrawal of assignment will have on the Program, amount of disruption to the project concerned, the effect on other projects, confusion the withdrawal of assignment may cause to the public, the potential burden to other Federal agencies, and the overall public interest.

PART 10. PERFORMANCE MEASURES

10.1 General

10.1.1 Both FHWA and DOT&PF have determined it is desirable to mutually establish a set of performance measures to consider DOT&PF's administration of the responsibilities assumed under this MOU.

10.1.2 The DOT&PF's attainment of the performance measures indicated in this part of the MOU will be considered by FHWA during audits, as required by 23 U.S.C. 327(g).

10.1.3 The DOT&PF shall collect and maintain all necessary and appropriate data related to the attainment of performance measures. In collecting this data, DOT&PF shall monitor its progress toward meeting the performance measures and include its progress in the self-assessment summary described in subpart 8.2.5 of this MOU.

10.2 Performance Measures

10.2.1 The performance measures applicable to DOT&PF in carrying out the responsibilities it has assumed under this MOU are as follows:

A. *Compliance with NEPA, FHWA NEPA regulations, and other Federal environmental statutes and regulations:*

i. Maintain documented compliance with procedures and processes set forth in this MOU for the environmental responsibilities assumed under the Program.

ii. Maintain documented compliance with requirements of all applicable Federal statutes and regulations for which responsibility is assumed (*e.g.,* Section 106 of the NHPA, Section 7 of the ESA, etc.).

B. *QA/QC for NEPA decisions:*

i. Maintain and apply internal quality control and assurance measures and processes, including a record of:

a. Legal sufficiency determinations made by counsel; this shall include the legal sufficiency reviews of Notices of Intent and Notices of Final Agency Action as required by law, policy, or guidance;

b. Compliance with FHWA's and DOT&PF's environmental document content standards and procedures, including those related to QA/QC; and,

c. Completeness and adequacy of documentation of project records for projects done under the Program

C. *Relationships with agencies and the general public:*

i. Assesses change in communication among DOT&PF, Federal and State resource agencies, and the public resulting from assumption of responsibilities under this MOU.

ii. Maintain effective responsiveness to substantive comments received from the public, agencies, and interest groups on NEPA documents and environmental concerns.

iii. Maintain effective NEPA conflict resolution processes whenever appropriate.

D. *Increased efficiency and timeliness in completion of the NEPA process:*

i. Compare time of completion of environmental document approvals before and after assumption of responsibilities under this MOU.

ii. Compare time to completion for key interagency consultation formerly requiring FHWA participation (*e.g.,* Section 7 biological opinions, Section 106 resolution of adverse effects) before and after assumption of responsibilities under this MOU.

PART 11. AUDITS

11.1 General

11.1.1 As required at 23 U.S.C. 327(g), FHWA will conduct audits of DOT&PF's discharge of the responsibilities it has assumed under this MOU. During the first four (4) years, audits will be the primary mechanism used by FHWA to oversee DOT&PF's compliance with this MOU, ensure compliance with applicable Federal laws and policies, evaluate DOT&PF's progress toward achieving the performance measures identified in Part 10, and collect information needed for the USDOT Secretary's annual report to Congress.

Pursuant to 23 U.S.C. 327(g)(3), each audit carried out under this MOU shall be carried out by an audit team, consisting of members designated by FHWA in consultation with DOT&PF. Such consultation shall include a reasonable opportunity for DOT&PF to review and provide comments on the proposed members of the audit team.

11.1.2 Pursuant to 23 U.S.C. 327(c)(4), DOT&PF is responsible for providing FHWA any information FHWA reasonably considers necessary to ensure that DOT&PF is adequately carrying out the responsibilities assigned. The DOT&PF will make documents and records available for review by FHWA in conducting audits and shall provide FHWA with copies of any such documents and records as may be requested by FHWA pursuant to the pursuant to the process identified in subpart 8.2.3. In general, all documents and records will be made available to FHWA at their normal place of repository. However, DOT&PF will work with FHWA to provide documents through email, CD–ROM, mail, or facsimile to the extent it does not create an undue burden.

11.1.3 The DOT&PF agrees to cooperate with FHWA in conducting audits, including providing access to all necessary information, making all employees available to answer questions (including consultants hired for the purpose of carrying out the USDOT Secretary's responsibilities), and providing all requested information (including making employees available) to FHWA in a timely manner. Employees will be made available either in-person at their normal place of business or by telephone, at the discretion of FHWA.

11.1.4 The DOT&PF and FHWA Alaska Division Office will each designate an audit coordinator who will be responsible for coordinating audit schedules, requests for information, and arranging audit meetings.

11.1.5 Such FHWA audits will include, but not be limited to, consideration of DOT&PF's technical competency and organizational capacity, adequacy of the financial resources committed by DOT&PF to administer the responsibilities assumed, quality control and quality assurance process, attainment of performance measures, compliance with this MOU's requirements, and compliance with applicable Federal laws and policies in administering the responsibilities assumed.

11.2 Scheduling

11.2.1 As provided at 23 U.S.C. 327(g), FHWA will conduct an annual audit during each of the first (4) four years after the Effective Date. After the fourth year of DOT&PF's participation in the Program, FHWA will monitor DOT&PF's compliance with the MOU, including the provision by DOT&PF of financial resources to carry out the MOU, but will not conduct additional audits under this Part. In the event the frequency of the audits is modified by amendments to 23 U.S.C. 327(g), the frequency established by the statutory amendments will control and apply to this subpart.

11.2.2 For each annual audit, the designated audit coordinators for FHWA and DOT&PF will work to establish a general audit schedule within 180 days of the Effective Date or anniversary date of this MOU. The general audit schedule will include the dates that FHWA will conduct the audit. To the maximum extent practicable, the general audit schedule will identify all employees (including consultants) and documents and other records that DOT&PF will make available, as requested by FHWA in support of the audit. With respect to documents and other records, FHWA agrees to be as specific as possible, although a general description of the types of documents will be acceptable. The general schedule will include the time period for completing an annual audit from initiation to completion (including public comment and responses to those comments), which shall not exceed 180 calendar days, unless modified by amendments to 23 U.S.C. 327(g).

11.2.3 The DOT&PF's audit coordinator shall make reasonable efforts to ensure all identified employees (including consultants) are available to FHWA during the specified dates on the general audit schedule. The DOT&PF will also ensure necessary documents and records are made reasonably available to FHWA as needed during the general audit schedule.

11.2.4 After the general audit schedule is established, the audit coordinators shall work to establish specific audit schedules at least two (2) weeks prior to the scheduled audit. The specific audit schedule shall include the dates, times, and place for which FHWA will talk to DOT&PF's employees (including consultants) and review of documents and records.

11.2.5 To the maximum extent practicable, the specific audit schedule will identify all employees (including consultants) and documents and other records that DOT&PF will make available to FHWA during the audit. Should FHWA determine that it needs access to an employee, document or other record that is not identified in the specific audit schedule, DOT&PF will make reasonable efforts to produce such employee, document or other record on the specified dates.

11.3 Other Agency Involvement

11.3.1 The FHWA may invite other Federal or state agencies as deemed appropriate to assist FHWA in conducting an audit under this MOU by sitting in on interviews, reviewing documents obtained by FHWA, and making recommendations to FHWA. The FHWA's audit coordinator will advise DOT&PF's audit coordinator of FHWA's intent to include other Federal or state agencies and the proposed role of such agencies in the audit team. If FHWA invites another Federal or state agency to participate in the audit team, the agency will be placed on the general and specific audit schedules. The DOT&PF will have a reasonable opportunity to review and comment on any proposed additional member of the audit team.

11.4 Audit Report and Findings

11.4.1 Upon completing each audit, FHWA will transmit to DOT&PF a draft of the audit report and allow DOT&PF a period of 14 calendar days within which to submit written comments to FHWA. The FHWA will grant any reasonable request by DOT&PF to extend its deadline to respond in writing to a draft audit report not to exceed a total review period of 30 days. The FHWA will review the comments provided by DOT&PF and revise the draft audit report as may be appropriate. The DOT&PF and FHWA may also meet and discuss the draft report and DOT&PF's comments. If DOT&PF anticipates an additional meeting will be beneficial, DOT&PF will notify FHWA audit coordinator prior to providing its written comments so that such meeting may be timely scheduled. The FHWA will then prepare the draft audit report for public comment.

11.4.2 As required by 23 U.S.C. 327(g)(2), FHWA will make the draft audit report available for public comment. In carrying out

this requirement, FHWA will, after receipt and incorporation of DOT&PF comments as provided in subpart 11.4.1, publish the audit report in the **Federal Register** and allow a comment period of 30 calendar days. The FHWA will then address and respond to the public comments by incorporating the comments and response into the final audit report. The final audit report will be published in the **Federal Register** not later than 60 calendar days after the comment period closes.

PART 12. TRAINING

12.1 The FHWA will provide DOT&PF with training, to the extent that FHWA and DOT&PF deem necessary, in all appropriate areas with respect to the environmental responsibilities that DOT&PF has assumed. Such training may be provided to DOT&PF by either FHWA, another Federal agency or other parties, as may be appropriate.

12.2 The DOT&PF will continue to implement training necessary to meet its environmental obligations. Within three (3) months of the Effective Date of this MOU and annually thereafter, DOT&PF and FHWA, in consultation with other Federal agencies as deemed appropriate, will assess DOT&PF's need for training and develop a training plan. The training plan will be updated by DOT&PF and FHWA, in consultation with other Federal agencies as appropriate, annually during the term of this MOU. The DOT&PF will be solely responsible for the final development and implementation of its training plan.

PART 13. TERM, TERMINATION AND RENEWAL

13.1 Term

13.1.1 This MOU has a term of five (5) years from the Effective Date.

13.2 Termination by FHWA

13.2.1 As provided by 23 U.S.C. 327(j)(1), FHWA may terminate DOT&PF's participation in the Program, in whole or in part, at any time subject to the procedural requirements in 23 U.S.C. 327 and subpart 13.2.2 of this MOU. Termination may be based on DOT&PF's failure to adequately carry out its responsibilities under this MOU including, but not limited to:

A. persistent neglect of, or noncompliance with Federal laws, regulations, and policies;

B. failure to address deficiencies identified during the audit or monitoring process;

C. failure to secure or maintain adequate personnel and/or financial resources to carry out the responsibilities assumed;

D. substantial non-compliance with this MOU; or

E. persistent failure to adequately consult, coordinate, or account for the concerns of appropriate Federal, state, tribal, and local agencies with oversight, consulting, or coordination responsibilities under Federal environmental laws and regulations.

13.2.2 If FHWA determines that DOT&PF is not adequately carrying out the responsibilities assigned to DOT&PF, then:

A. provide DOT&PF written notification of its non-compliance determination detailing a description of each responsibility in need of corrective action regarding an inadequacy identified; and

B. provide DOT&PF a period of not less than 120 days to take such corrective action as the FHWA determines is necessary to comply with this MOU.

13.2.3 If DOT&PF, after notification and the 120 day period, fails to take satisfactory corrective action, as determined by FHWA, FHWA shall provide notice to DOT&PF of its determination of termination. Any responsibilities identified to be terminated in the notice that have been assumed by DOT&PF under this MOU shall transfer to FHWA.

13.3 Termination by DOT&PF

13.3.1 The DOT&PF may terminate its participation in the Program, in whole or in part, at any time by providing FHWA notice of its intent at least 90 calendar days prior to the date that DOT&PF seeks to terminate and subject to such terms and conditions as FHWA may provide. In that event, FHWA and DOT&PF may develop a plan to transition the responsibilities that DOT&PF has assumed back to FHWA so as to minimize disruption to projects, minimize confusion to the public, and minimize burdens to other affected Federal, State, and local agencies.

13.3.2 Any termination of assignment agreed to under a transition plan shall not be subject to the procedures or limitations provided for in Part 9 of this MOU and shall be valid as agreed to in the transition plan.

13.4 Validity of DOT&PF Actions

13.4.1 Any environmental approvals made by DOT&PF pursuant to the responsibilities DOT&PF has assumed under this MOU shall remain valid after termination of DOT&PF's participation in the Program or withdrawal of assignment by FHWA. The DOT&PF shall remain solely liable and solely responsible for any environmental approvals it makes pursuant to any of the responsibilities it has assumed while participating in the Program.

13.5 Renewal

13.5.1 This MOU is renewable in accordance with 23 U.S.C. 327(c)(6) and implementing regulations, in effect at the time of the renewal. The DOT&PF and FHWA agree to initiate the renewal process at least 12 months prior to the expiration of this MOU.

PART 14. AMENDMENTS

14.1 Generally

14.1.1 All parts of this MOU may be amended at any time upon mutual agreement by both FHWA and DOT&PF, pursuant to 23 CFR 773.113(b).

14.2 Additional Projects, Classes of Projects and Environmental Review Responsibilities

14.2.1 The FHWA may assign, and DOT&PF may assume, responsibility for additional projects and additional environmental review responsibilities beyond those identified in Part 3 of this MOU, by executing an amendment to this MOU.

14.2.2 If DOT&PF decides to request amendment of this MOU to add or withdraw responsibility for projects or classes of projects, or environmental review responsibilities beyond those identified in Part 3 of this MOU, such request shall be treated as an amendment to DOT&PF's original application that was submitted to FHWA pursuant to 23 U.S.C. 327(b) and 23 CFR 773.113(b). In developing the application supplement, DOT&PF shall identify the projects, classes of projects, and environmental review responsibilities it wishes to assume or withdraw and make any appropriate adjustments to the information contained in DOT&PF's original application, including

verification of personnel and financial resources.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed in duplicate as of the date of the last signature written below.

STATE OF ALASKA

Marc A. Luiken, Commissioner, Department of Transportation and Public Facilities.

Dated:

Jahna Lindemuth, Attorney General, Department of Law.

Dated:

FEDERAL HIGHWAY ADMINISTRATION

Brandye L. Hendrickson, Acting Administrator, Federal Highway Administration.

Dated:

[FR Doc. 2017–18066 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0034]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by October 24, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID 2017–0034 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Petty, (202) 366 6654, Office of Planning, Environment, and Realty, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Assessment of Transportation Planning Agency Needs, Capabilities, and Capacity.

Background: FHWA will collect information on the current state of the practice, data, methods, and systems used by state, metropolitan, regional, local, and tribal transportation planning entities to support their required planning process in accordance with Title 23 United States Code 134 and 135. This includes, but is not limited to, information to support transportation research, capacity building, data collection, planning, travel modeling, and performance management. This also includes information about how data is shared between planning agencies and how it is processed and used in the planning context. Questionnaires will be sent to State DOT headquarters and districts, Metropolitan Planning, Organizations, Regional Planning Organizations, and Tribal Governments. FHWA anticipates that one representative from each agency will take approximately 30 minutes to complete up to 4 questionnaires each year. The questionnaires will be administered via the Internet and invitations to participate in the questionnaire will be distributed via email.

This information, once compiled, will allow the FHWA to better understand the existing capabilities that agencies across the country have in support of the planning process and the readiness they possess to handle new and ongoing challenges. As a result of the collected information, FHWA will focus its efforts and resources on providing targeted and meaningful support for planning and readiness nationwide. Additionally, FHWA will ensure that excellent planning practices are identified will be shared broadly across the country.

Respondents: Respondents are representatives of State DOT headquarters and districts, Metropolitan Planning, Organizations, Regional Planning Organizations, and Tribal Governments.

Respondents: 950 respondents annually.

Frequency: 4 per year for 3 years.

Estimated Average Burden per Response: Approximately 30 minutes.

Estimated Total Annual Burden Hours: Up to 1,900 hours annually.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of computer technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 18, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017–17992 Filed 8–24–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0035]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by October 24, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2017–0035 by any of the following methods:

Web site: For access to the docket to read background documents or

comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Petty, (202) 366–6654, Office of Planning, Environment, and Realty, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Planning and Research Program Administration.

OMB Control #: 2125–0039.

Background: Under the provisions of Title 23, United States Code, Section 505, 2 percent of Federal-aid highway funds in certain categories that are apportioned to the States are set aside to be used only for State Planning and Research (SPR). At least 25 percent of the SPR funds apportioned annually must be used for research, development, and technology transfer activities. In accordance with government-wide grant management procedures, a grant application must be submitted for these funds. In addition, recipients must submit periodic progress and financial reports. In lieu of Standard Form 424, Application for Federal Assistance, the FHWA uses a work program as the grant application. The information contained in the work program includes task descriptions, assignments of responsibility for conducting the work effort, and estimated costs for the tasks. This information is necessary to determine how FHWA planning and research funds will be utilized by the State Transportation Departments and if the proposed work is eligible for Federal participation. The content and frequency of submission of progress and financial reports specified in 23 CFR part 420 are specified in OMB Circular A–102 and the companion common grant management regulations.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: Annual.

Estimated Average Annual Burden per Response: 560 hours per respondent.

Estimated Total Annual Burden Hours: 29,120 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 18, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017–17994 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0042; Notice 1]

BMW of North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: BMW of North America, LLC (BMW), a subsidiary of BMW AG, Munich, Germany, has determined that certain model year (MY) 2018 BMW M4 Coupe and BMW M4 convertible motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less.* BMW filed a noncompliance report dated April 26, 2017. BMW also petitioned NHTSA on May 19, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is September 25, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://*

www.regulations.gov by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. *Overview:* BMW of North America, LLC (BMW), a subsidiary of BMW AG, Munich, Germany, has determined that certain model year (MY) 2018 BMW M4 Coupe and BMW M4 convertible motor vehicles do not fully comply with one or more of the following paragraphs: S4.3(a), S4.3(c) and S4.3(d) of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less.* BMW filed a noncompliance report dated April 26, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* BMW also petitioned NHTSA on May 19, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of BMW's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Approximately 93 MY 2018 BMW M4 Coupe and BMW M4 convertible motor vehicles, manufactured between February 28, 2017, and March 24, 2017, are potentially involved.

III. *Noncompliance:* BMW describes three noncompliances of the affected vehicles equipped with a Tire Information Placard that may not fully conform to FMVSS No. 110. Although the affected vehicles were properly equipped with 20-inch tires, the FMVSS No. 110 Tire Information Placard states that the vehicles were equipped with 18-inch tires. Additionally, the placard for the BMW M4 Coupe states a vehicle capacity weight of 390kg although it should state a vehicle capacity weight of 381kg. Furthermore, the placard for the BMW M4 Convertible states a manufacturer's recommended cold tire inflation pressure of 32psi when it should state a tire inflation pressure of 33psi.

IV. *Rule Text:* Paragraph S4.3 of FMVSS No. 110 states in pertinent part:

S4.3 *Placard.* Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in S4.3(a) through (g), and may show at the manufacturer's option, the information specified in S4.3 (h) and (i), on a placard permanently affixed to the driver's side B-pillar . . .

(a) Vehicle capacity weight expressed as ''The combined weight of occupants and cargo should never exceed XXX kilograms or XXX pounds . . .

(c) Vehicle manufacturer's recommended cold tire inflation pressure for front, rear and spare tires, subject to the limitations of S4.3.4. For full size spare tires, the statement ''see above'' may, at the manufacturer's option replace manufacturer's recommended cold tire inflation pressure. If no spare tire is provided, the word ''none'' must replace the manufacturer's recommended cold tire inflation pressure.

(d) Tire size designation indicated by the headings ''size'' or ''original tire size'' or ''original size,'' and ''spare tire'' or ''spare,'' for the tires installed at the time of the first purchase for purposes other than resale. For full size spare tires, the statement ''see above'' may, at the manufacturer's option replace the tire size designation. If no spare tire is provided, the word ''none'' must replace the tire size designation; . . .

V. *Summary of BMW's Petition:* BMW described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, BMW submitted the following reasoning:

1. *BMW M4 Coupe*—Although affected vehicles were properly equipped with 20-inch tires, the FMVSS No. 110 Tire Information Placard incorrectly states that the vehicles are equipped with 18-inch tires. It also incorrectly states a vehicle capacity weight of 390kg. The placard should state that the vehicles are equipped with 20-inch tires and have a vehicle capacity weight of 381kg.

The vehicle capacity weight of 390kg will not result in a vehicle overload condition as explained in further detail below.

a. *Assessment of Additional Vehicle Capacity Weight*—An analysis was performed regarding the potential adverse effect of the additional 9kg on vehicle braking, steering, and stability. Vehicle components and system including brakes, steering, and suspension were evaluated. It was determined that there would not be any adverse impact on these vehicle systems due to robustness in vehicle design. In other words, the vehicle was designed to account for a larger vehicle capacity weight than the weight stated on the tire information placard.

b. *Part 567 Certification Label*—Affected vehicles are equipped with a Part 567 Certification Label which states accurate information for the Gross Vehicle Weight Rating (GVWR). Therefore, a vehicle operator who uses this information would be able to determine the correct maximum vehicle weight.

2. *BMW M4 Convertible*—Although affected vehicles were properly equipped with 20-inch tires, the FMVSS No. 110 Tire Information Placard incorrectly states that the vehicles were equipped with 18-inch tires, and incorrectly states a manufacturer's recommended cold tire inflation pressure of 32psi. The placard should state that the vehicles are equipped with 20-inch tires and have a manufacturer's recommended cold tire inflation pressure of 33psi.

The manufacturer's recommended cold tire inflation pressure of 32psi will not result in a vehicle overload condition as explained in further detail below.

a. *Using Tire Information Placard to Set Tire Pressure*

i. *Assessment Using Tire Pressure Information*—(Front Tires)—The FMVSS No. 110 Tire Information Placard identifies a front tire size of ''255/40 R 18'' with a recommended cold tire inflation pressure of 32psi (220kPa). The load rating from the European Tire and Rim Technical Organization (ETRTO) table at 32psi (220kPa) is 605kg for a tire with a load index of 94. Note that the equipped tires are Extra Load (XL) tires, and that the ETRTO standards require the use of the Standard Load table for tire pressures up to 250kPa (36psi). The sum of the load ratings for the front tires is 1,210kg. As noted, the GAWR (front) is 1,050kg. Therefore, the 20-inch front tires, inflated to 32psi, are sufficient to support vehicle loading.

(Rear Tires)—The FMVSS No. 110 Tire Information Placard identifies a rear tire size of ''275/40 R 18'' with a recommended cold tire inflation pressure of 32psi (220kPa). The load rating from the European Tire and Rim Technical Organization (ETRTO) table at 32psi (220kPa) is 700kg for a tire with a load index of 99. It should be noted that the equipped tires are Extra Load (XL) tires, and also that the ETRTO standards state to use the Standard Load table for tire pressures up to 250kPa (36psi). The sum of the load ratings for the rear tires is 1,400kg. As noted, the GAWR (rear) is 1,250kg. Therefore, the 20-inch rear tires, inflated to 32psi, are sufficient to support vehicle loading.

ii. *Assessment Using Tire Load Limits*—FMVSS No. 110 Section 4.2.1 (Tire Load Limits for Passenger Cars) states, in subsection 4.2.1.2:

''The vehicle normal load on the tire shall not be greater than 94 percent of the load rating at the vehicle manufacturer's recommended cold inflation pressure for that tire.''

The BMW M4 Convertible has a curb weight of 1,841kg (manual transmission) and 1,866kg (automatic transmission) and a seating capacity of 4 occupants.

In order to determine the vehicle normal load per tire, the automatic transmission weight is used as ''worst case scenario'' as it is larger than the manual transmission weight. The vehicle normal load per tire is calculated, per ETRTO standards, by distributing 2 occupants (for a 4 occupant vehicle), at the front axle.

Using the required weight of 68kg per occupant results in a vehicle normal load per front tire of 534kg and a normal load per rear tire of 466kg.

(Front Tires)—As noted above, the load rating for the front tires is 605kg.

According to FMVSS No. 110 Section 4.2.1.2, ''[T]he vehicle normal load on the tire shall not be greater than 94 percent of the load rating at the vehicle manufacturer's recommended cold inflation pressure for that tire.'' Using the load rating of 605kg results in a ''94% load rating'' of 568kg. As noted above, the vehicle normal load per front tire is 534kg and therefore is within the limit required by Section 4.2.1.2.

(Rear Tires)—As noted above, the load rating for the rear tires is 700kg.

According to FMVSS No. 110 Section 4.2.1.2, ''[T]he vehicle normal load on the tire shall not be greater than 94 percent of the load rating at the vehicle manufacturer's recommended cold inflation pressure for that tire.'' Using the load rating of 700kg results in a ''94% load rating'' of 658kg. As noted above, the vehicle normal load per rear tire is 466kg and therefore is within the limit required by Section 4.2.1.2.

b. *Using Other Information Source To Set Tire Pressure*—If a vehicle operator notices that the tires identified on the tire information placard do not correspond to the tires equipped on the vehicle, there are a number of information sources and services available that can be used to identify the correct tire pressure and, therefore, achieve the proper inflation level for the tires equipped on the vehicle.

i. *Sources That Point to the Vehicle Owner's Manual*—

—FMVSS No. 110 Section 4.3(f) requires that the tire information placard contain the following statement: ''See Owner's Manual for Additional Information.'' Therefore, the tire information placard will help point the vehicle operator to the Owner's Manual in order to identify the correct tire inflation pressures for use on the vehicle.

—FMVSS No. 138 Section 4.5(a) requires that the Owner's Manual contain the following text: ''Each tire, including the spare (if provided), should be checked monthly when cold and inflated to the inflation pressure recommended by the vehicle manufacturer on the vehicle placard or tire inflation pressure label. (If your vehicle has tires of a different size than the size indicated on the vehicle placard or tire inflation pressure label, you should determine the proper tire inflation pressure for those tires.)'' (Emphasis added.)

Vehicle operators who attempt to check the vehicle's tire pressure on a routine schedule (*e.g.* monthly, as noted above), or when necessary, would be pointed to the Owner's Manual for additional clarifying information. Therefore, after reviewing this information, it is likely that they would inflate the tires to the recommended cold tire inflation pressure.

A vehicle operator could check the specific tires installed on the vehicle which, in this case, are 20-inch tires. The information that is stamped onto the sidewall of the tires identifies the tire size. Subsequent to checking and identifying the installed tires, the vehicle operator could consult the vehicle Owner's Manual, or contact BMW Roadside Assistance™, BMW Assist™, or BMW Customer Relations, for further information in order to set the correct tire pressure.

ii. *Owner's Manual*—The vehicle Owner's Manual contains information pertaining to the various tire sizes and tire pressures available for use on the affected vehicles.

Affected vehicles contain a tire information placard identifying that the vehicles as being equipped with 18-inch tires even though they are equipped with 20-inch tires. Therefore, a vehicle operator would be able to check the Owner's Manual, identify the correct tires equipped on the vehicle, and then set the tire inflation pressures to the correct levels.

Additionally, affected vehicles are also equipped with an in-vehicle electronic Owner's Manual accessed through the iDrive™ controller containing the same information as in the hardcopy Owner's Manual.

Furthermore, the electronic Owner's Manual also contains contact information for BMW Roadside Assistance™, and if so equipped, also with BMW Assist™, and BMW Customer Relations. Vehicle operators can use these additional information sources and services to identify the correct tires equipped on the vehicle, and then set the tire inflation pressures to the correct levels.

iii. *BMW Roadside Assistance*™—BMW Roadside Assistance™ (available 24 hours/day) representatives have information available indicating by vehicle model and model year, all of the available tire sizes and specifications for the affected vehicles. All affected vehicles contain a reference to, and instructions for contacting, BMW Roadside Assistance™ in the vehicle Owner's Manual. Therefore, if contacted, BMW Roadside Assistance™ would be able to help the vehicle operator determine the correct tire pressures for use on the vehicle.

Vehicle operators are able to contact BMW Roadside Assistance™ using the toll-free telephone number located:

—On the BMW Roadside Assistance™ Card included in the vehicle's portfolio
—On one or more BMW Roadside Assistance™ Labels in the vehicle
—Within the vehicle's Quick Reference Guide
—Within the vehicle's Service Warranty Book

Vehicle operators are also able to contact BMW Roadside Assistance™ using the:

—In-vehicle iDrive™ controller and menu option for BMW Roadside Assistance™
—In-vehicle emergency call button on the overhead console

iv. *BMW Assist*™—BMW Assist™ (available 24 hours/day) representatives have information available indicating, by vehicle model and model year, all of the available tire sizes and specifications for the affected vehicles. All affected vehicles contain a reference to, and instructions for, contacting BMW Assist™ in the vehicle Owner's Manual. Therefore, if contacted, BMW Assist™ would be able to help the vehicle operator determine the correct tire pressures for use on the vehicle.

Vehicle operators are able to contact BMW Assist™ by using the:

—In-vehicle iDrive™ controller and menu option for BMW Assist™
—In-vehicle emergency call button on the overhead console

Vehicles with BMW Assist™ contain a BMW Assist™ Book located in the vehicle's portfolio with contact information for BMW Assist™, BMW Roadside Assistance™, and BMW Customer Relations.

v. *BMW Customer Relations*—If a vehicle operator contacts BMW Customer Relations, and provides the

Vehicle Identification Number, a Customer Relations representative will be able to inform the vehicle operator of the specific vehicle configuration. Therefore, if contacted, BMW Customer Relations would be able to help the vehicle operator determine the correct tire pressures for use on the vehicle.

Vehicle operators are able to contact BMW Customer Relations by:

—Using the toll-free telephone number identified in the vehicle Owner's Manual and the Service and Warranty Book
—Using the in-vehicle iDrive™ controller and menu option for BMW Customer Relations
—Contacting BMW Assist™ which can, if necessary, transfer the vehicle operator to BMW Customer Relations

3. *Field Experience—Owner Contacts to BMW Customer Relations*—BMW Customer Relations has not received any contacts from vehicle owners regarding these issues. Therefore, BMW is unaware that any vehicle owner has encountered these issues.

Accidents/Injuries—BMW is unaware of any accidents or injuries that have occurred as a result of these issues.

4. *Prior NHTSA Grants to Manufacturer Petitions*—NHTSA has previously granted petitions for Inconsequential Noncompliance regarding FMVSS No. 110 involving vehicles for which the tire information placard contained tire size and tire pressure information which did not match the tires equipped on the vehicle. In some of these instances, even though the tire information placard identified a manufacturer's recommended cold tire inflation pressure that was less than the value required for the tires equipped on the vehicle, the load carrying capacity of the equipped tires, at this lower tire pressure, was still sufficient and would not lead to a vehicle overload condition.

5. *Vehicle Production*—Vehicle production has been corrected to conform to FMVSS No. 110 Section 4.3(a), 4.3(C) and 4.3(d).

BMW concluded by expressing the belief that the subject noncompliances are inconsequential as they relate to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

To view BMW's petition analyses and any supplemental information in its entirety you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition shown in the heading of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that BMW no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–17998 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2017–0067; Notice 1]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek extension of OMB approval.

DATES: Comments must be received on or before October 24, 2017.

ADDRESSES: You may submit comments identified by DOT Docket No. NHTSA–2017–0067 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: George Stevens, NHTSA 1200 New Jersey Avenue SE., Room W43–490, Washington, DC 20590. Mr. Steven's telephone number is (202) 366–5308. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation at 5 CFR 1320.8(d), an agency

must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected;

(iv) how to minimize the burden of the collection of information on those who are to respond, including 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 compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Type of Request: Extension of clearance.

OMB Control Number: 2127–0045.

Form Number: This collection of information uses no form.

Title: 49 CFR 556, Petitions for Inconsequentiality.

Affected Public: Businesses or other for profit entities.

Abstract: If a motor vehicle or item of replacement motor vehicle equipment is determined to contain a defect related to motor vehicle safety or not to comply with an applicable Federal motor vehicle safety standard (FMVSS), the manufacturer is required under 49 U.S.C. 30118 to furnish NHTSA and owners, purchasers, and dealers of the motor vehicle or motor vehicle equipment with notification of the defect or noncompliance. The manufacturer must also remedy the defect or noncompliance without charge under 49 U.S.C. 30120.

A manufacturer may be exempted from these requirements under 49 U.S.C. 30118(d) if the agency decides, upon application of the manufacturer, that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. That section provides that the agency may only take such action after publishing notice in the **Federal Register** and providing an opportunity for any interested person to present information, views, and arguments.

Regulations implementing this provision are found in 49 CFR part 556 *Exemption for Inconsequential Defect or Noncompliance.* The regulations provide that each petition submitted under part 556 must:

(1) Be written in the English language;

(2) Be submitted in three copies to NHTSA;

(3) State the full name and address of the applicant, the nature of its organization (*e.g.,* individual, partnership, or corporation) and the name of the State or county under the laws of which it is organized;

(4) Describe the motor vehicle or item of replacement equipment, including the number involved and the period of production, and the defect or noncompliance concerning which an exemption is sought, and

(5) Set forth all data, views, and arguments of the petitioner supporting the petition. See 49 CFR 556.4(b).

The regulations also provide that the petition must be accompanied by three copies of the report of the defect or noncompliance that the manufacturer has compiled for submission to NHTSA under 49 CFR part 573 *Defect and Noncompliance Responsibility and Reports,* and be submitted no later than 30 days after the manufacturer determines the existence of the defect or noncompliance or is notified that NHTSA has determined the existence of the defect or noncompliance. See 49 CFR 556.4(b)(6) and (c).

The agency receives, on average, 30 petitions per year seeking exemptions under part 556 for an inconsequential defect or noncompliance. The agency estimates that it would take, on average, five hours for a manufacturer to compile, organize, and submit the information needed to support each petition.

Estimated Annual Burden: 150 hours.

Number of Respondents: 30.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Jeffrey M. Giuseppe,

Acting Associate Administrator, Enforcement.

[FR Doc. 2017–17997 Filed 8–24–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On August 22, 2017, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked pursuant to the relevant sanctions authorities listed below.

Individuals

1. PISKLIN, Mikhail Yur'evich, Russia; DOB 01 Dec 1980; Gender Male; Passport 71 0588176 (individual) [DPRK3].

Designated pursuant to section 2(a)(i) of Executive Order 13722, ''Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea'' (E.O. 13722), for operating in the energy industry in the North Korean economy.

2. SERBIN, Andrey, Russia; DOB 01 Nov 1986; Gender Male (individual) [DPRK3].

Designated pursuant to section 2(a)(i) of E.O. 13722, for operating in the energy industry in the North Korean economy.

3. HUISH, Irina Igorevna, Russia; DOB 18 Jan 1973; Gender Female (individual) [DPRK3] (Linked To: VELMUR MANAGEMENT PTE LTD).

Designated pursuant to section 2(a)(viii) of E.O. 13722, for acting or purporting to act for or on behalf of, directly or indirectly, VELMUR MANAGEMENT PTE. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13722.

4. CHI, Yupeng, Room 301, Unit 1, No. 129 Jiangcheng Street, Yuanbao District, Dandong City, Liaoning Province, China; DOB 22 May 1969; nationality China; Gender Male; Passport E27979708 (China); National ID No. 210602196905220510 (China); Chairman and Majority Owner, Dandong Zhicheng Metallic Material Co., Ltd. (individual) [DPRK3] (Linked To: DANDONG ZHICHENG METALLIC MATERIAL CO., LTD.).

Designated pursuant to sections 2(a)(vii) and 2(a)(viii) of E.O. 13722, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of; and for having acted or purported to act for or on behalf of, directly or indirectly, DANDONG ZHICHENG METALLIC MATERIAL CO., LTD., a person whose property and interests in property are blocked pursuant to E.O. 13722.

5. KIM, Tong-chol, 34 Herbst Street, Windhoek, Namibia; DOB 07 Aug 1968; POB North Korea; Gender Male; Passport 472336944 issued 10 Sep 2012 expires 10 Sep 2017; Managing Director, Mansudae Overseas Projects; Director, Mansudae Overseas Projects Architectural and Technical Services (PTY) Ltd.; Deputy Managing Director, Qingdao Construction (Namibia) CC (individual) [DPRK3] (Linked To: MANSUDAE OVERSEAS PROJECT GROUP OF COMPANIES; Linked To: MANSUDAE OVERSEAS PROJECT ARCHITECTURAL AND TECHNICAL SERVICES (PTY) LIMITED; Linked To: QINGDAO CONSTRUCTION (NAMIBIA) CC).

Designated pursuant to sections 2(a)(vii) and 2(a)(viii) of E.O. 13722, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of; or for being owned or controlled by; or for having acted or purported to act for or on behalf of, directly or indirectly, MANSUDAE OVERSEAS PROJECT GROUP OF COMPANIES, MANSUDAE OVERSEAS PROJECT GROUP ARCHITECTURAL AND TECHNICAL SERVICES (PROPRIETARY) LIMITED, and QINGDAO CONSTRUCTION (NAMIBIA) CC, persons whose property and interests in property are blocked pursuant to E.O. 13722.

6. KIRAKOSYAN, Ruben Ruslanovich, Russia; DOB 03 Mar 1980; citizen Russia; Gender Male (individual) [NPWMD] (Linked To: GEFEST–M LLC; Linked To: KOREA TANGUN TRADING CORPORATION).

Designated pursuant to sections 1(a)(iii) and 1(a)(iv) of Executive Order 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'' (E.O. 13382) for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, KOREA TANGUN TRADING CORPORATION, a person whose property and interests in property are blocked pursuant to E.O. 13382; and for acting or purporting to act for or on behalf of, directly or indirectly, GEFEST–M LLC, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Entities

BILLING CODE 4810–AL–P

1. DANDONG ZHICHENG METALLIC MATERIAL CO., LTD. (Chinese Simplified: 丹东至诚金属材料有限公司) (a.k.a. DANDONG CHENGTAI; a.k.a. DANDONG CHISONG METAL MATERIALS COMPANY; a.k.a. DANDONG ZHICHENG METAL MATERIALS CO., LTD; a.k.a. DANDONG ZHICHENG METALLIC MINERAL CO., LIMITED), Dandong, Liaoning, China [DPRK3].

Designated pursuant to section 2(a)(ii) of E.O. 13722, for having sold, supplied, transferred, or purchased, directly or indirectly, to or from North Korea or any person acting for or on behalf of the Government of North Korea or the Workers' Party of Korea, metal, graphite, coal, or software where any revenue or goods received may benefit the Government of North Korea or the Workers' Party of Korea, including North Korea's nuclear or ballistic missile programs.

2. TRANSATLANTIC PARTNERS PTE. LTD., 10 Anson Road, #29-05A, International Plaza 079903, Singapore [DPRK3].

Designated pursuant to section 2(a)(i) of E.O. 13722, for operating in the energy industry in the North Korean economy.

3. VELMUR MANAGEMENT PTE LTD, 2 Marina Blvd., No. 66-08, The Sail at Marina Bay 018987, Singapore [DPRK3] (Linked To: TRANSATLANTIC PARTNERS PTE. LTD.).

Designated pursuant to section 2(a)(vii) of E.O. 13722, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, TRANSATLANTIC PARTNERS PTE. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13722.

4. JINHOU INTERNATIONAL HOLDINGS CO., LTD. (Chinese Simplified: 金猴集团国际控股有限公司), No. 106, Heping Road, Weihai, Shandong, China [DPRK3].

Designated pursuant to sections 2(a)(i) and 2(a)(ii) of E.O. 13722, for operating in the mining industry in the North Korean economy; and for having sold, supplied, transferred, or purchased, directly or indirectly, to or from North Korea or any person acting for or on behalf of the Government of North Korea or the Workers' Party of Korea, metal, graphite, coal, or software where any revenue or goods received may benefit the Government of North Korea or the Workers' Party of Korea, including North Korea's nuclear or ballistic missile programs.

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5. DANDONG TIANFU TRADE CO., LTD. (Chinese Simplified: 丹东天富贸易有限公司), No. 5, Shiwei Road, Zhenxing District, Dandong City, China [DPRK3].

BILLING CODE 4810–AL–C

Designated pursuant to sections 2(a)(i) and 2(a)(ii) of E.O. 13722, for operating in the mining industry in the North Korean economy; and for having sold, supplied, transferred, or purchased, directly or indirectly, to or from North Korea or any person acting for or on behalf of the Government of North Korea or the Workers' Party of Korea, metal, graphite, coal, or software where any revenue or goods received may benefit the Government of North Korea or the Workers' Party of Korea, including North Korea's nuclear or ballistic missile programs.

6. MANSUDAE OVERSEAS PROJECTS ARCHITECTURAL AND

TECHNICAL SERVICES (PTY) LIMITED, Namibia; Registration ID 2001/044 (Namibia) [DPRK3] (Linked To: MANSUDAE OVERSEAS PROJECT GROUP OF COMPANIES).

Designated pursuant to sections 2(a)(vii) and 2(a)(viii) of E.O. 13722, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of; and for being owned or controlled by or having acted or purported to act for or on behalf of, directly or indirectly, MANSUDAE OVERSEAS PROJECT GROUP OF COMPANIES, a person whose property and interests in property are blocked pursuant to E.O. 13722.

7. QINGDAO CONSTRUCTION (NAMIBIA) CC, ERF 338, Platinum Street, Prosperita, Windhoek, Namibia; P.O. Box 26774, Windhoek, Namibia; Registration ID 2008/0598 (Namibia) [DPRK3] (Linked To: MANSUDAE OVERSEAS PROJECTS ARCHITECTURAL AND TECHNICAL SERVICES (PTY) LIMITED; Linked To: MANSUDAE OVERSEAS PROJECT GROUP OF COMPANIES).

Designated pursuant to section 2(a)(vii) of E.O. 13722 for having materially assisted, sponsored, or provided financial, material or technological support for, or goods or services to or in support of, MANSUDAE OVERSEAS PROJECT GROUP OF COMPANIES and MANSUDAE OVERSEAS PROJECT GROUP ARCHITECTURAL AND TECHNICAL SERVICES (PROPRIETARY) LIMITED, persons whose property and interests in property are blocked pursuant to E.O. 13722.

8. GEFEST–M LLC, Office 401, Structure 1, Building 1, Chermyanskaya Street, Moscow 127081, Russia; Office Space 5, Room 18, Building 5/7 Rozhdestvenka Street, Moscow 107031, Russia [NPWMD] (Linked To: KOREA TANGUN TRADING CORPORATION).

Designated pursuant to section 1(a)(iii) of E.O. 13382, for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, KOREA TANGUN TRADING CORPORATION, a person whose property and interests in property are blocked pursuant to E.O. 13382.

9. MINGZHENG INTERNATIONAL TRADING LIMITED, Flat/RM A30 9/F, Silvercorp International Tower, 707–713 Nathan Road, Kowloon, Mong Kok, Hong Kong; 224–4 Shifa Da Lu, RM 1305, Heping District, Shenyang City, Liaoning Province, China [NPWMD] (Linked To: FOREIGN TRADE BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA; Linked To: SUN, Wei).

Designated pursuant to sections 1(a)(iii) and 1(a)(iv) of E.O. 13382, for having provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of; and for acting or purporting to act for or on behalf of, directly or indirectly, FOREIGN TRADE BANK, a person whose property and interests in property are blocked pursuant to E.O. 13382; and for being owned or controlled by SUN WEI, a person whose property and interests in property are blocked pursuant to E.O. 13382.

10. DANDONG RICH EARTH TRADING CO., LTD., Jiadi Square, Number 64, Binjiang Middle Road, Room 1001, Building B, Dandong City, Liaoning, China [NPWMD] (Linked To: KOREA KUMSAN TRADING CORPORATION).

Designated pursuant to section 1(a)(iii) of E.O. 13382, for having provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, KOREA KUMSAN TRADING CORPORATION, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–18042 Filed 8–24–17; 8:45 am]

BILLING CODE 4810–AL–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Meetings

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public meetings.

SUMMARY: Notice is hereby given of meetings of the U.S.-China Economic and Security Review Commission to review and edit drafts of the 2017 Annual Report to Congress. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on the ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold public meetings to review and edit drafts of the 2017 Annual Report to Congress.

DATES: The meetings are scheduled for Thursday, September 7, 2017, from 9:00 a.m. to 5:00 p.m.; Friday, September 8, 2017, from 9:00 a.m. to 5:00 p.m.; Thursday, October 4, 2017, from 9:00 a.m. to 5:00 p.m.; and Friday, October 5, 2017, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: 444 North Capitol Street NW., Room 231, Washington, DC 20001. Public seating is limited and will be available on a ''first-come, first-served'' basis. *Reservations are not required to attend the meetings.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning these meetings should contact Alexis Brigmon, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; telephone: 202–624–1454, or via email at *abrigmon@uscc.gov. Reservations are not required to attend the meetings.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: Pursuant to the Commission's mandate, members of the Commission will meet to review and edit drafts of the 2017 Annual Report to Congress.

The Commission is subject to the Federal Advisory Committee Act (FACA) with the enactment of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 that was signed into law on November 22, 2005 (Pub. L. 109–108). In accordance with FACA, the Commission's meetings to make decisions concerning the substance and recommendations of its 2017 Annual Report to Congress are open to the public.

Topics to Be Discussed: The Commission will consider draft report sections addressing the following topics:

- U.S.-China Economic and Trade Relations, including: Year in Review: Economics Trade; Chinese Investment in the United States; and U.S. Access to China's Consumer Market.
- U.S.-China Security Relations, including: Year in Review: Security and Foreign Affairs; and Hotspots along China's Maritime Periphery.
- China and the World, including: China and Continental Southeast Asia; China and Northeast Asia; China and Taiwan; China and Hong Kong; and China's Domestic Information Controls, Global Media Influence, and Cyber Diplomacy.
- China's High Tech Development, including China's Global Pursuit of Global Dominance in Computing, Robotics, and Biotechnology; and China's Pursuit of Advanced Weapons.

Required Accessibility Statement: These meetings will be open to the public. The Commission may recess the meetings to address administrative issues in closed session.

The Commission will also recess the meetings around noon for a lunch break. At the beginning of the lunch break, the Chairman will announce what time the meetings will reconvene.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Pub. L. 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: August 21, 2017.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2017–18018 Filed 8–24–17; 8:45 am]

BILLING CODE 1137–00–P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Request for public comment.

SUMMARY: In August 2017, the Commission indicated that one of its policy priorities would be the ''[c]ontinuation of its multiyear study of offenses involving synthetic cathinones (such as methylone, MDPV, and mephedrone) and synthetic cannabinoids (such as JWH–018 and AM–2201), as well as tetrahydrocannabinol (THC), fentanyl, and fentanyl analogues, and consideration of appropriate guideline amendments, including simplifying the determination of the most closely related substance under Application Note 6 of the Commentary to § 2D1.1.'' *See* 82 FR 39949 (Aug. 22, 2017). As part of its continuing work on this priority, the Commission is publishing this request for public comment on issues related to synthetic cathinones, tetrahydrocannabinol (THC), and synthetic cannabinoids. The issues for comment are set forth in the Supplementary Information portion of this notice.

DATES: Public comment regarding the issues for comment set forth in this notice should be received by the Commission not later than October 27, 2017.

ADDRESSES: All written comment should be sent to the Commission by electronic mail or regular mail. The email address for public comment is *Public_Comment@ussc.gov.* The regular mail address for public comment is United States Sentencing Commission, One Columbus Circle NE., Suite 2–500, Washington, DC 20002–8002, Attention: Public Affairs.

FOR FURTHER INFORMATION CONTACT: Christine Leonard, Director, Office of Legislative and Public Affairs, (202) 502–4500, *pubaffairs@ussc.gov.*

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

In August 2016, the Commission indicated that one of its priorities would be the ''[s]tudy of offenses involving MDMA/Ecstasy, synthetic cannabinoids (such as JWH–018 and AM–2201), and synthetic cathinones (such as Methylone, MDPV, and Mephedrone), and consideration of any amendments to the *Guidelines Manual* that may be appropriate in light of the information obtained from such study.'' *See* U.S. Sentencing Comm'n, ''Notice of Final Priorities,'' 81 FR 58004 (Aug. 24, 2016). On August 17, 2017, the Commission revised the priority to study offenses involving synthetic cathinones (such as methylone, MDPV, and mephedrone) and synthetic cannabinoids (such as JWH–018 and AM–2201), as well as tetrahydrocannabinol (THC), fentanyl, and fentanyl analogues. *See* U.S. Sentencing Comm'n, ''Notice of Final Priorities,'' 82 FR 39949 (Aug. 22, 2017). The Commission also stated that, as part of the study, the Commission will consider possible approaches to simplify the determination of the most closely related substance under Application Note 6 of the Commentary to § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). The Commission expects to solicit comment several times during the study period from experts and other members of the public.

On December 19, 2016, the Commission published a notice inviting general comment on synthetic cathinones (MDPV, methylone, and mephedrone) and synthetic cannabinoids (JWH–018 and AM–2201), as well as about the application of the factors the Commission traditionally considers when determining the marihuana equivalencies for specific controlled substances to the substances under study. *See* U.S. Sentencing Comm'n, ''Request for Public Comment,'' 81 FR 92021 (Dec. 19, 2016).

On April 18, 2017, the Commission held a public hearing relating to this priority. The Commission received testimony from experts on the synthetic drugs related to the study, including testimony about their chemical structure, pharmacological effects, trafficking patterns, and community impact.

On June 21, 2017, the Commission published a second notice requesting public comment on issues specifically related to MDMA/ecstasy and methylone, one of the synthetic cathinones included in the Commission's study. *See* U.S. Sentencing Comm'n, ''Request for Public Comment,'' 82 FR 28382 (June 21, 2017).

As part of its continuing work on this priority, the Commission is publishing this third request for public comment. The request for public comment contains two parts (Part A and Part B). Part A focuses on issues related to synthetic cathinones. Part B focuses on issues related to tetrahydrocannabinol (THC) and synthetic cannabinoids.

In addition to the substance-specific topics discussed below, the Commission anticipates that its work will continue to be guided by the factors the Commission traditionally considers when determining the marihuana equivalencies for specific controlled substances, including their chemical structure, pharmacological effects, legislative and scheduling history, potential for addiction and abuse, the patterns of abuse and harms associated with their abuse, and the patterns of trafficking and harms associated with their trafficking.

The Commission will also consider possible approaches to simplify the determination of the most closely related substance under Application Note 6 of the Commentary to § 2D1.1. The Commission has received comment from the public suggesting that questions regarding ''the most closely related controlled substance'' arise frequently in cases involving the substances included in the study, and that the Application Note 6 process requires courts to hold extensive hearings to receive expert testimony on behalf of the government and the defendant.

The synthetic cathinones and synthetic cannabinoids included in the study are not specifically listed in either the Drug Quantity Table or the Drug

Equivalency Tables in § 2D1.1. For this reason, in cases involving these substances, courts are required by Application Note 6 of the Commentary to § 2D1.1 to ''determine the base offense level using the marihuana equivalency of the most closely related controlled substance referenced in [§ 2D1.1].'' Section 2D1.1 provides a three-step process for making this determination. *See* USSG § 2D1.1, comment. (n.6, 8). First, a court determines the most closely related controlled substance by considering, to the extent practicable, the factors set forth in Application Note 6. Next, the court determines the appropriate quantity of marihuana equivalent of the most closely related controlled substance, using the Drug Equivalency Tables at Application Note 8(D). Finally, the court uses the Drug Quantity Table in § 2D1.1(c) to determine the base offense level that corresponds to that amount of marihuana.

(A) Synthetic Cathinones

Synthetic Cathinones.—According to the National Institute on Drug Abuse, synthetic cathinones, also known as ''bath salts,'' are human-made drugs chemically related to cathinone, a stimulant found in the khat plant. *See* National Institute on Drug Abuse, DrugFacts: Synthetic Cathinones (''Bath Salts'') (January 2016), available at *https://www.drugabuse.gov/publications/drugfacts/synthetic-cathinones-bath-salts.* Khat is a shrub grown in East Africa and southern Arabia. Around 1975, scientists identified cathinone as the active chemical in the khat plant and, once its molecular structure was discovered, synthetic cathinones began to be produced.

According to the Drug Enforcement Administration and other sources, synthetic cathinones are typically purchased in powder or crystal form over the Internet from suppliers in China and are delivered to the United States by common carriers. *See, e.g.,* European Monitoring Centre for Drugs and Drug Addiction, Synthetic Cathinones Drug Profile (2017), available at *http://www.emcdda.europa.eu/publications/drug-profiles/synthetic-cathinones.*

The scientific literature and other sources suggest that the effects produced by a synthetic cathinone can vary compared to both natural cathinones and other synthetic cathinones. For example, the synthetic cathinones methylone (3,4-methylenedioxy-N-methylcathinone) and mephedrone (4-methylmethcathinone) have been reported to have hallucinogenic effects broadly similar to MDMA (3,4-methylenedioxy-methamphetamine), also known as ''ecstasy.'' In contrast, studies have reported that MDPV (3,4-methylenedioxypyrovalerone) may produce a stimulant effect similar to, but more potent than, cocaine.

Public comment on the Commission's priority, testimony at the April 2017 hearing, and other sources indicate that (1) there are many different synthetic cathinones, and (2) new synthetic cathinones are regularly developed, displacing the existing ones that are trafficked illegally. Given this information, it would likely be difficult, if not impossible, for the Commission to provide individual marihuana equivalencies for each synthetic cathinone in the *Guidelines Manual.*

Issues for Comment

1. The Commission invites general comment on synthetic cathinones, particularly on their chemical structures, their pharmacological effects, potential for addiction and abuse, the patterns of abuse and harms associated with their abuse, and the patterns of trafficking and harms associated with their trafficking. How are synthetic cathinones manufactured, distributed, possessed, and used? What are the characteristics of the offenders involved in these various activities? What harms are posed by these activities? How do these harms differ from those associated with other controlled substances such as marihuana, cocaine, heroin, methamphetamine, or MDMA/Ecstasy?

2. The Commission invites general comment on whether and, if so, how the guidelines should be amended to account for synthetic cathinones. For example, should the Commission establish marihuana equivalencies for specific synthetic cathinones such as methylone, MDPV, and mephedrone? If so, what equivalencies should the Commission provide for methylone, MDPV, and mephedrone, and why? What factors should the Commission consider when deciding whether to account for these synthetic cathinones?

3. As stated above, the Commission has received comment indicating that a large number of synthetic cathinones are currently available, and that new synthetic cathinones are regularly developed for illegal trafficking. Instead of providing marihuana equivalencies for individual synthetic cathinones, should the Commission consider establishing a single marihuana equivalency applicable to all synthetic cathinones? Are synthetic cathinones sufficiently similar to one another in chemical structure, pharmacological effects, potential for addiction and abuse, patterns of trafficking and abuse, and associated harms, to support the adoption of a broad class-based approach for sentencing purposes? If so, what marihuana equivalency should the Commission provide for synthetic cathinones as a class and why? What factors should the Commission account for if it considers adopting a broad class-based approach for synthetic cathinones? Should the Commission define ''synthetic cathinones'' for purposes of this broad class-based approach? If so, how? Are there any synthetic cathinones that should not be included as part of a broad class-based approach and for which the Commission should provide a marihuana equivalency separate from other synthetic cathinones? If so, what equivalency should the Commission provide for each such synthetic cathinone, and why?

What are the advantages and disadvantages of a broad class-based approach for synthetic cathinones? If the Commission were to provide a different approach to account for synthetic cathinones in the guidelines, what should that different approach be?

(B) Tetrahydrocannabinol (THC) and Synthetic Cannabinoids

Tetrahydrocannabinol or THC.—Tetrahydrocannabinol, or THC, is the primary psychotropic substance in marihuana, the most commonly used controlled substance. Although marihuana is the most common method by which THC is consumed, THC can also be extracted from marihuana in concentrated resins, such as hash oil. Synthetic cannabinoids mimic the effects of THC.

The Drug Equivalency Tables in the Commentary to § 2D1.1 set forth the marihuana equivalency for two types of THC—organic THC and synthetic THC. The marihuana equivalencies for both types of THC have the same ratio: 1 gram of THC = 167 grams of marihuana. The marihuana equivalencies for both types of THC have remained unchanged since they were established in the first edition of the *Guidelines Manual* in 1987.

Synthetic Cannabinoids.—According to the National Institute of Drug Abuse, synthetic cannabinoids are man-made mind-altering chemicals that are related to tetrahydrocannabinol (THC), the psychoactive chemical found in the marihuana plant. However, the available scientific literature on this subject strongly suggests that synthetic cannabinoids are substantially different than marihuana or organic THC. *See* National Institute of Drug Abuse,

DrugFacts: Synthetic Cannabinoids (Revised November 2015), available at *https://www.drugabuse.gov/publications/drugfacts/synthetic-cannabinoids.* The Commission has received comment suggesting that these substances are manufactured as a dry powder or crystal, mixed with a solvent, such as acetone, then sprayed on shredded plant material. After the solvent evaporates, the resulting dry mixture is packaged and sold as a ''legal'' alternative to marihuana. JWH–018 and AM–2201 are two examples of synthetic cannabinoids.

Public comment on the Commission's priority and testimony at the April 2017 hearing indicated that (1) there are many different synthetic cannabinoids, and (2) new synthetic cannabinoids are regularly developed, displacing the existing ones that are trafficked illegally. Given this information, it would likely be difficult, if not impossible, for the Commission to provide individual marihuana equivalencies for each synthetic cannabinoid in the *Guidelines Manual.* Commission data indicates that the courts have typically identified THC as the most closely related controlled substance referenced in the guidelines in cases involving synthetic cannabinoids.

Public comment on the Commission's priority and testimony at the April 2017 hearing suggested that applying the marihuana equivalency for THC to a synthetic cannabinoid, such as JWH–018 or AM–2201, is inappropriate because the equivalency for THC itself lacks any empirical support and is too severe. Some commenters also suggested that the current marihuana equivalency for THC may be too severe in cases involving a synthetic cannabinoid as a part of a mixture (*i.e.,* mixed with a solvent or sprayed on a quantity of plant material) when compared to cases involving a synthetic cannabinoid in pure form (*i.e.,* dry powder or crystals).

Issues for Comment

1. The Commission invites general comment on organic and synthetic tetrahydrocannabinol (THC), particularly on its chemical structure, its pharmacological effects, potential for addiction and abuse, the patterns of abuse and harms associated with its abuse, and the patterns of trafficking and harms associated with its trafficking. How is THC manufactured, distributed, possessed, and used? What are the characteristics of the offenders involved in these various activities? What harms are posed by these activities? How do these harms differ from those associated with other controlled substances such as marihuana, cocaine, heroin, or methamphetamine?

The Commission further seeks comment on whether, and if so how, the Commission should change how the guidelines account for THC. As stated above, the marihuana equivalencies of both types of THC, organic and synthetic, have the same ratio—1 gm of THC = 167 gm of marihuana. Is the 1:167 ratio in marihuana equivalency for both types of THC appropriate? Should the Commission establish a different ratio for both types of THC? If so, what ratio should the Commission establish and why? Should THC (organic) and THC (synthetic) have the same ratio in marihuana equivalency? Should the Commission instead establish one ratio for THC (organic) and a different ratio for THC (synthetic)? If so, what ratio should the Commission establish for each substance and why?

2. The Commission invites general comment on synthetic cannabinoids, particularly on their chemical structures, their pharmacological effects, potential for addiction and abuse, the patterns of abuse and harms associated with their abuse, and the patterns of trafficking and harms associated with their trafficking. How are synthetic cannabinoids manufactured, distributed, possessed, and used? What are the characteristics of the offenders involved in these various activities? What harms are posed by these activities? How do these harms differ from those associated with other controlled substances such as marihuana, cocaine, heroin, or methamphetamine?

3. As noted above, courts frequently identify tetrahydrocannabinol (THC) as the most closely related controlled substance referenced in the guidelines in cases involving synthetic cannabinoids. Under the current guidelines, including Application Note 6 to § 2D1.1, is this determination appropriate? Is organic and synthetic THC the most closely related controlled substance to (1) JWH–018, (2) AM–2201, and (3) synthetic cannabinoids in general? If not, is there any controlled substance referenced in § 2D1.1 that is most closely related to synthetic cannabinoids? If so, what substance?

The Commission further seeks comment on whether and, if so, how the guidelines should be amended to account for synthetic cannabinoids. For example, should the Commission establish marihuana equivalencies for specific synthetic cannabinoids such as JWH–018 and AM–2201? If so, what equivalencies should the Commission provide for JWH–018 and AM–2201, and why? What factors should the Commission consider when deciding whether to account for these synthetic cannabinoids?

4. As stated above, the Commission has received comment indicating that a large number of synthetic cannabinoids are currently available, and that new synthetic cannabinoids are regularly developed for illegal trafficking. Instead of providing marihuana equivalencies for individual synthetic cannabinoids, should the Commission consider establishing a single marihuana equivalency applicable to all synthetic cannabinoids? Are synthetic cannabinoids sufficiently similar to one another in chemical structure, pharmacological effects, potential for addiction and abuse, patterns of trafficking and abuse, and associated harms, to support the adoption of a broad class-based approach for sentencing purposes? If so, what marihuana equivalency should the Commission provide for synthetic cannabinoids as a class and why? What factors should the Commission account for if it considers adopting a broad class-based approach for synthetic cannabinoids? Should the Commission define ''synthetic cannabinoids'' for purposes of this broad class-based approach? If so, how? Are there any synthetic cannabinoids that should not be included as part of a broad class-based approach and for which the Commission should provide a marihuana equivalency separate from other synthetic cannabinoids? If so, what equivalency should the Commission provide for each such synthetic cannabinoid, and why?

What are the advantages and disadvantages of a broad class-based approach for synthetic cannabinoids? If the Commission were to provide a different approach to account for synthetic cannabinoids in the guidelines, what should that different approach be?

5. If the Commission was to establish a single marihuana equivalency applicable to all synthetic cannabinoids as a class, should this class-based equivalency also apply to synthetic tetrahydrocannabinol (THC)? Is synthetic THC sufficiently similar to other synthetic cannabinoids in chemical structure, pharmacological effects, potential for addiction and abuse, patterns of trafficking and abuse, and associated harms, to be included as part of a broad class-based approach for synthetic cannabinoids? Should the Commission instead continue to provide a marihuana equivalency for synthetic THC separate from other synthetic cannabinoids?

Authority: 28 U.S.C. 994(a), (o), (p), (x); USSC Rules of Practice and Procedure 4.4.

William H. Pryor, Jr.,

Acting Chair.

[FR Doc. 2017–18077 Filed 8–24–17; 8:45 am]

BILLING CODE 2210–40–P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission

ACTION: Notice of proposed amendments to sentencing guidelines, policy statements, and commentary. Request for public comment, including public comment regarding retroactive application of any of the proposed amendments. Notice of public hearing.

SUMMARY: The United States Sentencing Commission is considering promulgating amendments to the sentencing guidelines, policy statements, and commentary. This notice sets forth the proposed amendments and, for each proposed amendment, a synopsis of the issues addressed by that amendment. This notice also sets forth several issues for comment, some of which are set forth together with the proposed amendments, and one of which (regarding retroactive application of proposed amendments) is set forth in the Supplementary Information section of this notice.

DATES: (1) *Written Public Comment.*—Written public comment regarding the proposed amendments and issues for comment set forth in this notice, including public comment regarding retroactive application of any of the proposed amendments, should be received by the Commission not later than October 10, 2017. Written reply comments, which may only respond to issues raised in the original comment period, should be received by the Commission not later than November 6, 2017. Public comment regarding a proposed amendment received after the close of the comment period, and reply comment received on issues not raised in the original comment period, may not be considered.

(2) *Public Hearing.*—The Commission may hold a public hearing regarding the proposed amendments and issues for comment set forth in this notice. Further information regarding any public hearing that may be scheduled, including requirements for testifying and providing written testimony, as well as the date, time, location, and scope of the hearing, will be provided by the Commission on its Web site at *www.ussc.gov.*

ADDRESSES: All written comment should be sent to the Commission by electronic mail or regular mail. The email address for public comment is *Public_Comment@ussc.gov.* The regular mail address for public comment is United States Sentencing Commission, One Columbus Circle NE., Suite 2–500, Washington, DC 20002–8002, Attention: Public Affairs.

FOR FURTHER INFORMATION CONTACT: Christine Leonard, Director, Office of Legislative and Public Affairs, (202) 502–4500, *pubaffairs@ussc.gov.*

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

Publication of a proposed amendment requires the affirmative vote of at least three voting members of the Commission and is deemed to be a request for public comment on the proposed amendment. *See* Rules 2.2 and 4.4 of the Commission's Rules of Practice and Procedure. In contrast, the affirmative vote of at least four voting members is required to promulgate an amendment and submit it to Congress. *See* Rule 2.2; 28 U.S.C. 994(p).

The proposed amendments in this notice are presented in one of two formats. First, some of the amendments are proposed as specific revisions to a guideline, policy statement, or commentary. Bracketed text within a proposed amendment indicates a heightened interest on the Commission's part in comment and suggestions regarding alternative policy choices; for example, a proposed enhancement of [2][4][6] levels indicates that the Commission is considering, and invites comment on, alternative policy choices regarding the appropriate level of enhancement. Similarly, bracketed text within a specific offense characteristic or application note means that the Commission specifically invites comment on whether the proposed provision is appropriate. Second, the Commission has highlighted certain issues for comment and invites suggestions on how the Commission should respond to those issues.

In summary, the proposed amendments and issues for comment set forth in this notice are as follows:

(1) A multi-part proposed amendment to respond to the Bipartisan Budget Act of 2015, Public Law 114–74 (Nov. 2, 2015), including (A) revisions to Appendix A (Statutory Index), and a related issue for comment; and (B) amending § 2B1.1 (Theft, Property Destruction, and Fraud) to address new increased penalties for certain persons who commit fraud offenses under certain Social Security programs, and related issues for comment;

(2) a multi-part proposed amendment relating to the findings and recommendations contained in the May 2016 Report of the Commission's Tribal Issues Advisory Group, including (A) amending the Commentary to § 4A1.3 (Departures Based on Inadequacy of Criminal History Category (Policy Statement)) to set forth a non-exhaustive list of factors for the court to consider in determining whether, and to what extent, an upward departure based on a tribal court conviction is appropriate, and related issues for comment; and (B) amending the Commentary to § 1B1.1 (Application Instructions) to provide a definition of ''court protection order,'' and a related issue for comment;

(3) a multi-part proposed amendment to Chapters Four (Criminal History and Criminal Livelihood) and Five (Determining the Sentence), including (A) setting forth options for a new Chapter Four guideline, at § 4C1.1 (First Offenders), and amending § 5C1.1 (Imposition of a Term of Imprisonment) to provide lower guideline ranges for ''first offenders'' generally and increase the availability of alternatives to incarceration for such offenders at the lower levels of the Sentencing Table, and related issues for comment; and (B) revising Chapter Five to (i) amend the Sentencing Table in Chapter Five, Part A to expand Zone B by consolidating Zones B and C and (ii) amend the Commentary to § 5F1.2 (Home Detention) to revise language requiring electronic monitoring, and related issues for comment.

(4) a proposed amendment to the Commentary to § 3E1.1 (Acceptance of Responsibility) setting forth options to revise how a defendant's challenge to relevant conduct should be considered in determining whether the defendant has accepted responsibility for purposes of the guideline, and a related issue for comment;

(5) a multi-part proposed amendment to the *Guidelines Manual* to respond to recently enacted legislation and

miscellaneous guideline issues, including (A) amending § 2B5.3 (Criminal Infringement of Copyright or Trademark) to respond to changes made by the Transnational Drug Trafficking Act of 2015, Public Law 114–154 (May 16, 2016); (B) amending § 2A3.5 (Failure to Register as a Sex Offender), § 2A3.6 (Aggravated Offenses Relating to Registration as a Sex Offender), and Appendix A (Statutory Index) to respond to changes made by the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders Act, Public Law 114–119 (Feb. 8, 2016); (C) revisions to Appendix A (Statutory Index) to respond to a new offense established by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Public Law 114–182 (June 22, 2016); (D) a technical amendment to § 2G1.3 (Promoting a Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Transportation of Minors to Engage in a Commercial Sex Act or Prohibited Sexual Conduct; Travel to Engage in Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Sex Trafficking of Children; Use of Interstate Facilities to Transport Information about a Minor); and (E) amending § 5D1.3 (Conditions of Supervised Release) to respond to changes made by the Justice for All Reauthorization Act of 2016, Public Law 114–324 (Dec. 16, 2016).

(6) a proposed amendment to make technical changes to § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to replace ''marihuana equivalency'' as the conversion factor in the Drug Equivalency Tables for determining penalties for certain controlled substances;

(7) a proposed amendment to make various technical changes to the *Guidelines Manual,* including (A) an explanatory note in Chapter One, Part A, Subpart 1(4)(b) (Departures) and clarifying changes to the Commentary to § 2B1.1 (Theft, Property Destruction, and Fraud); (B) technical changes to § 4A1.2 (Definitions and Instructions for Computing Criminal History) and to the Commentary of other guidelines to correct title references to § 4A1.3 (Departures Based on Inadequacy of Criminal History Category (Policy Statement)); and (C) clerical changes to § 2D1.11 (Unlawful Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy), § 5D1.3 (Conditions of Supervised Release), Appendix A (Statutory Index), and to the Commentary of other guidelines.

In addition, the Commission requests public comment regarding whether, pursuant to 18 U.S.C. 3582(c)(2) and 28 U.S.C. 994(u), any proposed amendment published in this notice should be included in subsection (d) of § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) as an amendment that may be applied retroactively to previously sentenced defendants. The Commission lists in § 1B1.10(d) the specific guideline amendments that the court may apply retroactively under 18 U.S.C. 3582(c)(2). The background commentary to § 1B1.10 lists the purpose of the amendment, the magnitude of the change in the guideline range made by the amendment, and the difficulty of applying the amendment retroactively to determine an amended guideline range under § 1B1.10(b) as among the factors the Commission considers in selecting the amendments included in § 1B1.10(d). To the extent practicable, public comment should address each of these factors.

The text of the proposed amendments and related issues for comment are set forth below. Additional information pertaining to the proposed amendments and issues for comment described in this notice may be accessed through the Commission's Web site at *www.ussc.gov.*

Authority: 28 U.S.C. 994(a), (o), (p), (x); USSC Rules of Practice and Procedure 4.3, 4.4.

William H. Pryor, Jr.,
Acting Chair.

Proposed Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary

1. Bipartisan Budget Act

Synopsis of Proposed Amendment: This proposed amendment responds to the Bipartisan Budget Act of 2015, Public Law 114–74 (Nov. 2, 2015), which, among other things, amended three existing criminal statutes concerned with fraudulent claims under certain Social Security programs.

The three criminal statutes amended by the Bipartisan Budget Act of 2015 are sections 208 (Penalties [for fraud involving the Federal Old-Age and Survivors Insurance Trust Fund]), 811 (Penalties for fraud [involving special benefits for certain World War II veterans]), and 1632 (Penalties for fraud [involving supplemental security income for the aged, blind, and disabled]) of the Social Security Act (42 U.S.C. 408, 1011, and 1383a, respectively).

(A) Conspiracy To Commit Social Security Fraud

The Bipartisan Budget Act of 2015 added new subdivisions prohibiting conspiracy to commit fraud for substantive offenses already contained in the three statutes (42 U.S.C. 408, 1011, and 1383a). For each of the three statutes, the new subdivision provides that whoever ''conspires to commit any offense described in any of [the] paragraphs'' enumerated shall be imprisoned for not more than five years, the same statutory maximum penalty applicable to the substantive offense.

The three amended statutes are currently referenced in Appendix A (Statutory Index) to § 2B1.1 (Theft, Property Destruction, and Fraud). The proposed amendment would amend Appendix A so that sections 408, 1011, and 1383a of Title 42 are referenced not only to § 2B1.1 but also to § 2X1.1 (Attempt, Solicitation, or Conspiracy (Not Covered by a Specific Office Guideline)).

An issue for comment is provided.

(B) Increased Penalties for Certain Individuals Violating Positions of Trust

The Bipartisan Budget Act of 2015 also amended sections 408, 1011, and 1383a of Title 42 to add increased penalties for certain persons who commit fraud offenses under the relevant Social Security programs. The Act included a provision in all three statutes identifying such a person as:

> a person who receives a fee or other income for services performed in connection with any determination with respect to benefits under this title (including a claimant representative, translator, or current or former employee of the Social Security Administration), or who is a physician or other health care provider who submits, or causes the submission of, medical or other evidence in connection with any such determination . . . .

A person who meets this requirement and is convicted of a fraud offense under one of the three amended statutes may be imprisoned for not more than ten years, double the otherwise applicable five-year penalty for other offenders. The new increased penalties apply to all of the fraudulent conduct in subsection (a) of the three statutes.

The proposed amendment would amend § 2B1.1 to address cases in which the defendant was convicted under 42 U.S.C. 408(a), 1011(a), or 1383a(a) and the statutory maximum term of ten years' imprisonment applies.

It provides an enhancement of [4][2] levels and a minimum offense level of [14][12] for such cases. It also adds Commentary specifying whether an adjustment under § 3B1.3 (Abuse of Position of Trust or Use of Special Skill) applies — bracketing two possibilities: if the enhancement applies, the adjustment does not apply; and if the enhancement applies, the adjustment is not precluded from applying.

Issues for comment are also provided.

(A) Conspiracy To Commit Social Security Fraud

Proposed Amendment

Appendix A (Statutory Index) is amended in the line referenced to 42 U.S.C. 408 by inserting '', 2X1.1'' at the end; in the line referenced to 42 U.S.C. 1011 by inserting '', 2X1.1'' at the end; and in the line referenced to 42 U.S.C. 1383a(a) by inserting '', 2X1.1'' at the end.

Issue for Comment

1. Part A of the proposed amendment would reference the new conspiracy offenses under 42 U.S.C. 408, 1011, and 1383a to § 2X1.1 (Attempt, Solicitation, or Conspiracy (Not Covered by a Specific Office Guideline)). The Commission invites comment on whether the guidelines covered by the proposed amendment adequately account for these offenses. If not, what revisions to the guidelines would be appropriate to account for these offenses? Should the Commission reference these new offenses to other guidelines instead of, or in addition to, the guidelines covered by the proposed amendment?

(B) Increased Penalties for Certain Individuals Violating Positions of Trust

Proposed Amendment

Section 2B1.1(b) is amended by redesignating paragraphs (13) through (19) as paragraphs (14) through (20), respectively, and by inserting the following new paragraph (13):

''(13) If the defendant was convicted under 42 U.S.C. 408(a), 1011(a), or 1383a(a) and the statutory maximum term of ten years' imprisonment applies, increase by [4][2] levels. If the resulting offense level is less than [14][12], increase to level [14][12].''.

The Commentary to § 2B1.1 captioned ''Application Notes'' is amended by redesignating Notes 11 through 20 as Notes 12 through 21, respectively, and by inserting the following new Note 11:

''11. *Interaction of Subsection (b)(13) and § 3B1.3.*—[If subsection (b)(13) applies, do not apply § 3B1.3 (Abuse of Position of Trust or Use of Special Skill).][Application of subsection (b)(13) does not preclude a defendant from consideration for an adjustment under § 3B1.3 (Abuse of Position of Trust or Use of Special Skill).]''.

Issues for Comment

1. The Bipartisan Budget Act of 2015 amended sections 408, 1011, and 1383a of Title 42 to include a provision in all three statutes increasing the statutory maximum term of imprisonment from five years to ten years for certain persons who commit fraud offenses under subsection (a) of the three statutes. The Act identifies such a person as:

a person who receives a fee or other income for services performed in connection with any determination with respect to benefits under this title (including a claimant representative, translator, or current or former employee of the Social Security Administration), or who is a physician or other health care provider who submits, or causes the submission of, medical or other evidence in connection with any such determination . . . .

The Commission seeks comment on how, if at all, the guidelines should be amended to address cases in which the offense of conviction is 42 U.S.C. 408, 1011, or 1383a, and the statutory maximum term of ten years' imprisonment applies because the defendant was a person described in 42 U.S.C. 408(a), 1011(a), or 1383a(a). Are these cases adequately addressed by existing provisions in the guidelines, such as the adjustment in § 3B1.3 (Abuse of Position of Trust or Use of Special Skill)? If so, as an alternative to the proposed amendment, should the Commission amend § 2B1.1 only to provide an application note that expressly provides that, for a defendant subject to the ten years' statutory maximum in such cases, an adjustment under § 3B1.3 ordinarily would apply? If not, how should the Commission amend the guidelines to address these cases?

2. The proposed amendment would amend § 2B1.1 to provide an enhancement and a minimum offense level for cases in which the defendant was convicted under 42 U.S.C. 408(a), 1011(a), or 1383a(a) and the statutory maximum term of ten years' imprisonment applies because the defendant was a person described in 42 U.S.C. 408(a), 1011(a), or 1383a(a). However, there may be cases in which a defendant, who meets the criteria set forth for the new statutory maximum term of ten years' imprisonment, is convicted under a general fraud statute (*e.g.,* 18 U.S.C. 1341) for an offense involving conduct described in 42 U.S.C. 408(a), 1011(a), or 1383a(a).

The Commission seeks comment on whether the Commission should instead amend § 2B1.1 to provide a general specific offense characteristic for such cases. For example, should the Commission provide an enhancement for cases in which the offense involved conduct described in 42 U.S.C. 408(a), 1011(a), or 1383a(a) and the defendant is a person ''who receives a fee or other income for services performed in connection with any determination with respect to benefits [covered by those statutory provisions] (including a claimant representative, translator, or current or former employee of the Social Security Administration), or who is a physician or other health care provider who submits, or causes the submission of, medical or other evidence in connection with any such determination''? If so, how many levels would be appropriate for such an enhancement? How should such an enhancement interact with the existing enhancements at § 2B1.1 and the Chapter Three adjustment at § 3B1.3 (Abuse of Position of Trust or Use of Special Skill)?

2. Tribal Issues

Synopsis of Proposed Amendment: This proposed amendment is the result of the Commission's study of the May 2016 Report of the Commission's Tribal Issues Advisory Group. *See* U.S. Sentencing Comm'n, ''Notice of Final Priorities,'' 82 FR 39949 (Aug. 22, 2017). *See also* Report of the Tribal Issues Advisory Group (May 16, 2016), at *http://www.ussc.gov/research/research-publications/report-tribal-issues-advisory-group.*

In 2015, the Commission established the Tribal Issues Advisory Group (TIAG) as an ad hoc advisory group to the Commission. Among other things, the Commission tasked the TIAG with studying the following issues—

(A) the operation of the federal sentencing guidelines as they relate to American Indian defendants and victims and to offenses committed in Indian Country, and any viable methods for revising the guidelines to (i) improve their operation or (ii) address particular concerns of tribal communities and courts;

(B) whether there are disparities in the application of the federal sentencing guidelines to American Indian defendants, and, if so, how to address them;

(C) the impact of the federal sentencing guidelines on offenses committed in Indian Country in

comparison with analogous offenses prosecuted in state courts and tribal courts;

(D) the use of tribal court convictions in the computation of criminal history scores, risk assessment, and for other purposes;

(E) how the federal sentencing guidelines should account for protection orders issued by tribal courts; and

(F) any other issues relating to American Indian defendants and victims, or to offenses committed in Indian Country, that the TIAG considers appropriate. *See* Tribal Issues Advisory Group Charter § 1(b)(3).

The Commission also directed the TIAG to present a final report with its findings and recommendations, including any recommendations that the TIAG considered appropriate on potential amendments to the guidelines and policy statements. *See id.* § 6(a). On May 16, 2016, the TIAG presented to the Commission its final report. Among the recommendations suggested in the Report, the TIAG recommends revisions to the *Guidelines Manual* relating to the use of tribal court convictions in the computation of criminal history points and how the guidelines should account for protection orders issued by tribal courts.

The proposed amendment contains two parts (Parts A and B). The Commission is considering whether to promulgate one or both of these parts, as they are not mutually exclusive.

(A) Tribal Court Convictions

Pursuant to Chapter Four, Part A (Criminal History), sentences resulting from tribal court convictions are not counted for purposes of calculating criminal history points, but may be considered under § 4A1.3 (Departures Based on Inadequacy of Criminal History Category (Policy Statement)). *See* USSG § 4A1.2(i). The policy statement at § 4A1.3 allows for upward departures if reliable information indicates that the defendant's criminal history category substantially underrepresents the seriousness of the defendant's criminal history. Among the grounds for departure, the policy statement includes ''[p]rior sentences not used in computing the criminal history category (*e.g.,* sentences for foreign and tribal offenses).'' USSG § 4A1.3(a)(2)(A).

As noted in the TIAG's report, in recent years there have been important changes in tribal criminal jurisdiction. In 2010, Congress enacted the Tribal Law and Order Act of 2010 (TLOA), Public Law 111–211, to address high rates of violent crime in Indian Country by improving criminal justice funding and infrastructure in tribal government, and expanding the sentencing authority of tribal court systems. In 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA Reauthorization), Public Law 113–4, was enacted to expand the criminal jurisdiction of tribes to prosecute, sentence, and convict Indians and non-Indians who assault Indian spouses or dating partners or violate a protection order in Indian Country. It also established new assault offenses and enhanced existing assault offenses. Both statutes increased criminal jurisdiction for tribal courts, but also required more robust court procedures and provided more procedural protections for defendants.

The TIAG notes in its report that ''[w]hile some tribes have exercised expanded jurisdiction under TLOA and the VAWA Reauthorization, most have not done so. Given the lack of tribal resources, and the absence of significant additional funding under TLOA and the VAWA Reauthorization to date, it is not certain that more tribes will be able to do so any time soon.'' TIAG Report, at 10–11. Members of the TIAG describe their experience with tribal courts as ''widely varied,'' expressing among their findings certain concerns about funding, perceptions of judicial bias or political influence, due process protections, and access to tribal court records. *Id.* at 11–12.

The TIAG report highlights that ''[t]ribal courts occupy a unique and valuable place in the criminal justice system,'' while also recognizing that ''[t]ribal courts range in style.'' *Id.* at 13. According to the TIAG, the differences in style and the concerns expressed above ''make it often difficult for a federal court to determine how to weigh tribal court convictions in rendering a sentencing decision.'' *Id.* at 11. It also asserts that ''taking a single approach to the consideration of tribal court convictions would be very difficult and could potentially lead to a disparate result among Indian defendants in federal courts.'' *Id.* at 12. Thus, the TIAG concludes that tribal convictions should not be counted for purposes of determining criminal history points pursuant to Chapter Four, Part A, and that ''the current use of USSG § 4A1.3 to depart upward in individual cases continues to allow the best formulation of 'sufficient but not greater than necessary' sentences for defendants, while not increasing sentencing disparities or introducing due process concerns.'' *Id.* Nevertheless, the TIAG recommends that the Commission amend § 4A1.3 to provide guidance and a more structured analytical framework for courts to consider when determining whether a departure is appropriate based on a defendant's record of tribal court convictions. The guidance recommended by the TIAG ''collectively . . . reflect[s] important considerations for courts to balance the rights of defendants, the unique and important status of tribal courts, the need to avoid disparate sentences in light of disparate tribal court practices and circumstances, and the goal of accurately assessing the severity of any individual defendant's criminal history.'' *Id.* at 13.

The proposed amendment would amend the Commentary to § 4A1.3 to set forth a non-exhaustive list of factors for the court to consider in determining whether, and to what extent, an upward departure based on a tribal court conviction is appropriate.

Issues for comment are also provided.

(B) Court Protection Orders

Under the *Guidelines Manual,* the violation of a court protection order is a specific offense characteristic in three Chapter Two offense guidelines. *See* USSG §§ 2A2.2 (Aggravated Assault), 2A6.1 (Threatening or Harassing Communications; Hoaxes; False Liens), and 2A6.2 (Stalking or Domestic Violence). The Commission has heard concerns that the term ''court protection order'' has not been defined in the guidelines and should be clarified.

The TIAG notes in its report the importance of defining ''court protection order'' in the guidelines, because—

> [a] clear definition of that term will ensure that orders used for sentencing enhancements are the result of court proceedings assuring appropriate due process protections, that there is consistent identification and treatment of such orders, and that such orders issued by tribal courts receive treatment consistent with that of other issuing jurisdictions. TIAG Report, at 14.

The TIAG recommends that the Commission adopt a definition of ''court protection order'' that incorporates the statutory provisions at 18 U.S.C. 2265 and 2266. Section 2266(5) provides that the term ''protection order'' includes:

> (A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking. 18 U.S.C. 2266(5).

Section 2265(b) provides that

A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

(1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights. 18 U.S.C. 2265(b).

The proposed amendment would amend the Commentary to § 1B1.1 (Application Instructions) to provide a definition of court protection order derived from 18 U.S.C. 2266(5), with a provision that it must be consistent with 18 U.S.C. 2265(b).

An issue for comment is also provided.

(A) Tribal Court Convictions

Proposed Amendment

Section 4A1.3(a)(2) is amended by striking ''subsection (a)'' and inserting ''subsection (a)(1)''; and by striking ''tribal offenses'' and inserting ''tribal convictions''.

The Commentary to § 4A1.3 captioned ''Application Notes'' is amended in Note 2 by inserting at the end the following new paragraph (C):

''(C) *Upward Departures Based on Tribal Court Convictions.*—In determining whether, or to what extent, an upward departure based on a tribal court conviction is appropriate, the court shall consider the factors set forth in § 4A1.3(a) above and, in addition, may consider relevant factors such as the following:

(i) The defendant was represented by a lawyer, had the right to a trial by jury, and received other due process protections consistent with those provided to criminal defendants under the United States Constitution.

(ii) The tribe was exercising expanded jurisdiction under the Tribal Law and Order Act of 2010, Public Law 111–211 (July 29, 2010), and the Violence Against Women Reauthorization Act of 2013, Public Law 113–4 (March 7, 2013).

(iii) The tribal court conviction is not based on the same conduct that formed the basis for a conviction from another jurisdiction that receives criminal history points pursuant to this Chapter.

(iv) The conviction is for an offense that otherwise would be counted under § 4A1.2 (Definitions and Instructions for Computing Criminal History).

[(v) At the time the defendant was sentenced, the tribal government had formally expressed a desire that convictions from its courts should be counted for purposes of computing criminal history pursuant to the Guidelines Manual.]''.

Issues for Comment

1. Part A of the proposed amendment would provide a list of relevant factors that courts may consider, in addition to the factors set forth in § 4A1.3(a), in determining whether an upward departure based on a tribal court conviction may be warranted. The Commission seeks comment on whether the factors provided in the proposed amendment are appropriate. Should any factors be deleted or changed? Should the Commission provide additional or different guidance? If so, what guidance should the Commission provide?

In particular, the Commission seeks comment on how these factors should interact with each other and with the factors already contained in § 4A1.3(a). Should the Commission provide greater emphasis on one or more factors set forth in the proposed amendment? For example, how much weight should be given to factors that address due process concerns (subdivisions (i) and (ii)) in relation to the other factors provided in the proposed amendment, such as those factors relevant to preventing unwarranted double counting (subdivisions (iii) and (iv))? Should the Commission provide that in order to consider whether an upward departure based on a tribal court conviction is appropriate, and before taking into account any other factor, the court must first determine as a threshold factor that the defendant received due process protections consistent with those provided to criminal defendants under the United States Constitution?

Finally, Part A of the proposed amendment brackets the possibility of including as a factor that courts may consider in deciding whether to depart based on a tribal court conviction if, ''at the time the defendant was sentenced, the tribal government had formally expressed a desire that convictions from its courts should be counted for purposes of computing criminal history pursuant to the Guidelines Manual.'' The Commission invites broad comment on this factor and its interaction with the other factors set forth in the proposed amendment. Is this factor relevant to the court's determination of whether to depart? What are the advantages and disadvantages of including such a factor? How much weight should be given to this factor in relation to the other factors provided in the proposed amendment? What criteria should be used in determining when a tribal government has ''formally expressed a desire'' that convictions from its courts should count? How would tribal governments notify and make available such statements?

2. Pursuant to subsection (i) of § 4A1.2 (Definitions and Instructions for Computing Criminal History), sentences resulting from tribal court convictions are not counted for purposes of calculating criminal history points, but may be considered under § 4A1.3 (Departures Based on Inadequacy of Criminal History Category (Policy Statement)). As stated above, the policy statement at § 4A1.3 allows for upward departures if reliable information indicates that the defendant's criminal history category substantially underrepresents the seriousness of the defendant's criminal history.

The Commission invites comment on whether the Commission should consider changing how the guidelines account for sentences resulting from tribal court convictions for purposes of determining criminal history points pursuant to Chapter Four, Part A (Criminal History). Should the Commission consider amending § 4A1.2(i) and, if so, how? For example, should the guidelines treat sentences resulting from tribal court convictions same as other sentences imposed for federal, state, and local offenses that may be used to compute criminal history points? Should the guidelines treat sentences resulting from tribal court convictions more akin to military sentences and distinguish between certain types of tribal courts? Is there a different approach the Commission should follow in addressing the use of tribal court convictions in the computation of criminal history scores?

(B) Court Protection Orders

Proposed Amendment

The Commentary to § 1B1.1 captioned ''Application Notes'' is amended in Note 1 by redesignating paragraphs (D) through (L) as paragraphs (E) through (M), respectively; and by inserting the following new paragraph (D):

''(D) 'court protection order' means 'protection order' as defined by 18 U.S.C. 2266(5) and consistent with 18 U.S.C. 2265(b).''.

Issue for Comment

1. Part B of the proposed amendment would include in the Commentary to § 1B1.1 (Application Instructions) a definition of court protection order derived from 18 U.S.C. 2266(5) and consistent with 18 U.S.C. 2265(b). Is this definition appropriate? If not, what definition, if any, should the Commission provide?

3. First Offenders/Alternatives to Incarceration

Synopsis of Proposed Amendment: The proposed amendment contains two parts (Part A and Part B). The Commission is considering whether to promulgate either or both of these parts, as they are not mutually exclusive.

(A) First Offenders

Part A of the proposed amendment is primarily informed by the Commission's multi-year study of recidivism, including the circumstances that correlate with increased or reduced recidivism. *See* U.S. Sentencing Comm'n, ''Notice of Final Priorities,'' 82 FR 39949 (Aug. 22, 2017). It is also informed by the Commission's continued study of alternatives to incarceration. *Id.*

Under the *Guidelines Manual,* offenders with minimal or no criminal history are classified into Criminal History Category I. ''First offenders,'' offenders with no criminal history, are addressed in the guidelines only by reference to Criminal History Category I. However, Criminal History Category I includes not only ''first'' offenders but also offenders with varying criminal histories, such as offenders with no criminal history points and those with one criminal history point. Accordingly, the following offenders are classified in the same category: (1) first time offenders with no prior convictions; (2) offenders who have prior convictions that are not counted because they were not within the time limits set forth in § 4A1.2(d) and (e); (3) offenders who have prior convictions that are not used in computing the criminal history category for reasons other than their ''staleness'' (*e.g.,* sentences resulting from foreign or tribal court convictions, minor misdemeanor convictions or infractions); and (4) offenders with a prior conviction that received only one criminal history point.

Part A sets forth a new Chapter Four guideline, at § 4C1.1 (First Offenders), that would provide lower guideline ranges for ''first offenders'' generally and increase the availability of alternatives to incarceration for such offenders at the lower levels of the Sentencing Table (compared to otherwise similar offenders in Criminal History Category I). Recidivism data analyzed by the Commission indicate that ''first offenders'' generally pose the lowest risk of recidivism. *See, e.g.,* U.S. Sentencing Comm'n, ''Recidivism Among Federal Offenders: A Comprehensive Overview,'' at 18 (2016), available at *http://www.ussc.gov/research/research-publications/recidivism-among-federal-offenders-comprehensive-overview.* In addition, 28 U.S.C. 994(j) directs that alternatives to incarceration are generally appropriate for first offenders not convicted of a violent or otherwise serious offense. The new Chapter Four guideline, in conjunction with the revision to § 5C1.1 (Imposition of a Term of Imprisonment) described below, would further implement the congressional directive at section 994(j).

Part A of the proposed amendment provides two options for defining a ''first offender'' who would be eligible for a decrease in offense level under the new guideline. Option 1 defines a defendant as a ''first offender'' if the defendant did not receive any criminal history points from Chapter Four, Part A. Option 2 defines a defendant as a ''first offender'' if the defendant has no prior convictions of any kind.

Part A also provides two options for the decrease in offense level that would apply to a first offender. Option 1 provides a decrease of [1] level from the offense level determined under Chapters Two and Three. Option 2 provides a decrease of [2] levels if the final offense level determined under Chapters Two and Three is less than level [16], or a decrease of [1] level if the offense level determined under Chapters Two and Three is level [16] or greater.

Part A also amends § 5C1.1 (Imposition of a Term of Imprisonment) to add a new subsection (g) that provides that if (1) the defendant is determined to be a first offender under § 4C1.1 (First Offender), (2) [the instant offense of conviction is not a crime of violence][the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense], and (3) the guideline range applicable to that defendant is in Zone A or Zone B of the Sentencing Table, the court ordinarily should impose a sentence other than a sentence of imprisonment in accordance with the other sentencing options.

Finally, Part A of the proposed amendment also provides issues for comment.

(B) Consolidation of Zones B and C in the Sentencing Table

Part B of the proposed amendment is a result of the Commission's continued study of alternatives to incarceration. *See* U.S. Sentencing Comm'n, ''Notice of Final Priorities,'' 82 FR 39949 (Aug. 22, 2017).

The *Guidelines Manual* defines and allocates sentencing options in Chapter Five (Determining the Sentence). This chapter sets forth ''zones'' in the Sentencing Table based on the minimum months of imprisonment in each cell. The Sentencing Table sorts all sentencing ranges into four zones, labeled A through D. Each zone allows for different sentencing options, as follows:

Zone A.—All sentence ranges within Zone A, regardless of the underlying offense level or criminal history category, are zero to six months. A sentencing court has the discretion to impose a sentence that is a fine-only, probation-only, probation with a confinement condition (home detention, community confinement, or intermittent confinement), a split sentence (term of imprisonment with term of supervised release with condition of confinement), or imprisonment. Zone A allows for probation without any conditions of confinement.

Zone B.—Sentence ranges in Zone B are from one to 15 months of imprisonment. Zone B allows for a probation term to be substituted for imprisonment, contingent upon the probation term including conditions of confinement. Zone B allows for non-prison sentences, which technically result in sentencing ranges larger than six months, because the minimum term of imprisonment is one month and the maximum terms begin at seven months. To avoid sentencing ranges exceeding six months, the guidelines require that probationary sentences in Zone B include conditions of confinement. Zone B also allows for a term of imprisonment (of at least one month) followed by a term of supervised release with a condition of confinement (*i.e.,* a ''split sentence'') or a term of imprisonment only.

Zone C.—Sentences in Zone C range from 10 to 18 months of imprisonment. Zone C allows for split sentences, which must include a term of imprisonment equivalent to at least half of the minimum of the applicable guideline range. The remaining half of the term requires supervised release with a condition of community confinement or

home detention. Alternatively, the court has the option of imposing a term of imprisonment only.

Zone D.—The final zone, Zone D, allows for imprisonment only, ranging from 15 months to life.

Part B of the proposed amendment expands Zone B by consolidating Zones B and C. The expanded Zone B would include sentence ranges from one to 18 months and allow for the sentencing options described above. Although the proposed amendment would in fact delete Zone C by its consolidation with Zone B, Zone D would not be redesignated. Finally, Part B makes conforming changes to §§ 5B1.1 (Imposition of a Term of Probation) and 5C1.1 (Imposition of a Term of Imprisonment).

Part B also amends the Commentary to § 5F1.2 (Home Detention) to remove the language instructing that (1) electronic monitoring ''ordinarily should be used in connection with'' home detention; (2) alternative means of surveillance may be used ''so long as they are effective as electronic monitoring;'' and (3) ''surveillance necessary for effective use of home detention ordinarily requires'' electronic monitoring.

Issues for comment are also provided.

(A) First Offenders

Proposed Amendment

Chapter Four is amended by inserting at the end the following new Part C:

PART C—FIRST OFFENDER

§ 4C1.1. *First Offender*

[Definition of ''First Offender''

[Option 1:

(a) A defendant is a first offender if the defendant did not receive any criminal history points from Chapter Four, Part A.]

[Option 2:

(a) A defendant is a first offender if the defendant has no prior convictions of any kind.]]

[Decrease in Offense Level for First Offenders

[Option 1:

(b) If the defendant is determined to be a first offender under subsection (a), decrease the offense level determined under Chapters Two and Three by [1] level.]

[Option 2:

(b) If the defendant is determined to be a first offender under subsection (a), decrease the offense level as follows:

(1) if the offense level determined under Chapters Two and Three is less than level [16], decrease by [2] levels; or

(2) if the offense level determined under Chapters Two and Three is level [16] or greater, decrease by [1] level.]]

Commentary

Application Note:

1. *Cases Involving Mandatory Minimum Penalties.*—If the case involves a statutorily required minimum sentence of at least five years and the defendant meets the criteria set forth in subsection (a) of § 5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases), the offense level determined under this section shall be not less than level 17. *See* § 5C1.2(b).''.

Section 5C1.1 is amended by inserting at the end the following new subsection (g):

''(g) In cases in which (1) the defendant is determined to be a first offender under § 4C1.1 (First Offender), (2) [the instant offense of conviction is not a crime of violence][the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense], and (3) the guideline range applicable to that defendant is in Zone A or B of the Sentencing Table, the court ordinarily should impose a sentence other than a sentence of imprisonment in accordance with the other sentencing options set forth in this guideline.''.

The Commentary to § 5C1.1 captioned ''Application Notes'' is amended by inserting at the end the following new Note 10:

''10. *Application of Subsection (g).*—

(A) *Sentence of Probation Prohibited.*—The court may not impose a sentence of probation pursuant to this provision if prohibited by statute. *See* § 5B1.1 (Imposition of a Term of Probation).

[(B) *Definition of 'Crime of Violence'.*—For purposes of subsection (g), 'crime of violence' has the meaning given that term in § 4B1.2 (Definitions of Terms Used in Section 4B1.1).

(C) *Sentence of Imprisonment for First Offenders.*—A sentence of imprisonment may be appropriate in cases in which the defendant used violence or credible threats of violence or possessed a firearm or other dangerous weapon in connection with the offense].''.

Issues for Comment

1. Part A of the proposed amendment provides two options for how to define ''first offender'' for purposes of applying the new § 4C1.1 (First Offender). Option 1 defines a defendant as a ''first offender'' if the defendant did not receive any criminal history points from Chapter Four, Part A. Option 2 defines a defendant as a ''first offender'' if the defendant has no prior convictions of any kind. The Commission seeks comment on the proposed definition. Should the Commission adopt a broader definition than either Option 1 or Option 2? Should the Commission adopt a narrower definition than either option? Should the Commission adopt a definition that is narrower than Option 1 but broader than Option 2? For example, should the Commission define ''first offender'' as a defendant who did not receive any criminal history points from Chapter Four, Part A and has no prior felony convictions? Should the Commission instead define ''first offender'' as a defendant who either has no prior convictions of any kind or has only prior convictions that are not counted under § 4A1.2 for a reason other than being too remote in time? Should the Commission provide additional or different guidance for determining whether a defendant is, or is not, a first offender?

2. Part A of the proposed amendment provides two options for the decrease in offense level that would apply to a first offender. One of the options, Option 1, would provide that if the defendant is determined to be a first offender (as defined in the new guideline) a decrease of [1] level from the offense level determined under Chapters Two and Three would apply. Should the Commission limit the applicability of the adjustment to defendants with an offense level determined under Chapters Two and Three that is less than a certain number of levels? For example, should the Commission provide that if the offense level determined under Chapters Two and Three is less than level [16], the offense level shall be decreased by [1] level? What other limitations or requirements, if any, should the Commission provide for such an adjustment?

3. Part A of the proposed amendment would amend § 5C1.1 (Imposition of a Term of Imprisonment) to provide that if the defendant is determined to be a first offender under the new § 4C1.1 (First Offender), [the defendant's instant offense of conviction is not a crime of violence][the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense], and the guideline range applicable to that defendant is in Zone A or Zone B of the Sentencing Table, the court ordinarily should impose a sentence

other than a sentence of imprisonment in accordance with the other sentencing options. Should the Commission further limit the application of such a rebuttable ''presumption'' and exclude certain categories of non-violent offenses? If so, what offenses should be excluded from the presumption of a non-incarceration sentence? For example, should the Commission exclude public corruption, tax, and other white-collar offenses?

4. If the Commission were to promulgate Part A of the proposed amendment, what conforming changes, if any, should the Commission make to other provisions of the *Guidelines Manual*?

(B) Consolidation of Zones B and C in the Sentencing Table

Proposed Amendment

Chapter Five, Part A is amended in the Sentencing Table by striking ''Zone C''; by redesignating Zone B to contain all guideline ranges having a minimum of at least one month but not more than twelve months; and by inserting below ''Zone B'' the following: ''[Zone C Deleted]''.

The Commentary to the Sentencing Table is amended by inserting at the end the following:

''*Background:* The Sentencing Table previously provided four 'zones,' labeled A through D, based on the minimum months of imprisonment in each cell. The Commission expanded Zone B by consolidating former Zones B and C. Zone B in the Sentencing Table now contains all guideline ranges having a minimum term of imprisonment of at least one but not more than twelve months. Although Zone C was deleted by its consolidation with Zone B, the Commission decided not to redesignate Zone D as Zone C, to avoid unnecessary confusion that may result from different meanings of 'Zone C' and 'Zone D' through different editions of the Guidelines Manual.''.

The Commentary to § 5B1.1 captioned ''Application Notes'' is amended in Note 1(B), in the heading, by striking ''nine months'' and inserting ''twelve months''; and in Note 2 by striking ''Zone C or D'' and inserting ''Zone D'', and by striking ''ten months'' and inserting ''fifteen months''.

Section 5C1.1 is amended—

in subsection (c) by striking ''subsection (e)'' both places such term appears and inserting ''subsection (d)'';

by striking subsection (d) as follows:

''(d) If the applicable guideline range is in Zone C of the Sentencing Table, the minimum term may be satisfied by—

(1) a sentence of imprisonment; or

(2) a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention according to the schedule in subsection (e), provided that at least one-half of the minimum term is satisfied by imprisonment.'';

and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

The Commentary to § 5C1.1 captioned ''Application Notes'' is amended—

in Note 3 by striking ''nine months'' and inserting ''twelve months'';

by striking Note 4 as follows:

''4. Subsection (d) provides that where the applicable guideline range is in Zone C of the Sentencing Table (*i.e.,* the minimum term specified in the applicable guideline range is ten or twelve months), the court has two options:

(A) It may impose a sentence of imprisonment.

(B) Or, it may impose a sentence of imprisonment that includes a term of supervised release with a condition requiring community confinement or home detention. In such case, at least one-half of the minimum term specified in the guideline range must be satisfied by imprisonment, and the remainder of the minimum term specified in the guideline range must be satisfied by community confinement or home detention. For example, where the guideline range is 10–16 months, a sentence of five months imprisonment followed by a term of supervised release with a condition requiring five months community confinement or home detention would satisfy the minimum term of imprisonment required by the guideline range.

The preceding example illustrates a sentence that satisfies the minimum term of imprisonment required by the guideline range. The court, of course, may impose a sentence at a higher point within the guideline range. For example, where the guideline range is 10–16 months, both a sentence of five months imprisonment followed by a term of supervised release with a condition requiring six months of community confinement or home detention (under subsection (d)), and a sentence of ten months imprisonment followed by a term of supervised release with a condition requiring four months of community confinement or home detention (also under subsection (d)) would be within the guideline range.'';

by striking Note 6 as follows:

''6. There may be cases in which a departure from the sentencing options authorized for Zone C of the Sentencing Table (under which at least half the minimum term must be satisfied by imprisonment) to the sentencing options authorized for Zone B of the Sentencing Table (under which all or most of the minimum term may be satisfied by intermittent confinement, community confinement, or home detention instead of imprisonment) is appropriate to accomplish a specific treatment purpose. Such a departure should be considered only in cases where the court finds that (A) the defendant is an abuser of narcotics, other controlled substances, or alcohol, or suffers from a significant mental illness, and (B) the defendant's criminality is related to the treatment problem to be addressed.

In determining whether such a departure is appropriate, the court should consider, among other things, (1) the likelihood that completion of the treatment program will successfully address the treatment problem, thereby reducing the risk to the public from further crimes of the defendant, and (2) whether imposition of less imprisonment than required by Zone C will increase the risk to the public from further crimes of the defendant.

Examples: The following examples both assume the applicable guideline range is 12–18 months and the court departs in accordance with this application note. Under Zone C rules, the defendant must be sentenced to at least six months imprisonment. (1) The defendant is a nonviolent drug offender in Criminal History Category I and probation is not prohibited by statute. The court departs downward to impose a sentence of probation, with twelve months of intermittent confinement, community confinement, or home detention and participation in a substance abuse treatment program as conditions of probation. (2) The defendant is convicted of a Class A or B felony, so probation is prohibited by statute (*see* § 5B1.1(b)). The court departs downward to impose a sentence of one month imprisonment, with eleven months in community confinement or home detention and participation in a substance abuse treatment program as conditions of supervised release.'';

by redesignating Notes 5, 7, 8, and 9 as Notes 4, 5, 6, and 7, respectively;

in Note 4 (as so redesignated) by striking ''Subsection (e)'' and inserting ''Subsection (d)'';

in Note 5 (as so redesignated) by striking ''subsections (c) and (d)'' and inserting ''subsection (c)'';

and in Note 7 (as so redesignated) by striking ''Subsection (f)'' and inserting ''Subsection (e)'', and by striking ''subsection (e)'' and inserting ''subsection (d)''.

The Commentary to § 5F1.2 captioned ''Application Notes'' is amended in Note 1 by striking ''Electronic monitoring is an appropriate means of surveillance and ordinarily should be used in connection with home detention'' and inserting ''Electronic monitoring is an appropriate means of surveillance for home detention''; and by striking ''may be used so long as they are as effective as electronic monitoring'' and inserting ''may be used if appropriate''.

The Commentary to § 5F1.2 captioned ''Background'' is amended by striking ''The Commission has concluded that the surveillance necessary for effective use of home detention ordinarily requires electronic monitoring'' and inserting ''The Commission has concluded that electronic monitoring is an appropriate means of surveillance for home detention''; and by striking ''the court should be confident that an alternative form of surveillance will be equally effective'' and inserting ''the court should be confident that an alternative form of surveillance is appropriate considering the facts and circumstances of the defendant's case''.

Issues for Comment

1. The Commission requests comment on whether the zone changes contemplated by Part B of the proposed amendment should apply to all offenses, or only to certain categories of offenses. The zone changes would increase the number of offenders who are eligible under the guidelines to receive a non-incarceration sentence. Should the Commission provide a mechanism to exempt certain offenses from these zone changes? For example, should the Commission provide a mechanism to exempt public corruption, tax, and other white-collar offenses from these zone changes (*e.g.,* to reflect a view that it would not be appropriate to increase the number of public corruption, tax, and other white-collar offenders who are eligible to receive a non-incarceration sentence)? If so, what mechanism should the Commission provide, and what offenses should be covered by it?

2. The proposed amendment would consolidate Zones B and C to create an expanded Zone B. Such an adjustment would provide probation with conditions of confinement as a sentencing option for current Zone C defendants, an option that was not available to such defendants before. The Commission seeks comment on whether the Commission should provide additional guidance to address these new Zone B defendants. If so, what guidance should the Commission provide?

4. Acceptance of Responsibility

Synopsis of Proposed Amendment: This proposed amendment is the result of the Commission's consideration of miscellaneous guideline application issues, including whether a defendant's denial of relevant conduct should be considered in determining whether the defendant has accepted responsibility for purposes of § 3E1.1. *See* U.S. Sentencing Comm'n, ''Notice of Final Priorities,'' 82 FR 39949 (Aug. 22, 2017).

Section 3E1.1 (Acceptance of Responsibility) provides for a 2-level reduction for a defendant who clearly demonstrates acceptance of responsibility. Application Note 1(A) of § 3E1.1 provides as one of the appropriate considerations in determining whether a defendant ''clearly demonstrate[d] acceptance of responsibility'' the following:

> truthfully admitting the conduct comprising the offense(s) of conviction, and truthfully admitting or not falsely denying any additional relevant conduct for which the defendant is accountable under § 1B1.3 (Relevant Conduct). Note that a defendant is not required to volunteer, or affirmatively admit, relevant conduct beyond the offense of conviction in order to obtain a reduction under subsection (a). A defendant may remain silent in respect to relevant conduct beyond the offense of conviction without affecting his ability to obtain a reduction under this subsection. However, a defendant who falsely denies, or frivolously contests, relevant conduct that the court determines to be true has acted in a manner inconsistent with acceptance of responsibility;

In addition, Application Note 3 provides further guidance on evidence that might demonstrate acceptance of responsibility, as follows:

> Entry of a plea of guilty prior to the commencement of trial combined with truthfully admitting the conduct comprising the offense of conviction, and truthfully admitting or not falsely denying any additional relevant conduct for which he is accountable under § 1B1.3 (Relevant Conduct) (*see* Application Note 1(A)), will constitute significant evidence of acceptance of responsibility for the purposes of subsection (a). However, this evidence may be outweighed by conduct of the defendant that is inconsistent with such acceptance of responsibility. A defendant who enters a guilty plea is not entitled to an adjustment under this section as a matter of right.

The Commission has heard concerns that the Commentary to § 3E1.1 (particularly the provisions cited above) encourages courts to deny a reduction in sentence when a defendant pleads guilty and accepts responsibility for the offense of conviction, but unsuccessfully challenges the presentence report's assessments of relevant conduct. These commenters suggest this has a chilling effect because defendants are concerned such objections may jeopardize their eligibility for a reduction for acceptance of responsibility.

The proposed amendment amends the Commentary to § 3E1.1 to revise how a defendant's challenge to relevant conduct should be considered in determining whether the defendant has accepted responsibility for purposes of the guideline. Specifically, the proposed amendment would revise Application Note 1(A) by substituting a new sentence for the sentence that states ''a defendant who falsely denies, or frivolously contests, relevant conduct that the court determines to be true has acted in a manner inconsistent with acceptance of responsibility.'' The proposed amendment includes two options for the substitute.

Option 1 would provide that ''a defendant may make a non-frivolous challenge to relevant conduct without affecting his ability to obtain a reduction.''

Option 2 would provide that ''a defendant may make a challenge to relevant conduct without affecting his ability to obtain a reduction, unless the challenge lacks an arguable basis either in law or in fact.''

An issue for comment is also provided.

Proposed Amendment

The Commentary to § 3E1.1 captioned ''Application Notes'' is amended in Note 1(A) by striking ''However, a defendant who falsely denies, or frivolously contests, relevant conduct that the court determines to be true has acted in a manner inconsistent with acceptance of responsibility'', and inserting the following:

[Option 1:

''In addition, a defendant may make a non-frivolous challenge to relevant conduct without affecting his ability to obtain a reduction''.]

[Option 2:

''In addition, a defendant may make a challenge to relevant conduct without affecting his ability to obtain a reduction, unless the challenge lacks an arguable basis either in law or in fact''.]

Issue for Comment

1. The Commission seeks comment on whether the Commission should amend the Commentary to § 3E1.1 (Acceptance of Responsibility) to change or clarify how a defendant's challenge to relevant conduct should be considered in determining whether a defendant has accepted responsibility for purposes of

§ 3E1.1. If so, what changes should the Commission make to § 3E1.1?

One of the options included in the proposed amendment, Option 1, would provide that ''a defendant may make a non-frivolous challenge to relevant conduct without affecting his ability to obtain a reduction'' under § 3E1.1(a). If the Commission were to adopt Option 1, what additional guidance, if any, should the Commission provide on the meaning of ''non-frivolous''? The second option included in the proposed amendment, Option 2, would provide that ''a defendant may make a challenge to relevant conduct without affecting his ability to obtain a reduction, unless the challenge lacks an arguable basis either in law or in fact.'' If the Commission were to adopt Option 2, should the Commission provide additional guidance on when a challenge ''lacks an arguable basis either in law or in fact''? For example, should the Commission state explicitly that the fact that a challenge is unsuccessful does not by itself establish that the challenge lacked an arguable basis either in law or in fact? If the Commission were to adopt either Option 1 or Option 2, should the challenges covered by the amendment include informal challenges to relevant conduct during the sentencing process, whether or not the issues challenged are determinative to the applicable guideline range? Should the Commission broaden the proposed provision to address other sentencing considerations, such as departures or variances? Should the Commission, instead of adopting either option in the proposed amendment, remove from § 3E1.1 all references to relevant conduct for which the defendant is accountable under § 1B1.3, and reference only the elements of the offense of conviction?

5. Miscellaneous

Synopsis of Proposed Amendment: This proposed amendment responds to recently enacted legislation and miscellaneous guideline issues.

The proposed amendment contains five parts (Parts A through E). The Commission is considering whether to promulgate any or all of these parts, as they are not mutually exclusive. They are as follows—

Part A responds to the Transnational Drug Trafficking Act of 2015, Public Law 114–154 (May 16, 2016), by amending § 2B5.3 (Criminal Infringement of Copyright or Trademark).

Part B responds to the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders Act, Public Law 114–119 (Feb. 8, 2016), by amending § 2A3.5 (Failure to Register as a Sex Offender), § 2A3.6 (Aggravated Offenses Relating to Registration as a Sex Offender), and Appendix A (Statutory Index).

Part C responds to the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Public Law 114–182 (June 22, 2016), by amending Appendix A (Statutory Index).

Part D amends § 2G1.3 (Promoting a Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Transportation of Minors to Engage in a Commercial Sex Act or Prohibited Sexual Conduct; Travel to Engage in Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Sex Trafficking of Children; Use of Interstate Facilities to Transport Information about a Minor) to clarify how the use of a computer enhancement at subsection (b)(3) interacts with its correlating commentary.

Part E responds to the Justice for All Reauthorization Act of 2016, Public Law 114–324 (Dec. 16, 2016), by amending § 5D1.3 (Conditions of Supervised Release).

(A) Transnational Drug Trafficking Act of 2015

Synopsis of Proposed Amendment: Part A of the proposed amendment responds to the Transnational Drug Trafficking Act of 2015, Public Law 114–154 (May 16, 2016). The primary purpose of the Act is to enable the Department of Justice to target extraterritorial drug trafficking activity. Among other things, the Act clarified the *mens rea* requirement for offenses related to trafficking in counterfeit drugs, without changing the statutory penalties associated with such offenses. The Act amended 18 U.S.C. 2230 (Trafficking in Counterfeit Goods or Services), which prohibits trafficking in a range of goods and services, including counterfeit drugs. The amended statute is currently referenced in Appendix A (Statutory Index) of the *Guidelines Manual* to § 2B5.3 (Criminal Infringement of Copyright or Trademark).

In particular, the Act made changes relating to counterfeit drugs. First, the Act amended the penalty provision at section 2320, replacing the term ''counterfeit drug'' with the phrase ''drug that uses a counterfeit mark on or in connection with the drug.'' Second, the Act revised section 2320(f)(6) to define only the term ''drug'' instead of ''counterfeit drug.'' The amended provision defines ''drug'' as ''a drug, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).'' The Act did not amend the definition of ''counterfeit mark'' contained in section 2230(f)(1), which provides that—

> the term ''counterfeit mark'' means—
> (A) a spurious mark—
> (i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;
> (ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;
> (iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and
> (iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or
> (B) a spurious designation that is identical with, or substantially indistinguishable from, a designation as to which the remedies of the Lanham Act are made available by reason of section 220506 of title 36 . . . .

Part A of the proposed amendment amends § 2B5.3(b)(5) to replace the term ''counterfeit drug'' with ''drug that uses a counterfeit mark on or in connection with the drug.'' The proposed amendment would also amend the Commentary to § 2B5.3 to delete the ''counterfeit drug'' definition and provide that ''drug'' and ''counterfeit mark'' have the meaning given those terms in 18 U.S.C. 2320(f).

Proposed Amendment

Section 2B5.3(b)(5) is amended by striking ''counterfeit drug'' and inserting ''drug that uses a counterfeit mark on or in connection with the drug''.

The Commentary to § 2B5.3 captioned ''Application Notes'' is amended in Note 1 by striking the third undesignated paragraph as follows:

'' 'Counterfeit drug' has the meaning given that term in 18 U.S.C. 2320(f)(6).'',

and by inserting after the paragraph that begins '''Counterfeit military good or service' has the meaning'' the following new paragraph:

'' 'Drug' and 'counterfeit mark' have the meaning given those terms in 18 U.S.C. 2320(f).''.

(B) International Megan's Law To Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders

Synopsis of Proposed Amendment: Part B of the proposed amendment responds to the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders Act (''International Megan's Law''), Public Law 114–119 (Feb. 8, 2016). The Act added a new notification requirement to 42 U.S.C. 16914 (Information required in [sex offender] registration). Section 16914 states that sex offenders who are required to register under the Sex Offender Registration and Notification Act (SORNA) must provide certain information for inclusion in the sex offender registry. Those provisions include the offender's name, Social Security number, address of all residences, name and address where the offender is an employee, the name and address where the offender is a student, license plate number and description of any vehicle. The International Megan's Law added as an additional requirement that the sex offender must provide ''information relating to intended travel of the sex offender outside of the United States, including any anticipated dates and places of departure, arrival or return, carrier and flight numbers for air travel, destination country and address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information required by the Attorney General.''

The International Megan's Law also added a new criminal offense at 18 U.S.C. 2250(b) (Failure to register). The new subsection (b) provides that whoever is required to register under SORNA who knowingly fails to provide the above described information required by SORNA relating to intended travel in foreign commerce and who engages or attempts to engage in the intended travel, is subject to a 10-year statutory maximum penalty. Section 2250 offenses are referenced in Appendix A (Statutory Index) to § 2A3.5 (Failure to Register as a Sex Offender).

Part B of the proposed amendment amends Appendix A (Statutory Index) so the new offenses at 18 U.S.C. 2250(b) are referenced to § 2A3.5. The proposed amendment also brackets the possibility of adding a new application note to the Commentary to § 2A3.5 providing that for purposes of § 2A3.5(b), a defendant shall be deemed to be in a ''failure to register status'' during the period in which the defendant engaged in conduct described in 18 U.S.C. 2250(a) or (b).

Finally, Part B makes clerical changes to § 2A3.6 (Aggravated Offenses Relating to Registration as a Sex Offender) to reflect the redesignation of 18 U.S.C. 2250(c) by the International Megan's Law.

Proposed Amendment

The Commentary to § 2A3.5 captioned ''Statutory Provision'' is amended by striking ''§ 2250(a)'' and inserting ''§ 2250(a), (b)''.

[The Commentary to § 2A3.5 captioned ''Application Notes'' is amended by redesignating Note 2 as Note 3, and by inserting the following new Note 2:

''2. *Application of Subsection (b)(1).*—For purposes of subsection (b)(1), a defendant shall be deemed to be in a 'failure to register status' during the period in which the defendant engaged in conduct described in 18 U.S.C. 2250(a) or (b).''.]

Section 2A3.6(a) is amended by striking ''§ 2250(c)'' and inserting ''§ 2250(d)''.

The Commentary to § 2A3.6 captioned ''Statutory Provisions'' is amended by striking ''2250(c)'' and inserting ''2250(d)''.

The Commentary to § 2A3.6 captioned ''Application Notes'' is amended—

in Note 1 by striking ''Section 2250(c)'' and inserting ''Section 2250(d)'', and by inserting after ''18 U.S.C. 2250(a)'' the following: ''or (b)'';

in Note 3 by striking ''§ 2250(c)'' and inserting ''§ 2250(d)'';

and in Note 4 by striking ''§ 2250(c)'' and inserting ''§ 2250(d)''.

Appendix A (Statutory Index) is amended in the line referenced to 18 U.S.C. 2250(a) by striking ''§ 2250(a)'' and inserting ''§ 2250(a), (b)''; and in the line referenced to 18 U.S.C. 2250(c) by striking ''§ 2250(c)'' and inserting ''§ 2250(d)''.

(C) Frank R. Lautenberg Chemical Safety for the 21st Century Act

Synopsis of Proposed Amendment: Part C of the proposed amendment responds to the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Public Law 114–182 (June 22, 2016). The Act, among other things, amended section 16 of the Toxic Substances Control Act (15 U.S.C. 2615) to add a new subsection that provides that any person who knowingly and willfully violates certain provisions of the Toxic Substances Control Act and who knows at the time of the violation that the violation places an individual in imminent danger of death or bodily injury shall be subject to a fine up to $250,000, imprisonment of up to 15 years, or both.

Part C of the proposed amendment amends Appendix A (Statutory Index) so that the new provision, 15 U.S.C. 2615(b)(2), is referenced to § 2Q1.1 (Knowing Endangerment Resulting From Mishandling Hazardous or Toxic Substances, Pesticides or Other Pollutants), while maintaining the reference to § 2Q1.2 (Mishandling of Hazardous or Toxic Substances or Pesticides; Recordkeeping, Tampering, and Falsification; Unlawfully Transporting Hazardous Materials in Commerce) for 15 U.S.C. 2615(b)(1).

Proposed Amendment

Appendix A (Statutory Index) is amended—

in the line referenced to 15 U.S.C. 2615 by striking ''§ 2615'' and inserting ''§ 2615(b)(1)'';

and by inserting before the line referenced to 15 U.S.C. 6821 the following new line reference:

''15 U.S.C. 2615(b)(2) 2Q1.1''.

(D) Use of a Computer Enhancement in § 2G1.3

Synopsis of Proposed Amendment: Part D of the proposed amendment clarifies how the use of a computer enhancement at § 2G1.3(b)(3) interacts with its corresponding commentary at Application Note 4. Section 2G1.3 (Promoting a Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Transportation of Minors to Engage in a Commercial Sex Act or Prohibited Sexual Conduct; Travel to Engage in Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Sex Trafficking of Children; Use of Interstate Facilities to Transport Information about a Minor) applies to several offenses involving the transportation of a minor for illegal sexual activity. Subsection (b)(3) of § 2G1.3 provides a 2-level enhancement if—

> the offense involved the use of a computer or an interactive computer service to (A) persuade, induce, entice, coerce, or facilitate the travel of, the minor to engage in prohibited sexual conduct; or (B) entice, encourage, offer, or solicit a person to engage in prohibited sexual conduct with the minor.

Application Note 4 to § 2G1.3 sets forth guidance on this enhancement providing as follows:

> Subsection (b)(3) is intended to apply only to the use of a computer or an interactive computer service to communicate directly with a minor or with a person who exercises custody, care, or supervisory control of the minor. Accordingly, the enhancement in subsection (b)(3) would not apply to the use of a computer or an interactive computer

service to obtain airline tickets for the minor from an airline's Internet site.

An application issue has arisen as to whether Application Note 4, by failing to distinguish between the two prongs of subsection (b)(3), prohibits application of the enhancement where a computer was used to solicit a third party to engage in prohibited sexual conduct with a minor.

Most courts to have addressed this issue have concluded that Application Note 4 is inconsistent with the language of § 2G1.3(b)(3), and have permitted the application of the enhancement for use of a computer in third party solicitation cases. *See, e.g.,* United States v. Cramer, 777 F.3d 597, 606 (2d Cir. 2015) (''We conclude that Application Note 4 is plainly inconsistent with subsection (b)(3)(B) . . . . The plain language of subsection (b)(3)(B) is clear, and there is no indication that the drafters of the Guidelines intended to limit this plain language through Application Note 4.''); United States v. McMillian, 777 F.3d 444, 449–50 (7th Cir. 2015) (''[The defendant] points out that Application Note 4 states that 'Subsection (b)(3) is intended to apply only to the use of a computer or an interactive computer service to communicate directly with a minor or with a person who exercises custody, care, or supervisory control of the minor.['] . . . . But the note is wrong. The guideline section provides a 2-level enhancement whenever the defendant uses a computer to 'entice, encourage, offer, or solicit a person to engage in prohibited sexual conduct with the minor' . . . . When an application note clashes with the guideline, the guideline prevails.''); United States v. Hill, 783 F.3d 842, 846 (11th Cir. 2015) (''Because the application note is inconsistent with the plain language of U.S.S.G. § 2G1.3(b)(3)(B), the plain language of the guideline controls.''); United States v. Pringler, 765 F.3d 445, 455 (5th Cir. 2014) (''[W]e hold that the commentary in application note 4 is 'inconsistent with' Guideline § 2G1.3(b)(3)(B), and we therefore follow the plain language of the Guideline alone.'').

Part D of the proposed amendment would amend the Commentary to § 2G1.3 to clarify that the guidance contained in Application Note 4 refers only to subsection (b)(3)(A) and does not control the application of the enhancement for use of a computer in third party solicitation cases (as provided in subsection (b)(3)(B)).

Proposed Amendment

The Commentary to § 2G1.3 captioned ''Application Notes'' is amended in Note 4 by striking ''(b)(3)'' each place such term appears and inserting ''(b)(3)(A)''.

(E) Justice for All Reauthorization Act of 2016

Synopsis of Proposed Amendment: Part E of the proposed amendment responds to the Justice for All Reauthorization Act of 2016, Public Law 114–324 (Dec. 16, 2016). The Act made statutory changes to protect the rights of crime victims and to address the use of DNA and other forensic evidence. Among other things, the Act amended 18 U.S.C. 3583, the statute addressing supervised release. Section 3583(d) requires a court, when imposing a sentence of supervised release, to impose certain specified conditions of supervised release. The Act amended section 3583(d) to require the court to include, as one of those conditions, ''that the defendant make restitution in accordance with sections 3663 and 3663A [of Title 18, United States Code], or any other statute authorizing a sentence of restitution.''

Part E of the proposed amendment amends the ''mandatory'' condition of supervised release set forth in subsection (a)(6)(A) of § 5D1.3 (Conditions of Supervised Release). It conforms § 5D1.3(a)(6)(A) to section 3583(d) as amended by the Justice for All Reauthorization Act.

Proposed Amendment

Section 5D1.3(a)(6)(A) is amended by striking ''18 U.S.C. 2248, 2259, 2264, 2327, 3663, 3663A, and 3664'' and inserting ''18 U.S.C. 3663 and 3663A, or any other statute authorizing a sentence of restitution''.

6. Marihuana Equivalency

Synopsis of Proposed Amendment: This proposed amendment makes technical changes to § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to replace the term ''marihuana equivalency'' which is used in the Drug Equivalency Tables when determining penalties for certain controlled substances.

The Commentary to § 2D1.1 sets forth a series of Drug Equivalency Tables. These tables provide a conversion factor termed ''marihuana equivalency'' for certain controlled substances that is used to determine the offense level for cases in which the controlled substance involved in the offense is not specifically listed in the Drug Quantity Table, or where there is more than one controlled substance involved in the offense (whether or not listed in the Drug Quantity Table). *See* § 2D1.1, comment. (n.8). The Drug Equivalency Tables are separated by drug type and schedule.

In a case involving a controlled substance that is not specifically referenced in the Drug Quantity Table, the base offense level is determined by using the Drug Equivalency Tables to convert the quantity of the controlled substance involved in the offense to its marihuana equivalency, then finding the offense level in the Drug Quantity Table that corresponds to that quantity of marihuana. In a case involving more than one controlled substance, each of the drugs is converted into its marihuana equivalency, the converted quantities are added, and the aggregate quantity is used to find the offense level in the Drug Quantity Table.

The Commission received comment expressing concern that the term ''marihuana equivalency'' is misleading and results in confusion for individuals not fully versed in the guidelines. In particular, some commenters suggested that the Commission should replace ''marihuana equivalency'' with another term.

The proposed amendment would amend § 2D1.1 to replace ''marihuana equivalency'' as the conversion factor for determining penalties for controlled substances that are not specifically referenced in the Drug Quantity Table or when combining differing controlled substances, with a new value termed ''converted drug weight.'' Specifically, the proposed amendment would add the new conversion factor to all provisions of the Drug Quantity Table at § 2D1.1(c). In addition, the proposed amendment would change the title of the ''Drug Equivalency Tables'' to ''Drug Conversion Tables,'' and revise the commentary to § 2D1.1 to change all references to marihuana as a conversion factor and replace it with the new value.

All changes set forth in the proposed amendment are not intended as a substantive change in policy for § 2D1.1.

Proposed Amendment

Section 2D1.1(c)(1) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• 90,000 KG or more of *Converted Drug Weight.*''.

Section 2D1.1(c)(2) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 30,000 KG but less than 90,000 KG of *Converted Drug Weight.*''.

Section 2D1.1(c)(3) is amended by striking the period at the end of the line

referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 10,000 KG but less than 30,000 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(4) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 3,000 KG but less than 10,000 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(5) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 1,000 KG but less than 3,000 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(6) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 700 KG but less than 1,000 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(7) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 400 KG but less than 700 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(8) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 100 KG but less than 400 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(9) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 80 KG but less than 100 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(10) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 60 KG but less than 80 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(11) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 40 KG but less than 60 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(12) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 20 KG but less than 40 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(13) is amended by striking the period at the end of the line referenced to Flunitrazepam and inserting a semicolon, and by adding at the end the following:

''• At least 10 KG but less than 20 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(14) is amended by striking the period at the end of the line referenced to Schedule IV substances (except Flunitrazepam) and inserting a semicolon, and by adding at the end the following:

''• At least 5 KG but less than 10 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(15) is amended by striking the period at the end of the line referenced to Schedule IV substances (except Flunitrazepam) and inserting a semicolon, and by adding at the end the following:

''• At least 2.5 KG but less than 5 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(16) is amended by striking the period at the end of the line referenced to Schedule V substances and inserting a semicolon, and by adding at the end the following:

''• At least 1 KG but less than 2.5 KG of *Converted Drug Weight*.''.

Section 2D1.1(c)(17) is amended by striking the period at the end of the line referenced to Schedule V substances and inserting a semicolon, and by adding at the end the following:

''• Less than 1 KG of *Converted Drug Weight*.''.

The annotation to § 2D1.1(c) captioned ''Notes to Drug Quantity Table'' is amended by inserting at the end the following new Note (J):

''(J) The term 'Converted Drug Weight,' for purposes of this guideline, refers to a nominal reference designation that is to be used as a conversion factor in the Drug Conversion Tables set forth in the Commentary below, to determine the offense level for controlled substances that are not specifically referenced in the Drug Quantity Table or when combining differing controlled substances.''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended—

in Note 6 by striking ''marihuana equivalency'' and inserting ''converted drug weight'' and by inserting after ''the most closely related controlled substance referenced in this guideline.'' the following: ''*See* Application Note 8.'';

in the heading of Note 8 by striking ''Drug Equivalency'' and inserting ''Drug Conversion'';

in Note 8(A) by striking ''Drug Equivalency Tables'' both places such term appears and inserting ''Drug Conversion Tables''; by striking ''to convert the quantity of the controlled substance involved in the offense to its equivalent quantity of marihuana'' and inserting ''to find the converted drug weight of the controlled substance involved in the offense''; by striking ''Find the equivalent quantity of marihuana'' and inserting ''Find the corresponding converted drug weight''; by striking ''Use the offense level that corresponds to the equivalent quantity of marihuana'' and inserting ''Use the offense level that corresponds to the converted drug weight determined above''; by striking ''an equivalent quantity of 5 kilograms of marihuana'' and inserting ''5 kilogram of converted drug weight''; and by striking ''the equivalent quantity of marihuana would be 500 kilograms'' and inserting ''the converted drug weight would be 500 kilograms'';

in Note 8(B) by striking ''Drug Equivalency Tables'' each place such term appears and inserting ''Drug Conversion Tables''; by striking ''convert each of the drugs to its marihuana equivalent'' and inserting ''convert each of the drugs to its converted drug weight''; by striking ''For certain types of controlled substances, the marihuana equivalencies'' and inserting ''For certain types of controlled substances, the converted drug weights assigned''; by striking ''*e.g.,* the combined equivalent weight of all Schedule V controlled substances shall not exceed 2.49 kilograms of marihuana'' and inserting ''*e.g.,* the combined converted weight of all Schedule V controlled substances shall not exceed 2.49 kilograms of converted drug weight''; by striking ''determine the marihuana equivalency for each schedule separately'' and inserting ''determine the converted drug weight for each schedule separately''; and by striking ''Then add the marihuana equivalencies to determine the combined marihuana equivalency'' and inserting ''Then add the converted drug weights to determine the combined converted drug weight'';

in Note 8(C)(i) by striking ''of marihuana'' each place such term appears and inserting ''of converted drug weight''; and by striking ''The total is therefore equivalent to 95 kilograms'' and inserting ''The total therefore converts to 95 kilograms'';

in Note 8(C)(ii) by striking the following:

''The defendant is convicted of selling 500 grams of marihuana (Level 6) and 10,000 units of diazepam (Level 6). The diazepam, a Schedule IV drug, is equivalent to 625 grams of marihuana. The total, 1.125 kilograms of marihuana, has an offense level of 8 in the Drug Quantity Table.'',

and inserting the following:

''The defendant is convicted of selling 500 grams of marihuana (Level 6) and 10,000 units of diazepam (Level 6). The amount of marihuana converts to 500 grams of converted drug weight. The diazepam, a Schedule IV drug, converts to 625 grams of converted drug weight. The total, 1.125 kilograms of converted drug weight, has an offense level of 8 in the Drug Quantity Table.'';

in Note 8(C)(iii) by striking ''is equivalent'' both places such term appears and inserting ''converts''; by striking ''of marihuana'' each place such term appears and inserting ''of converted drug weight''; and by striking ''The total is therefore equivalent'' and inserting ''The total therefore converts'';

in Note 8(C)(iv) by striking ''marihuana equivalency'' each place such term appears and inserting ''converted drug weight''; by striking ''76 kilograms of marihuana'' and inserting ''76 kilograms''; by striking ''79.99 kilograms of marihuana'' both places such term appears and inserting ''79.99 kilograms of converted drug weight''; by striking ''equivalent weight'' each place such term appears and inserting ''converted weight''; by striking ''9.99 kilograms of marihuana'' and inserting ''9.99 kilograms''; and by striking ''2.49 kilograms of marihuana'' and inserting ''2.49 kilograms'';

and in Note 8(D)—

in the heading, by striking ''Drug Equivalency'' and inserting ''Drug Conversion'';

under the heading relating to Schedule I or II Opiates, by striking the heading as follows:

''*Schedule I or II Opiates**''',

and inserting the following new heading:

''*Schedule I or II Opiates**.	*Converted Drug Weight*'';

and by striking ''of marihuana'' each place such term appears;

under the heading relating Cocaine and Other Schedule I and II Stimulants (and their immediate precursors), by striking the heading as follows:

''*Cocaine and Other Schedule I and II Stimulants (and their immediate precursors)**''',

and inserting the following new heading:

''*Cocaine and Other Schedule I and II Stimulants (and their immediate precursors)**.	*Converted Drug Weight*'';

and by striking ''of marihuana'' each place such term appears;

under the heading relating to LSD, PCP, and Other Schedule I and II Hallucinogens (and their immediate precursors), by striking the heading as follows:

''*LSD, PCP, and Other Schedule I and II Hallucinogens (and their immediate precursors)**''',

and inserting the following new heading:

''*LSD, PCP, and Other Schedule I and II Hallucinogens (and their immediate precursors)**.	*Converted Drug Weight*'';

and by striking ''of marihuana'' each place such term appears;

under the heading relating to Schedule I Marihuana, by striking the heading as follows:

''*Schedule I Marihuana*'',

and inserting the following new heading:

''*Schedule I Marihuana.*	*Converted Drug Weight*'';

and by striking ''of marihuana'' each place such term appears;

under the heading relating to Flunitrazepam, by striking the heading as follows:

''*Flunitrazepam***''',

and inserting the following new heading:

''*Flunitrazepam**	*Converted Drug Weight*'';

and by striking ''of marihuana'';

under the heading relating to Schedule I or II Depressants (except gamma-hydroxybutyric acid), by striking the heading as follows:

''*Schedule I or II Depressants (except gamma-hydroxybutyric acid)*'',

and inserting the following new heading:

''*Schedule I or II Depressants (except gamma-hydroxybutyric acid).*	*Converted Drug Weight*'';

and by striking ''of marihuana'';

under the heading relating to Gamma-hydroxybutyric Acid, by striking the heading as follows:

''*Gamma-hydroxybutyric Acid*'',

and inserting the following new heading:

''*Gamma-hydroxybutyric Acid.*	*Converted Drug Weight*'';

and by striking ''of marihuana'';

under the heading relating to Schedule III Substances (except ketamine), by striking the heading as follows:

''*Schedule III Substances (except ketamine)****''',

and inserting the following new heading:

''*Schedule III Substances (except ketamine)****.	*Converted Drug Weight*'';

by striking ''1 gm of marihuana'' and inserting ''1 gm''; by striking ''equivalent weight'' and inserting ''converted weight''; and by striking ''79.99 kilograms of marihuana'' and inserting ''79.99 kilograms of converted drug weight'';

under the heading relating to Ketamine, by striking the heading as follows:

''*Ketamine*'',

and inserting the following new heading:

''*Ketamine*	*Converted Drug Weight*'';

and by striking ''of marihuana'';

under the heading relating to Schedule IV Substances (except flunitrazepam), by striking the heading as follows:

''*Schedule IV Substances (except flunitrazepam)*****''',

and inserting the following new heading:

''*Schedule IV Substances (except flunitrazepam) *****.*	*Converted Drug Weight*'';

by striking ''0.0625 gm of marihuana'' and inserting ''0.0625 gm''; by striking ''equivalent weight'' and inserting ''converted weight''; and by striking ''9.99 kilograms of marihuana'' and inserting ''9.99 kilograms of converted drug weight'';

under the heading relating to Schedule V Substances, by striking the heading as follows:

''*Schedule V Substances******''',

and inserting the following new heading:

''*Schedule V Substances******.*	*Converted Drug Weight*'';

by striking ''0.00625 gm of marihuana'' and inserting ''0.00625 gm''; by striking ''equivalent weight'' and inserting ''converted weight''; and by striking ''2.49 kilograms of marihuana'' and inserting ''2.49 kilograms of converted drug weight'';

under the heading relating to List I Chemicals (relating to the manufacture of amphetamine or methamphetamine), by striking the heading as follows:

''*List I Chemicals (relating to the manufacture of amphetamine or methamphetamine)*******''',

and inserting the following new heading:

''*List I Chemicals (relating to the manufacture of amphetamine or methamphetamine)*******.*	*Converted Drug Weight*'';

and by striking ''of marihuana'' each place such term appears;

under the heading relating to Date Rape Drugs (except flunitrazepam, GHB,

or ketamine), by striking the heading as follows:

''*Date Rape Drugs (except flunitrazepam, GHB, or ketamine)*'',

and inserting the following new heading:

''*Date Rape Drugs (except flunitrazepam, GHB, or ketamine).*	*Converted Drug Weight*'';

and by striking ''marihuana'' each place such term appears;

and in the text before the heading relating to Measurement Conversion Table, by striking ''To facilitate conversions to drug equivalencies'' and inserting ''To facilitate conversions to converted drug weights''.

7. Technical Amendment

Synopsis of Amendment: This proposed amendment makes various technical changes to the *Guidelines Manual.*

Part A of the proposed amendment makes certain clarifying changes to two guidelines. First, the proposed amendment amends Chapter One, Part A, Subpart 1(4)(b) (Departures) to provide an explanatory note addressing the fact that § 5K2.19 (Post-Sentencing Rehabilitative Efforts) was deleted by Amendment 768, effective November 1, 2012. Second, the proposed amendment makes minor clarifying changes to Application Note 2(A) to § 2B1.1 (Theft, Property Destruction, and Fraud), to make clear that, for purposes of subsection (a)(1)(A), an offense is ''referenced to this guideline'' if § 2B1.1 is the applicable Chapter Two guideline specifically referenced in Appendix A (Statutory Index) for the offense of conviction.

Part B of the proposed amendment makes technical changes in §§ 2Q1.3 (Mishandling of Other Environmental Pollutants; Recordkeeping, Tampering, and Falsification), 2R1.1 (Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors), 4A1.2 (Definitions and Instructions for Computing Criminal History), and 4B1.4 (Armed Career Criminal), to correct title references to § 4A1.3 (Departures Based on Inadequacy of Criminal History Category (Policy Statement)).

Part C of the proposed amendment makes clerical changes to—

(1) the Commentary to § 1B1.13 (Reduction in Term of Imprisonment Under 18 U.S.C. 3582(c)(1)(A) (Policy Statement)), to correct a typographical error by inserting a missing word in Application Note 4;

(2) subsection (d)(6) to § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy), to correct a typographical error in the line referencing Pseudoephedrine;

(3) subsection (e)(2) to § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy), to correct a punctuation mark under the heading relating to List I Chemicals;

(4) the Commentary to § 2M2.1 (Destruction of, or Production of Defective, War Material, Premises, or Utilities) captioned ''Statutory Provisions,'' to add a missing section symbol and a reference to Appendix A (Statutory Index);

(5) the Commentary to § 2Q1.1 (Knowing Endangerment Resulting From Mishandling Hazardous or Toxic Substances, Pesticides or Other Pollutants) captioned ''Statutory Provisions,'' to add a missing reference to 42 U.S.C. 7413(c)(5) and a reference to Appendix A (Statutory Index);

(6) the Commentary to § 2Q1.2 (Mishandling of Hazardous or Toxic Substances or Pesticides; Recordkeeping, Tampering, and Falsification; Unlawfully Transporting Hazardous Materials in Commerce) captioned ''Statutory Provisions,'' to add a specific reference to 42 U.S.C. 7413(c)(1)–(4);

(7) the Commentary to § 2Q1.3 (Mishandling of Other Environmental Pollutants; Recordkeeping, Tampering, and Falsification) captioned ''Statutory Provisions,'' to add a specific reference to 42 U.S.C. 7413(c)(1)–(4);

(8) subsection (a)(4) to § 5D1.3. (Conditions of Supervised Release), to change an inaccurate reference to ''probation'' to ''supervised release''; and

(9) the lines referencing ''18 U.S.C. 371'' and ''18 U.S.C. 1591'' in Appendix A (Statutory Index), to rearrange the order of certain Chapter Two guidelines references to place them in proper numerical order.

(A) Clarifying Changes

Proposed Amendment

Chapter One, Part A is amended—

in Subpart 1(4)(b) (Departures) by inserting an asterisk after ''§ 5K2.19 (Post-Sentencing Rehabilitative Efforts)'', and by inserting after the first paragraph the following new paragraph:

''*Note: Section 5K2.19 (Post-Sentencing Rehabilitative Efforts) was deleted by Amendment 768, effective November 1, 2012. (*See* USSG App. C, amendment 768.)'';

and in the note at the end of Subpart 1(4)(d) (Probation and Split Sentences) by striking ''Supplement to Appendix C'' and inserting ''USSG App. C''.

The Commentary to § 2B1.1 captioned ''Application Notes'' is amended in Note 2(A)(i) by striking ''as determined under the provisions of § 1B1.2 (Applicable Guidelines) for the offense of conviction'' and inserting the following: ''specifically referenced in Appendix A (Statutory Index) for the offense of conviction, as determined under the provisions of § 1B1.2 (Applicable Guidelines)''.

(B) Title References to § 4A1.3

Proposed Amendment

The Commentary to § 2Q1.3 captioned ''Application Notes'' is amended in Note 8 by striking ''Adequacy of Criminal History Category'' and inserting ''Departures Based on Inadequacy of Criminal History Category (Policy Statement)''.

The Commentary to § 2R1.1 captioned ''Application Notes'' is amended in Note 7 by striking ''Adequacy of Criminal History Category'' and inserting ''Departures Based on Inadequacy of Criminal History Category (Policy Statement)''.

Section 4A1.2 is amended in subsections (h), (i), and (j) by striking ''Adequacy of Criminal History Category'' each place such term appears and inserting ''Departures Based on Inadequacy of Criminal History Category (Policy Statement)''.

The Commentary to § 4A1.2 captioned ''Application Notes'' is amended in Notes 6 and 8 by striking ''Adequacy of Criminal History Category'' both places such term appears and inserting ''Departures Based on Inadequacy of Criminal History Category (Policy Statement)''.

The Commentary to § 4B1.4 captioned ''Background'' is amended by striking ''Adequacy of Criminal History Category'' and inserting ''Departures Based on Inadequacy of Criminal History Category (Policy Statement)''.

(C) Clerical Changes

Proposed Amendment

The Commentary to § 1B1.13 captioned ''Application Notes'' is amended in Note 4 by striking ''factors set forth 18 U.S.C. 3553(a)'' and inserting ''factors set forth in 18 U.S.C. 3553(a)''.

Section 2D1.11 is amended—

in subsection (d)(6) by striking ''Pseuodoephedrine'' and inserting ''Pseudoephedrine'';

and in subsection (e)(2), under the heading relating to List I Chemicals, by striking the period at the end and inserting a semicolon.

The Commentary to § 2M2.1 captioned ''Statutory Provisions'' is amended by striking ''§ 2153'' and inserting ''§§ 2153'', and by inserting at

the end the following: ''For additional statutory provision(s), *see* Appendix A (Statutory Index).''.

The Commentary to § 2Q1.1 captioned ''Statutory Provisions'' is amended by striking ''42 U.S.C. 6928(e)'' and inserting ''42 U.S.C. 6928(e), 7413(c)(5)'', and by inserting at the end the following: ''For additional statutory provision(s), *see* Appendix A (Statutory Index).''.

The Commentary to § 2Q1.2 captioned ''Statutory Provisions'' is amended by striking ''7413'' and inserting ''7413(c)(1)–(4)''.

The Commentary to § 2Q1.3 captioned ''Statutory Provisions'' is amended by striking ''7413'' and inserting ''7413(c)(1)–(4)''.

Section 5D1.3(a)(4) is amended by striking ''release on probation'' and inserting ''release on supervised release''.

Appendix A (Statutory Index) is amended in the line referenced to 18 U.S.C. 371 by rearranging the guidelines to place them in proper numerical order; and in the line referencing 18 U.S.C. 1591 by rearranging the guidelines to place them in proper numerical order.

[FR Doc. 2017–18076 Filed 8–24–17; 8:45 am]

BILLING CODE 2210–40–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0067]

Agency Information Collection Activity Under OMB Review: Application for Automobile or Other Conveyance and Adaptive Equipment

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, 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: Comments must be submitted on or before September 25, 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 *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0067'' in any correspondence.

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. 2900–0067'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Application for Automobile or Other Conveyance and Adaptive Equipment (Under 38 U.S.C. 3901–3904) (VA Form 21–4502).

OMB Control Number: 2900–0067.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–4502 is used to gather the necessary information to determine if a veteran or serviceperson is entitled to an automobile allowance and adaptive equipment.

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 at 82 FR 113 on June 14, 2017, page 27328.

Affected Public: Individuals or Households.

Estimated Annual Burden: 388.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,552.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–17982 Filed 8–24–17; 8:45 am]

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