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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2017–0049]

Black Stem Rust; Additions of Rust-Resistant Species and Varieties

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the black stem rust quarantine and regulations by adding 15 varieties to the list of rust-resistant *Berberis* species and varieties and 2 varieties to the list of rust-resistant *Mahonia* species and varieties. This action will allow for the interstate movement of these newly developed varieties without unnecessary restrictions.

DATES: This rule will be effective on November 6, 2017, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before October 5, 2017. If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date.

ADDRESSES: You may submit comments or written notice of intent to submit adverse comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2017-0049.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0049, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0049* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Richard N. Johnson, National Policy Manager, Black Stem Rust, Pest Management, PHP, PPQ, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737–1231; (301) 851–2109.

SUPPLEMENTARY INFORMATION:

Background

Black stem rust is one of the most destructive plant diseases of small grains that is known to exist in the United States. The disease is caused by a fungus (*Puccinia graminis*) that reduces the quality and yield of infected wheat, oat, barley, and rye crops. In addition to infecting small grains, the fungus lives on a variety of alternate host plants that are species of the genera *Berberis, Mahoberberis,* and *Mahonia.* The fungus is spread from host to host by windborne spores.

The black stem rust quarantine and regulations, which are contained in 7 CFR 301.38 through 301.38–8 (referred to below as the regulations), quarantine the conterminous 48 States and the District of Columbia and govern the interstate movement of certain plants of the genera *Berberis, Mahoberberis,* and *Mahonia,* known as barberry plants. The species of these plants are categorized as either rust-resistant or rust-susceptible. Rust-resistant plants do not pose a risk of spreading black stem rust or of contributing to the development of new races of the rust; rust-susceptible plants do pose such risks. Section 301.38–2 of the regulations includes a listing of regulated articles and indicates those species and varieties of the genera *Berberis, Mahoberberis,* and *Mahonia* that are known to be rust-resistant. Although rust-resistant species are included as regulated articles, they may be moved into or through protected areas if accompanied by a certificate. In accordance with the procedures described below under **DATES**, this direct final rule will add the following varieties to the lists of rust-resistant *Berberis* and *Mahonia* species in § 301.38–2(a)(1) and (a)(2):

- *B. thunbergii atropurpurea x B.* x*media* H2011–085–006;
- *B. thunbergii* 'Diabolicum';
- *B. thunbergii* ''8–8–13'';
- *B. thunbergii* H2007–001–031;
- *B. thunbergii* Orange Torch;
- *B. thunbergii* Red Torch;
- *B. thunbergii* Striking Gold;
- *B. thunbergii* UCONNBT039;
- *B. thunbergii* UCONNBT048;
- *B. thunbergii* UCONNBT113;
- *B. thunbergii* UCONNBTCP4N;
- *B. thunbergii* UCONNtrispecific;
- *B. thunbergii x B. sieboldii* H2010–079–012;
- *B. verruculosa x gagnepainii* x *vulgaris* Trispecific#2;
- *B.* x*media* x *thunbergii atropurpurea* H2011–165–002;
- *M. eurybracteata* Soft Caress (PPAF); and
- *M. media* Marvel (PPAF).

The addition of these species is based on recent testing to determine rust resistance conducted by the Agricultural Research Service of the United States Department of Agriculture (USDA) at its Cereal Disease Laboratory in St. Paul, MN. The testing is performed in the following manner: In a greenhouse, the suspect plant or test subject is placed under a screen with a control plant—a known rust-susceptible species of *Berberis, Mahoberberis,* or *Mahonia.* Infected wheat stems, a primary host of black stem rust, are placed on top of the screen. The plants are moistened and maintained in 100 percent humidity. This causes the spores to swell and fall on the plants lying under the screen. The plants are then observed for 7 days at 20–80 percent relative humidity. If the rust-susceptible plant shows signs of infection after 7 days and the test plants do not, the test results indicate that the test plants are rust-resistant. This test must be performed 12 times, and all 12 tests must yield the same result before USDA can make a determination as to whether the test plants are rust-resistant. The test may be conducted on 12 individual plants, or it may be performed multiple times on fewer plants (*e.g.,* 6 plants tested twice or 3 plants tested 4 times). The tests must be performed on new growth, just as the leaves are unfolding. Therefore, the tests are usually conducted in the spring or fall, during the growing season. All 12 tests generally cannot be conducted on

the same day because of the plants' different growth stages. Based on over 30 years of experience with this test, we believe that 12 is the reliable test sample size on which USDA can make its determination. We do not know of any plant that was subsequently discovered to be rust-susceptible after undergoing the test procedure 12 times and being determined by USDA to be rust-resistant.

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, on November 6, 2017, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before October 5, 2017.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment.

As discussed above, if we receive no written adverse comments or written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a document in the **Federal Register** before the effective date of this direct final rule confirming that it is effective on the date indicated in this document.

Executive Orders 12866 and 13771 and Regulatory Flexibility Act

This rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866. Further, because this rule is waived, it does not trigger the requirements of Executive Order 13771.

This direct final rule will amend 7 CFR 301.38–2 by adding 15 varieties to the list of rust resistant *Berberis* species or cultivars, and 2 varieties to the list of rust resistant *Mahonia* species or cultivars. The nursery and floriculture industries that may be affected by this rule are largely composed of small entities. We expect these entities to benefit from the rule, by being able to market interstate barberry species and cultivars that have been determined to be rust-resistant.

The introduction and spread of plant pests can result in damage to crops and losses to the U.S. agricultural sector. For the purpose of this analysis and following the Small Business Administration (SBA) guidelines, we note that a major segment of entities potentially affected by this rule are classified within the following industries: Nursery and Tree Production (NAICS 111421), and Floriculture Production (NAICS 111422). According to the Census of Agriculture, these two categories, along with Greenhouse production, which makes up the rest of NAICS 1114, included 52,777 farms in 2012, and represented 2.5 percent of all farms in the United States. These entities are considered small by SBA standards if their annual sales are $750,000 or less. Over 87 percent of the farms in these industries had annual sales of less than $500,000.

Barberry plants are not one of the crops tracked by the Census and therefore data on production and number of producers are not available. Nurseries producing barberry plant species and varieties will not be negatively affected. In fact, they will benefit from being able to market the 17 varieties interstate. In addition, the rule does not require any additional reporting, recordkeeping, or other compliance measures beyond what is already in place.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.38–2 is amended as follows:

■ a. In paragraph (a)(1), by adding, in alphabetical order, 15 rust-resistant *Berberis* species; and

■ b. In paragraph (a)(2)(ii), by adding, in alphabetical order, two rust resistant *Mahonia* species.

The additions read as follows:

§ 301.38–2 Regulated articles.

(a) * * *

(1) * * *

B. thunbergii atropurpurea x B. x media H2011–085–006

* * * * *

B. thunbergii 'Diabolicum'

* * * * *

B. thunbergii ''8–8–13''

* * * * *

B. thunbergii H2007–001–031

* * * * *

B. thunbergii Orange Torch

* * * * *

B. thunbergii Red Torch

* * * * *

B. thunbergii Striking Gold

* * * * *

B. thunbergii UCONNBT039

B. thunbergii UCONNBT048

B. thunbergii UCONNBT113

B. thunbergii UCONNBTCP4N

B. thunbergii UCONNtrispecific

* * * * *

B. thunbergii x B. sieboldii H2010–079–012

* * * * *

B. verruculosa x gagnepainii x *vulgaris* Trispecific#2

* * * * *

B. x media x thunbergii atropurpurea H2011–165–002

(2) * * *

(ii) * * *

M. eurybracteata Soft Caress (PPAF)

* * * * *

M. media Marvel (PPAF)

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Done in Washington, DC, this 30th day of August 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–18712 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Doc. No. AMS–SC–16–0104; SC16–930–4 FR]

Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Modification of Allocation of Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule implements a recommendation from the Tart Cherry Industry Administrative Board (Board) to increase the portion of assessments allocated to research and promotion activities from $0.005 to $0.0065 per pound of tart cherries and decrease the portion allocated to administrative expenses from $0.0025 to $0.001 per pound of tart cherries handled under the marketing order (order). This rule also corrects the allocation numbers from $0.006 per pound for research and promotion activities and $0.0015 per pound for administrative expenses as stated in the proposed rule based on a comment received. The overall assessment rate remains unchanged at $0.0075 per pound of tart cherries. The Board locally administers the order and is comprised of producers and handlers of tart cherries operating within the area of production, and one public member. Assessments upon tart cherry handlers are used by the Board to fund reasonable and necessary expenses of the program. The fiscal period begins October 1 and ends September 30. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective September 6, 2017.

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Jennie.Varela@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 930, both as amended (7 CFR part 930), regulating the handling of tart cherries produced in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 13563 and 13175. This rule does not meet the definition of a significant regulatory action contained in section 3(f) of Executive Order 12866 and is not subject to review by the Office of Management and Budget (OMB). Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled, ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, tart cherry handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable tart cherries beginning on October 1, 2016, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the portion of the assessment rate allocated to research and promotion activities from $0.005 to $0.0065 per pound of tart cherries handled and decreases the portion allocated to administrative expenses from $0.0025 to $0.001 per pound of tart cherries handled under the order. This rule also corrects the allocation numbers from $0.006 per pound for research and promotion activities and $0.0015 per pound for administrative expenses as stated in the proposed rule based on a comment received. The overall assessment rate for the 2016–17 and subsequent fiscal periods remains unchanged at $0.0075 per pound of tart cherries.

The tart cherry marketing order provides authority for the Tart Cherry Industry Administrative Board (Board), with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of tart cherries, and one public member. They are familiar with the Board's needs and with the costs of goods and services in their local areas and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2010–11 and subsequent fiscal periods, the Board recommended, and USDA approved, an assessment rate of $0.0075 per pound of tart cherries that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on September 8, 2016, and unanimously recommended 2016–17 expenditures of $2,523,550 and an assessment rate of $0.0075 per pound of tart cherries. In comparison, last year's budgeted expenditures were $1,725,000. The total assessment rate remains unchanged by this action. However, this rule increases the portion of the assessment rate allocated to research and promotion activities from $0.005 to

$0.0065 per pound of tart cherries handled and decreases the portion allocated to administrative expenses from $0.0025 to $0.001 per pound of tart cherries handled under the order. This shift in allocation will allow for expanded research and promotion activities to help market this season's above-average crop, while helping to ensure that funds held in the Board's authorized reserve are consistent with the order's limits on the reserve.

The major expenditures recommended by the Board for the 2016–17 fiscal year include $2,045,550 for promotion, $255,000 for personnel, and $106,000 for office expenses. Budgeted expenses for these items in 2015–16 were $1,150,000, $236,000, and $102,000, respectively.

The assessment rate recommended by the Board was derived by considering expected shipments of tart cherries and examining the needs of the industry with regard to research and promotion and the authorized reserve. Tart cherry shipments for the 2016–17 year are estimated at 314.7 million pounds, which should provide $2,360,250 in assessment income. Income derived from handler assessments, interest income, and funds from the Board's authorized reserve should be adequate to cover budgeted expenses. Funds in the reserve (approximately $894,000) will be kept within the maximum permitted by the order of no more than approximately one year's operational expenses as stated in § 930.42(a).

The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other available information.

Although this assessment rate will be in effect for an indefinite period, the Board will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public, and interested persons may express their views at these meetings. USDA will evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's budget for future fiscal periods will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 600 producers of tart cherries in the regulated area and approximately 40 handlers of tart cherries who are subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000, and small agricultural service firms have been defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

According to the National Agricultural Statistics Service and Board data, the average annual grower price for tart cherries during the 2015–16 season was approximately $0.347 per pound. With total utilization at 251.1 million pounds, the total 2015–16 crop value is estimated at $87 million. Dividing the crop value by the estimated number of producers (600) yields an estimated average receipt per producer of $145,000. This is well below the SBA threshold for small producers. In 2015, The Food Institute estimated a free on board (f.o.b.) price of $0.96 per pound for frozen tart cherries, which make up the majority of processed tart cherries. Multiplying the f.o.b price by total utilization of 251.1 million pounds results in an estimated handler-level tart cherry value of $241 million. Dividing this figure by the number of handlers (40) yields an estimated average annual handler receipts of $6 million, which is below the SBA threshold for small agricultural service firms. Assuming a normal distribution, the majority of producers and handlers of tart cherries may be classified as small entities.

This rule increases the portion of the assessment rate allocated to research and promotion activities from $0.005 to $0.0065 per pound of tart cherries handled and decreases the portion allocated to administrative expenses from $0.0025 to $0.001 per pound of tart cherries handled under the order. This rule also corrects the allocation numbers from $0.006 per pound for research and promotion activities and $0.0015 per pound for administrative expenses as stated in the proposed rule based on a comment received. The overall assessment rate established for the Board for the 2016–17 and subsequent fiscal periods remains unchanged at $0.0075 per pound of tart cherries. The quantity of assessable tart cherries for the 2016–17 season is estimated at 314.7 million pounds. Thus, the $0.0075 rate should provide $2,360,250 in assessment income. Income derived from handler assessments, interest income, and funds from the Board's authorized reserve should provide sufficient funds to meet this year's anticipated expenses.

The major expenditures recommended by the Board for the 2016–17 year include $2,045,550 for promotion, $255,000 for personnel, and $106,000 for office expenses. Budgeted expenses for these items in 2015–16 were $1,150,000, $236,000, and $102,000, respectively.

This rule shifts the allocation of the assessment rate to increase the portion allocated for research and promotion, while decreasing the portion allocated for administrative costs. This adjustment will allow for expanded research and promotion activities to help market this season's above-average crop, while helping to ensure that funds held in the Board's authorized reserve are consistent with the order's limits on the reserve.

Prior to arriving at this budget and assessment rate, the Board considered production history, crop estimates, its financial statements, and the need to both reduce financial reserves and increase its marketing efforts to increase demand for tart cherries. The Board also considered not taking this action but determined that 2016–17 expenditures of $2,523,550 were appropriate, and the recommended assessment rate and allocation, along with funds from interest income, block grants, and funds from reserves, would be adequate to cover budgeted expenses.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the average grower price for the 2016–17 season could be approximately $0.348 per pound of tart cherries. Therefore, the estimated assessment revenue for the 2016–17 crop year as a percentage of total grower revenue could be approximately 2 percent.

This action does not increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the costs may be

passed on to producers. However, these costs are offset by the benefits derived by the operation of the marketing order.

The Board's meetings were widely publicized throughout the tart cherry industry, and all interested persons were invited to attend the meetings and participate in Board deliberations on all issues. Like all Board meetings, the June 23, 2016, and September 8, 2016, meetings were public meetings, and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0177, Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. No changes in those requirements are necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This rule imposes no additional reporting or recordkeeping requirements on either small or large tart cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A proposed rule concerning this action was published in the **Federal Register** on May 25, 2017(82 FR 24080). Copies of the proposed rule were also mailed or sent via facsimile to all tart cherry handlers. Finally, the proposal was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending June 26, 2017, was provided for interested persons to respond to the proposal.

One comment was received from Board staff indicating that the Board minutes stated the recommendation was for assessment allocation of $0.0065 per pound of tart cherries for promotion and $0.001 per pound of tart cherries for administration rather than the $0.006 and $0.0015, respectively, as published in the proposed rule. Accordingly, the allocation numbers were revised based on the comment received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because the fiscal year ends on September 30, 2017, and the change in allotment of assessments collected is necessary to ensure sufficient funds are available to cover the increase in research and promotion expenses that were incurred to help market the 2016–17 above-average crop. Further, handlers are aware of this rule, which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule and no negative comments were received.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

■ 1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 930.200 is revised to read as follows:

§ 930.200 Assessment rate.

On and after October 1, 2016, the assessment rate imposed on handlers shall be $0.0075 per pound of tart cherries grown in the production area and utilized in the production of tart cherry products. Included in this rate is $0.0065 per pound of tart cherries to cover the cost of the research and promotion program and $0.001 per pound of tart cherries to cover administrative expenses.

Dated: August 30, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–18756 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. # AMS–CN–17–0003]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2017 Amendments)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Cotton Board Rules and Regulations, increasing the value assigned to imported cotton for the purposes of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. This amendment is required each year to ensure that assessments collected on imported cotton and the cotton content of imported products will be the same as those paid on domestically produced cotton. In addition, AMS is updating the Harmonized Tariff Schedule (HTS) statistical reporting numbers that were amended since the last assessment adjustment in 2016.

DATES: This direct rule is effective November 6, 2017, without further action or notice, unless significant adverse comment is received by October 5, 2017. If significant adverse comment is received, AMS will publish a timely withdrawal of the amendment in the **Federal Register**.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publically disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS–CN–17–0003, may be submitted electronically through the *Federal eRulemaking Portal at http://*

www.regulations.gov. Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery to* Cotton Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. Comments should be submitted in triplicate. All comments received will be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. A copy of this document may be found at: *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Shethir M. Riva, Director, Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406, telephone (540) 361–2726, facsimile (540) 361–1199, or email at *Shethir.Riva@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Amendments to the Cotton Research and Promotion Act (7 U.S.C. 2101–2118) (Act) were enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624, 104 Stat. 3909, November 28, 1990). These amendments contained two provisions that authorize changes in the funding procedures for the Cotton Research and Promotion Program. These provisions provide for: (1) The assessment of imported cotton and cotton products; and (2) termination of refunds to cotton producers. (Prior to the 1990 amendments to the Act, producers could request assessment refunds.)

As amended, the Cotton Research and Promotion Order (7 CFR part 1205) (Order) was approved by producers and importers voting in a referendum held July 17–26, 1991, and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). A proposed rule implementing the amended Order was published in the **Federal Register** on December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This direct final rule would amend the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510(b)(2)) that is used to determine the Cotton Research and Promotion assessment on imported cotton and cotton products. The total value of assessment levied on cotton imports is the sum of two parts. The first part of the assessment is based on the weight of cotton imported—levied at a rate of $1 per bale of cotton, which is equivalent to 500 pounds, or $1 per 226.8 kilograms of cotton. The second part of the import assessment (referred to as the supplemental assessment) is based on the value of imported cotton lint or the cotton contained in imported cotton products—levied at a rate of five-tenths of one percent of the value of domestically produced cotton.

Section 1205.510(b)(2) of the Cotton Research and Promotion Rules and Regulations provides for assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products is the same. The source for the average price statistic is *Agricultural Prices,* a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products will yield an assessment that is the same as assessments paid on domestically produced cotton.

The current value of imported cotton as published in 2016 in the **Federal Register** (81 FR 51781) for the purpose of calculating assessments on imported cotton is $0.011012 per kilogram. Using the average weighted price received by U.S. farmers for Upland cotton for the calendar year 2016, this direct final rule would amend the new value of imported cotton to $0.011510 per kilogram to reflect the price paid by U.S. farmers for Upland cotton during 2016.

An example of the complete assessment formula and how the figures are obtained is as follows:

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.

One pound equals 0.453597 kilograms.

One Dollar per Bale Assessment Converted to Kilograms

A 500-pound bale equals 226.8 kg. (500 × 0.453597).

$1 per bale assessment equals $0.002000 per pound or $0.2000 cents per pound (1/500) or $0.004409 per kg or $0.4409 cents per kg. (1/226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms

The 2016 calendar year weighted average price received by producers for Upland cotton is $0.644 per pound or $1.42 per kg. (0.644 × 2.2046).

Five tenths of one percent of the average price equals $0.007101 per kg. (1.42 × 0.005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the $1 per bale equivalent assessment of $0.004409 per kg. and the supplemental assessment $0.007101 per kg., which equals $0.01151 per kg.

The current assessment on imported cotton is $0.011012 per kilogram of imported cotton. The revised assessment in this direct final rule is $0.01151, an increase of $0.000498 per kilogram. This increase reflects the increase in the average weighted price of Upland cotton received by U.S. farmers during the period January through December 2016.

Import Assessment Table in section 1205.510(b)(3) indicates the total assessment rate ($ per kilogram) due for each Harmonized Tariff Schedule (HTS) number that is subject to assessment. This table must be revised each year to reflect changes in supplemental assessment rates and any changes to the HTS numbers. In this direct final rule, AMS is amending the Import Assessment Table.

AMS believes that these amendments are necessary to ensure that assessments collected on imported cotton and the cotton content of imported products are the same as those paid on domestically produced cotton. Accordingly, changes reflected in this rule should be adopted and implemented as soon as possible since it is required by regulation.

As described in this **Federal Register** document, the amendment to the value used to determine the Cotton Research and Promotion Program importer assessment will be updated to reflect the assessment already paid by U.S. farmers. For the reasons mentioned above, AMS finds that publishing a proposed rule and seeking public comment is unnecessary because the change is required annually by regulation in 7 CFR 1205.510.

Also, this direct-final rulemaking furthers the objectives of Executive Order 13563, which requires that the regulatory process ''promote predictability and reduce uncertainty'' and ''identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.''

AMS has used the direct rule rulemaking process since 2013 and has not received any adverse comments; however, if AMS does receives significant adverse comment during the comment period, it will publish, in a

timely manner, a document in the **Federal Register** withdrawing this direct final rule. AMS will then address public comments in a subsequent proposed rule and final rule based on the proposed rule.

B. Regulatory Impact Analysis

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Management and Budget has waived review of this action. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 12 of the Act, any person subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of the Secretary's ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (importers) as having receipts of no more than $7,500,000. In 2016, an estimated 20,000 importers are subject to the rules and regulations issued pursuant to the Cotton Research and Promotion Order. Most are considered small entities as defined by the Small Business Administration.

This rule would only affect importers of cotton and cotton-containing products and would increase the assessments paid by the importers under the Cotton Research and Promotion Order. The current assessment on imported cotton is $0.011012 per kilogram of imported cotton. The amended assessment would be $0.01151, which was calculated based on the 12-month weighted average of price received by U.S. cotton farmers. Section 1205.510, ''Levy of assessments'', provides ''The rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States.'' In addition, section 1205.510 provides that the 12-month weighted average of prices received by U.S. farmers will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton.

Under the Cotton Research and Promotion Program, assessments are used by the Cotton Board to finance research and promotion programs designed to increase consumer demand for Upland cotton in the United States and international markets. In 2015 (the last audited year), producer assessments totaled $36.06 million and importer assessments totaled $39.42 million. According to the Cotton Board, should the volume of cotton products imported into the U.S. remain at the same level in 2017, one could expect an increase of assessments by approximately $1,548,844.

Imported organic cotton and products may be exempt from assessment if eligible under section 1205.519 of the Order.

There are no Federal rules that duplicate, overlap, or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581–0093, National Research, Promotion, and Consumer Information Programs. This rule does not result in a change to the information collection and recordkeeping requirements previously approved.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because an amendment is required to adjust the assessments collected on imported cotton and the cotton content of imported products to be the same as those paid on domestically produced cotton. Accordingly, the change in this rule, if adopted, should be implemented as soon as possible.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1205 as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

■ 1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118; 7 U.S.C. 7401.

■ 2. In § 1205.510, paragraph (b)(2) and the table in paragraph (b)(3) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of

imported cotton for the purpose of levying this supplemental assessment is $1.151 cents per kilogram.

(3) * * *

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5007106010	0.2713	0.3122663
5007106020	0.2713	0.3122663
5007906010	0.2713	0.3122663
5007906020	0.2713	0.3122663
5112904000	0.1085	0.1248835
5112905000	0.1085	0.1248835
5112909010	0.1085	0.1248835
5112909090	0.1085	0.1248835
5201000500	1	1.151
5201001200	1	1.151
5201001400	1	1.151
5201001800	1	1.151
5201002200	1	1.151
5201002400	1	1.151
5201002800	1	1.151
5201003400	1	1.151
5201003800	1	1.151
5204110000	1.0526	1.2115426
5204190000	0.6316	0.7269716
5204200000	1.0526	1.2115426
5205111000	1	1.151
5205112000	1	1.151
5205121000	1	1.151
5205122000	1	1.151
5205131000	1	1.151
5205132000	1	1.151
5205141000	1	1.151
5205142000	1	1.151
5205151000	1	1.151
5205152000	1	1.151
5205210020	1.044	1.201644
5205210090	1.044	1.201644
5205220020	1.044	1.201644
5205220090	1.044	1.201644
5205230020	1.044	1.201644
5205230090	1.044	1.201644
5205240020	1.044	1.201644
5205240090	1.044	1.201644
5205260020	1.044	1.201644
5205260090	1.044	1.201644
5205270020	1.044	1.201644
5205270090	1.044	1.201644
5205280020	1.044	1.201644
5205280090	1.044	1.201644
5205310000	1	1.151
5205320000	1	1.151
5205330000	1	1.151
5205340000	1	1.151
5205350000	1	1.151
5205410020	1.044	1.201644
5205410090	1.044	1.201644
5205420021	1.044	1.201644
5205420029	1.044	1.201644
5205420090	1.044	1.201644
5205430021	1.044	1.201644
5205430029	1.044	1.201644
5205430090	1.044	1.201644
5205440021	1.044	1.201644
5205440029	1.044	1.201644
5205440090	1.044	1.201644
5205460021	1.044	1.201644
5205460029	1.044	1.201644
5205460090	1.044	1.201644
5205470021	1.044	1.201644
5205470029	1.044	1.201644
5205470090	1.044	1.201644
5205480020	1.044	1.201644

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5205480090	1.044	1.201644
5206110000	0.7368	0.8480568
5206120000	0.7368	0.8480568
5206130000	0.7368	0.8480568
5206140000	0.7368	0.8480568
5206150000	0.7368	0.8480568
5206210000	0.7692	0.8853492
5206220000	0.7692	0.8853492
5206230000	0.7692	0.8853492
5206240000	0.7692	0.8853492
5206250000	0.7692	0.8853492
5206310000	0.7368	0.8480568
5206320000	0.7368	0.8480568
5206330000	0.7368	0.8480568
5206340000	0.7368	0.8480568
5206350000	0.7368	0.8480568
5206410000	0.7692	0.8853492
5206420000	0.7692	0.8853492
5206430000	0.7692	0.8853492
5206440000	0.7692	0.8853492
5206450000	0.7692	0.8853492
5207100000	0.9474	1.0904574
5207900000	0.6316	0.7269716
5208112020	1.0852	1.2490652
5208112040	1.0852	1.2490652
5208112090	1.0852	1.2490652
5208114020	1.0852	1.2490652
5208114040	1.0852	1.2490652
5208114060	1.0852	1.2490652
5208114090	1.0852	1.2490652
5208116000	1.0852	1.2490652
5208118020	1.0852	1.2490652
5208118090	1.0852	1.2490652
5208124020	1.0852	1.2490652
5208124040	1.0852	1.2490652
5208124090	1.0852	1.2490652
5208126020	1.0852	1.2490652
5208126040	1.0852	1.2490652
5208126060	1.0852	1.2490652
5208126090	1.0852	1.2490652
5208128020	1.0852	1.2490652
5208128090	1.0852	1.2490652
5208130000	1.0852	1.2490652
5208192020	1.0852	1.2490652
5208192090	1.0852	1.2490652
5208194020	1.0852	1.2490652
5208194090	1.0852	1.2490652
5208196020	1.0852	1.2490652
5208196090	1.0852	1.2490652
5208198020	1.0852	1.2490652
5208198090	1.0852	1.2490652
5208212020	1.0852	1.2490652
5208212040	1.0852	1.2490652
5208212090	1.0852	1.2490652
5208214020	1.0852	1.2490652
5208214040	1.0852	1.2490652
5208214060	1.0852	1.2490652
5208214090	1.0852	1.2490652
5208216020	1.0852	1.2490652
5208216090	1.0852	1.2490652
5208224020	1.0852	1.2490652
5208224040	1.0852	1.2490652
5208224090	1.0852	1.2490652
5208226020	1.0852	1.2490652
5208226040	1.0852	1.2490652
5208226060	1.0852	1.2490652
5208226090	1.0852	1.2490652
5208228020	1.0852	1.2490652
5208228090	1.0852	1.2490652
5208230000	1.0852	1.2490652
5208292020	1.0852	1.2490652

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5208292090	1.0852	1.2490652
5208294020	1.0852	1.2490652
5208294090	1.0852	1.2490652
5208296020	1.0852	1.2490652
5208296090	1.0852	1.2490652
5208298020	1.0852	1.2490652
5208298090	1.0852	1.2490652
5208312000	1.0852	1.2490652
5208314020	1.0852	1.2490652
5208314040	1.0852	1.2490652
5208314090	1.0852	1.2490652
5208316020	1.0852	1.2490652
5208316040	1.0852	1.2490652
5208316060	1.0852	1.2490652
5208316090	1.0852	1.2490652
5208318020	1.0852	1.2490652
5208318090	1.0852	1.2490652
5208321000	1.0852	1.2490652
5208323020	1.0852	1.2490652
5208323040	1.0852	1.2490652
5208323090	1.0852	1.2490652
5208324020	1.0852	1.2490652
5208324040	1.0852	1.2490652
5208324060	1.0852	1.2490652
5208324090	1.0852	1.2490652
5208325020	1.0852	1.2490652
5208325090	1.0852	1.2490652
5208330000	1.0852	1.2490652
5208392020	1.0852	1.2490652
5208392090	1.0852	1.2490652
5208394020	1.0852	1.2490652
5208394090	1.0852	1.2490652
5208396020	1.0852	1.2490652
5208396090	1.0852	1.2490652
5208398020	1.0852	1.2490652
5208398090	1.0852	1.2490652
5208412000	1.0852	1.2490652
5208414000	1.0852	1.2490652
5208416000	1.0852	1.2490652
5208418000	1.0852	1.2490652
5208421000	1.0852	1.2490652
5208423000	1.0852	1.2490652
5208424000	1.0852	1.2490652
5208425000	1.0852	1.2490652
5208430000	1.0852	1.2490652
5208492000	1.0852	1.2490652
5208494010	1.0852	1.2490652
5208494020	1.0852	1.2490652
5208494090	1.0852	1.2490652
5208496010	1.0852	1.2490652
5208496020	1.0852	1.2490652
5208496030	1.0852	1.2490652
5208496090	1.0852	1.2490652
5208498020	1.0852	1.2490652
5208498090	1.0852	1.2490652
5208512000	1.0852	1.2490652
5208514020	1.0852	1.2490652
5208514040	1.0852	1.2490652
5208514090	1.0852	1.2490652
5208516020	1.0852	1.2490652
5208516040	1.0852	1.2490652
5208516060	1.0852	1.2490652
5208516090	1.0852	1.2490652
5208518020	1.0852	1.2490652
5208518090	1.0852	1.2490652
5208521000	1.0852	1.2490652
5208523020	1.0852	1.2490652
5208523035	1.0852	1.2490652
5208523045	1.0852	1.2490652
5208523090	1.0852	1.2490652
5208524020	1.0852	1.2490652

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5208524035	1.0852	1.2490652
5208524045	1.0852	1.2490652
5208524055	1.0852	1.2490652
5208524065	1.0852	1.2490652
5208524090	1.0852	1.2490652
5208525020	1.0852	1.2490652
5208525090	1.0852	1.2490652
5208591000	1.0852	1.2490652
5208592015	1.0852	1.2490652
5208592025	1.0852	1.2490652
5208592085	1.0852	1.2490652
5208592095	1.0852	1.2490652
5208594020	1.0852	1.2490652
5208594090	1.0852	1.2490652
5208596020	1.0852	1.2490652
5208596090	1.0852	1.2490652
5208598020	1.0852	1.2490652
5208598090	1.0852	1.2490652
5209110020	1.0309	1.1865659
5209110025	1.0309	1.1865659
5209110035	1.0309	1.1865659
5209110050	1.0309	1.1865659
5209110090	1.0309	1.1865659
5209120020	1.0309	1.1865659
5209120040	1.0309	1.1865659
5209190020	1.0309	1.1865659
5209190040	1.0309	1.1865659
5209190060	1.0309	1.1865659
5209190090	1.0309	1.1865659
5209210020	1.0309	1.1865659
5209210025	1.0309	1.1865659
5209210035	1.0309	1.1865659
5209210050	1.0309	1.1865659
5209210090	1.0309	1.1865659
5209220020	1.0309	1.1865659
5209220040	1.0309	1.1865659
5209290020	1.0309	1.1865659
5209290040	1.0309	1.1865659
5209290060	1.0309	1.1865659
5209290090	1.0309	1.1865659
5209313000	1.0309	1.1865659
5209316020	1.0309	1.1865659
5209316025	1.0309	1.1865659
5209316035	1.0309	1.1865659
5209316050	1.0309	1.1865659
5209316090	1.0309	1.1865659
5209320020	1.0309	1.1865659
5209320040	1.0309	1.1865659
5209390020	1.0309	1.1865659
5209390040	1.0309	1.1865659
5209390060	1.0309	1.1865659
5209390080	1.0309	1.1865659
5209390090	1.0309	1.1865659
5209413000	1.0309	1.1865659
5209416020	1.0309	1.1865659
5209416040	1.0309	1.1865659
5209420020	0.9767	1.1241817
5209420040	0.9767	1.1241817
5209420060	0.9767	1.1241817
5209420080	0.9767	1.1241817
5209430030	1.0309	1.1865659
5209430050	1.0309	1.1865659
5209490020	1.0309	1.1865659
5209490040	1.0309	1.1865659
5209490090	1.0309	1.1865659
5209513000	1.0309	1.1865659
5209516015	1.0852	1.2490652
5209516025	1.0852	1.2490652
5209516032	1.0852	1.2490652
5209516035	1.0852	1.2490652
5209516050	1.0852	1.2490652

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5209516090	1.0852	1.2490652
5209520020	1.0852	1.2490652
5209520040	1.0852	1.2490652
5209590015	1.0852	1.2490652
5209590025	1.0852	1.2490652
5209590040	1.0852	1.2490652
5209590060	1.0852	1.2490652
5209590090	1.0852	1.2490652
5210114020	0.6511	0.7494161
5210114040	0.6511	0.7494161
5210114090	0.6511	0.7494161
5210116020	0.6511	0.7494161
5210116040	0.6511	0.7494161
5210116060	0.6511	0.7494161
5210116090	0.6511	0.7494161
5210118020	0.6511	0.7494161
5210118090	0.6511	0.7494161
5210191000	0.6511	0.7494161
5210192020	0.6511	0.7494161
5210192090	0.6511	0.7494161
5210194020	0.6511	0.7494161
5210194090	0.6511	0.7494161
5210196020	0.6511	0.7494161
5210196090	0.6511	0.7494161
5210198020	0.6511	0.7494161
5210198090	0.6511	0.7494161
5210214020	0.6511	0.7494161
5210214040	0.6511	0.7494161
5210214090	0.6511	0.7494161
5210216020	0.6511	0.7494161
5210216040	0.6511	0.7494161
5210216060	0.6511	0.7494161
5210216090	0.6511	0.7494161
5210218020	0.6511	0.7494161
5210218090	0.6511	0.7494161
5210291000	0.6511	0.7494161
5210292020	0.6511	0.7494161
5210292090	0.6511	0.7494161
5210294020	0.6511	0.7494161
5210294090	0.6511	0.7494161
5210296020	0.6511	0.7494161
5210296090	0.6511	0.7494161
5210298020	0.6511	0.7494161
5210298090	0.6511	0.7494161
5210314020	0.6511	0.7494161
5210314040	0.6511	0.7494161
5210314090	0.6511	0.7494161
5210316020	0.6511	0.7494161
5210316040	0.6511	0.7494161
5210316060	0.6511	0.7494161
5210316090	0.6511	0.7494161
5210318020	0.6511	0.7494161
5210318090	0.6511	0.7494161
5210320000	0.6511	0.7494161
5210392020	0.6511	0.7494161
5210392090	0.6511	0.7494161
5210394020	0.6511	0.7494161
5210394090	0.6511	0.7494161
5210396020	0.6511	0.7494161
5210396090	0.6511	0.7494161
5210398020	0.6511	0.7494161
5210398090	0.6511	0.7494161
5210414000	0.6511	0.7494161
5210416000	0.6511	0.7494161
5210418000	0.6511	0.7494161
5210491000	0.6511	0.7494161
5210492000	0.6511	0.7494161
5210494010	0.6511	0.7494161
5210494020	0.6511	0.7494161
5210494090	0.6511	0.7494161
5210496010	0.6511	0.7494161

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5210496020	0.6511	0.7494161
5210496090	0.6511	0.7494161
5210498020	0.6511	0.7494161
5210498090	0.6511	0.7494161
5210514020	0.6511	0.7494161
5210514040	0.6511	0.7494161
5210514090	0.6511	0.7494161
5210516020	0.6511	0.7494161
5210516040	0.6511	0.7494161
5210516060	0.6511	0.7494161
5210516090	0.6511	0.7494161
5210518020	0.6511	0.7494161
5210518090	0.6511	0.7494161
5210591000	0.6511	0.7494161
5210592020	0.6511	0.7494161
5210592090	0.6511	0.7494161
5210594020	0.6511	0.7494161
5210594090	0.6511	0.7494161
5210596020	0.6511	0.7494161
5210596090	0.6511	0.7494161
5210598020	0.6511	0.7494161
5210598090	0.6511	0.7494161
5211110020	0.6511	0.7494161
5211110025	0.6511	0.7494161
5211110035	0.6511	0.7494161
5211110050	0.6511	0.7494161
5211110090	0.6511	0.7494161
5211120020	0.6511	0.7494161
5211120040	0.6511	0.7494161
5211190020	0.6511	0.7494161
5211190040	0.6511	0.7494161
5211190060	0.6511	0.7494161
5211190090	0.6511	0.7494161
5211202120	0.6511	0.7494161
5211202125	0.6511	0.7494161
5211202135	0.6511	0.7494161
5211202150	0.6511	0.7494161
5211202190	0.6511	0.7494161
5211202220	0.6511	0.7494161
5211202240	0.6511	0.7494161
5211202920	0.6511	0.7494161
5211202940	0.6511	0.7494161
5211202960	0.6511	0.7494161
5211202990	0.6511	0.7494161
5211310020	0.6511	0.7494161
5211310025	0.6511	0.7494161
5211310035	0.6511	0.7494161
5211310050	0.6511	0.7494161
5211310090	0.6511	0.7494161
5211320020	0.6511	0.7494161
5211320040	0.6511	0.7494161
5211390020	0.6511	0.7494161
5211390040	0.6511	0.7494161
5211390060	0.6511	0.7494161
5211390090	0.6511	0.7494161
5211410020	0.6511	0.7494161
5211410040	0.6511	0.7494161
5211420020	0.7054	0.8119154
5211420040	0.7054	0.8119154
5211420060	0.6511	0.7494161
5211420080	0.6511	0.7494161
5211430030	0.6511	0.7494161
5211430050	0.6511	0.7494161
5211490020	0.6511	0.7494161
5211490090	0.6511	0.7494161
5211510020	0.6511	0.7494161
5211510030	0.6511	0.7494161
5211510050	0.6511	0.7494161
5211510090	0.6511	0.7494161
5211520020	0.6511	0.7494161
5211520040	0.6511	0.7494161

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5211590015	0.6511	0.7494161
5211590025	0.6511	0.7494161
5211590040	0.6511	0.7494161
5211590060	0.6511	0.7494161
5211590090	0.6511	0.7494161
5212111010	0.5845	0.6727595
5212111020	0.6231	0.7171881
5212116010	0.8681	0.9991831
5212116020	0.8681	0.9991831
5212116030	0.8681	0.9991831
5212116040	0.8681	0.9991831
5212116050	0.8681	0.9991831
5212116060	0.8681	0.9991831
5212116070	0.8681	0.9991831
5212116080	0.8681	0.9991831
5212116090	0.8681	0.9991831
5212121010	0.5845	0.6727595
5212121020	0.6231	0.7171881
5212126010	0.8681	0.9991831
5212126020	0.8681	0.9991831
5212126030	0.8681	0.9991831
5212126040	0.8681	0.9991831
5212126050	0.8681	0.9991831
5212126060	0.8681	0.9991831
5212126070	0.8681	0.9991831
5212126080	0.8681	0.9991831
5212126090	0.8681	0.9991831
5212131010	0.5845	0.6727595
5212131020	0.6231	0.7171881
5212136010	0.8681	0.9991831
5212136020	0.8681	0.9991831
5212136030	0.8681	0.9991831
5212136040	0.8681	0.9991831
5212136050	0.8681	0.9991831
5212136060	0.8681	0.9991831
5212136070	0.8681	0.9991831
5212136080	0.8681	0.9991831
5212136090	0.8681	0.9991831
5212141010	0.5845	0.6727595
5212141020	0.6231	0.7171881
5212146010	0.8681	0.9991831
5212146020	0.8681	0.9991831
5212146030	0.8681	0.9991831
5212146090	0.8681	0.9991831
5212151010	0.5845	0.6727595
5212151020	0.6231	0.7171881
5212156010	0.8681	0.9991831
5212156020	0.8681	0.9991831
5212156030	0.8681	0.9991831
5212156040	0.8681	0.9991831
5212156050	0.8681	0.9991831
5212156060	0.8681	0.9991831
5212156070	0.8681	0.9991831
5212156080	0.8681	0.9991831
5212156090	0.8681	0.9991831
5212211010	0.5845	0.6727595
5212211020	0.6231	0.7171881
5212216010	0.8681	0.9991831
5212216020	0.8681	0.9991831
5212216030	0.8681	0.9991831
5212216040	0.8681	0.9991831
5212216050	0.8681	0.9991831
5212216060	0.8681	0.9991831
5212216090	0.8681	0.9991831
5212221010	0.5845	0.6727595
5212221020	0.6231	0.7171881
5212226010	0.8681	0.9991831
5212226020	0.8681	0.9991831
5212226030	0.8681	0.9991831
5212226040	0.8681	0.9991831
5212226050	0.8681	0.9991831

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5212226060	0.8681	0.9991831
5212226090	0.8681	0.9991831
5212231010	0.5845	0.6727595
5212231020	0.6231	0.7171881
5212236010	0.8681	0.9991831
5212236020	0.8681	0.9991831
5212236030	0.8681	0.9991831
5212236040	0.8681	0.9991831
5212236050	0.8681	0.9991831
5212236060	0.8681	0.9991831
5212236090	0.8681	0.9991831
5212241010	0.5845	0.6727595
5212241020	0.6231	0.7171881
5212246010	0.8681	0.9991831
5212246020	0.7054	0.8119154
5212246030	0.8681	0.9991831
5212246040	0.8681	0.9991831
5212246090	0.8681	0.9991831
5212251010	0.5845	0.6727595
5212251020	0.6231	0.7171881
5212256010	0.8681	0.9991831
5212256020	0.8681	0.9991831
5212256030	0.8681	0.9991831
5212256040	0.8681	0.9991831
5212256050	0.8681	0.9991831
5212256060	0.8681	0.9991831
5212256090	0.8681	0.9991831
5309213005	0.5426	0.6245326
5309213010	0.5426	0.6245326
5309213015	0.5426	0.6245326
5309213020	0.5426	0.6245326
5309214010	0.2713	0.3122663
5309214090	0.2713	0.3122663
5309293005	0.5426	0.6245326
5309293010	0.5426	0.6245326
5309293015	0.5426	0.6245326
5309293020	0.5426	0.6245326
5309294010	0.2713	0.3122663
5309294090	0.2713	0.3122663
5311003005	0.5426	0.6245326
5311003010	0.5426	0.6245326
5311003015	0.5426	0.6245326
5311003020	0.5426	0.6245326
5311004010	0.8681	0.9991831
5311004020	0.8681	0.9991831
5407810010	0.5426	0.6245326
5407810020	0.5426	0.6245326
5407810030	0.5426	0.6245326
5407810040	0.5426	0.6245326
5407810090	0.5426	0.6245326
5407820010	0.5426	0.6245326
5407820020	0.5426	0.6245326
5407820030	0.5426	0.6245326
5407820040	0.5426	0.6245326
5407820090	0.5426	0.6245326
5407830010	0.5426	0.6245326
5407830020	0.5426	0.6245326
5407830030	0.5426	0.6245326
5407830040	0.5426	0.6245326
5407830090	0.5426	0.6245326
5407840010	0.5426	0.6245326
5407840020	0.5426	0.6245326
5407840030	0.5426	0.6245326
5407840040	0.5426	0.6245326
5407840090	0.5426	0.6245326
5509210000	0.1053	0.1212003
5509220010	0.1053	0.1212003
5509220090	0.1053	0.1212003
5509530030	0.3158	0.3634858
5509530060	0.3158	0.3634858
5509620000	0.5263	0.6057713

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5509920000	0.5263	0.6057713
5510300000	0.3684	0.4240284
5511200000	0.3158	0.3634858
5512110010	0.1085	0.1248835
5512110022	0.1085	0.1248835
5512110027	0.1085	0.1248835
5512110030	0.1085	0.1248835
5512110040	0.1085	0.1248835
5512110050	0.1085	0.1248835
5512110060	0.1085	0.1248835
5512110070	0.1085	0.1248835
5512110090	0.1085	0.1248835
5512190005	0.1085	0.1248835
5512190010	0.1085	0.1248835
5512190015	0.1085	0.1248835
5512190022	0.1085	0.1248835
5512190027	0.1085	0.1248835
5512190030	0.1085	0.1248835
5512190035	0.1085	0.1248835
5512190040	0.1085	0.1248835
5512190045	0.1085	0.1248835
5512190050	0.1085	0.1248835
5512190090	0.1085	0.1248835
5512210010	0.0326	0.0375226
5512210020	0.0326	0.0375226
5512210030	0.0326	0.0375226
5512210040	0.0326	0.0375226
5512210060	0.0326	0.0375226
5512210070	0.0326	0.0375226
5512210090	0.0326	0.0375226
5512290010	0.217	0.249767
5512910010	0.0543	0.0624993
5512990005	0.0543	0.0624993
5512990010	0.0543	0.0624993
5512990015	0.0543	0.0624993
5512990020	0.0543	0.0624993
5512990025	0.0543	0.0624993
5512990030	0.0543	0.0624993
5512990035	0.0543	0.0624993
5512990040	0.0543	0.0624993
5512990045	0.0543	0.0624993
5512990090	0.0543	0.0624993
5513110020	0.3581	0.4121731
5513110040	0.3581	0.4121731
5513110060	0.3581	0.4121731
5513110090	0.3581	0.4121731
5513120000	0.3581	0.4121731
5513130020	0.3581	0.4121731
5513130040	0.3581	0.4121731
5513130090	0.3581	0.4121731
5513190010	0.3581	0.4121731
5513190020	0.3581	0.4121731
5513190030	0.3581	0.4121731
5513190040	0.3581	0.4121731
5513190050	0.3581	0.4121731
5513190060	0.3581	0.4121731
5513190090	0.3581	0.4121731
5513210020	0.3581	0.4121731
5513210040	0.3581	0.4121731
5513210060	0.3581	0.4121731
5513210090	0.3581	0.4121731
5513230121	0.3581	0.4121731
5513230141	0.3581	0.4121731
5513230191	0.3581	0.4121731
5513290010	0.3581	0.4121731
5513290020	0.3581	0.4121731
5513290030	0.3581	0.4121731
5513290040	0.3581	0.4121731
5513290050	0.3581	0.4121731
5513290060	0.3581	0.4121731
5513290090	0.3581	0.4121731

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5513310000	0.3581	0.4121731
5513390111	0.3581	0.4121731
5513390115	0.3581	0.4121731
5513390191	0.3581	0.4121731
5513410020	0.3581	0.4121731
5513410040	0.3581	0.4121731
5513410060	0.3581	0.4121731
5513410090	0.3581	0.4121731
5513491000	0.3581	0.4121731
5513492020	0.3581	0.4121731
5513492040	0.3581	0.4121731
5513492090	0.3581	0.4121731
5513499010	0.3581	0.4121731
5513499020	0.3581	0.4121731
5513499030	0.3581	0.4121731
5513499040	0.3581	0.4121731
5513499050	0.3581	0.4121731
5513499060	0.3581	0.4121731
5513499090	0.3581	0.4121731
5514110020	0.4341	0.4996491
5514110030	0.4341	0.4996491
5514110050	0.4341	0.4996491
5514110090	0.4341	0.4996491
5514120020	0.4341	0.4996491
5514120040	0.4341	0.4996491
5514191020	0.4341	0.4996491
5514191040	0.4341	0.4996491
5514191090	0.4341	0.4996491
5514199010	0.4341	0.4996491
5514199020	0.4341	0.4996491
5514199030	0.4341	0.4996491
5514199040	0.4341	0.4996491
5514199090	0.4341	0.4996491
5514210020	0.4341	0.4996491
5514210030	0.4341	0.4996491
5514210050	0.4341	0.4996491
5514210090	0.4341	0.4996491
5514220020	0.4341	0.4996491
5514220040	0.4341	0.4996491
5514230020	0.4341	0.4996491
5514230040	0.4341	0.4996491
5514230090	0.4341	0.4996491
5514290010	0.4341	0.4996491
5514290020	0.4341	0.4996491
5514290030	0.4341	0.4996491
5514290040	0.4341	0.4996491
5514290090	0.4341	0.4996491
5514303100	0.4341	0.4996491
5514303210	0.4341	0.4996491
5514303215	0.4341	0.4996491
5514303280	0.4341	0.4996491
5514303310	0.4341	0.4996491
5514303390	0.4341	0.4996491
5514303910	0.4341	0.4996491
5514303920	0.4341	0.4996491
5514303990	0.4341	0.4996491
5514410020	0.4341	0.4996491
5514410030	0.4341	0.4996491
5514410050	0.4341	0.4996491
5514410090	0.4341	0.4996491
5514420020	0.4341	0.4996491
5514420040	0.4341	0.4996491
5514430020	0.4341	0.4996491
5514430040	0.4341	0.4996491
5514430090	0.4341	0.4996491
5514490010	0.4341	0.4996491
5514490020	0.4341	0.4996491
5514490030	0.4341	0.4996491
5514490040	0.4341	0.4996491
5514490090	0.4341	0.4996491
5515110005	0.1085	0.1248835

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5515110010	0.1085	0.1248835
5515110015	0.1085	0.1248835
5515110020	0.1085	0.1248835
5515110025	0.1085	0.1248835
5515110030	0.1085	0.1248835
5515110035	0.1085	0.1248835
5515110040	0.1085	0.1248835
5515110045	0.1085	0.1248835
5515110090	0.1085	0.1248835
5515120010	0.1085	0.1248835
5515120022	0.1085	0.1248835
5515120027	0.1085	0.1248835
5515120030	0.1085	0.1248835
5515120040	0.1085	0.1248835
5515120090	0.1085	0.1248835
5515190005	0.1085	0.1248835
5515190010	0.1085	0.1248835
5515190015	0.1085	0.1248835
5515190020	0.1085	0.1248835
5515190025	0.1085	0.1248835
5515190030	0.1085	0.1248835
5515190035	0.1085	0.1248835
5515190040	0.1085	0.1248835
5515190045	0.1085	0.1248835
5515190090	0.1085	0.1248835
5515290005	0.1085	0.1248835
5515290010	0.1085	0.1248835
5515290015	0.1085	0.1248835
5515290020	0.1085	0.1248835
5515290025	0.1085	0.1248835
5515290030	0.1085	0.1248835
5515290035	0.1085	0.1248835
5515290040	0.1085	0.1248835
5515290045	0.1085	0.1248835
5515290090	0.1085	0.1248835
5515999005	0.1085	0.1248835
5515999010	0.1085	0.1248835
5515999015	0.1085	0.1248835
5515999020	0.1085	0.1248835
5515999025	0.1085	0.1248835
5515999030	0.1085	0.1248835
5515999035	0.1085	0.1248835
5515999040	0.1085	0.1248835
5515999045	0.1085	0.1248835
5515999090	0.1085	0.1248835
5516210010	0.1085	0.1248835
5516210020	0.1085	0.1248835
5516210030	0.1085	0.1248835
5516210040	0.1085	0.1248835
5516210090	0.1085	0.1248835
5516220010	0.1085	0.1248835
5516220020	0.1085	0.1248835
5516220030	0.1085	0.1248835
5516220040	0.1085	0.1248835
5516220090	0.1085	0.1248835
5516230010	0.1085	0.1248835
5516230020	0.1085	0.1248835
5516230030	0.1085	0.1248835
5516230040	0.1085	0.1248835
5516230090	0.1085	0.1248835
5516240010	0.1085	0.1248835
5516240020	0.1085	0.1248835
5516240030	0.1085	0.1248835
5516240040	0.1085	0.1248835
5516240085	0.1085	0.1248835
5516240095	0.1085	0.1248835
5516410010	0.3798	0.4371498
5516410022	0.3798	0.4371498
5516410027	0.3798	0.4371498
5516410030	0.3798	0.4371498
5516410040	0.3798	0.4371498

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5516410050	0.3798	0.4371498
5516410060	0.3798	0.4371498
5516410070	0.3798	0.4371498
5516410090	0.3798	0.4371498
5516420010	0.3798	0.4371498
5516420022	0.3798	0.4371498
5516420027	0.3798	0.4371498
5516420030	0.3798	0.4371498
5516420040	0.3798	0.4371498
5516420050	0.3798	0.4371498
5516420060	0.3798	0.4371498
5516420070	0.3798	0.4371498
5516420090	0.3798	0.4371498
5516430010	0.217	0.249767
5516430015	0.3798	0.4371498
5516430020	0.3798	0.4371498
5516430035	0.3798	0.4371498
5516430080	0.3798	0.4371498
5516440010	0.3798	0.4371498
5516440022	0.3798	0.4371498
5516440027	0.3798	0.4371498
5516440030	0.3798	0.4371498
5516440040	0.3798	0.4371498
5516440050	0.3798	0.4371498
5516440060	0.3798	0.4371498
5516440070	0.3798	0.4371498
5516440090	0.3798	0.4371498
5516910010	0.0543	0.0624993
5516910020	0.0543	0.0624993
5516910030	0.0543	0.0624993
5516910040	0.0543	0.0624993
5516910050	0.0543	0.0624993
5516910060	0.0543	0.0624993
5516910070	0.0543	0.0624993
5516910090	0.0543	0.0624993
5516920010	0.0543	0.0624993
5516920020	0.0543	0.0624993
5516920030	0.0543	0.0624993
5516920040	0.0543	0.0624993
5516920050	0.0543	0.0624993
5516920060	0.0543	0.0624993
5516920070	0.0543	0.0624993
5516920090	0.0543	0.0624993
5516930010	0.0543	0.0624993
5516930020	0.0543	0.0624993
5516930090	0.0543	0.0624993
5516940010	0.0543	0.0624993
5516940020	0.0543	0.0624993
5516940030	0.0543	0.0624993
5516940040	0.0543	0.0624993
5516940050	0.0543	0.0624993
5516940060	0.0543	0.0624993
5516940070	0.0543	0.0624993
5516940090	0.0543	0.0624993
5601210010	0.9767	1.1241817
5601210090	0.9767	1.1241817
5601220010	0.9767	1.1241817
5601220090	0.9767	1.1241817
5601300000	0.3256	0.3747656
5602101000	0.0543	0.0624993
5602109090	0.4341	0.4996491
5602290000	0.4341	0.4996491
5602909000	0.3256	0.3747656
5603143000	0.2713	0.3122663
5603910010	0.0217	0.0249767
5603910090	0.0651	0.0749301
5603920010	0.0217	0.0249767
5603920090	0.0651	0.0749301
5603930010	0.0217	0.0249767
5603930090	0.0651	0.0749301
5603941090	0.3256	0.3747656

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5603943000	0.1628	0.1873828
5603949010	0.0326	0.0375226
5604100000	0.2632	0.3029432
5604909000	0.2105	0.2422855
5605009000	0.1579	0.1817429
5606000010	0.1263	0.1453713
5606000090	0.1263	0.1453713
5607502500	0.1684	0.1938284
5607909000	0.8421	0.9692571
5608902300	0.6316	0.7269716
5608902700	0.6316	0.7269716
5608903000	0.3158	0.3634858
5609001000	0.8421	0.9692571
5609004000	0.2105	0.2422855
5701101300	0.0526	0.0605426
5701101600	0.0526	0.0605426
5701104000	0.0526	0.0605426
5701109000	0.0526	0.0605426
5701901010	1	1.151
5701901020	1	1.151
5701901030	0.0526	0.0605426
5701901090	0.0526	0.0605426
5701902010	0.9474	1.0904574
5701902020	0.9474	1.0904574
5701902030	0.0526	0.0605426
5701902090	0.0526	0.0605426
5702101000	0.0447	0.0514497
5702109010	0.0447	0.0514497
5702109020	0.85	0.97835
5702109030	0.0447	0.0514497
5702109090	0.0447	0.0514497
5702201000	0.0447	0.0514497
5702311000	0.0447	0.0514497
5702312000	0.0895	0.1030145
5702322000	0.0895	0.1030145
5702391000	0.0895	0.1030145
5702392010	0.8053	0.9269003
5702392090	0.0447	0.0514497
5702411000	0.0447	0.0514497
5702412000	0.0447	0.0514497
5702421000	0.0895	0.1030145
5702422020	0.0895	0.1030145
5702422080	0.0895	0.1030145
5702491020	0.8947	1.0297997
5702491080	0.8947	1.0297997
5702492000	0.0895	0.1030145
5702502000	0.0895	0.1030145
5702504000	0.0447	0.0514497
5702505200	0.0895	0.1030145
5702505600	0.85	0.97835
5702912000	0.0447	0.0514497
5702913000	0.0447	0.0514497
5702914000	0.0447	0.0514497
5702921000	0.0447	0.0514497
5702929000	0.0447	0.0514497
5702990500	0.8947	1.0297997
5702991500	0.8947	1.0297997
5703201000	0.0452	0.0520252
5703202010	0.0452	0.0520252
5703302000	0.0452	0.0520252
5703900000	0.3615	0.4160865
5705001000	0.0452	0.0520252
5705002005	0.0452	0.0520252
5705002015	0.0452	0.0520252
5705002020	0.7682	0.8841982
5705002030	0.0452	0.0520252
5705002090	0.1808	0.2081008
5801210000	0.9767	1.1241817
5801221000	0.9767	1.1241817
5801229000	0.9767	1.1241817
5801230000	0.9767	1.1241817

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5801260010	0.7596	0.8742996
5801260020	0.7596	0.8742996
5801271000	0.9767	1.1241817
5801275010	1.0852	1.2490652
5801275020	0.9767	1.1241817
5801310000	0.217	0.249767
5801320000	0.217	0.249767
5801330000	0.217	0.249767
5801360010	0.217	0.249767
5801360020	0.217	0.249767
5802110000	1.0309	1.1865659
5802190000	1.0309	1.1865659
5802200020	0.1085	0.1248835
5802200090	0.3256	0.3747656
5802300030	0.4341	0.4996491
5802300090	0.1085	0.1248835
5803001000	1.0852	1.2490652
5803002000	0.8681	0.9991831
5803003000	0.8681	0.9991831
5803005000	0.3256	0.3747656
5804101000	0.4341	0.4996491
5804109090	0.2193	0.2524143
5804291000	0.8772	1.0096572
5804300020	0.3256	0.3747656
5805001000	0.1085	0.1248835
5805003000	1.0852	1.2490652
5806101000	0.8681	0.9991831
5806103090	0.217	0.249767
5806200010	0.2577	0.2966127
5806200090	0.2577	0.2966127
5806310000	0.8681	0.9991831
5806393080	0.217	0.249767
5806400000	0.0814	0.0936914
5807100510	0.8681	0.9991831
5807102010	0.8681	0.9991831
5807900510	0.8681	0.9991831
5807902010	0.8681	0.9991831
5808104000	0.217	0.249767
5808107000	0.217	0.249767
5808900010	0.4341	0.4996491
5810100000	0.3256	0.3747656
5810910010	0.7596	0.8742996
5810910020	0.7596	0.8742996
5810921000	0.217	0.249767
5810929030	0.217	0.249767
5810929050	0.217	0.249767
5810929080	0.217	0.249767
5811002000	0.8681	0.9991831
5901102000	0.5643	0.6495093
5901904000	0.8139	0.9367989
5903101000	0.4341	0.4996491
5903103000	0.1085	0.1248835
5903201000	0.4341	0.4996491
5903203090	0.1085	0.1248835
5903901000	0.4341	0.4996491
5903903090	0.1085	0.1248835
5904901000	0.0326	0.0375226
5905001000	0.1085	0.1248835
5905009000	0.1085	0.1248835
5906100000	0.4341	0.4996491
5906911000	0.4341	0.4996491
5906913000	0.1085	0.1248835
5906991000	0.4341	0.4996491
5906993000	0.1085	0.1248835
5907002500	0.3798	0.4371498
5907003500	0.3798	0.4371498
5907008090	0.3798	0.4371498
5908000000	0.7813	0.8992763
5909001000	0.6837	0.7869387
5909002000	0.4883	0.5620333
5910001010	0.3798	0.4371498

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
5910001020	0.3798	0.4371498
5910001030	0.3798	0.4371498
5910001060	0.3798	0.4371498
5910001070	0.3798	0.4371498
5910001090	0.6837	0.7869387
5910009000	0.5697	0.6557247
5911101000	0.1736	0.1998136
5911102000	0.0434	0.0499534
5911201000	0.4341	0.4996491
5911310010	0.4341	0.4996491
5911310020	0.4341	0.4996491
5911310030	0.4341	0.4996491
5911310080	0.4341	0.4996491
5911320010	0.4341	0.4996491
5911320020	0.4341	0.4996491
5911320030	0.4341	0.4996491
5911320080	0.4341	0.4996491
5911400000	0.5426	0.6245326
5911900040	0.3158	0.3634858
5911900080	0.2105	0.2422855
6001106000	0.1096	0.1261496
6001210000	0.9868	1.1358068
6001220000	0.1096	0.1261496
6001290000	0.1096	0.1261496
6001910010	0.8772	1.0096572
6001910020	0.8772	1.0096572
6001920010	0.0548	0.0630748
6001920020	0.0548	0.0630748
6001920030	0.0548	0.0630748
6001920040	0.0548	0.0630748
6001999000	0.1096	0.1261496
6002404000	0.7401	0.8518551
6002408020	0.1974	0.2272074
6002408080	0.1974	0.2272074
6002904000	0.7895	0.9087145
6002908020	0.1974	0.2272074
6002908080	0.1974	0.2272074
6003201000	0.8772	1.0096572
6003203000	0.8772	1.0096572
6003301000	0.1096	0.1261496
6003306000	0.1096	0.1261496
6003401000	0.1096	0.1261496
6003406000	0.1096	0.1261496
6003901000	0.1096	0.1261496
6003909000	0.1096	0.1261496
6004100010	0.2961	0.3408111
6004100025	0.2961	0.3408111
6004100085	0.2961	0.3408111
6004902010	0.2961	0.3408111
6004902025	0.2961	0.3408111
6004902085	0.2961	0.3408111
6004909000	0.2961	0.3408111
6005210000	0.7127	0.8203177
6005220000	0.7127	0.8203177
6005230000	0.7127	0.8203177
6005240000	0.7127	0.8203177
6005360010	0.1096	0.1261496
6005360080	0.1096	0.1261496
6005370010	0.1096	0.1261496
6005370080	0.1096	0.1261496
6005380010	0.1096	0.1261496
6005380080	0.1096	0.1261496
6005390010	0.1096	0.1261496
6005390080	0.1096	0.1261496
6005410010	0.1096	0.1261496
6005410080	0.1096	0.1261496
6005420010	0.1096	0.1261496
6005420080	0.1096	0.1261496
6005430010	0.1096	0.1261496
6005430080	0.1096	0.1261496
6005440010	0.1096	0.1261496

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6005440080	0.1096	0.1261496
6005909000	0.1096	0.1261496
6006211000	1.0965	1.2620715
6006219020	0.7675	0.8833925
6006219080	0.7675	0.8833925
6006221000	1.0965	1.2620715
6006229020	0.7675	0.8833925
6006229080	0.7675	0.8833925
6006231000	1.0965	1.2620715
6006239020	0.7675	0.8833925
6006239080	0.7675	0.8833925
6006241000	1.0965	1.2620715
6006249020	0.7675	0.8833925
6006249080	0.7675	0.8833925
6006310020	0.3289	0.3785639
6006310040	0.3289	0.3785639
6006310060	0.3289	0.3785639
6006310080	0.3289	0.3785639
6006320020	0.3289	0.3785639
6006320040	0.3289	0.3785639
6006320060	0.3289	0.3785639
6006320080	0.3289	0.3785639
6006330020	0.3289	0.3785639
6006330040	0.3289	0.3785639
6006330060	0.3289	0.3785639
6006330080	0.3289	0.3785639
6006340020	0.3289	0.3785639
6006340040	0.3289	0.3785639
6006340060	0.3289	0.3785639
6006340080	0.3289	0.3785639
6006410025	0.3289	0.3785639
6006410085	0.3289	0.3785639
6006420025	0.3289	0.3785639
6006420085	0.3289	0.3785639
6006430025	0.3289	0.3785639
6006430085	0.3289	0.3785639
6006440025	0.3289	0.3785639
6006440085	0.3289	0.3785639
6006909000	0.1096	0.1261496
6101200010	1.02	1.17402
6101200020	1.02	1.17402
6101301000	0.2072	0.2384872
6101900500	0.1912	0.2200712
6101909010	0.5737	0.6603287
6101909030	0.51	0.58701
6101909060	0.255	0.293505
6102100000	0.255	0.293505
6102200010	0.9562	1.1005862
6102200020	0.9562	1.1005862
6102300500	0.1785	0.2054535
6102909005	0.5737	0.6603287
6102909015	0.4462	0.5135762
6102909030	0.255	0.293505
6103101000	0.0637	0.0733187
6103104000	0.1218	0.1401918
6103105000	0.1218	0.1401918
6103106010	0.8528	0.9815728
6103106015	0.8528	0.9815728
6103106030	0.8528	0.9815728
6103109010	0.5482	0.6309782
6103109020	0.5482	0.6309782
6103109030	0.5482	0.6309782
6103109040	0.1218	0.1401918
6103109050	0.1218	0.1401918
6103109080	0.1827	0.2102877
6103320000	0.8722	1.0039022
6103398010	0.7476	0.8604876
6103398030	0.3738	0.4302438
6103398060	0.2492	0.2868292
6103411010	0.3576	0.4115976
6103411020	0.3576	0.4115976

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6103412000	0.3576	0.4115976
6103421020	0.8343	0.9602793
6103421035	0.8343	0.9602793
6103421040	0.8343	0.9602793
6103421050	0.8343	0.9602793
6103421065	0.8343	0.9602793
6103421070	0.8343	0.9602793
6103422010	0.8343	0.9602793
6103422015	0.8343	0.9602793
6103422025	0.8343	0.9602793
6103431520	0.2384	0.2743984
6103431535	0.2384	0.2743984
6103431540	0.2384	0.2743984
6103431550	0.2384	0.2743984
6103431565	0.2384	0.2743984
6103431570	0.2384	0.2743984
6103432020	0.2384	0.2743984
6103432025	0.2384	0.2743984
6103491020	0.2437	0.2804987
6103491060	0.2437	0.2804987
6103492000	0.2437	0.2804987
6103498010	0.5482	0.6309782
6103498014	0.3655	0.4206905
6103498024	0.2437	0.2804987
6103498026	0.2437	0.2804987
6103498034	0.5482	0.6309782
6103498038	0.3655	0.4206905
6103498060	0.2437	0.2804987
6104196010	0.8722	1.0039022
6104196020	0.8722	1.0039022
6104196030	0.8722	1.0039022
6104196040	0.8722	1.0039022
6104198010	0.5607	0.6453657
6104198020	0.5607	0.6453657
6104198030	0.5607	0.6453657
6104198040	0.5607	0.6453657
6104198060	0.3738	0.4302438
6104198090	0.2492	0.2868292
6104320000	0.8722	1.0039022
6104392010	0.5607	0.6453657
6104392030	0.3738	0.4302438
6104392090	0.2492	0.2868292
6104420010	0.8528	0.9815728
6104420020	0.8528	0.9815728
6104499010	0.5482	0.6309782
6104499030	0.3655	0.4206905
6104499060	0.2437	0.2804987
6104520010	0.8822	1.0154122
6104520020	0.8822	1.0154122
6104598010	0.5672	0.6528472
6104598030	0.3781	0.4351931
6104598090	0.2521	0.2901671
6104610010	0.2384	0.2743984
6104610020	0.2384	0.2743984
6104610030	0.2384	0.2743984
6104621010	0.7509	0.8642859
6104621020	0.8343	0.9602793
6104621030	0.8343	0.9602793
6104622006	0.7151	0.8230801
6104622011	0.8343	0.9602793
6104622016	0.7151	0.8230801
6104622021	0.8343	0.9602793
6104622026	0.7151	0.8230801
6104622028	0.8343	0.9602793
6104622030	0.8343	0.9602793
6104622050	0.8343	0.9602793
6104622060	0.8343	0.9602793
6104631020	0.2384	0.2743984
6104631030	0.2384	0.2743984
6104632006	0.8343	0.9602793
6104632011	0.8343	0.9602793

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6104632016	0.7151	0.8230801
6104632021	0.8343	0.9602793
6104632026	0.3576	0.4115976
6104632028	0.3576	0.4115976
6104632030	0.3576	0.4115976
6104632050	0.7151	0.8230801
6104632060	0.3576	0.4115976
6104691000	0.3655	0.4206905
6104692030	0.3655	0.4206905
6104692060	0.3655	0.4206905
6104698010	0.5482	0.6309782
6104698014	0.3655	0.4206905
6104698020	0.2437	0.2804987
6104698022	0.5482	0.6309782
6104698026	0.3655	0.4206905
6104698038	0.2437	0.2804987
6104698040	0.2437	0.2804987
6105100010	0.9332	1.0741132
6105100020	0.9332	1.0741132
6105100030	0.9332	1.0741132
6105202010	0.2916	0.3356316
6105202020	0.2916	0.3356316
6105202030	0.2916	0.3356316
6105908010	0.5249	0.6041599
6105908030	0.3499	0.4027349
6105908060	0.2333	0.2685283
6106100010	0.9332	1.0741132
6106100020	0.9332	1.0741132
6106100030	0.9332	1.0741132
6106202010	0.2916	0.3356316
6106202020	0.4666	0.5370566
6106202030	0.2916	0.3356316
6106901500	0.0583	0.0671033
6106902510	0.5249	0.6041599
6106902530	0.3499	0.4027349
6106902550	0.2916	0.3356316
6106903010	0.5249	0.6041599
6106903030	0.3499	0.4027349
6106903040	0.2916	0.3356316
6107110010	1.0727	1.2346777
6107110020	1.0727	1.2346777
6107120010	0.4767	0.5486817
6107120020	0.4767	0.5486817
6107191000	0.1192	0.1371992
6107210010	0.8343	0.9602793
6107210020	0.7151	0.8230801
6107220010	0.3576	0.4115976
6107220015	0.1192	0.1371992
6107220025	0.2384	0.2743984
6107299000	0.1788	0.2057988
6107910030	1.1918	1.3717618
6107910040	1.1918	1.3717618
6107910090	0.9535	1.0974785
6107991030	0.3576	0.4115976
6107991040	0.3576	0.4115976
6107991090	0.3576	0.4115976
6107999000	0.1192	0.1371992
6108199010	1.0611	1.2213261
6108199030	0.2358	0.2714058
6108210010	1.179	1.357029
6108210020	1.179	1.357029
6108299000	0.3537	0.4071087
6108310010	1.0611	1.2213261
6108310020	1.0611	1.2213261
6108320010	0.2358	0.2714058
6108320015	0.2358	0.2714058
6108320025	0.2358	0.2714058
6108398000	0.3537	0.4071087
6108910005	1.179	1.357029
6108910015	1.179	1.357029
6108910025	1.179	1.357029

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6108910030	1.179	1.357029
6108910040	1.179	1.357029
6108920005	0.2358	0.2714058
6108920015	0.2358	0.2714058
6108920025	0.2358	0.2714058
6108920030	0.2358	0.2714058
6108920040	0.2358	0.2714058
6108999000	0.3537	0.4071087
6109100004	1.0022	1.1535322
6109100007	1.0022	1.1535322
6109100011	1.0022	1.1535322
6109100012	1.0022	1.1535322
6109100014	1.0022	1.1535322
6109100018	1.0022	1.1535322
6109100023	1.0022	1.1535322
6109100027	1.0022	1.1535322
6109100037	1.0022	1.1535322
6109100040	1.0022	1.1535322
6109100045	1.0022	1.1535322
6109100060	1.0022	1.1535322
6109100065	1.0022	1.1535322
6109100070	1.0022	1.1535322
6109901007	0.2948	0.3393148
6109901009	0.2948	0.3393148
6109901013	0.2948	0.3393148
6109901025	0.2948	0.3393148
6109901047	0.2948	0.3393148
6109901049	0.2948	0.3393148
6109901050	0.2948	0.3393148
6109901060	0.2948	0.3393148
6109901065	0.2948	0.3393148
6109901070	0.2948	0.3393148
6109901075	0.2948	0.3393148
6109901090	0.2948	0.3393148
6109908010	0.3499	0.4027349
6109908030	0.2333	0.2685283
6110201010	0.7476	0.8604876
6110201020	0.7476	0.8604876
6110201022	0.7476	0.8604876
6110201024	0.7476	0.8604876
6110201026	0.7476	0.8604876
6110201029	0.7476	0.8604876
6110201031	0.7476	0.8604876
6110201033	0.7476	0.8604876
6110202005	1.1214	1.2907314
6110202010	1.1214	1.2907314
6110202015	1.1214	1.2907314
6110202020	1.1214	1.2907314
6110202025	1.1214	1.2907314
6110202030	1.1214	1.2907314
6110202035	1.1214	1.2907314
6110202041	1.0965	1.2620715
6110202044	1.0965	1.2620715
6110202046	1.0965	1.2620715
6110202049	1.0965	1.2620715
6110202067	1.0965	1.2620715
6110202069	1.0965	1.2620715
6110202077	1.0965	1.2620715
6110202079	1.0965	1.2620715
6110909010	0.5607	0.6453657
6110909012	0.1246	0.1434146
6110909014	0.3738	0.4302438
6110909026	0.5607	0.6453657
6110909028	0.1869	0.2151219
6110909030	0.3738	0.4302438
6110909044	0.5607	0.6453657
6110909046	0.5607	0.6453657
6110909052	0.3738	0.4302438
6110909054	0.3738	0.4302438
6110909064	0.2492	0.2868292
6110909066	0.2492	0.2868292

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6110909067	0.5607	0.6453657
6110909069	0.5607	0.6453657
6110909071	0.5607	0.6453657
6110909073	0.5607	0.6453657
6110909079	0.3738	0.4302438
6110909080	0.3738	0.4302438
6110909081	0.3738	0.4302438
6110909082	0.3738	0.4302438
6110909088	0.2492	0.2868292
6110909090	0.2492	0.2868292
6111201000	1.1918	1.3717618
6111202000	1.1918	1.3717618
6111203000	0.9535	1.0974785
6111204000	0.9535	1.0974785
6111205000	0.9535	1.0974785
6111206010	0.9535	1.0974785
6111206020	0.9535	1.0974785
6111206030	0.9535	1.0974785
6111206050	0.9535	1.0974785
6111206070	0.9535	1.0974785
6111301000	0.2384	0.2743984
6111302000	0.2384	0.2743984
6111303000	0.2384	0.2743984
6111304000	0.2384	0.2743984
6111305010	0.2384	0.2743984
6111305015	0.2384	0.2743984
6111305020	0.2384	0.2743984
6111305030	0.2384	0.2743984
6111305050	0.2384	0.2743984
6111305070	0.2384	0.2743984
6111901000	0.2384	0.2743984
6111902000	0.2384	0.2743984
6111903000	0.2384	0.2743984
6111904000	0.2384	0.2743984
6111905010	0.2384	0.2743984
6111905020	0.2384	0.2743984
6111905030	0.2384	0.2743984
6111905050	0.2384	0.2743984
6111905070	0.2384	0.2743984
6112110010	0.9535	1.0974785
6112110020	0.9535	1.0974785
6112110030	0.9535	1.0974785
6112110040	0.9535	1.0974785
6112110050	0.9535	1.0974785
6112110060	0.9535	1.0974785
6112120010	0.2384	0.2743984
6112120020	0.2384	0.2743984
6112120030	0.2384	0.2743984
6112120040	0.2384	0.2743984
6112120050	0.2384	0.2743984
6112120060	0.2384	0.2743984
6112191010	0.2492	0.2868292
6112191020	0.2492	0.2868292
6112191030	0.2492	0.2868292
6112191040	0.2492	0.2868292
6112191050	0.2492	0.2868292
6112191060	0.2492	0.2868292
6112201060	0.2492	0.2868292
6112201070	0.2492	0.2868292
6112201080	0.2492	0.2868292
6112201090	0.2492	0.2868292
6112202010	0.8722	1.0039022
6112202020	0.3738	0.4302438
6112202030	0.2492	0.2868292
6112310010	0.1192	0.1371992
6112310020	0.1192	0.1371992
6112390010	1.0727	1.2346777
6112410010	0.1192	0.1371992
6112410020	0.1192	0.1371992
6112410030	0.1192	0.1371992
6112410040	0.1192	0.1371992

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6112490010	0.8939	1.0288789
6113001005	0.1246	0.1434146
6113001010	0.1246	0.1434146
6113001012	0.1246	0.1434146
6113009015	0.3489	0.4015839
6113009020	0.3489	0.4015839
6113009038	0.3489	0.4015839
6113009042	0.3489	0.4015839
6113009055	0.3489	0.4015839
6113009060	0.3489	0.4015839
6113009074	0.3489	0.4015839
6113009082	0.3489	0.4015839
6114200005	0.9747	1.1218797
6114200010	0.9747	1.1218797
6114200015	0.8528	0.9815728
6114200020	0.8528	0.9815728
6114200035	0.8528	0.9815728
6114200040	0.8528	0.9815728
6114200042	0.3655	0.4206905
6114200044	0.8528	0.9815728
6114200046	0.8528	0.9815728
6114200048	0.8528	0.9815728
6114200052	0.8528	0.9815728
6114200055	0.8528	0.9815728
6114200060	0.8528	0.9815728
6114301010	0.2437	0.2804987
6114301020	0.2437	0.2804987
6114302060	0.1218	0.1401918
6114303014	0.2437	0.2804987
6114303020	0.2437	0.2804987
6114303030	0.2437	0.2804987
6114303042	0.2437	0.2804987
6114303044	0.2437	0.2804987
6114303052	0.2437	0.2804987
6114303054	0.2437	0.2804987
6114303060	0.2437	0.2804987
6114303070	0.2437	0.2804987
6114909045	0.5482	0.6309782
6114909055	0.3655	0.4206905
6114909070	0.3655	0.4206905
6115100500	0.4386	0.5048286
6115101510	1.0965	1.2620715
6115103000	0.9868	1.1358068
6115106000	0.1096	0.1261496
6115298010	1.0965	1.2620715
6115309030	0.7675	0.8833925
6115956000	0.9868	1.1358068
6115959000	0.9868	1.1358068
6115966020	0.2193	0.2524143
6115991420	0.2193	0.2524143
6115991920	0.2193	0.2524143
6115999000	0.1096	0.1261496
6116101300	0.3463	0.3985913
6116101720	0.8079	0.9298929
6116104810	0.4444	0.5115044
6116105510	0.6464	0.7440064
6116107510	0.6464	0.7440064
6116109500	0.1616	0.1860016
6116920500	0.8079	0.9298929
6116920800	0.8079	0.9298929
6116926410	1.0388	1.1956588
6116926420	1.0388	1.1956588
6116926430	1.1542	1.3284842
6116926440	1.0388	1.1956588
6116927450	1.0388	1.1956588
6116927460	1.1542	1.3284842
6116927470	1.0388	1.1956588
6116928800	1.0388	1.1956588
6116929400	1.0388	1.1956588
6116938800	0.1154	0.1328254
6116939400	0.1154	0.1328254

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6116994800	0.1154	0.1328254
6116995400	0.1154	0.1328254
6116999510	0.4617	0.5314167
6116999530	0.3463	0.3985913
6117106010	0.9234	1.0628334
6117106020	0.2308	0.2656508
6117808500	0.9234	1.0628334
6117808710	1.1542	1.3284842
6117808770	0.1731	0.1992381
6117809510	0.9234	1.0628334
6117809540	0.3463	0.3985913
6117809570	0.1731	0.1992381
6117909003	1.1542	1.3284842
6117909015	0.2308	0.2656508
6117909020	1.1542	1.3284842
6117909040	1.1542	1.3284842
6117909060	1.1542	1.3284842
6117909080	1.1542	1.3284842
6201121000	0.8981	1.0337131
6201122010	0.8482	0.9762782
6201122020	0.8482	0.9762782
6201122025	0.9979	1.1485829
6201122035	0.9979	1.1485829
6201122050	0.6486	0.7465386
6201122060	0.6486	0.7465386
6201134015	0.1996	0.2297396
6201134020	0.1996	0.2297396
6201134030	0.2495	0.2871745
6201134040	0.2495	0.2871745
6201199010	0.5613	0.6460563
6201199030	0.3742	0.4307042
6201199060	0.3742	0.4307042
6201920500	0.8779	1.0104629
6201921700	1.0974	1.2631074
6201921905	0.9754	1.1226854
6201921910	0.9754	1.1226854
6201921921	1.2193	1.4034143
6201921931	1.2193	1.4034143
6201921941	1.2193	1.4034143
6201921951	0.9754	1.1226854
6201921961	0.9754	1.1226854
6201923000	0.8779	1.0104629
6201923500	1.0974	1.2631074
6201924505	0.9754	1.1226854
6201924510	0.9754	1.1226854
6201924521	1.2193	1.4034143
6201924531	1.2193	1.4034143
6201924541	1.2193	1.4034143
6201924551	0.9754	1.1226854
6201924561	0.9754	1.1226854
6201931500	0.2926	0.3367826
6201931810	0.2439	0.2807289
6201931820	0.2439	0.2807289
6201934911	0.2439	0.2807289
6201934921	0.2439	0.2807289
6201935000	0.2926	0.3367826
6201935210	0.2439	0.2807289
6201935220	0.2439	0.2807289
6201936511	0.2439	0.2807289
6201936521	0.2439	0.2807289
6201991510	0.5487	0.6315537
6201991530	0.3658	0.4210358
6201991560	0.2439	0.2807289
6201998010	0.5487	0.6315537
6201998030	0.3658	0.4210358
6201998060	0.2439	0.2807289
6202121000	0.8879	1.0219729
6202122010	1.0482	1.2064782
6202122020	1.0482	1.2064782
6202122025	1.2332	1.4194132
6202122035	1.2332	1.4194132

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6202122050	0.8016	0.9226416
6202122060	0.8016	0.9226416
6202134005	0.2524	0.2905124
6202134010	0.2524	0.2905124
6202134020	0.3155	0.3631405
6202134030	0.3155	0.3631405
6202199010	0.5678	0.6535378
6202199030	0.3786	0.4357686
6202199060	0.2524	0.2905124
6202920300	0.9865	1.1354615
6202920500	0.9865	1.1354615
6202921210	0.9865	1.1354615
6202921220	0.9865	1.1354615
6202921226	1.2332	1.4194132
6202921231	1.2332	1.4194132
6202921261	0.9865	1.1354615
6202921271	0.9865	1.1354615
6202922500	0.9865	1.1354615
6202923000	0.9865	1.1354615
6202929010	0.9865	1.1354615
6202929020	0.9865	1.1354615
6202929026	1.2332	1.4194132
6202929031	1.2332	1.4194132
6202929061	0.9865	1.1354615
6202929071	0.9865	1.1354615
6202930100	0.296	0.340696
6202930310	0.2466	0.2838366
6202930320	0.2466	0.2838366
6202930911	0.2466	0.2838366
6202930921	0.2466	0.2838366
6202931500	0.296	0.340696
6202932510	0.2466	0.2838366
6202932520	0.2466	0.2838366
6202935511	0.2466	0.2838366
6202935521	0.2466	0.2838366
6202991511	0.5549	0.6386899
6202991531	0.37	0.42587
6202991561	0.2466	0.2838366
6202998011	0.5549	0.6386899
6202998031	0.37	0.42587
6202998061	0.2466	0.2838366
6203122010	0.1233	0.1419183
6203122020	0.1233	0.1419183
6203191010	0.9865	1.1354615
6203191020	0.9865	1.1354615
6203191030	0.9865	1.1354615
6203199010	0.5549	0.6386899
6203199020	0.5549	0.6386899
6203199030	0.5549	0.6386899
6203199050	0.37	0.42587
6203199080	0.2466	0.2838366
6203221000	1.2332	1.4194132
6203321000	0.6782	0.7806082
6203322010	1.1715	1.3483965
6203322020	1.1715	1.3483965
6203322030	1.1715	1.3483965
6203322040	1.1715	1.3483965
6203322050	1.1715	1.3483965
6203332010	0.1233	0.1419183
6203332020	0.1233	0.1419183
6203392010	0.1233	0.1419183
6203392020	0.1233	0.1419183
6203399010	0.5549	0.6386899
6203399030	0.37	0.42587
6203399060	0.2466	0.2838366
6203420300	1.0616	1.2219016
6203420505	0.7077	0.8145627
6203420510	0.9436	1.0860836
6203420525	0.9436	1.0860836
6203420550	0.9436	1.0860836
6203420590	0.9436	1.0860836

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6203420703	1.0616	1.2219016
6203420706	1.1796	1.3577196
6203420711	1.1796	1.3577196
6203420716	0.9436	1.0860836
6203420721	1.1796	1.3577196
6203420726	1.1796	1.3577196
6203420731	1.1796	1.3577196
6203420736	1.1796	1.3577196
6203420741	0.9436	1.0860836
6203420746	0.9436	1.0860836
6203420751	0.8752	1.0073552
6203420756	0.8752	1.0073552
6203420761	0.8752	1.0073552
6203421700	1.0616	1.2219016
6203422505	0.7077	0.8145627
6203422510	0.9436	1.0860836
6203422525	0.9436	1.0860836
6203422550	0.9436	1.0860836
6203422590	0.9436	1.0860836
6203424503	1.0616	1.2219016
6203424506	1.1796	1.3577196
6203424511	1.1796	1.3577196
6203424516	0.9436	1.0860836
6203424521	1.1796	1.3577196
6203424526	1.1796	1.3577196
6203424531	1.1796	1.3577196
6203424536	1.1796	1.3577196
6203424541	0.9436	1.0860836
6203424546	0.9436	1.0860836
6203424551	0.8752	1.0073552
6203424556	0.8752	1.0073552
6203424561	0.8752	1.0073552
6203430100	0.1887	0.2171937
6203430300	0.118	0.135818
6203430505	0.118	0.135818
6203430510	0.2359	0.2715209
6203430525	0.2359	0.2715209
6203430550	0.2359	0.2715209
6203430590	0.2359	0.2715209
6203431110	0.059	0.067909
6203431190	0.059	0.067909
6203431310	0.1167	0.1343217
6203431315	0.1167	0.1343217
6203431320	0.1167	0.1343217
6203431330	0.1167	0.1343217
6203431335	0.1167	0.1343217
6203431340	0.1167	0.1343217
6203434500	0.1887	0.2171937
6203435500	0.118	0.135818
6203436005	0.118	0.135818
6203436010	0.2359	0.2715209
6203436025	0.2359	0.2715209
6203436050	0.2359	0.2715209
6203436090	0.2359	0.2715209
6203436500	0.4128	0.4751328
6203437510	0.059	0.067909
6203437590	0.059	0.067909
6203439010	0.1167	0.1343217
6203439015	0.1167	0.1343217
6203439020	0.1167	0.1343217
6203439030	0.1167	0.1343217
6203439035	0.1167	0.1343217
6203439040	0.1167	0.1343217
6203490105	0.118	0.135818
6203490110	0.2359	0.2715209
6203490125	0.2359	0.2715209
6203490150	0.2359	0.2715209
6203490190	0.2359	0.2715209
6203490515	0.2359	0.2715209
6203490520	0.2359	0.2715209
6203490530	0.118	0.135818

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6203490545	0.118	0.135818
6203490550	0.118	0.135818
6203490560	0.118	0.135818
6203490920	0.5308	0.6109508
6203490930	0.3539	0.4073389
6203490945	0.2359	0.2715209
6203492505	0.118	0.135818
6203492510	0.2359	0.2715209
6203492525	0.2359	0.2715209
6203492550	0.2359	0.2715209
6203492590	0.2359	0.2715209
6203493500	0.4128	0.4751328
6203495015	0.2359	0.2715209
6203495020	0.2359	0.2715209
6203495030	0.118	0.135818
6203495045	0.118	0.135818
6203495050	0.118	0.135818
6203495060	0.118	0.135818
6203499020	0.5308	0.6109508
6203499030	0.3539	0.4073389
6203499045	0.2359	0.2715209
6204110000	0.0617	0.0710167
6204120010	0.9865	1.1354615
6204120020	0.9865	1.1354615
6204120030	0.9865	1.1354615
6204120040	0.9865	1.1354615
6204132010	0.1233	0.1419183
6204132020	0.1233	0.1419183
6204192000	0.1233	0.1419183
6204198010	0.5549	0.6386899
6204198020	0.5549	0.6386899
6204198030	0.5549	0.6386899
6204198040	0.5549	0.6386899
6204198060	0.3083	0.3548533
6204198090	0.2466	0.2838366
6204221000	1.2332	1.4194132
6204321000	0.6782	0.7806082
6204322010	1.1715	1.3483965
6204322020	1.1715	1.3483965
6204322030	0.9865	1.1354615
6204322040	0.9865	1.1354615
6204398010	0.5549	0.6386899
6204398030	0.3083	0.3548533
6204412010	0.0603	0.0694053
6204412020	0.0603	0.0694053
6204421000	1.2058	1.3878758
6204422000	0.6632	0.7633432
6204423010	1.2058	1.3878758
6204423020	1.2058	1.3878758
6204423030	0.9043	1.0408493
6204423040	0.9043	1.0408493
6204423050	0.9043	1.0408493
6204423060	0.9043	1.0408493
6204431000	0.4823	0.5551273
6204432000	0.0603	0.0694053
6204442000	0.4316	0.4967716
6204495010	0.5549	0.6386899
6204495030	0.2466	0.2838366
6204510010	0.0631	0.0726281
6204510020	0.0631	0.0726281
6204521000	1.2618	1.4523318
6204522010	1.1988	1.3798188
6204522020	1.1988	1.3798188
6204522030	1.1988	1.3798188
6204522040	1.1988	1.3798188
6204522070	1.0095	1.1619345
6204522080	1.0095	1.1619345
6204531000	0.4416	0.5082816
6204532010	0.0631	0.0726281
6204532020	0.0631	0.0726281
6204533010	0.2524	0.2905124

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6204533020	0.2524	0.2905124
6204591000	0.4416	0.5082816
6204594010	0.5678	0.6535378
6204594030	0.2524	0.2905124
6204594060	0.2524	0.2905124
6204610510	0.059	0.067909
6204610520	0.059	0.067909
6204611510	0.059	0.067909
6204611520	0.059	0.067909
6204611530	0.059	0.067909
6204611540	0.118	0.135818
6204616010	0.059	0.067909
6204616020	0.059	0.067909
6204618010	0.059	0.067909
6204618020	0.059	0.067909
6204618030	0.059	0.067909
6204618040	0.118	0.135818
6204620300	0.8681	0.9991831
6204620505	0.7077	0.8145627
6204620510	0.9436	1.0860836
6204620525	0.9436	1.0860836
6204620550	0.9436	1.0860836
6204621503	1.0616	1.2219016
6204621506	1.1796	1.3577196
6204621511	1.1796	1.3577196
6204621521	0.9436	1.0860836
6204621526	1.1796	1.3577196
6204621531	1.1796	1.3577196
6204621536	1.1796	1.3577196
6204621541	1.1796	1.3577196
6204621546	0.9436	1.0860836
6204621551	0.9436	1.0860836
6204621556	0.9335	1.0744585
6204621561	0.9335	1.0744585
6204621566	0.9335	1.0744585
6204625000	0.8681	0.9991831
6204626005	0.7077	0.8145627
6204626010	0.9436	1.0860836
6204626025	0.9436	1.0860836
6204626050	0.9436	1.0860836
6204627000	1.1796	1.3577196
6204628003	1.0616	1.2219016
6204628006	1.1796	1.3577196
6204628011	1.1796	1.3577196
6204628021	0.9436	1.0860836
6204628026	1.1796	1.3577196
6204628031	1.1796	1.3577196
6204628036	1.1796	1.3577196
6204628041	1.1796	1.3577196
6204628046	0.9436	1.0860836
6204628051	0.9436	1.0860836
6204628056	0.9335	1.0744585
6204628061	0.9335	1.0744585
6204628066	0.9335	1.0744585
6204630100	0.2019	0.2323869
6204630200	0.118	0.135818
6204630305	0.118	0.135818
6204630310	0.2359	0.2715209
6204630325	0.2359	0.2715209
6204630350	0.2359	0.2715209
6204630810	0.059	0.067909
6204630820	0.059	0.067909
6204630910	0.0603	0.0694053
6204630990	0.0603	0.0694053
6204631110	0.2412	0.2776212
6204631125	0.2412	0.2776212
6204631130	0.2412	0.2776212
6204631132	0.2309	0.2657659
6204631135	0.2309	0.2657659
6204631140	0.2309	0.2657659
6204635000	0.2019	0.2323869

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6204635500	0.118	0.135818
6204636005	0.118	0.135818
6204636010	0.2359	0.2715209
6204636025	0.2359	0.2715209
6204636050	0.2359	0.2715209
6204636500	0.4718	0.5430418
6204637010	0.059	0.067909
6204637020	0.059	0.067909
6204637510	0.0603	0.0694053
6204637590	0.0603	0.0694053
6204639010	0.2412	0.2776212
6204639025	0.2412	0.2776212
6204639030	0.2412	0.2776212
6204639032	0.2309	0.2657659
6204639035	0.2309	0.2657659
6204639040	0.2309	0.2657659
6204690105	0.118	0.135818
6204690110	0.2359	0.2715209
6204690110	0.2359	0.2715209
6204690125	0.2359	0.2715209
6204690150	0.2359	0.2715209
6204690210	0.059	0.067909
6204690220	0.059	0.067909
6204690230	0.059	0.067909
6204690310	0.2359	0.2715209
6204690320	0.2359	0.2715209
6204690330	0.2359	0.2715209
6204690340	0.2309	0.2657659
6204690350	0.2309	0.2657659
6204690360	0.2309	0.2657659
6204690510	0.5308	0.6109508
6204690530	0.2359	0.2715209
6204690570	0.3539	0.4073389
6204690610	0.5308	0.6109508
6204690630	0.2359	0.2715209
6204690644	0.2359	0.2715209
6204690646	0.2359	0.2715209
6204690650	0.3539	0.4073389
6204691505	0.118	0.135818
6204691510	0.2359	0.2715209
6204691525	0.2359	0.2715209
6204691525	0.2359	0.2715209
6204691550	0.2359	0.2715209
6204692210	0.059	0.067909
6204692220	0.059	0.067909
6204692230	0.059	0.067909
6204692810	0.2359	0.2715209
6204692820	0.2359	0.2715209
6204692830	0.2359	0.2715209
6204692840	0.2309	0.2657659
6204692850	0.2309	0.2657659
6204692860	0.2309	0.2657659
6204696510	0.5308	0.6109508
6204696530	0.2359	0.2715209
6204696570	0.3539	0.4073389
6204698010	0.5308	0.6109508
6204698030	0.2359	0.2715209
6204698044	0.2359	0.2715209
6204698046	0.2359	0.2715209
6204698050	0.3539	0.4073389
6205201000	1.1796	1.3577196
6205202003	0.9436	1.0860836
6205202016	0.9436	1.0860836
6205202021	0.9436	1.0860836
6205202026	0.9436	1.0860836
6205202031	0.9436	1.0860836
6205202036	1.0616	1.2219016
6205202041	1.0616	1.2219016
6205202044	1.0616	1.2219016
6205202047	0.9436	1.0860836
6205202051	0.9436	1.0860836

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6205202056	0.9436	1.0860836
6205202061	0.9436	1.0860836
6205202066	0.9436	1.0860836
6205202071	0.9436	1.0860836
6205202076	0.9436	1.0860836
6205301000	0.4128	0.4751328
6205302010	0.2949	0.3394299
6205302020	0.2949	0.3394299
6205302030	0.2949	0.3394299
6205302040	0.2949	0.3394299
6205302050	0.2949	0.3394299
6205302055	0.2949	0.3394299
6205302060	0.2949	0.3394299
6205302070	0.2949	0.3394299
6205302075	0.2949	0.3394299
6205302080	0.2949	0.3394299
6205900710	0.118	0.135818
6205900720	0.118	0.135818
6205901000	0.2359	0.2715209
6205903010	0.5308	0.6109508
6205903030	0.2359	0.2715209
6205903050	0.1769	0.2036119
6205904010	0.5308	0.6109508
6205904030	0.2359	0.2715209
6205904040	0.2359	0.2715209
6206100010	0.5308	0.6109508
6206100030	0.2359	0.2715209
6206100040	0.118	0.135818
6206100050	0.2359	0.2715209
6206203010	0.059	0.067909
6206203020	0.059	0.067909
6206301000	1.1796	1.3577196
6206302000	0.6488	0.7467688
6206303003	0.9436	1.0860836
6206303011	0.9436	1.0860836
6206303021	0.9436	1.0860836
6206303031	0.9436	1.0860836
6206303041	0.9436	1.0860836
6206303051	0.9436	1.0860836
6206303061	0.9436	1.0860836
6206401000	0.4128	0.4751328
6206403010	0.2949	0.3394299
6206403020	0.2949	0.3394299
6206403025	0.2949	0.3394299
6206403030	0.2949	0.3394299
6206403040	0.2949	0.3394299
6206403050	0.2949	0.3394299
6206900010	0.5308	0.6109508
6206900030	0.2359	0.2715209
6206900040	0.1769	0.2036119
6207110000	1.0281	1.1833431
6207199010	0.3427	0.3944477
6207199030	0.4569	0.5258919
6207210010	1.0502	1.2087802
6207210020	1.0502	1.2087802
6207210030	1.0502	1.2087802
6207210040	1.0502	1.2087802
6207220000	0.3501	0.4029651
6207291000	0.1167	0.1343217
6207299030	0.1167	0.1343217
6207911000	1.0852	1.2490652
6207913010	1.0852	1.2490652
6207913020	1.0852	1.2490652
6207997520	0.2412	0.2776212
6207998510	0.2412	0.2776212
6207998520	0.2412	0.2776212
6208110000	0.2412	0.2776212
6208192000	1.0852	1.2490652
6208195000	0.1206	0.1388106
6208199000	0.2412	0.2776212
6208210010	1.0026	1.1539926

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6208210020	1.0026	1.1539926
6208210030	1.0026	1.1539926
6208220000	0.118	0.135818
6208299030	0.2359	0.2715209
6208911010	1.0852	1.2490652
6208911020	1.0852	1.2490652
6208913010	1.0852	1.2490652
6208913020	1.0852	1.2490652
6208920010	0.1206	0.1388106
6208920020	0.1206	0.1388106
6208920030	0.1206	0.1388106
6208920040	0.1206	0.1388106
6208992010	0.0603	0.0694053
6208992020	0.0603	0.0694053
6208995010	0.2412	0.2776212
6208995020	0.2412	0.2776212
6208998010	0.2412	0.2776212
6208998020	0.2412	0.2776212
6209201000	1.0967	1.2623017
6209202000	1.039	1.195889
6209203000	0.9236	1.0630636
6209205030	0.9236	1.0630636
6209205035	0.9236	1.0630636
6209205045	0.9236	1.0630636
6209205050	0.9236	1.0630636
6209301000	0.2917	0.3357467
6209302000	0.2917	0.3357467
6209303010	0.2334	0.2686434
6209303020	0.2334	0.2686434
6209303030	0.2334	0.2686434
6209303040	0.2334	0.2686434
6209900500	0.1154	0.1328254
6209901000	0.2917	0.3357467
6209902000	0.2917	0.3357467
6209903010	0.2917	0.3357467
6209903015	0.2917	0.3357467
6209903020	0.2917	0.3357467
6209903030	0.2917	0.3357467
6209903040	0.2917	0.3357467
6210109010	0.217	0.249767
6210109040	0.217	0.249767
6210203000	0.0362	0.0416662
6210205000	0.0844	0.0971444
6210207000	0.1809	0.2082159
6210303000	0.0362	0.0416662
6210305000	0.0844	0.0971444
6210307000	0.0362	0.0416662
6210309020	0.422	0.485722
6210401500	0.037	0.042587
6210402520	0.4316	0.4967716
6210402531	0.0863	0.0993313
6210402539	0.0863	0.0993313
6210402540	0.4316	0.4967716
6210402550	0.4316	0.4967716
6210402800	0.111	0.127761
6210402925	0.111	0.127761
6210402933	0.111	0.127761
6210402945	0.111	0.127761
6210402960	0.111	0.127761
6210403500	0.037	0.042587
6210405520	0.4316	0.4967716
6210405531	0.0863	0.0993313
6210405539	0.0863	0.0993313
6210405540	0.4316	0.4967716
6210405550	0.4316	0.4967716
6210407500	0.111	0.127761
6210408025	0.111	0.127761
6210408033	0.111	0.127761
6210408045	0.111	0.127761
6210408060	0.111	0.127761
6210500300	0.037	0.042587

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6210500520	0.0863	0.0993313
6210500531	0.0863	0.0993313
6210500539	0.0863	0.0993313
6210500540	0.0863	0.0993313
6210500555	0.0863	0.0993313
6210501200	0.4316	0.4967716
6210502250	0.148	0.170348
6210502260	0.148	0.170348
6210502270	0.148	0.170348
6210502290	0.148	0.170348
6210503500	0.037	0.042587
6210505520	0.0863	0.0993313
6210505531	0.0863	0.0993313
6210505539	0.0863	0.0993313
6210505540	0.0863	0.0993313
6210505555	0.0863	0.0993313
6210507500	0.4316	0.4967716
6210508050	0.148	0.170348
6210508060	0.148	0.170348
6210508070	0.148	0.170348
6210508090	0.148	0.170348
6211111010	0.1206	0.1388106
6211111020	0.1206	0.1388106
6211118010	1.0852	1.2490652
6211118020	1.0852	1.2490652
6211118040	0.2412	0.2776212
6211121010	0.0603	0.0694053
6211121020	0.0603	0.0694053
6211128010	1.0852	1.2490652
6211128020	1.0852	1.2490652
6211128030	0.6029	0.6939379
6211200410	0.7717	0.8882267
6211200420	0.0965	0.1110715
6211200430	0.7717	0.8882267
6211200440	0.0965	0.1110715
6211200810	0.3858	0.4440558
6211200820	0.3858	0.4440558
6211201510	0.7615	0.8764865
6211201515	0.2343	0.2696793
6211201520	0.6443	0.7415893
6211201525	0.2929	0.3371279
6211201530	0.7615	0.8764865
6211201535	0.3515	0.4045765
6211201540	0.7615	0.8764865
6211201545	0.2929	0.3371279
6211201550	0.7615	0.8764865
6211201555	0.41	0.47191
6211201560	0.7615	0.8764865
6211201565	0.2343	0.2696793
6211202400	0.1233	0.1419183
6211202810	0.8016	0.9226416
6211202820	0.2466	0.2838366
6211202830	0.3083	0.3548533
6211203400	0.1233	0.1419183
6211203810	0.8016	0.9226416
6211203820	0.2466	0.2838366
6211203830	0.3083	0.3548533
6211204400	0.1233	0.1419183
6211204815	0.8016	0.9226416
6211204835	0.2466	0.2838366
6211204860	0.3083	0.3548533
6211205400	0.1233	0.1419183
6211205810	0.8016	0.9226416
6211205820	0.2466	0.2838366
6211205830	0.3083	0.3548533
6211206400	0.1233	0.1419183
6211206810	0.8016	0.9226416
6211206820	0.2466	0.2838366
6211206830	0.3083	0.3548533
6211207400	0.1233	0.1419183
6211207810	0.9249	1.0645599

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6211207820	0.2466	0.2838366
6211207830	0.3083	0.3548533
6211325003	0.6412	0.7380212
6211325007	0.8016	0.9226416
6211325010	0.9865	1.1354615
6211325015	0.9865	1.1354615
6211325025	0.9865	1.1354615
6211325030	0.9249	1.0645599
6211325040	0.9249	1.0645599
6211325050	0.9249	1.0645599
6211325060	0.9249	1.0645599
6211325070	0.9249	1.0645599
6211325075	0.9249	1.0645599
6211325081	0.9249	1.0645599
6211329003	0.6412	0.7380212
6211329007	0.8016	0.9226416
6211329010	0.9865	1.1354615
6211329015	0.9865	1.1354615
6211329025	0.9865	1.1354615
6211329030	0.9249	1.0645599
6211329040	0.9249	1.0645599
6211329050	0.9249	1.0645599
6211329060	0.9249	1.0645599
6211329070	0.9249	1.0645599
6211329075	0.9249	1.0645599
6211329081	0.9249	1.0645599
6211335003	0.0987	0.1136037
6211335007	0.1233	0.1419183
6211335010	0.3083	0.3548533
6211335015	0.3083	0.3548533
6211335017	0.3083	0.3548533
6211335025	0.37	0.42587
6211335030	0.37	0.42587
6211335035	0.37	0.42587
6211335040	0.37	0.42587
6211335054	0.37	0.42587
6211335058	0.37	0.42587
6211335061	0.37	0.42587
6211339003	0.0987	0.1136037
6211339007	0.1233	0.1419183
6211339010	0.3083	0.3548533
6211339015	0.3083	0.3548533
6211339017	0.3083	0.3548533
6211339025	0.37	0.42587
6211339030	0.37	0.42587
6211339035	0.37	0.42587
6211339040	0.37	0.42587
6211339054	0.37	0.42587
6211339058	0.37	0.42587
6211339061	0.37	0.42587
6211390310	0.1233	0.1419183
6211390320	0.1233	0.1419183
6211390330	0.1233	0.1419183
6211390340	0.1233	0.1419183
6211390345	0.1233	0.1419183
6211390351	0.1233	0.1419183
6211391510	0.2466	0.2838366
6211391520	0.2466	0.2838366
6211391530	0.2466	0.2838366
6211391540	0.2466	0.2838366
6211391550	0.2466	0.2838366
6211391560	0.2466	0.2838366
6211391570	0.2466	0.2838366
6211391590	0.2466	0.2838366
6211393010	0.1233	0.1419183
6211393020	0.1233	0.1419183
6211393030	0.1233	0.1419183
6211393040	0.1233	0.1419183
6211393045	0.1233	0.1419183
6211393051	0.1233	0.1419183
6211398010	0.2466	0.2838366

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6211398020	0.2466	0.2838366
6211398030	0.2466	0.2838366
6211398040	0.2466	0.2838366
6211398050	0.2466	0.2838366
6211398060	0.2466	0.2838366
6211398070	0.2466	0.2838366
6211398090	0.2466	0.2838366
6211420503	0.6412	0.7380212
6211420507	0.8016	0.9226416
6211420510	0.9865	1.1354615
6211420520	0.9865	1.1354615
6211420525	1.1099	1.2774949
6211420530	0.8632	0.9935432
6211420540	0.9865	1.1354615
6211420554	1.1099	1.2774949
6211420556	1.1099	1.2774949
6211420560	0.9865	1.1354615
6211420570	1.1099	1.2774949
6211420575	1.1099	1.2774949
6211420581	1.1099	1.2774949
6211421003	0.6412	0.7380212
6211421007	0.8016	0.9226416
6211421010	0.9865	1.1354615
6211421020	0.9865	1.1354615
6211421025	1.1099	1.2774949
6211421030	0.8632	0.9935432
6211421040	0.9865	1.1354615
6211421054	1.1099	1.2774949
6211421056	1.1099	1.2774949
6211421060	0.9865	1.1354615
6211421070	1.1099	1.2774949
6211421075	1.1099	1.2774949
6211421081	1.1099	1.2774949
6211430503	0.0987	0.1136037
6211430507	0.1233	0.1419183
6211430510	0.2466	0.2838366
6211430520	0.2466	0.2838366
6211430530	0.2466	0.2838366
6211430540	0.2466	0.2838366
6211430550	0.2466	0.2838366
6211430560	0.2466	0.2838366
6211430564	0.3083	0.3548533
6211430566	0.2466	0.2838366
6211430574	0.3083	0.3548533
6211430576	0.37	0.42587
6211430578	0.37	0.42587
6211430591	0.2466	0.2838366
6211431003	0.0987	0.1136037
6211431007	0.1233	0.1419183
6211431010	0.2466	0.2838366
6211431020	0.2466	0.2838366
6211431030	0.2466	0.2838366
6211431040	0.2466	0.2838366
6211431050	0.2466	0.2838366
6211431060	0.2466	0.2838366
6211431064	0.3083	0.3548533
6211431066	0.2466	0.2838366
6211431074	0.3083	0.3548533
6211431076	0.37	0.42587
6211431078	0.37	0.42587
6211431091	0.2466	0.2838366
6211492510	0.2466	0.2838366
6211492520	0.2466	0.2838366
6211492530	0.2466	0.2838366
6211492540	0.2466	0.2838366
6211492550	0.2466	0.2838366
6211492560	0.2466	0.2838366
6211492570	0.2466	0.2838366
6211492580	0.2466	0.2838366
6211492590	0.2466	0.2838366
6211498010	0.2466	0.2838366

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6211498020	0.2466	0.2838366
6211498030	0.2466	0.2838366
6211498040	0.2466	0.2838366
6211498050	0.2466	0.2838366
6211498060	0.2466	0.2838366
6211498070	0.2466	0.2838366
6211498080	0.2466	0.2838366
6211498090	0.2466	0.2838366
6212105010	0.9138	1.0517838
6212105020	0.2285	0.2630035
6212105030	0.2285	0.2630035
6212109010	0.9138	1.0517838
6212109020	0.2285	0.2630035
6212109040	0.2285	0.2630035
6212200010	0.6854	0.7888954
6212200020	0.2856	0.3287256
6212200030	0.1142	0.1314442
6212300010	0.6854	0.7888954
6212300020	0.2856	0.3287256
6212300030	0.1142	0.1314442
6212900010	0.1828	0.2104028
6212900020	0.1828	0.2104028
6212900030	0.1828	0.2104028
6212900050	0.0914	0.1052014
6212900090	0.4112	0.4732912
6213201000	1.1187	1.2876237
6213202000	1.0069	1.1589419
6213900700	0.4475	0.5150725
6213901000	0.4475	0.5150725
6213902000	0.3356	0.3862756
6214300000	0.1142	0.1314442
6214400000	0.1142	0.1314442
6214900010	0.8567	0.9860617
6214900090	0.2285	0.2630035
6215100025	0.1142	0.1314442
6215200000	0.1142	0.1314442
6215900015	1.0281	1.1833431
6216000800	0.0685	0.0788435
6216001300	0.3427	0.3944477
6216001720	0.6397	0.7362947
6216001730	0.1599	0.1840449
6216001900	0.3427	0.3944477
6216002110	0.578	0.665278
6216002120	0.2477	0.2851027
6216002410	0.6605	0.7602355
6216002425	0.1651	0.1900301
6216002600	0.1651	0.1900301
6216002910	0.6605	0.7602355
6216002925	0.1651	0.1900301
6216003100	0.1651	0.1900301
6216003300	0.5898	0.6788598
6216003500	0.5898	0.6788598
6216003800	1.1796	1.3577196
6216004100	1.1796	1.3577196
6217109510	0.9646	1.1102546
6217109520	0.1809	0.2082159
6217109530	0.2412	0.2776212
6217909003	0.9646	1.1102546
6217909005	0.1809	0.2082159
6217909010	0.2412	0.2776212
6217909025	0.9646	1.1102546
6217909030	0.1809	0.2082159
6217909035	0.2412	0.2776212
6217909050	0.9646	1.1102546
6217909055	0.1809	0.2082159
6217909060	0.2412	0.2776212
6217909075	0.9646	1.1102546
6217909080	0.1809	0.2082159
6217909085	0.2412	0.2776212
6301300010	0.8305	0.9559055
6301300020	0.8305	0.9559055

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6301900030	0.2215	0.2549465
6302100005	1.1073	1.2745023
6302100008	1.1073	1.2745023
6302100015	1.1073	1.2745023
6302213010	1.1073	1.2745023
6302213020	1.1073	1.2745023
6302213030	1.1073	1.2745023
6302213040	1.1073	1.2745023
6302213050	1.1073	1.2745023
6302215010	0.7751	0.8921401
6302215020	0.7751	0.8921401
6302215030	0.7751	0.8921401
6302215040	0.7751	0.8921401
6302215050	0.7751	0.8921401
6302217010	1.1073	1.2745023
6302217020	1.1073	1.2745023
6302217030	1.1073	1.2745023
6302217040	1.1073	1.2745023
6302217050	1.1073	1.2745023
6302219010	0.7751	0.8921401
6302219020	0.7751	0.8921401
6302219030	0.7751	0.8921401
6302219040	0.7751	0.8921401
6302219050	0.7751	0.8921401
6302221010	0.5537	0.6373087
6302221020	0.3876	0.4461276
6302221030	0.5537	0.6373087
6302221040	0.3876	0.4461276
6302221050	0.3876	0.4461276
6302221060	0.3876	0.4461276
6302222010	0.3876	0.4461276
6302222020	0.3876	0.4461276
6302222030	0.3876	0.4461276
6302290020	0.2215	0.2549465
6302313010	1.1073	1.2745023
6302313020	1.1073	1.2745023
6302313030	1.1073	1.2745023
6302313040	1.1073	1.2745023
6302313050	1.1073	1.2745023
6302315010	0.7751	0.8921401
6302315020	0.7751	0.8921401
6302315030	0.7751	0.8921401
6302315040	0.7751	0.8921401
6302315050	0.7751	0.8921401
6302317010	1.1073	1.2745023
6302317020	1.1073	1.2745023
6302317030	1.1073	1.2745023
6302317040	1.1073	1.2745023
6302317050	1.1073	1.2745023
6302319010	0.7751	0.8921401
6302319020	0.7751	0.8921401
6302319030	0.7751	0.8921401
6302319040	0.7751	0.8921401
6302319050	0.7751	0.8921401
6302321010	0.5537	0.6373087
6302321020	0.3876	0.4461276
6302321030	0.5537	0.6373087
6302321040	0.3876	0.4461276
6302321050	0.3876	0.4461276
6302321060	0.3876	0.4461276
6302322010	0.5537	0.6373087
6302322020	0.3876	0.4461276
6302322030	0.5537	0.6373087
6302322040	0.3876	0.4461276
6302322050	0.3876	0.4461276
6302322060	0.3876	0.4461276
6302390030	0.2215	0.2549465
6302402010	0.9412	1.0833212
6302511000	0.5537	0.6373087
6302512000	0.8305	0.9559055
6302513000	0.5537	0.6373087

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg.
6302514000	0.7751	0.8921401
6302593020	0.5537	0.6373087
6302600010	1.1073	1.2745023
6302600020	0.9966	1.1470866
6302600030	0.9966	1.1470866
6302910005	0.9966	1.1470866
6302910015	1.1073	1.2745023
6302910025	0.9966	1.1470866
6302910035	0.9966	1.1470866
6302910045	0.9966	1.1470866
6302910050	0.9966	1.1470866
6302910060	0.9966	1.1470866
6302931000	0.4429	0.5097779
6302932000	0.4429	0.5097779
6302992000	0.2215	0.2549465
6303191100	0.8859	1.0196709
6303910010	0.609	0.700959
6303910020	0.609	0.700959
6303921000	0.2768	0.3185968
6303922010	0.2768	0.3185968
6303922030	0.2768	0.3185968
6303922050	0.2768	0.3185968
6303990010	0.2768	0.3185968
6304111000	0.9966	1.1470866
6304113000	0.1107	0.1274157
6304190500	0.9966	1.1470866
6304191000	1.1073	1.2745023
6304191500	0.3876	0.4461276
6304192000	0.3876	0.4461276
6304193060	0.2215	0.2549465
6304910020	0.8859	1.0196709
6304910070	0.2215	0.2549465
6304920000	0.8859	1.0196709
6304996040	0.2215	0.2549465
6505001515	1.1189	1.2878539
6505001525	0.5594	0.6438694
6505001540	1.1189	1.2878539
6505002030	0.9412	1.0833212
6505002060	0.9412	1.0833212
6505002545	0.5537	0.6373087
6507000000	0.3986	0.4587886
9404901000	0.2104	0.2421704
9404908020	0.9966	1.1470866
9404908040	0.9966	1.1470866
9404908505	0.6644	0.7647244
9404908536	0.0997	0.1147547
9404909505	0.6644	0.7647244
9404909570	0.2658	0.3059358
9619002100	0.8681	0.9991831
9619002500	0.1085	0.1248835
9619003100	0.9535	1.0974785
9619003300	1.1545	1.3288295
9619004100	0.2384	0.2743984
9619004300	0.2384	0.2743984
9619006100	0.8528	0.9815728
9619006400	0.2437	0.2804987
9619006800	0.3655	0.4206905
9619007100	1.1099	1.2774949
9619007400	0.2466	0.2838366
9619007800	0.2466	0.2838366
9619007900	0.2466	0.2838366

* * * * *

Authority: 7 U.S.C. 2101–2118.

Dated: August 30, 2017.

Bruce Summers,

Acting Administrator.

[FR Doc. 2017–18758 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 212

RIN 1651–AA97

[USCBP–2016–0006; CBP Decision No. 17–10]

Waiver of Passport and Visa Requirements Due to an Unforeseen Emergency

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: Final rule.

SUMMARY: This rule adopts as final proposed amendments to the Department of Homeland Security's (DHS) regulations describing the procedures for issuance of a discretionary waiver, on the basis of unforeseen emergency in individual cases, of certain documentary requirements for individuals seeking admission to the United States as a nonimmigrant. The Department of State (DOS) is issuing a parallel final rule amending a similar DOS regulation published in today's edition of the **Federal Register**. DHS and DOS have acted jointly in this matter.

DATES: This rule is effective October 5, 2017.

FOR FURTHER INFORMATION CONTACT: Joseph O'Donnell, Fines, Penalties and Forfeitures, Office of Field Operations, U.S. Customs and Border Protection, telephone number (202) 344–1691, or by email at *joseph.r.odonnell@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Secretary of Homeland Security and the Secretary of State, acting jointly, in specified situations, may waive certain documentary requirements (*i.e.,* an unexpired passport and, if required, a valid unexpired visa) for individuals seeking admission to the United States as nonimmigrants.[1] *See* section 212(d)(4) of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1182(d)(4)); *see also* section 212(a)(7)(B)(i) of the INA (8 U.S.C. 1182(a)(7)(B)(i)) (describing documentary requirements for nonimmigrants). One of these situations is where the agencies determine in individual cases that the nonimmigrant is unable to present the required documents due to an unforeseen emergency. *See* section 212(d)(4)(A) of the INA (8 U.S.C. 1182(d)(4)(A)). Regulations governing issuance of unforeseen emergency waivers are set forth at 8 CFR 212.1(g). DOS has similar implementing regulations. *See* 22 CFR 41.2(i).

On March 8, 2016, U.S. Customs and Border Protection (CBP) published a notice of proposed rulemaking (NPRM) in the **Federal Register** (81 FR 12032) proposing to amend 8 CFR 212.1(g). The NPRM provided a 60-day public comment period. In the NPRM, CBP proposed to reinstate a 1996 amendment to 8 CFR 212.1(g) that was invalidated by court order in *United Airlines, Inc.* v. *Brien,* 588 F.3d 158 (2d Cir. 2009). The court invalidated the 1996 amendment on procedural grounds because the legacy Immigration and Naturalization Service (INS) did not coordinate with DOS in amending the regulation in violation of the joint action requirement under section 212(d)(4)(A) of the INA (8 U.S.C. 1182(d)(4)(A)). *United Airlines,* 588 F.3d at 179.

Among other things, the 1996 amendment would have removed certain language from 8 CFR 212.1(g) that precluded DHS from assessing carrier fines under section 273 of the INA (8 U.S.C. 1323) when an ''unforeseen emergency'' waiver had been granted under section 212(d)(4)(A) of the INA and 8 CFR 212.1(g). Section 273 of the INA makes it unlawful for a carrier to bring to the United States any alien who does not have a valid passport and an unexpired visa, if a visa was required under the INA or the regulations issued thereunder, and subjects the carrier to a fine for violating this provision. The 1996 amendment of 8 CFR 212.1(g) would have removed the phrase that a visa and passport ''are not required'' if legacy INS (now CBP) concluded that the nonimmigrant was unable to present the required documents because of an unforeseen emergency.

The NPRM proposed to reinstate the 1996 amendment by removing the phrase ''are not required'' so that CBP could assess carrier fines under section 273 of the INA in appropriate cases notwithstanding that an ''unforeseen emergency'' waiver has been granted under section 212(d)(4)(A) of the Act and 8 CFR 212.1(g).[2] The NPRM also proposed to amend 8 CFR 212.1(g) by reinstating 2002 and 2007 amendments to 8 CFR 212.1(g) that were also invalidated as a result of the court order in *United Airlines.*[3]

Further background information is provided in the NPRM. On March 8, 2016, DOS published a parallel NPRM proposing amendment of 22 CFR 41.2(i). *See* 81 FR 12050.

Discussion of Comments

DHS received eleven comments on this rule. Two comments favored the proposed amendments, and two did not. The remaining comments criticized U.S. immigration policy or aspects of the regulation that were unchanged and are outside the scope of this rulemaking. A summary of the relevant issues raised in the comments and CBP's responses are set forth below.

Comment

Two commenters said that the proposed regulation did not clearly specify what constitutes an ''unforeseen emergency'' under 8 CFR 212.1(g). One of these commenters recommended the addition of more details about the criteria for qualifying for the unforeseen emergency waiver. The other commenter requested an explanation of the phrase ''unforeseen emergency'' and was concerned about the ''lack of substantial definitions on key terms.''

[1] Previously, the Attorney General acting jointly with the Secretary of State was authorized to waive the documentary requirements due to an unforeseen emergency. However, pursuant to the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135 (HSA), as of March 1, 2003, functions of the legacy Immigration and Naturalization Service (INS) of the Department of Justice and the legacy U.S. Customs Service of the Department of the Treasury were transferred to DHS. Specifically, pursuant to sections 102(a), 441, 1512(d) and 1517 of the HSA and 8 CFR 2.1, the authorities of the Attorney General, as described in section 212 of the INA (8 U.S.C. 1182), were transferred to the Secretary of Homeland Security, and the reference to the Attorney General in the statute is deemed to refer to the Secretary. Thus, the waiver authority in section 212(d)(4) of the INA now resides with the Secretary of Homeland Security acting jointly with the Secretary of State.

[2] CBP would not apply a fine if CBP granted the waiver and did not revoke it prior to the nonimmigrant alien's boarding.

[3] The INS amended the regulation in 2002 to update documentary requirements, and DHS amended the regulation in 2007 to include U nonimmigrants among those who could seek a waiver. *See* 67 FR 71443 (Dec. 2, 2002) and 72 FR 53014 (Sept. 17, 2007).

CBP Response

The proposed regulation permits the CBP district director[4] to grant an unforeseen emergency waiver on an individual case-by-case basis in the exercise of his or her discretion based on the circumstances presented. CBP has determined that this discretionary case-by-case approach is preferable to establishing a specific definition of or criteria for establishing an unforeseen emergency because it is impossible to define or forecast all the various circumstances that could arise that might justify an unforeseen emergency waiver. CBP also has concluded that the inclusion of a definition or the criteria for determining an unforeseen emergency in the regulation would be too limiting.

Comment

One commenter stated that in now proposing parallel amendments to their respective regulations, CBP and DOS have satisfied the joint action requirement. This same commenter indicated that the proposed amendment is inconsistent with the decision in *United Airlines* to uphold the Board of Immigration Appeals' (BIA) longstanding rule that a carrier may not be fined under section 273 for having brought an alien to the United States if that alien receives an unforeseen emergency visa waiver.

Another commenter stated that it was unclear how the Government could waive passport/visa requirements and yet retain the ability to fine airline carriers for such transport.

CBP Response

CBP agrees that DHS and DOS have satisfied the joint action requirement under section 212(d)(4)(A) of the INA (8 U.S.C. 1182(d)(4)(A)) by proposing and now issuing parallel regulations.

CBP disagrees that this rule is inconsistent with the decision in *United Airlines.* In *United Airlines,* the court considered the validity of the BIA rule interpreting the pre-1996 version of 8 CFR 212.1(g). *See* 588 F.3d at 169–70. By way of background, section 273(a)(1) of the INA (8 U.S.C. 1323(a)(1)) makes it unlawful for a carrier to bring to the United States any alien who does not have a valid passport and an unexpired visa, if a visa was required under the INA or the regulations issued thereunder. Because the pre-1996 version of 8 CFR 212.1(g) specified that a visa and a passport are not required if a nonimmigrant demonstrates an unforeseen emergency, the BIA concluded that a carrier could not be fined pursuant to section 273 when an unforeseen emergency waiver was granted under 8 CFR 212.1(g).[5] *See id.* at 163.

However, in 1996, legacy INS amended 8 CFR 212.1(g) to remove the language that a passport and visa are not required if a nonimmigrant demonstrates an unforeseen emergency. *See* 61 FR 11717. Subsequently, the BIA, applying the 1996 version of the regulation, held that a carrier was subject to a fine for bringing an alien passenger to the United States without a valid nonimmigrant visa even though the passenger was subsequently granted a post-arrival waiver of the visa document requirement. *See Matter of Finnair Flight AY103,* 23 I&N Dec. 140 (BIA 2001).

Therefore, this final rule, which allows CBP to waive passport and/or visa requirements for a nonimmigrant due to an unforeseen emergency yet still retain the authority to fine the carrier for transporting an alien to the United States without proper documentation, is consistent with the relevant BIA precedent and *United Airlines.*

In fact, the court in *United Airlines* explicitly sanctioned the approach taken by this final rule. The court stated that if the INS (now CBP) finds that application of the BIA's interpretation of section 273 creates a disincentive for airlines to make a reasonable, good faith effort to ensure that every alien has the requisite travel and entry documents prior to arrival in the United States, it may amend the regulations so that a post-arrival waiver does not nullify the documentary requirements of section 212(a)(7)(B) of the INA. *See United Airlines,* 588 F.3d at 173.

Comment

Two commenters expressed the view that the rule would create an economic incentive for carriers to comply with section 273. One commenter stated that unless a carrier would receive more than $4,300 to transport an alien into the United States without proper documentation, the carrier would be disincentivized to provide such transportation due to the possibility of a $4,300 fine under section 273.[6] This commenter stated that CBP's authority to assess carrier fines in such cases would force airlines and other small entities to implement more stringent practices regarding whom they transport to the United States. This commenter supported Alternative 1, the chosen proposal, which was described in the NPRM as allowing CBP to waive the requirement for individuals seeking admission as nonimmigrants to present valid documentation for entry into the United States in an unforeseen emergency while retaining the authority to fine carriers under section 273. This commenter indicated that Alternative 2, described in the NPRM as the same as Alternative 1 but with a waiver of the penalty for small entities, would remove the economic incentive to comply with section 273 and create an unnecessary safety risk.

Another commenter stated that CBP's ability to assess carrier fines, regardless of whether the undocumented passenger received a waiver, would provide an economic incentive for carriers to adhere to section 273 and dissuade carriers from attempting to determine on their own whether an undocumented passenger would qualify for an unforeseen emergency waiver.

CBP Response

CBP agrees that this rule will incentivize carriers to make a reasonable, good-faith effort to ensure that every alien has the proper documentation prior to arrival in the United States.

Conclusion

After review of the comments and further consideration, DHS adopts as final the proposed amendments published in the **Federal Register** (81 FR 12032) on March 8, 2016.

[4] The DHS regulation at 8 CFR 1.2 defines ''district director'' broadly. It specifies that to the extent that authority has been delegated to such official, it means asylum office director; director, field operations; district director for interior enforcement; district director for services; field office director; service center director; or special agent in charge. It further specifies that term means such other official, including an official in an acting capacity, within CBP or another DHS component who is delegated the function or authority above for a particular geographic district, region, or area. In determining eligibility for an unforeseen emergency waiver under 8 CFR 212.1(g), the term ''district director'' would encompass the CBP port director for the port where the nonimmigrant is seeking admission to the United States.

[5] The court also upheld legacy INS's decision to parole aliens arriving in the United States without proper documents rather than granting them a waiver, thereby preserving INS's ability to fine the carrier under section 273 of the INA. *See United Airlines,* 588 F.3d at 174. For further explanation about parole, see infra note 7.

[6] Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74 (Nov. 2, 2015), on July 1, 2016, DHS issued a rule that adjusted the fine from $4,300 to $5,345 to account for inflation. *See* 81 FR 42987. The adjusted penalty amount became effective for penalties assessed after August 1, 2016 whose associated violation occurred after November 2, 2015. On January 27, 2017, DHS further adjusted the penalty amount for inflation from $5,345 to $5,432 for penalties assessed after January 27, 2017 whose associated violation occurred after November 2, 2015. *See* 82 FR 8571. Pursuant to this Act, the penalty amount will be adjusted every year.

Regulatory Analyses

A. Executive Order 13563 and Executive Order 12866

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs'') directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

In 1996, the legacy INS published a final rule (61 FR 11717) amending 8 CFR 212.1(g) which allowed for the waiver of required passport and visa documents for a nonimmigrant in an unforeseen emergency while still retaining the ability to fine the carrier for transporting an alien to the United States without the required documents. In 2009, the U.S. Court of Appeals for the Second Circuit issued an opinion in *United Airlines, Inc.* v. *Brien,* 588 F.3d 158 (2d Cir. 2009), which held that the regulation amending 8 CFR 212.1(g) was improperly promulgated because DOS and the legacy INS did not jointly promulgate the rule. In its ruling, the court upheld legacy INS's decision to parole aliens arriving in the United States without proper documents rather than granting them a waiver, thereby preserving INS's authority to fine the carrier under section 273 of the INA.[7] *See United Airlines,* 588 F.3d at 174. This has led to a situation in which carriers are being penalized inconsistently when they transport aliens to the United States without proper documentation. If an alien qualifies for parole, the carrier nonetheless is subject to a fine. If an alien does not qualify for parole but receives a waiver, the carrier is not subject to a fine. Since the carriers' underlying conduct is the same in both cases, *i.e.,* transporting an alien to the United States without proper documentation, CBP believes the penalties should be the same.

As such, DHS and DOS are now jointly promulgating final rules to allow CBP to waive the requirement to present entry documents for nonimmigrants under an unforeseen emergency while still retaining the ability to fine the carrier for transporting an alien to the United States without proper entry documentation.[8]

From FY 2010–2016,[9] if this rule had been in effect, carriers would have been subject to penalties averaging $1.4 million per year for 786 violations of section 273. This $1.4 million represents a transfer from violative carriers to the United States government. To avoid the penalties imposed by this rule and existing penalties, carriers may adopt further oversight. In the NPRM, CBP requested comment on any additional oversight costs that could result from this rule but no such comments were received.

CBP currently assesses penalties under this provision against any carriers that transport aliens without proper documents who are inadmissible, including when these aliens qualify for parole. Therefore, CBP will not have to set up a new process to fine carriers as a result of this rule. A penalty under this provision takes CBP approximately 2.5 hours to process. Therefore, on average this rule would take approximately 1,965 hours (2.5 hours per violation * 786 violations per year) a year for CBP to administer.

Currently, carriers are penalized for violations of section 273 inconsistently. When a carrier transports an alien without proper documentation, whether it is penalized depends not on the nature of the carrier's violation, but on whether the alien it transported qualifies for a waiver. CBP believes it is more equitable to penalize carriers who violate section 273 equally. Additionally, CBP believes that the language of 8 CFR 212.1(g), as amended in the final rule, which allows CBP to assess a section 273 penalty when a waiver is granted, provides an economic incentive for carriers to comply with the statutory requirements of section 273. Finally, we received three comments that were supportive of the rule on the basis that the rule would create an economic incentive for carriers to comply with section 273.

For additional analysis on the impacts of this rule on small entities and a discussion of alternatives, see section B, Regulatory Flexibility Act.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires agencies to assess the impact of regulations on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

As discussed above, DHS and DOS are finalizing parallel and simultaneous amendments to 8 CFR 212.1(g) and 22 CFR 41.2(i) respectively, that would allow CBP to waive the passport and/or visa requirements for nonimmigrants due to an unforeseen emergency while retaining the authority to impose a maximum penalty of $5,432 on a carrier for transporting an alien to the United States without proper documentation.

The Regulatory Flexibility Act does not specify thresholds for economic significance but instead gives agencies flexibility to determine the appropriate threshold for a particular rule. CBP believes that a maximum penalty of $5,432 may be considered a significant economic impact given the wide range of companies subject to the requirements of this rule and that it is possible that a specific small entity may receive more than one penalty in a year. Therefore, CBP is preparing this Final Regulatory Flexibility Analysis under

[7] An alien applying for admission may be paroled into the United States for urgent humanitarian reasons or significant public benefit. Parole does not constitute an admission to the United States and is to be terminated when, *inter alia,* the purpose of parole is accomplished or neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States. *See* INA sections 212(d)(5), 101(a)(13)(B) (8 U.S.C. 1182(d)(5), 1101(a)(13)(B)); *see also* 8 CFR 212.5(c)–(e); *http://www.dhs.gov/definition-terms* for information on various types of parole.

[8] The maximum penalty amount under section 273 has increased from $4,300 to $5,432 as a result of multiple adjustments to account for inflation. *See supra* note 7.

[9] Note that in the NPRM we used data from FY 2010–2015. Now that FY 2016 data is available, we have included it in the analysis.

section 604 of the Regulatory Flexibility Act.

It is unlawful under section 273 of the INA for any person or company to transport an alien to the United States (other than from a foreign contiguous territory) who does not have a valid passport and an unexpired visa (if a visa is required). 8 U.S.C. 1323. As such, it is possible that any person or company engaged in the transportation of aliens may be affected by this rule. Below, Table 1 presents data on the industries CBP has identified that could be affected by this rule. While CBP finds that only 19 small entities have violated section 273 from FY 2011 to FY 2016, CBP is unable to certify that a substantial number of small entities will not be affected by the final rule in the future.[10] Accordingly, CBP has conducted the following Final Regulatory Flexibility Analysis.

1. A statement of the need for, and objectives of, the rule.

In 1996, the legacy INS published a final rule (61 FR 11717) amending 8 CFR 212.1(g). The amended regulation allowed for the waiver of required passport and visa documents for a nonimmigrant in an unforeseen emergency while still retaining the authority to fine the carrier for transporting an alien to the United States without the required documents. In 2009, the U.S. Court of Appeals for the Second Circuit issued an opinion in *United Airlines, Inc.* v. *Brien,* 588 F.3d 158 (2d Cir. 2009), holding that the regulation amending 8 CFR 212.1(g) was improperly promulgated because DOS and the legacy INS did not jointly promulgate the rule. As such, DHS and DOS are now jointly promulgating rules to allow CBP to waive the requirement to present entry documents for nonimmigrants under an unforeseen emergency while still retaining the ability to fine the carrier for transporting an alien to the United States without proper entry documentation. CBP has concluded that the language of 8 CFR 212.1(g), as amended in the final rule, which allows CBP to assess a section 273 penalty when a waiver is granted, provides the necessary economic incentive for carriers to comply with the statutory requirements of section 273.

The objective of this regulation is to allow CBP to retain its ability to fine a carrier for transporting an alien to the United States without proper entry documentation in the event it grants the alien a waiver for an unforeseen emergency. In general, nonimmigrant aliens must present an unexpired passport and, if required, a valid unexpired visa in order to be admitted to the United States. *See* section 212(a)(7)(B)(i) of the INA (8 U.S.C. 1182(a)(7)(B)(i)). The Secretary of Homeland Security and the Secretary of State, acting jointly, in specified situations may waive either or both of these requirements. *See* sections 212(a)(7)(B)(ii) and 212(d)(4) of the INA (8 U.S.C. 1182(a)(7)(B)(ii), 1182(d)(4)). One of these situations is when the nonimmigrant is unable to present the required documents due to an unforeseen emergency.

2. A statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments.

CBP received three comments on the Initial Regulatory Flexibility Analysis, published with the NPRM. Two of the commenters were supportive of both the rule and the analysis and one commenter was not. The two commenters that were supportive of the rule and the analysis agreed with CBP that this rule would encourage and incentivize carriers to confirm that every alien has the proper documentation prior to arrival in the United States. The one comment we received that was not supportive of the analysis was in favor of alternative 3, which was for CBP to take no regulatory action. We disagree with this comment because this alternative would continue the current inconsistency regarding the assessment of fines when a carrier violates section 273 for transporting an alien without proper documents based on whether the alien qualifies for parole. Under the commenter's proposed alternative, carriers who transport an alien without proper documents would be subject to a fine if the alien qualifies for parole, but would not be subject to a fine if the alien does not qualify for parole. Since CBP wants to eliminate this inconsistency, we did not make any changes to the rule as a result of the comments.

3. The response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments.

CBP did not receive any comments from the Chief Counsel for Advocacy of the Small Business Administration.

4. A description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available.

It is unlawful under section 273 for any person or company to transport an alien to the United States (other than from a foreign contiguous territory) who does not have a valid passport and an unexpired visa (if a visa is required). As such, it is possible that any person or company engaged in the transportation of aliens may be affected by this rule. Below, Table 1 presents data on the industries that CBP estimates could be affected by this rule. The data include the NAICS codes of an industry, a description of the industry, and the Small Business Administration's (SBA) guidance on what qualifies an entity to be considered small in the respective industry.[11] Additionally, Table 1 includes the number small entities in the respective industry that have violated section 273 from FY 2011 through FY 2016.[12] Of the industries that could be affected, only six industries have had small entities that have violated section 273 from FY 2011 through FY 2016.[13]

[10] Since November 20, 2009, CBP has been unable to impose a penalty when a section 212(d)(4)(A) waiver has been granted to an alien without proper documentation. Nevertheless, the small entities listed in Table 1 transported aliens who received such waivers. The small entities responsible for transporting the aliens were not assessed a penalty.

[11] SBA Table of Small Business Size Standards Matched to small business North American Industry Classification System Codes, effective February 26, 2016, can be found here: *https://www.sba.gov/contracting/getting-started-contractor/make-sure-you-meet-sba-size-standards.*

[12] Since November 20, 2009, CBP has been unable to impose a penalty when a 212.1(g) waiver has been granted to an alien without proper documentation. Nevertheless, the small entities listed in Table 1 transported aliens who received 212.1(g) waivers. The small entities responsible for transporting the aliens were not assessed a penalty.

[13] We received data on which companies between FY 2011 and FY 2016 violated section 273 from CBP's Office of Field Operations, which assesses the penalties. We then looked up each of the violating companies on Hoovers to determine how many were small and in what industry each violating company belonged. Hoovers is a business research company that provides information on companies and industries on its Web site, *www.hoovers.com.*

TABLE 1

NAICS	Industry description	SBA size standard	Small entities that have violated Sec. 273 of the INA
481111	Scheduled Passenger Air Transportation	<1,500 employees	12
481112	Scheduled Freight Air Transportation	<1,500 employees	0
481211	Nonscheduled Chartered Passenger Air Transportation	<1,500 employees	2
481212	Nonscheduled Chartered Freight Air Transportation	<1,500 employees	0
481219	Other Nonscheduled Air Transportation	<$15 million in revenue	0
488119	Other Airport Operations	<$32.5 million in revenue	2
482111	Line-Haul Railroads	<1,500 employees	0
482112	Short Line Railroads	<1,500 employees	0
483111	Deep Sea Freight Transportation	<500 employees	0
483112	Deep Sea Passenger Transportation	<1,500 employees	0
483113	Coastal and Great Lakes Freight Transportation	<500 employees	0
483114	Coastal and Great Lakes Passenger Transportation	<500 employees	0
483211	Inland Water Freight Transportation	<750 employees	0
483212	Inland Water Passenger Transportation	<500 employees	0
484230	Specialized Freight (except, Used Goods) Trucking, Long-Distance	<$27.5 million in revenue	0
485991	Special Needs Transportation	<$15 million in revenue	0
487110	Scenic and Sightseeing Transportation, Land	<$7.5 million in revenue	0
423860	Scenic and Sightseeing Transportation, Land Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers.	<500 employees	1
488330	Navigational Services to Shipping	<$38.5 million in revenue	0
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers	<500 employees	1
541614	Process, Physical Distribution and Logistics Consulting Services	<$15 million in revenue	0
561520	Tour Operators	<$20.5 million in revenue	1
621910	Ambulance Services	<$15 million in revenue	0

Sources: U.S. Census Bureau, Small Business Administration, CBP, and Hoovers Inc.

To estimate the number of small entities to which the final rule will apply, CBP needs an estimate of the total number of small entities within an industry and the number of these small entities that are, or will be, engaged in the transportation of aliens.

The U.S. Census Bureau (Census) provides estimates of the number of entities within an industry. The Census organizes an industry by various intervals of annual revenue and number of employees.[14] Using these intervals and the SBA's small entity standards, CBP can estimate the number of small entities within an industry. However, the Census intervals do not necessarily correspond exactly with the SBA's small entity size standards. As an example, as shown in Table 2 below, the SBA's small entity size standards state that an entity classified under NAICS code 481211 is small if it has fewer than 1,500 employees. The Census, however, only has the following intervals of employees: 0–4 employees, 5–9 employees, 10–19 employees, 20–99 employees, 100–499 employees, and 500+ employees. It is not possible to differentiate between the entities in the 500+ employee interval that would be considered small under SBA's small entity size standards (entities with fewer than 1,500 employees) and those entities the SBA does not consider small (entities with more than 1,500 employees).

We therefore, sought an alternative data source to supplement the Census data. Any scheduled airline with a capacity of carrying over 18,000 pounds is required to report employee information to the Department of Transportation.[15] Using this data, we were able to identify carriers with over 1,500 employees, who are not considered small entities under the SBA size standards. We subtracted these airlines from the total small entities in each NAICS code to estimate the total small entities that could be affected by this rule. We note that these estimates could include businesses with over 1,500 employees that have a payload of less than 18,000 pounds or that do not offer scheduled flights. As there are a large number of small businesses with over 18,000 pounds of capacity, as shown in DOT's data, we do not believe there are many, if any, large carriers that are not included in DOT's data.

Although CBP can use the Census and DOT data to provide an estimate of the number of small entities that have the potential to be affected by this rule, CBP cannot use the Census data to determine the number of small entities that are, or will be, engaged in the transportation of aliens within a reasonable degree of accuracy.[16] As shown in both Tables 1 and 2, however, CBP's internal records show that only 19 small entities from FY 2011 to FY 2016 violated section 273 and thus would have been subject to a penalty if this rule were in effect.[17]

TABLE 2

NAICS	Industry description	SBA size standard	Total number of entities	Total number of small entities	Small entities that have violated Sec. 273 of the INA
481111	Scheduled Passenger Air Transportation	<1,500 employees	264	239	12

[14] *http://www.census.gov/econ/susb/.*

[15] *http://transtats.bts.gov/Employment/.*

[16] For instance, CBP cannot tell which scheduled passenger air transportation entities do, or will, transport aliens and which do, or will, not transport aliens.

[17] Note that in the IRFA we used data from FY 2008–2012. We have updated the analysis to use more recent data.

TABLE 2—Continued

NAICS	Industry description	SBA size standard	Total number of entities	Total number of small entities	Small entities that have violated Sec. 273 of the INA
481112	Scheduled Freight Air Transportation	<1,500 employees	212	20,7227	0
481211	Nonscheduled Chartered Passenger Air Transportation.	<1,500 employees	1,479	1,396	2
481212	Nonscheduled Chartered Freight Air Transportation.	<1,500 employees	177	171	0
481219	Other Nonscheduled Air Transportation	<$15 million in revenue	516	504	0
488119	Other Airport Operations	<$32.5 million in revenue	1,149	1,085	2
482111	Line-Haul Railroads	<1,500 employees	not available	not available	0
482112	Short Line railroads	<1,500 employees	not available	not available	0
483111	Deep Sea Freight Transportation	<500 employees	191	177	0
483112	Deep Sea Passenger Transportation	<1,500 employees	54	47	0
483113	Coastal and Great Lakes Freight Transportation	<500 employees	337	307	0
483114	Coastal and Great Lakes Passenger Transportation.	<500 employees	110	108	0
483211	Inland Water Freight Transportation	<750 employees	318	294	0
483212	Inland Water Passenger Transportation	<500 employees	193	191	0
484230	Specialized Freight (except, Used Goods) Trucking, Long-Distance.	<$27.5 million in revenue	8,100	7,927	0
485991	Special Needs Transportation	<$15 million in revenue	2,627	2,567	0
487110	Scenic and Sightseeing Transportation, Land	<$7.5 million in revenue	564	553	0
423860	Scenic and Sightseeing Transportation, Land Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers.	<500 employees	2,149	2,082	1
488330	Navigational Services to Shipping	<$38.5 million in revenue	718	694	0
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers.	<500 employees	6,329	6,312	1
541614	Process, Physical Distribution and Logistics Consulting Services.	<$15 million in revenue	6,667	6,556	0
561520	Tour Operators	<$20.5 million in revenue	2,609	2,586	1
621910	Ambulance Services	<$15 million in revenue	3,314	3,217	0

Sources: U.S. Census Bureau, Small Business Administration, CBP, and Hoovers Inc.

5. A description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

The regulation does not include changes to any required reporting, recordkeeping, or compliance requirements. The objective of the rule is to allow CBP in an unforeseen emergency to waive the requirement that a nonimmigrant present proper entry documents in order to be admitted into the United States while retaining the ability to fine the carrier that did not comply with the requirements pertaining to the proper transportation of an alien to the United States. When the nonimmigrant without proper documentation is not admitted, including when he or she is granted parole, CBP already has the authority to fine the carrier that did not comply with the requirements. This rule only affects the carriers transporting aliens for whom CBP waives the document requirement due to an unforeseen emergency. As discussed above, the rule could affect any small entity that transports an alien without proper entry documentation.

6. A description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

Alternative 1 (chosen alternative): Allows CBP to waive the requirement for nonimmigrants to present valid documentation for entry into the United States in an unforeseen emergency while retaining the ability to enforce the statutory requirement imposing a maximum penalty of $5,432 on a carrier, regardless of size, for transporting an alien to the United States without proper documentation. When the nonimmigrant without proper documentation is not admitted, including when he or she is granted parole, CBP already has the authority to fine the carrier that did not comply with the requirements.

Alternative 2: Same as Alternative 1, but waive the penalty in Alternative 1 for small entities.

Alternative 3: No regulatory action (*i.e.* the situation as it is now).

CBP has chosen to implement Alternative 1. CBP believes that a penalty mechanism is necessary in order to enforce the statutory prohibition on transporting aliens into the United States without proper documentation. In addition, this rule would end the current inconsistency in the issuance of fines for violations of section 273. CBP believes that the language of 8 CFR 212.1(g), as amended in the final rule, which allows CBP to assess a section 273 penalty when a waiver is granted, provides an economic incentive for carriers to comply with the requirements of section 273. Finally, those who commented on the proposed rule were supportive of the chosen alternative.

Alternative 2 would eliminate the economic impact of the proposed rule on noncompliant small entities. CBP believes that it would also eliminate the economic incentive for carriers to comply with the statutory requirements of section 273 for small entities. Furthermore, 8 CFR 273.5 sets forth the

mitigation criteria for the mitigation of fines under section 273(e) and incorporates the administrative procedures provided for in 8 CFR 280.12 and 280.51. In determining the amount of the mitigation, CBP may take into account the effectiveness of the carrier's screening procedures, the carrier's history of fines, and the existence of extenuating circumstances. This mitigation is available to any carrier, including small entities.

Alternative 3 would eliminate the economic impact of the proposed rule for all noncompliant carriers, regardless of size. In addition, the current inconsistency in fines for violations of section 273 would continue. Carriers who transport aliens who qualify for parole would be subject to a fine if they do not adhere to the requirements of section 273, but those who transport aliens who qualify for unforeseen emergency waivers would not be subject to a fine.

C. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.,* requires agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule will not 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), and it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

D. Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3507) an agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB. The collections of information for this final rule are included in an existing collection for DHS Form I–193 (OMB control number 1651–0107).

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration, Passports and visas, Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons stated in the preamble, DHS amends part 212 of title 8 of the Code of Federal Regulations (8 CFR part 212), as set forth below.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

■ 1. The general authority citation for part 212 is revised to read as follows:

Authority: 6 U.S.C. 111, 202, 236 and 271; 8 U.S.C. 1101 and note, 1102, 1103, 1182 and note, 1184, 1185, 1187, 1223, 1225, 1226, 1227, 1255, 1359; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458); 8 CFR part 2.

* * * * *

■ 2. Amend § 212.1 by revising paragraph (g) to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(g) *Unforeseen emergency.* A nonimmigrant seeking admission to the United States must present an unexpired visa and passport valid for the amount of time set forth in section 212(a)(7)(B)(i) of the Act, 8 U.S.C. 1182(a)(7)(B)(i), or a valid biometric border crossing card issued by the DOS on Form DSP–150, at the time of application for admission, unless the nonimmigrant satisfies the requirements described in one or more of paragraphs (a) through (f) or (i), (o), or (p) of this section. Upon a nonimmigrant's application on Form I–193, or successor form, ''Application for Waiver of Passport and/or Visa,'' a district director may, in the exercise of its discretion, on a case-by-case basis, waive either or both of the documentary requirements of section 212(a)(7)(B)(i) if satisfied that the nonimmigrant cannot present the required documents because of an unforeseen emergency. The district director may at any time revoke a waiver previously authorized pursuant to this paragraph and notify the nonimmigrant in writing to that effect.

* * * * *

Elaine C. Duke,

Acting Secretary.

[FR Doc. 2017–18749 Filed 9–1–17; 8:45 am]

BILLING CODE 9111–14–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2017–0089]

RIN 3150–AK03

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Flood/Wind Multipurpose Canister Storage System, Certificate of Compliance No. 1032, Amendment No. 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of September 11, 2017, for the direct final rule that was published in the **Federal Register** on June 28, 2017. This direct final rule amended NRC's spent fuel storage regulations by revising the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to Certificate of Compliance (CoC) No. 1032 for the Holtec International (Holtec) HI–STORM Flood/Wind (FW) Multipurpose Canister (MPC) Storage System.

DATES: *Effective Date:* The effective date of September 11, 2017, for the direct final rule published June 28, 2017 (82 FR 29225), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2017–0089 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0089. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The

ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Vanessa Cox, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8342 or email: *Vanessa.Cox@nrc.gov.*

SUPPLEMENTARY INFORMATION: On June 28, 2017 (82 FR 29225), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* to revise the Holtec HI–STORM FW MPC Storage System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to CoC No. 1032. Amendment No. 3 revises authorized contents to allow burnup credit for fuel types in the MPC–37 and revises CoC Condition 8, which has been previously incorporated in Amendment No. 2 to CoC No. 1032. In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on September 11, 2017. The NRC did not receive any comments on the direct final rule. Therefore, this direct final rule will become effective as scheduled. The final CoC, Technical Specifications, and Safety Evaluation Report can be viewed in ADAMS under Package Accession No. ML17214A039.

Dated at Rockville, Maryland, this 29th day of August, 2017.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 2017–18699 Filed 9–1–17; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9517; Product Identifier 2016–NM–100–AD; Amendment 39–18984; AD 2017–16–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A330–200, A330–200 Freighter, A330–300, A340–500, and A340–600 series airplanes; and A340–313 airplanes. This AD was prompted by the discovery of Tartaric Sulfuric Anodizing (TSA)/Chromic Acid Anodizing (CAA) surface treatment in certain bulk cargo door frame holes of certain airplanes. This AD requires inspection of the fuselage bulk cargo door frames at specific locations, and corrective action if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 10, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 10, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com*; Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9517.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9517; 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: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A330–200, A330–200 Freighter, A330–300, A340–500, and A340–600 series airplanes; and A340–313 airplanes. The NPRM published in the **Federal Register** on December 28, 2016 (81 FR 95538) (''the NPRM''). The NPRM was prompted by the discovery of TSA/CAA surface treatment in certain bulk cargo door frame holes of certain airplanes. The NPRM proposed to require inspection of the fuselage bulk cargo door frames at specific locations, and corrective action if necessary. We are issuing this AD to detect and correct fatigue cracks in the bulk cargo door frames, caused by TSA/CAA surface treatment in certain bulk cargo door frame holes. Cracks in the bulk cargo door frames can cause the in-flight loss of a bulk cargo door, damage to the airplane, and subsequent 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 2016–0102, dated June 1, 2016; corrected June 7, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''); to correct an unsafe condition for all Airbus Model A330–200, A330–200 Freighter, A330–300, A340–500, and A340–600 series airplanes; and A340–313 airplanes. The MCAI states:

> In the frame of the certification of the A330 Extended Service Goal exercise, it has been identified that Tartaric Sulfuric Anodising (TSA)/Chromic Acid Anodising (CAA) surface treatment is present in some frame holes, from aeroplane MSN [manufacturer serial number] 0400 and later MSN, following production process modification. On bulk cargo door frames (FR) 67 and FR 69 Right Hand Side, the door fitting attachment holes have this TSA/CAA

treatment, which leads to a detrimental effect on fatigue behaviour. This condition, if not detected and corrected, could lead to critical cracks in the primary structure, possibly resulting in in-flight loss of a bulk cargo door, consequent decompression and potential damage to the aeroplane that could reduce the control of the aeroplane.

To address this potential unsafe condition, Airbus issued Alert Operators Transmission (AOT) A53L012–16 to provide instructions to inspect the fuselage bulk cargo door frames at specific locations.

For the reasons described above, this [EASA] AD requires repetitive non-destructive test (rototest and high-frequency eddy-current (HFEC)) inspection or visual detailed (DET) inspections [to detect cracking] of the affected areas, and, depending on findings, accomplishment of a repair.

This [EASA] AD is considered an interim measure, and further [EASA] AD action may follow.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9517.

Comments

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

Request To Remove the Reporting Requirement

Lufthansa agrees that reporting inspection results, as proposed in paragraph (k) of the proposed AD, is beneficial to the original equipment manufacturer (OEM). However, Lufthansa disagrees that reporting should be a hard requirement for operators. Lufthansa does not consider that reporting or non-reporting is an airworthiness concern for the affected aircraft. Lufthansa does not agree with the potential of having to ground an aircraft just because the reporting may be provided later than 30 days after inspection. According to Lufthansa, some layover may, in fact, take more than 30 days to complete; in such cases, the aircraft may not yet be released back into service, and the reporting as proposed could become overdue. Lufthansa considers that because of these circumstances, reporting should be a strong recommendation, but not a requirement.

We find that reporting of inspection results for the affected aircraft is necessary. Reporting allows the manufacturer to collect airworthiness information from operators in order to fully understand the scope of the unsafe condition and to develop a final solution as a terminating action. Reporting is not intended to ground aircraft and is only required after the inspections required by paragraphs (g) and (h) of this AD have been completed. We have made no change to this AD in this regard.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Alert Operators Transmission (AOT) A53L012–16, Revision 00, dated May 30, 2016, including the following appendices.

- Appendix 1. Technical Disposition TD_K48_S3_01755_2016, Issue B, dated May 12, 2016.
- Appendix 2. Technical Disposition TD_K48_S3_01754_2016, Issue B, dated May 12, 2016.
- Appendix 3. Technical Disposition TD_K48_S3_01772_2016, Issue A, dated May 12, 2016.
- Appendix 4. Technical Disposition TD_K48_S3_01773_2016, Issue A, dated May 12, 2016.
- Appendix 5. Appendix 4: AOT reporting sheet, undated. (Appendix 5 is incorrectly identified as ''Appendix 4'' on all pages.
- Appendix 6. Advance Copy of Chapter 53–40–18, ALL_A330_NTM_534018, dated May 18, 2016, of the Airbus A330 Non-Destructive Testing (NDT) Manual. (''Advance copy'' indicates that the identified material will be incorporated into the NDT manual during the next manual revision. The ''advanced copy'' is intended to provide operators with access to the identified material quickly instead of making them wait several months until the next manual revision is released.)

The service information describes procedures for inspections of the fuselage bulk cargo frames at the door support and latch fittings location; repair instructions; and reporting instructions. 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 96 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	2 work-hours × $85 per hour = $170 per inspection cycle.	$0	$170 per inspection cycle	$16,320 per inspection cycle.
Reporting	1 work-hour × $85 per hour = $85	$0	$85	$8,160.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Optional door frame replacement	200 work-hours × $85 per hour = $17,000	$68,000	$85,000

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–16–07 Airbus: Amendment 39–18984; FAA–2016–9517; Product Identifier 2016–NM–100–AD.

(a) Effective Date

This AD is effective October 10, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Airbus airplanes, certificated in any category, manufacturer serial numbers (MSNs) 0400 and higher.

(1) Airbus Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Airbus Model A330–223F and –243F airplanes.

(3) Airbus Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Airbus Model A340–313 airplanes.

(5) Airbus Model A340–541 airplanes.

(6) Airbus Model A340–642 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by the discovery of Tartaric Sulfuric Anodizing (TSA)/Chromic Acid Anodizing (CAA) surface treatment in certain bulk cargo door frame holes of airplanes with MSNs 0400 and higher. We are issuing this AD to detect and correct fatigue cracks in the bulk cargo door frames, caused by TSA/CAA surface treatment in certain bulk cargo door frame holes. Cracks in the bulk cargo door frames can cause the in-flight loss of a bulk cargo door, damage to the airplane, and subsequent reduced control of the airplane.

(f) Compliance

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

(g) Initial Inspection

At the applicable compliance time specified in table 1 to paragraph (g) of this AD, do the actions specified in paragraph (g)(1) or (g)(2) of this AD, in accordance with the instructions of Airbus Alert Operators Transmission (AOT) A53L012–16, Revision 00, dated May 30, 2016.

(1) Accomplish a rototest inspection to detect cracking of the holes for the bulk cargo door support fittings at fuselage frame (FR) 67 and FR 69, and a high-frequency eddy-current (HFEC) inspection of the holes for the door latch fitting at FR 69.

(2) Accomplish a detailed visual inspection to detect cracking in the bulk cargo door support fittings at FR 67 and FR 69 and the holes for the door latch fitting at FR 69.

TABLE 1 TO PARAGRAPH (g) OF THIS AD—INITIAL INSPECTION

Total flight cycles accumulated since airplane first flight, on the effective date of this AD	Compliance time
12,500 total flight cycles or more	Within 200 flight cycles or 2 months, whichever occurs first, after the effective date of this AD.
Fewer than 12,500 total flight cycles	Within 200 flight cycles or 2 months, whichever occurs first, after exceeding 12,500 flight cycles.

(h) Repetitive Inspections

At intervals not to exceed the values specified in table 2 to paragraph (h) of this AD, as applicable, depending on the previously selected inspection method, repeat the inspection(s) specified in either paragraph (g)(1) or (g)(2) of this AD.

TABLE 2 TO PARAGRAPH (h) OF THIS AD—REPETITIVE INSPECTIONS

Inspection method	Inspection interval
Detailed visual inspection	150 flight cycles.
Rototest and HFEC inspections	2,900 flight cycles.

(i) Repair

If, during any inspection required by paragraph (g) or (h) of this AD, any crack is detected, before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(j) Non-Terminating Action for Repairs

Accomplishment of a repair on an airplane, as required by paragraph (i) of this AD, does not constitute terminating action for the inspections required by this AD for that airplane, unless otherwise specified in repair instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA.

(k) Reporting

After the initial inspection specified in paragraph (g) of this AD, and after each repetitive inspection specified in paragraph (h) of this AD, at the applicable times specified in paragraph (k)(1) and (k)(2) of this AD: Report inspection findings, both positive and negative, to Airbus in accordance with the instructions of Airbus AOT A53L012–16, Revision 00, dated May 30, 2016.

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

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

(l) 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 Section, send it to the attention of the person identified in paragraph (m)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0102, dated June 1, 2016; corrected June 7, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9517.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Section, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; 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 (n)(3) and (n)(4) of this AD.

(n) Material Incorporated by Reference

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

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

(i) Airbus A330 Alert Operators Transmission (AOT) A53L012–16, Revision 00, dated May 30, 2016, including Appendices 1 through 6. Except as described in paragraph (n)(2)(i)(E), none of these appendices are identified as ''appendices'' to Airbus A330 AOT A53L012–16.

(A) Appendix 1. Airbus Technical Disposition TD_K48_S3_01755_2016, Issue B, dated May 12, 2016.

(B) Appendix 2. Airbus Technical Disposition TD_K48_S3_01754_2016, Issue B, dated May 12, 2016.

(C) Appendix 3. Airbus Technical Disposition TD_K48_S3_01772_2016, Issue A, dated May 12, 2016.

(D) Appendix 4. Airbus Technical Disposition TD_K48_S3_01773_2016, Issue A, dated May 12, 2016.

(E) Appendix 5. Appendix 4: AOT reporting sheet, undated. (Appendix 5 is incorrectly identified as ''Appendix 4'' on all pages.)

(F) Appendix 6. Advance Copy of Chapter 53–40–18, ALL_A330_NTM_534018, dated May 18, 2016, of the Airbus A330 Non-Destructive Testing (NDT) Manual.

(''Advance copy'' indicates that the identified material will be incorporated into the NDT manual during the next manual revision. The ''advanced copy'' is intended to provide operators with access to the identified material quickly instead of making them wait several months until the next manual revision is released.)

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com*; Internet *http://www.airbus.com.*

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

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

Issued in Renton, Washington, on July 28, 2017.

John P. Piccola, Jr.,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–16568 Filed 9–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9521; Product Identifier 2016–NM–061–AD; Amendment 39–19018; AD 2017–18–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes. This AD was prompted by reports of excessive play between bushings and their respective fitting housings at certain elevator fittings. This AD requires a one-time detailed inspection and repetitive eddy current inspections of the elevator hinge fitting and bracket assembly, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 10, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 10, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus Defense and Space, Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; fax +34 91 585 31 27; email *MTA.TechnicalService@airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9521.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9521; 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: 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 by adding an AD that would apply to all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes. The NPRM published in the **Federal Register** on January 5, 2017 (82 FR 1269) (''the NPRM''). The NPRM was prompted by reports of excessive play between bushings and their respective fitting housings at certain elevator fittings. The NPRM proposed to require a one-time detailed inspection and repetitive eddy current inspections of the elevator hinge fitting and bracket assembly, and corrective actions if necessary. We are issuing this AD to prevent excessive play between bushings and their respective fitting housings, which could lead to failure or detachment of any of the affected structural parts, with a possible result of 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 AD 2016–0075, dated April 19, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes. The MCAI states:

> Excessive play between bushings and their respective fitting housing was reported at Stabilizer Station (STA) 4850, affecting the outboard and inboard elevator hinge fittings and attachment fittings; and the horizontal stabilizer elevator linkage. Additionally, excessive misalignment was detected between the elevator hinge fittings and the elevator brackets during further analysis of the reported cases. Furthermore, an occurrence of an elevator hinge fitting crack was reported.
>
> This condition, if not detected and corrected, could lead to failure or detachment of any of the affected structural parts, possibly resulting in reduced control of the aeroplane.
>
> To address this potentially unsafe condition, Airbus Defence & Space (D&S) issued Alert Operator Transmissions (AOT) AOT–CN235–55–0001 Revision 2 and AOT–C295–55–0001 Revision 2 to provide inspection instructions to detect misalignment between the elevator hinge fittings and the elevator brackets. Additionally, Airbus D&S issued AOT–CN235–55–0003 and AOT–C295–55–0003 to provide inspection instructions to detect cracking of elevator hinge fitting and attachment fitting.
>
> For the reasons described above, this [EASA] AD requires a one-time [detailed] inspection of the elevator hinge fittings and the elevator brackets, repetitive [eddy current] inspections of elevator hinge fittings and attachment fittings, and depending on findings, accomplishment of applicable corrective action(s) [*e.g.* repair(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–2016–9521.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus Defense and Space S.A. has issued the following Alert Operators Transmissions (AOT).

- Airbus Defense and Space S.A. AOT AOT–CN235–55–0001, Revision 2, dated March 10, 2015. The service information describes procedures for a detailed visual inspection of the elevator hinge fitting and bracket assembly to detect excessive play between bushings and their respective fitting housings, and to detect cracks; and corrective actions if necessary.
- Airbus Defense and Space S.A. AOT AOT–CN235–55–0003, dated December 22, 2015. The service

information describes procedures for repetitive eddy current inspections to detect cracks in the elevator hinge fitting and bracket assembly, and corrective actions if necessary.

• Airbus Defense and Space S.A. AOT AOT–C295–55–0001, Revision 2, dated April 9, 2015. The service information describes procedures for a detailed visual inspection of the elevator hinge fitting and bracket assembly to detect excessive play between bushings and their respective fitting housings, and to detect cracks; and corrective actions if necessary.

• Airbus Defense and Space S.A. AOT AOT–C295–55–0003, dated December 22, 2015. The service information describes procedures for repetitive eddy current inspections to detect cracks in the elevator hinge fitting and bracket assembly, and corrective actions if necessary.

These documents are distinct since they apply to different airplane models in different configurations. 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 14 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	2 work-hours × $85 per hour = $170 per inspection cycle.	$0	$170 per inspection cycle	$2,380 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	45 work-hours × $85 per hour = $3,825	$10,000	$13,825

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–18–09 Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Amendment 39–19018; Docket No. FAA–2016–9521; Product Identifier 2016–NM–061–AD.

(a) Effective Date

This AD is effective October 10, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Reason

This AD was prompted by reports of excessive play between bushings and their respective fitting housings at certain elevator fittings. We are issuing this AD to prevent excessive play between bushings and their respective fitting housings, which could lead to failure or detachment of any of the affected structural parts, with a possible result of reduced control of the airplane.

(f) Compliance

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

(g) One-Time Detailed Visual Inspection

Before exceeding 600 flight hours since first flight of the airplane, or within 300 flight hours after the effective date of this AD, whichever occurs later, but not before exceeding 300 flight hours since first flight of the airplane: Do a detailed visual inspection of the elevator hinge fitting and bracket assembly to detect excessive play between bushings and their respective fitting housings, and to detect cracks, in accordance with the instructions of Airbus Defense and Space S.A. Alert Operators Transmission (AOT) AOT–CN235–55–0001, Revision 2, dated March 10, 2015; or AOT AOT–C295–55–0001, Revision 2, dated April 9, 2015; as applicable.

(h) Corrective Action for Discrepancies Found During Detailed Visual Inspection

If, during the inspection required by paragraph (g) of this AD, any discrepancy is detected, as defined in the instructions of Airbus Defense and Space S.A. AOT AOT–CN235–55–0001, Revision 2, dated March 10, 2015; or AOT AOT–C295–55–0001 Revision 2, dated April 9, 2015; as applicable: Before further flight, accomplish applicable corrective actions, in accordance with the instructions of Airbus Defense and Space S.A. AOT AOT–CN235–55–0001, Revision 2, dated March 10, 2015; or AOT AOT–C295–55–0001, Revision 2, dated April 9, 2015; as applicable. Where Airbus Defense and Space S.A. AOT AOT–CN235–55–0001, Revision 2, dated March 10, 2015; or AOT AOT–C295–55–0001 Revision 2, dated April 9, 2015; specifies to contact Airbus Defense and Space S.A. for corrective actions, before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (n)(2) of this AD.

(i) Repetitive Eddy Current Inspections—Model CN–235, CN–235–100, CN–235–200, and CN–235–300 Airplanes

For Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes: Do the actions required by paragraphs (i)(1) and (i)(2) of this AD.

(1) Within the applicable compliance time specified in table 1 to paragraph (i)(1) of this AD: Do an eddy current inspection to detect cracks in the elevator hinge fitting and bracket assembly, in accordance with the instructions of Airbus Defense and Space S.A. AOT AOT–CN235–55–0003, dated December 22, 2015.

TABLE 1 TO PARAGRAPH (i)(1) OF THIS AD—INITIAL COMPLIANCE TIMES FOR MODEL CN–235, CN–235–100, CN–235–200, AND CN–235–300 AIRPLANES

Manufacturer's Serial No. (MSN)	Elevator hinge fitting (part No.)	Compliance time for initial eddy current inspection (whichever occurs later)	
MSN001 through MSN154 inclusive.	35–31193–0201 35–31193–0202	Before exceeding 8,800 flight cycles since first flight of the airplane; or before exceeding the applicable flight hours since first flight of the airplane as calculated in table 2 to paragraph (i)(1) of this AD; whichever occurs first.	Within 300 flight cycles after the effective date of this AD.
MSN155 through MSN241 inclusive.	35–31193–0501 35–31193–0502	Before exceeding 3,600 flight cycles since first flight of the airplane; or before exceeding the applicable flight hours since first flight of the airplane as calculated in table 2 to paragraph (i)(1) of this AD; whichever occurs first.	Within 300 flight cycles after the effective date of this AD.
MSN242 through MSN999 inclusive.	35–31193–0503 35–31193–0504	Before exceeding 1,000 flight cycles since first flight of the airplane; or before exceeding the applicable flight hours since first flight of the airplane as calculated in table 2 to paragraph (i)(1) of this AD; whichever occurs first.	Within 50 flight cycles after the effective date of this AD.

TABLE 2 TO PARAGRAPH (i)(1) OF THIS AD—FLIGHT CYCLES TO FLIGHT HOURS CONVERSION SINCE FIRST FLIGHT OF THE AIRPLANE

CN–235 Model/version	Civilian or military type certificate	Flight cycles to flight hours conversion
CN–235 (Commercial Identification S10)	Civilian	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 0.861.
CN–235–100	Civilian	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 0.861.
CN–235–200	Civilian	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 0.806.
CN–235–300	Civilian	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 0.861.
CN–235 (Commercial Identification S10M).	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 0.861.
CN–235–100M	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 2.222.
CN–235–200M	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 2.222.
CN–235–300M	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 2.167.
CN–235–100M/IR01	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 1.389.
CN–235–100M/EA02V	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 1.389.

TABLE 2 TO PARAGRAPH (i)(1) OF THIS AD—FLIGHT CYCLES TO FLIGHT HOURS CONVERSION SINCE FIRST FLIGHT OF THE AIRPLANE—Continued

CN–235 Model/version	Civilian or military type certificate	Flight cycles to flight hours conversion
CN–235–200M/CL02	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 1.389.
CN–235/EA01F (Commercial Identification S10M).	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 0.861.
CN–235–300/SM01	Civilian	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 3.125.
CN–235 –300M/CG01, –300M/GC01, –300/MM01, –300/CL04.	Military	Flight hours since first flight of the airplane = the applicable flight cycles from table 1 to paragraph (i)(1) of this AD × 3.125.

(2) Repeat the eddy current inspection specified in paragraph (i)(1) of this AD thereafter within the applicable interval specified in table 3 to paragraph (i)(2) of this AD.

TABLE 3 TO PARAGRAPH (i)(2) OF THIS AD—REPETITIVE INSPECTION INTERVALS

Manufacturer's serial No.	Elevator attachment fitting (P/N)	Compliance time for repetitive eddy current inspections
MSN001 through MSN154 inclusive	35–31193–0201 35–31193–0202	Before exceeding 1,300 flight cycles since the most recent inspection; or before exceeding the applicable flight hours since the most recent inspection as calculated in table 4 to paragraph (i)(2) of this AD; whichever occurs first.
MSN155 through MSN241 inclusive	35–31193–0501 35–31193–0502	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding the applicable flight hours since the most recent inspection as calculated in table 4 to paragraph (i)(2) of this AD; whichever occurs first.
MSN242 through MSN999 inclusive	35–31193–0503 35–31193–0504	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding the applicable flight hours since the most recent inspection as calculated in table 4 to paragraph (i)(2) of this AD; whichever occurs first.

TABLE 4 TO PARAGRAPH (i)(2) OF THIS AD—FLIGHT CYCLES TO FLIGHT HOURS CONVERSION FOR REPETITIVE INSPECTIONS

CN–235 Model/version	Civilian or military type certificate	Flight cycles to flight hours conversion
CN–235 (Commercial Identification S10)	Civilian	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 0.861.
CN–235–100	Civilian	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 0.861.
CN–235–200	Civilian	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 0.806.
CN–235–300	Civilian	Flight hours since first flight of the airplane = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 0.861.
CN–235 (Commercial Identification S10M).	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 0.861.
CN–235–100M	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 2.222.
CN–235–200M	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 2.222.
CN–235–300M	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 2.167.
CN–235–100M/IR01	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 1.389.
CN–235–100M/EA02V	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 1.389.
CN–235–200M/CL02	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 1.389.
CN–235/EA01F (Commercial Identification S10M).	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 0.861.
CN–235–300/SM01	Civilian	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 3.125.
CN–235 –300M/CG01, –300M/GC01, –300/MM01, –300/CL04.	Military	Flight hours since most recent inspection = the applicable flight cycles from table 3 to paragraph (i)(2) of this AD × 3.125.

(j) Repetitive Eddy Current Inspections—Model C–295 Airplanes

For Model C–295 airplanes: Do the actions required by paragraphs (j)(1) and (j)(2) of this AD.

(1) At the later of the times specified in table 5 to paragraph (j)(1) of this AD: Do an eddy current inspection of the elevator hinge fitting and attachment fitting to detect cracks, in accordance with the instructions of Airbus Defense and Space S.A. AOT AOT–C295–55–0003, dated December 22, 2015.

TABLE 5 TO PARAGRAPH (j)(1) OF THIS AD—INITIAL COMPLIANCE TIMES FOR MODEL C–295 AIRPLANES

C–295 Model/Version	Manufacturer's Serial Number (MSN)	Elevator Hinge Fitting (Part Number)	Compliance time for initial eddy current inspection (whichever occurs later)	
C–295M/ EA03(01–10), RJ01 (01–02), PO01(01–08), AG01(01–06), BR01(01–03).	MSN001 through MSN030 inclusive.	95–31193–0501 95–31193–0502	Since first flight of the airplane: Before exceeding 3,600 flight cycles; or before exceeding 5,040 flight hours; whichever occurs first.	Within 300 flight cycles after the effective date of this AD.
C–295M (from MSN 031).	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Since first flight of the airplane: Before exceeding 1,000 flight cycles; or before exceeding 1,400 flight hours; whichever occurs first.	Within 50 flight cycles after the effective date of this AD.
C–295M/FI01, FI02	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Since first flight of the airplane: Before exceeding 1,000 flight cycles; or before exceeding 1,000 flight hours; whichever occurs first.	Within 50 flight cycles after the effective date of this AD.
C–295M/PG01	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Since first flight of the airplane: Before exceeding 1,000 flight cycles; or before exceeding 1,400 flight hours; whichever occurs first.	Within 50 flight cycles after the effective date of this AD.
C–295M/PG02, PG03 ...	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Since first flight of the airplane: Before exceeding 1,000 flight cycles; or before exceeding 1,900 flight hours; whichever occurs first.	Within 50 flight cycles after the effective date of this AD.
C–295M/CH01	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Since first flight of the airplane: Before exceeding 1,000 flight cycles; or before exceeding 1,200 flight hours; whichever occurs first.	Within 50 flight cycles after the effective date of this AD.
C–295M/CH02, OM03 ..	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Since first flight of the airplane: Before exceeding 1,000 flight cycles; or before exceeding 1,500 flight hours; whichever occurs first.	Within 50 flight cycles after the effective date of this AD.
C–295MW	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Since first flight of the airplane: Before exceeding 1,000 flight cycles; or before exceeding 1,400 flight hours; whichever occurs first.	Within 50 flight cycles after the effective date of this AD.

(2) Repeat the eddy current inspection specified in paragraph (j)(1) of this AD thereafter within the applicable interval specified in table 6 to paragraph (j)(2) of this AD.

TABLE 6 TO PARAGRAPH (j)(2) OF THIS AD—REPETITIVE INSPECTION INTERVALS FOR MODEL C–295 AIRPLANES

C–295 Model/version	Manufacturer's serial No. (MSN)	Elevator hinge fitting (part number)	Compliance time for repetitive eddy current inspections
C–295M/ EA03(01–10), RJ01 (01–02), PO01(01–08), AG01(01–06), BR01(01–03).	MSN001 through MSN030 inclusive.	95–31193–0501 95–31193–0502	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding 1,400 flight hours since the most recent inspection; whichever occurs first.
C–295M (from MSN 031)	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding 1,400 flight hours since the most recent inspection; whichever occurs first.
C–295M/FI01, FI02	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding 1,000 flight hours since the most recent inspection; whichever occurs first.
C–295M/PG01	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding 1,400 flight hours since the most recent inspection; whichever occurs first.
C–295M/PG02, PG03	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding 1,900 flight hours since the most recent inspection; whichever occurs first.

TABLE 6 TO PARAGRAPH (j)(2) OF THIS AD—REPETITIVE INSPECTION INTERVALS FOR MODEL C–295 AIRPLANES—Continued

C–295 Model/version	Manufacturer's serial No. (MSN)	Elevator hinge fitting (part number)	Compliance time for repetitive eddy current inspections
C–295M/CH01	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding 1,200 flight hours since the most recent inspection; whichever occurs first.
C–295M/CH02, OM03	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding 1,500 flight hours since the most recent inspection; whichever occurs first.
C–295MW	MSN031 through MSN999 inclusive.	95–31193–0503 95–31193–0504	Before exceeding 1,000 flight cycles since the most recent inspection; or before exceeding 1,400 flight hours since the most recent inspection; whichever occurs first.

(k) Corrective Action for Discrepancies Found During Eddy Current Inspection

If, during any inspection required by paragraph (i)(1), (i)(2), (j)(1), or (j)(2) of this AD, any crack is detected, as defined in Airbus Defense and Space S.A. AOT AOT–CN235–55–0003, dated December 22, 2015; or AOT AOT–C295–55–0003, dated December 22, 2015; as applicable: Before further flight, accomplish applicable corrective actions in accordance with the instructions of Airbus Defense and Space S.A. AOT AOT–CN235–55–0003, dated December 22, 2015; or AOT AOT–C295–55–0003, dated December 22, 2015; as applicable. Where Airbus Defense and Space S.A. AOT AOT–CN235–55–0003, dated December 22, 2015; or AOT AOT–C295–55–0003, dated December 22, 2015; specifies to contact Airbus Defense and Space S.A. for corrective actions, before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (n)(2) of this AD.

(l) Provision Regarding Terminating Action

Accomplishing corrective actions, as required by paragraph (k) of this AD, does not constitute terminating action for the repetitive inspections required by paragraphs (i)(2) and (j)(2) of this AD, unless explicitly stated in the approved method of compliance for the corrective action.

(m) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Defense and Space S.A. AOT AOT–CN235–55–0001, Revision 1, dated March 6, 2015; or AOT AOT–C295–55–0001, Revision 1, dated May 29, 2014.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0075, dated April 19, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9521.

(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 (p)(3) and (p)(4) of this AD.

(p) Material Incorporated by Reference

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

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

(i) Airbus Defense and Space S.A. Alert Operators Transmission (AOT) AOT–CN235–55–0001, Revision 2, dated March 10, 2015.

(ii) Airbus Defense and Space S.A. AOT AOT–CN235–55–0003, dated December 22, 2015.

(iii) Airbus Defense and Space S.A. AOT AOT–C295–55–0001, Revision 2, dated April 9, 2015.

(iv) Airbus Defense and Space S.A. AOT AOT–C295–55–0003, dated December 22, 2015.

(3) For service information identified in this AD, contact Airbus Defense and Space, Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; fax +34 91 585 31 27; email *MTA.TechnicalService@airbus.com.*

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

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

Issued in Renton, Washington, on August 22, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–18396 Filed 9–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 9580]

RIN 1400–AD30

Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This final rule clarifies procedures for waiver of documentary requirements due to an unforeseen emergency for nonimmigrants seeking admission to the United States.

DATES: This rule is effective on October 5, 2017.

FOR FURTHER INFORMATION CONTACT: Megan B. Herndon, Legislation and Regulations Division, Legal Affairs, Office of Visa Services, Bureau of Consular Affairs, Department of State, 600 19th St. NW., Washington, DC 20006 (202) 485–7440.

SUPPLEMENTARY INFORMATION:

Background

This rulemaking finalizes procedures in 22 CFR 41.2, regarding waiver of documentary requirements, due to an unforeseen emergency, for nonimmigrants seeking admission to the United States. The notice of proposed rulemaking (NPRM) was published on March 8, 2016, with a 60-day public comment period. 81 FR 12050. Responses to the comments are summarized below.

This rulemaking substantially reinstates a 1999 Department of State regulatory amendment that was invalidated by court order in *United Airlines, Inc.* v. *Brien,* 588 F.3d 158 (2d Cir. 2009). Additional background is contained in the Department of State NPRM. 81 FR at 12050. Further background is in the parallel NPRM from the Department of Homeland Security (DHS). 81 FR 12032. The Department is acting jointly with DHS in issuing these final rules.

Public Comments

The Department of State received six public comments on this rule. One was supportive. Three were criticisms of U.S. immigration policy, and thus outside the scope of this rulemaking.

One commenter requested that the Department provide a ''detailed comparison of the rule that was rejected by the Court of Appeals.'' The 1994 rule that was reinstated by the Court of Appeals provided that a visa and passport are not required if, prior to the alien's embarkation abroad or upon arrival at a port of entry, the INS concludes that the alien is unable to present the required documents because of an unforeseen emergency. The 1999 rule removed that text and provided that, except in cases cited in other subsections of § 41.2, all nonimmigrants are required to present a valid, unexpired visa and passport upon arrival in the United States. The 1999 rule allowed aliens to apply for a waiver of these requirements (*i.e.,* the requirements were waived, but not removed) if, prior to embarkation or upon arrival at a port of entry, the INS determined they were unable to present the required documents because of an unforeseen emergency. The former (1994) rule did not adequately implement section 273 of the Immigration and Nationality Act (INA), 8 U.S.C. 1323, which authorized the legacy INS to fine carriers that transported nonimmigrants without the appropriate documentation. The 1999 rule corrected this, and provided support for DHS to impose fines. This rule substantially reinstates the 1999 rule, which was invalidaded by the Court of Appeals only on procedural grounds relating to the way the 1994 rule was amended.

The commenter also requested an explanation of the term, ''officer in charge of the port of entry.'' The term ''officer in charge of the port of entry'' refers to a U.S. Customs and Border Protection (CBP) district director. Individuals seeking admission into the United States are inspected at ports of entry by CBP officers who determine their admissibility. The CBP officer is responsible for reviewing travel documents, visas, and other credentials. The rule has been amended to refer to the CBP district director instead of the officer in charge or the DHS district director.

Another commenter stated that it was unclear why this rule punishes carriers for transporting individuals without proper documentation, some of whom will be admitted legally into the United States. This rule is an implementation of section 273 of the INA, 8 U.S.C. 1323, which provides for penalties against carriers that transport an individual without proper documentation. Under the statute, a penalty may be remitted or refunded if the Secretary of Homeland Security is satisfied that, *prior to the departure of the vessel or aircraft from the last port outside the United States,* the carrier did not know, and could not have ascertained by the exercise of reasonable diligence, that the individual transported was an alien and that a valid passport or visa was required. See 8 U.S.C. 1323(c). Accordingly, the eventual admission of the individual to the United States does not preclude the imposition of the fine.

Summary

After consideration of the public comments, the Department of State is clarifying the title of the responsible CBP official but otherwise adopts the proposed rule as final. DHS is finalizing its parallel rule in today's **Federal Register**.

Regulatory Findings

A. Administrative Procedure Act (APA)

The Department of State published this rule as an NPRM on March 8, 2016, and provided 60 days for public comment. 81 FR 12050. The rule will be effective 30 days after publication, in accordance with the APA.

B. Regulatory Flexibility Act/Executive Order 13272: Small Business

The Department of State has reviewed this rulemaking and certifies that this rule will not have a significant economic impact on a substantial number of small entities.

C. The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

D. The Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

E. Executive Orders 12866 and 13771

The Department of State does not assess or collect fines under INA section 273. Neither this rule, nor prior versions of this regulation, address fines against carriers. However, the November 20, 2009, opinion from the United States Circuit Court of Appeals for the Second Circuit requires joint rulemaking by the Department of State and DHS for the DHS rule to take effect. *United Airlines, Inc.* v. *Brien,* 588 F.3d 158, 179 (2d Cir. 2009). For a full economic analysis, see the parallel DHS final rule for 8 CFR 212.1(g), RIN 1651–AA97, published in this issue of the **Federal Register**. The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' *See* OMB Memorandum M–17–21, ''Guidance Implementing Executive Order 13771'' of April 5, 2017.

F. Executive Order 13563

The Department of State has considered this rule in light of Executive Order 13563 and affirms that

this regulation is consistent with the guidance therein.

G. Executive Orders 12372 and 13132: Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders 12372 and 13132.

H. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of section 5 of Executive Order 13175 do not apply to this rulemaking.

I. Paperwork Reduction Act

This rule does not impose or revise information collections subject to the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

List of Subjects in 22 CFR Part 41

Aliens, Foreign officials, Immigration, Passports and visas, Students.

Accordingly, for the reasons set forth in the preamble, 22 CFR part 41 is amended as follows:

PART 41—VISAS—DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

■ 1. The authority citation for part 41 is revised to read as follows:

Authority: 22 U.S.C. 2651a; 8 U.S.C. 1104; 8 U.S.C. 1323; Pub. L. 105–277, 112 Stat. 2681–795 through 2681–801; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458, as amended by section 546 of Pub. L. 109–295).

■ 2. Section 41.2 is amended by revising paragraph (i) to read as follows:

§ 41.2 Exemption or waiver by Secretary of State and Secretary of Homeland Security of passport and/or visa requirements for certain categories of nonimmigrants.

* * * * *

(i) *Individual cases of unforeseen emergencies.* Except as provided in paragraphs (a) through (h) and (j) through (l) of this section, all nonimmigrants are required to present a valid, unexpired visa and passport upon arrival in the United States. A nonimmigrant may apply for a waiver of the visa and passport requirement if, either prior to the nonimmigrant's embarkation abroad or upon arrival at a port of entry, the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) district director concludes that the nonimmigrant is unable to present the required documents because of an unforeseen emergency. The CBP district director may grant a waiver of the visa or passport requirement pursuant to INA 212(d)(4)(A), without the prior concurrence of the Department of State, if the CBP district director concludes that the nonimmigrant's claim of emergency circumstances is legitimate and that approval of the waiver would be appropriate under all of the attendant facts and circumstances.

* * * * *

Carl C. Risch,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 2017–18750 Filed 9–1–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9814]

RIN 1545–BM95

Transfers of Certain Property by U.S. Persons to Partnerships With Related Foreign Partners; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations; correcting amendment.

SUMMARY: This document contains corrections to the temporary regulations (T.D. 9814) that were published in the **Federal Register** on Thursday, January 19, 2017 (82 FR 7582). The regulations address transfers of appreciated property by United States persons to partnerships with foreign partners related to the transferor. The regulations override the rules providing for nonrecognition of gain on a contribution of property to a partnership in exchange for an interest in the partnership under section 721(a) of the Internal Revenue Code (Code) pursuant to section 721(c) unless the partnership adopts the remedial method and certain other requirements are satisfied.

DATES: These corrections are effective on September 5, 2017 and applicable on January 18, 2017.

FOR FURTHER INFORMATION CONTACT: Ronald M. Gootzeit, (202) 317–6937 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of this correction are under section 721(c) of the Code.

Need for Correction

As published, the temporary regulations contain errors that may prove to be misleading and need to be clarified.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.721(c)–1T is amended by revising paragraph (b)(10)(vi) to read as follows:

§ 1.721(c)–1T Overview, definitions, and rules of general application (temporary).

* * * * *

(b) * * *

(10) * * *

(vi) An allocation of partnership level ordinary income or loss described in § 1.751–1(b)(3).

* * * * *

■ **Par. 3.** Section 1.721(c)–6T is amended by revising the last sentence of paragraph (d)(2) to read as follows:

§ 1.721(c)–6T Procedural and reporting requirements (temporary).

* * * * *

(d) * * *

(2) * * * The partnership must also attach to its Form 1065 a Schedule K–1 (Form 1065) for each direct or indirect partner that is a related foreign person with respect to the U.S. transferor.

* * * * *

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, Procedure and Administration.

[FR Doc. 2017–18691 Filed 9–1–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0691]

RIN 1625–AA08

Special Local Regulation; Tennessee River, Knoxville, TN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for all navigable waters of the Tennessee River from mile marker (MM) 641 to MM 648.7. This special local regulation is necessary to provide safety for the participants of the Bridges to Bluffs marine event in Knoxville, TN. This regulation prohibits vessels from entering into, transiting through, or anchoring in the Tennessee River from MM 641 to MM 648.7 from 9 a.m. through 1 p.m. unless authorized by the Captain of the Port Sector Ohio Valley (COTP).

DATES: This rule is effective from 9 a.m. through 1 p.m. on September 17, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0691 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 Petty Officer Jonathan Braddy. U.S. Coast Guard Marine Safety Detachment Nashville at 615–736–5421, email: *MSDNashville@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this special local regulation by September 17, 2017 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

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**. For the reasons stated above, delaying this rule would be contrary to the public interest of ensuring the safety of participants, spectators, and vessels during the marine event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Sector Ohio Valley (COTP) has determined the need to protect participants during the Bridges to Bluffs marine event on the Tennessee River from mile marker (MM) 641 to MM 648.7. The purpose of this rule is to protect personnel, vessels, and these navigable waters before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

This rule establishes a temporary special local regulation from 9 a.m. through 1 p.m. on September 17, 2017. The temporary special local regulation will cover all navigable waters of the Tennessee River from MM 641 to MM 648.7. The duration of the special local regulation is intended to ensure the safety of waterway users and these navigable waters before, during, and after the scheduled event. No vessel or persons are permitted to enter the special local regulated area without obtaining permission from the COTP. The regulatory text we are establishing appears at the end of this document.

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 special local regulation. The river will be closed to all vessel traffic for a seven hour period from 9 a.m. to 1 p.m. from MM 641 to MM 648.7. The Coast Guard will issue written Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16 about the temporary special local regulation that is in place.

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 due to the limited scope and duration of the rule.

While some owners or operators of vessels intending to transit the special local regulation, 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.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a special local regulation that would prohibit entry of vessels on the Tennessee River from MM641 to MM 648.7 for four hours on one day. It is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration 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.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.35T08–0691 to read as follows:

§ 100.35T08–0691 Special Local Regulation; Tennessee River, Knoxville, TN.

(a) *Special local regulated area.* The following area is a temporary special local regulation: All navigable waters of the Tennessee River between mile marker (MM) 641 and MM 648.7 Knoxville, TN.

(b) *Effective date.* This special local regulation is effective from 9 a.m. through 1 p.m. on September 17, 2017.

(c) *Special local regulations.* In accordance with the general regulations in § 100.801 of this part, entry into this area is prohibited unless authorized by Captain of the Port Sector Ohio Valley (COTP) or a designated representative. Vessels are not permitted to transit through or within the area while swimmers are in the water from 9 a.m. through 1 p.m.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through Local Notice to Mariners and Broadcast Notices to Mariners of the enforcement period for the special local regulation, as well as any changes in the planned schedule.

Dated: August 25, 2017.

M.A. Wike,

Commander, U.S. Coast Guard, Acting Captain of the Port, Sector Ohio Valley.

[FR Doc. 2017–18674 Filed 9–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0343]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Little River to Savannah River, Beaufort, SC

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the Lady's Island Bridge, across the Beaufort River, Mile 536.0 at Beaufort, SC. This modification allows Lady's Island Bridge to remain closed during peak vehicular traffic times. The bridge owner, South Carolina Department of Transportation, requested this action to assist in reducing traffic caused by bridge openings.

DATES: This rule is effective October 5, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2015–0343 In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Ms. Jennifer Zercher at telephone 305–415–6740, email *jennifer.n.zercher@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register

NPRM Notice of proposed rulemaking
SNPRM Supplemental notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code
WWM Waterways Management

II. Background Information and Regulatory History

On May 10, 2016, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Little River to Savannah River in the **Federal Register** (81 FR 90). We received eight comments on this rule.

On August 5th, 2015, a Temporary Deviation, entitled, ''Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Little River to Savannah River,'' was published in the **Federal Register** [USCG–2015–0343] [80 FR 46492] to evaluate whether changing the bridge opening schedule would assist in reducing traffic congestion. This deviation was in effect through November 3rd, 2015.

III. Legal Authority and Need for Rule

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

The Lady's Island Bridge in Beaufort, South Carolina has a vertical clearance of 30 feet at Mean High Water in the closed position. The existing drawbridge schedule can be found in 33 CFR 117.911(f).

On February 17th, 2015, Coast Guard Sector Charleston Waterways Management (WWM) staff observed the Lady's Island Bridge operations between the hours of 6 a.m. and 10 a.m. During the observation period, the staff discussed potential changes with the Bridge owner, South Carolina Department of Transportation. Additionally, WWM met with the Beaufort County South Carolina traffic manager to discuss bridge opening impacts.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard received eight comments regarding this rule. One person supported this change. One person requested that something should be done about the decibels of the horn on this bridge. This comment has been forwarded to the Bridge Owner to address. Six people are against changing the bridge schedule as being too restrictive to vessel traffic. While the Coast Guard does agree that changing this bridge regulation will be more restrictive to the boating community, based on observations, this change will be a better balance between land and water traffic.

The Coast Guard is amending 33 CFR 117.911(f). This regulation would modify timeframes the bridge may remain closed. It would extend the morning closure period, when the bridge is authorized to remain closed, by an additional half hour and the afternoon closure period by an additional hour. It would also set an hourly opening schedule between 9 a.m. and 3 p.m. when the Bridge will open on the hour, thereby reducing openings from twice an hour to once an hour during daytime hours, Monday through Friday, except Federal holidays. This regulation would reduce vehicle backups without unreasonably restricting vessel traffic, thereby balancing the needs of both modes of transportation. No changes to the existing regulation will be implemented during the months of April, May, October and November because higher vessel traffic volumes exist during these time periods. At all other times, this bridge will open on signal.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 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 ability that vessels can still transit the bridge during scheduled openings. Additionally, the modified schedule will not apply during April, May, October, and November when transient season increases vessel traffic.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.911, revise paragraph (f) to read as follows:

§ 117.911 Atlantic Intracoastal Waterway, Little River to Savannah River.

* * * * *

(f) The Lady's Island Bridge (Woods Memorial), across the Beaufort River, Mile 536.0 at Beaufort. The draw shall operate as follows:

(1) On Monday through Friday, except Federal holidays:

(i) From 6:30 a.m. to 9 a.m. and 3 p.m. to 6 p.m., the draw need not open to navigation; and,

(ii) Between 9 a.m. to 3 p.m., the draw need open only on the hour.

(2) During the months of April, May, October, and November from Monday through Friday, except Federal holidays, the Lady's Island Bridge (Woods Memorial) shall operate as follows:

(i) From 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., the draw need not open to navigation; and,

(ii) Between 9 a.m. to 4 p.m., the draw need open only on the hour and half-hour.

(3) At all other times the draw shall open on signal.

Dated: August 22, 2017.

Peter J. Brown,

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

[FR Doc. 2017–18709 Filed 9–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0523]

RIN 1625–AA09

Drawbridge Operation Regulation; Rice Creek, Putnam County, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the CSX Railroad Bridge across the Rice Creek, mile 0.8, in Palatka, Putnam County, FL. This rule will change the existing open on demand during the day and 24 hour advance notice for a bridge opening during the night, to 24 hour advance notice for an opening at all times.

DATES: This rule is effective October 5, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0523. In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Eddie Lawrence, Coast Guard; telephone 305–415–6946, email *Eddie.H.Lawrence@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On November 11, 2016 we published a notice of proposed rulemaking (NPRM) entitled Operation Regulation; Rice Creek, Putnam County, FL in the **Federal Register** (81 FR 78952). We received 2 comments on this rule.

III. Legal Authority and Need for Rule

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

The CSX Railroad Bridge across the Rice Creek, mile 0.8, in Palatka, Putnam County, FL is a swing bridge. It has a vertical clearance of 2 feet at mean high water in the closed position and a horizontal clearance of 30 feet. Presently, in accordance with 33 CFR 117.324, the Rice Creek CSX Railroad Swing Bridge is required to open on signal for the passage of vessels from 8 a.m. to 4 p.m., daily. From 4:01 p.m. to 7:59 a.m., daily, the bridge shall open with a 24-hour advance notice to CSX.

On May 18th, 2015, CSX Transportation, the bridge owner, requested the Coast Guard consider allowing the CSX Railroad Bridge across Rice Creek to be converted from a movable bridge to a fixed bridge. Their request was made due to the minimal drawbridge openings requested over the past several years. The Coast Guard determined that converting the bridge to a fixed structure was not reasonable to

navigation, because it would restrict most vessels from using the waterway at all. CSX then requested modifying the bridge operations to 24 hour advance notice at all times. CSX provided the Coast Guard a summary of bridge opening logs that show eight openings in 2015, three openings in 2014, and three openings in 2013.

This change will still allow vessels to pass through the bridge while taking into account the reasonable needs of other modes of transportation. This rule would implement a 24 hour advance notice to CSX for any openings. This regulatory change is justified based on the limited impact that it will have on vessel traffic as shown by the small number of openings requested over recent years. Emergency vessels and tugs with tows can still request openings at any time.

IV. Discussion of Comments, Changes and the Final Rule

There were two comments received during the comment period. One comment from the Sheriff's Department concerned not being able to respond to possible emergencies up-river from the bridge. This is mitigated by protocols established between the Sheriff's Department and CSX for emergency openings. The second comment was via letter from the Brotherhood of Maintenance of Way Employees Division (BMWED). The concerns were multifold concerning; security and maintenance. These were all submitted to CSX and answered to the satisfaction of BMWED.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 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 continued ability for vessels to transit the bridge given advanced notice and the small amount of vessel traffic transiting the bridge in general.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Revise § 117.324 to read as follows:

§ 117.324 Rice Creek.

The CSX Railroad Swing Bridge, mile 0.8, in Putnam County, FL. shall open with a 24-hour advance notice to CSX at 1–800–232–0142.

P.J. Brown,

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

[FR Doc. 2017–18708 Filed 9–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0330]

RIN 1625–AA09

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Sarasota, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule of four bridges across the Gulf Intracoastal Waterway (GICW); Stickney Point Drawbridge, mile 68.6, Siesta Drive Drawbridge, mile 71.6, Cortez Drawbridge, mile, 87.4, and Anna Maria Drawbridge, mile 89.2, in Sarasota, FL. The request was made to the Coast Guard to change the operation of four drawbridges due to an increase in vehicle traffic throughout these areas at all times of the year. This rulemaking would change the bridges' operating schedules from a three times an hour opening schedule to a twice an hour opening schedule throughout the year.

DATES: This rule is effective October 5, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0330. In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email, Ms. Jennifer Zercher with the Seventh Coast Guard District Bridge Office; telephone (305) 415–6740, email *Jennifer.N.Zercher@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
GICW Gulf Intracoastal Waterway
OMB Office of Management and Budget
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On February 13, 2017, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Sarasota, FL in the **Federal Register** (82 FR 10444). We received 125 comments on this rule. 118 comments were in favor of this regulation change and 7 were against this change.

III. Legal Authority and Need for Rule

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

Stickney Point Bridge across the GICW, mile 68.6, at South Sarasota, Florida is a bascule bridge. This drawbridge has a vertical clearance of 18 feet in the closed position and a horizontal clearance of 90 feet between fenders. Presently, in accordance with 33 CFR 117.5, the Stickney Point Bridge is required to open on demand.

Siesta Drive Bridge across the GICW, mile 71.6, at Sarasota, Florida is a bascule bridge. This drawbridge has a vertical clearance of 25 feet in the closed position and a horizontal clearance of 90 feet between fenders. Presently, in accordance with 33 CFR 117.287(c), the Siesta Drive Bridge is required to open on signal, except that from 6 a.m. to 7 p.m., the draw need only open on the hour, twenty minutes past the hour and forty minutes past the hour. On weekends and Federal holidays, from 11 a.m. to 6 p.m., the draw need open only on the hour, twenty minutes past the hour and forty minutes past the hour.

Cortez (SR 684) Bridge across the GICW, mile 87.4, at Bradenton Beach, Florida is a bascule bridge. This drawbridge has a vertical clearance of 22 feet in the closed position and a horizontal clearance of 90 feet between fenders. Presently, in accordance with 33 CFR 117.287 (d)(1), the Cortez (SR 684) Bridge is required to open on signal, except that from 6 a.m. to 7 p.m., the draw need only open on the hour, 20 minutes after the hour, and 40 minutes after the hour. From January 15 to May 15, from 6 a.m. to 7 p.m., the draw need only open on the hour and half hour.

Anna Maria (SR 64) (Manatee Avenue West) Bridge, mile 89.2, at Bradenton Beach, Florida is a bascule bridge. This drawbridge has a vertical clearance of 24 feet in the closed position and a horizontal clearance of 90 feet between fenders. Presently, in accordance with 33 CFR 117.287(d)(2), the Anna Maria (SR 64) (Manatee Avenue West) Bridge is required to open on signal, except that from 6 a.m. to 7 p.m., the draw need only open on the hour, 20 minutes after the hour, and 40 minutes after the hour. From January 15 to May 15, from 6 a.m. to 7 p.m., the draw need only open on the hour and half hour.

The Metropolitan Planning Office for Sarasota and Manatee Counties, along with the concurrence of the local mayors, have requested that the Coast Guard consider changing the bridge operating regulations for four bridges in this area to accommodate a year-round increase of vehicular traffic. In the past, increased traffic was only associated with the tourist season. For this reason, the Coast Guard is modifying the four bridge schedules to provide for both the reasonable needs of navigation and those of land transportation. The bridge owner, Florida Department of Transportation, concurs with these recommendations.

IV. Discussion of Comments, Changes and the Final Rule

There were seven comments opposing the final rule. Six comments were against modifying the existing schedule and one comment suggested that even with this modified schedule the bridge will still open too often. Not allowing these bridges to open at least twice an hour would place an undue burden on the marine community. Two of the comments suggested the City/County/State should look into putting in higher level bridges and do a traffic management study, as the problem is traffic control, not the bridge openings.

These comments were directed to the bridge owner. Four comments stated that having vessels waiting for a half-hour for the bridge to open could be a safety concern. As the timing between bridge openings has been adjusted to accommodate traveling at a no wake speed between the bridges, vessels should not have to wait for longer than 5 to 10 minutes for an opening. Of these four comments sighting safety concerns, one commenter has posted the same concern twice. No adjustments have been made to this regulation based on the comments.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 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 ability that vessels can still transit the bridges during the scheduled openings. Vessels that can transit the bridge in the closed position may continue to do so. Public vessels of the United States and tugs with tows may request an opening at any time.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Amend § 117.287 by revising paragraphs (c) and (d) to read as follows:

§ 117.287 Gulf Intracoastal Waterway.

* * * * *

(c)(1) The Stickney Point Bridge, mile 68.6, at South Sarasota, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the hour and half hour.

(2) The draw of the Siesta Drive Bridge, mile 71.6, at Sarasota, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the hour and half hour.

(d)(1) The draw of the Cortez (SR 684) Bridge, mile 87.4, at Bradenton Beach, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the quarter hour and three quarter hour.

(2) The draw of the Anna Maria (SR 64) (Manatee Avenue West) Bridge, mile 89.2, at Bradenton Beach, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the quarter hour and three quarter hour.

* * * * *

Dated: August 22, 2017.

Peter J. Brown,

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

[FR Doc. 2017–18710 Filed 9–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0843]

RIN 1625–AA00

Safety Zone; Dredging, Shark River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on a portion of Shark River, in Neptune City, NJ, from September 5, 2017, through September 23, 2017, while dredging operations are being conducted in the main navigational channel. This safety zone is necessary to provide for the safety of life on navigable waters during dredging operations and will restrict vessel traffic from transiting the main navigational channel.

DATES: This rule is effective from September 5, 2017 through September 23, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to, type USCG–2017–0843 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 about this rule, call or email Marine Science Technician Second Class Amanda Boone, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, Coast Guard; telephone (215) 271–4889, 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
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background Information and Regulatory History

Efforts to dredge the Shark River have been underway for well over a decade. After Superstorm Sandy, the need to dredge the river increased significantly due to sediment deposited by the storm, which impeded navigation within the channel.

Mobile Dredging and Pumping Co. has been awarded the contract to restore the state channels to allow safe passage for recreational and commercial traffic. The sediment will be hydraulically dredged and piped via a secure welded pipeline to the selected dewatering locations.

The purpose of this rule is to promote maritime safety and protect vessels from the hazards of dredge piping and dredge operations. The rule will temporarily restrict vessel traffic from transiting a portion of the Shark River while dredging operations are being conducted in the main navigational channel.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the final details for this event were not received by the Coast Guard until August 25, 2017, and the dredging operation will begin September 5, 2017. The safety zone is needed by September 5, 2017, to ensure safe navigation of vessels transiting the Shark River, and it is impracticable to publish an NPRM and consider comments before that date. The dredge and dredge piping must be positioned in the main navigational channel in order for the dredging company to complete the proper dredging of the main navigational channel. Allowing this event to go forward without a safety zone in place would expose mariners and the public to unnecessary dangers associated with dredge piping and dredge operations. Therefore, it is imperative that there is a safety zone restricting traffic in this portion of the Shark River, in Neptune City, NJ.

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** for the reasons stated above. The Coast Guard expects that there will be an impact to vessel traffic during times when the navigational channel is restricted. However, there will be times throughout the project where vessel traffic is not restricted and traffic will be able to transit through the main navigational channel. Furthermore, notification of the waterway restrictions will be made by the contractor, Mobile Dredging and Pumping Co. Additionally the New Jersey Department of Transportation, Office of Marine Resources, will be conducting outreach to the local community. Notification of the safety zone and waterway restrictions will be made by the COTP via marine safety broadcast using VHF–FM channel 16 and through the Local Notice to Mariners.

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 potential hazards are associated with dredge piping and dredge operations from September 5, 2017, through September 23, 2017. The rule is necessary to promote maritime safety and protect vessels from the hazards of dredge piping and dredge operations.

The rule will have an impact to vessels transiting through the Shark River main navigational channel, from latitude 40°10′54.20″ N., longitude 74°1′51.05″ W., bounded by the eastern side of the channel and the western side of the channel, north, to latitude 40°11′6.87″ N., longitude 74° 1′53.54″ W., as vessels will be unable to transit

the main navigational channel during times when dredging operations are being conducted. This restriction is necessary to ensure the safety of life and protect vessel from dredge piping and dredge operations.

IV. Discussion of the Rule

On September 5, 2017, dredging will begin on a portion of the Shark River in Neptune City, NJ. The COTP Delaware Bay has determined that the hazards associated with dredge piping and dredge operations in the main navigational channel create the need for a safety zone to ensure safety of vessels transiting this portion and for workers engaged in dredging operations.

The safety zone will close the main navigational channel on the Shark River from latitude 40°10′54.20″ N., longitude 74°1′51.05″ W., bounded by the eastern side of the channel and the western side of the channel, north, to latitude 40°11′6.87″ N., longitude 74°1′53.54″ W.; during times of dredging. Dredging of the main navigational channel is scheduled from September 5, 2017, through September 23, 2017, only from 9 a.m. on Mondays through 9 p.m. on Thursdays. Entry into, transiting, or anchoring within this portion of Shark River during these times is prohibited. These coordinates are based on the World Geodetic System 1984 (WGS 84) horizontal datum reference.

The channel will be open from September 5, 2017, through September 23, 2017, from 9 p.m. on Thursdays to 9 a.m. on Mondays. During the periods when the channel is open mariners are urged to transit at their slowest safe speed, with no wake, no meeting or passing of other vessels, and proceed with caution after passing arrangements have been made. Mariners must communicate clearly, and in advance, with the dredge via VHF 6 or 13.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Order 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 limited size of the zone and duration of the safety zone. Although the main navigational channel of this portion of the Shark River will be closed for periods of time throughout the dredging operation, there are designated times where the channel will be open for vessel traffic and traffic will be able transit. Vessels will only be affected 84-hours weekly, from 9 a.m. on Mondays through 9 p.m. on Thursdays, during the month of September 2017. The safety zone and channel closure will be well publicized to allow mariners to make alternative plans for transiting the affected area.

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 involves a safety zone that lasts for less than a month in duration and has designated times where the channel will be open for vessel traffic and traffic will be able to transit. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and 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.T05–0843 to read as follows:

§ 165.T05–0843 Safety Zone, Dredging; Shark River, NJ.

(a) *Definitions.* As used in this section, *designated representative* means 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 areas are safety zone: All waters from latitude 40°10′54.20″ N., longitude 74°1′51.05″ W., bounded by the eastern side of the channel and the western side of the channel, north, to latitude 40°11′6.87″ N., longitude 74°1′53.54″ W., in the Shark River, in Neptune City, NJ. These coordinates are based on the World Geodetic System 1984 (WGS 84) horizontal datum reference.

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

(1) All vessels and persons are prohibited from entering into or moving within the safety zone described in paragraph (a) of this section while it is subject to enforcement, unless authorized by the Captain of the Port, Delaware Bay, or by his designated representative.

(2) Persons or vessels seeking to enter or pass through the safety zone must contact the Captain of the Port, Delaware Bay, or his designated representative to seek permission to transit the area. The Captain of the Port, Delaware Bay can be contacted at telephone number 215–271–4807 or on Marine Band Radio VHF Channel 16 (156.8 MHz).

(3) Vessels may transit this portion of the Shark River from September 5, 2017, through September 23, 2017, weekly, from 9 p.m. on Thursdays through 9 a.m. on Mondays. During the periods when the channel is open mariners are urged to transit at their slowest safe speed, with no wake, no meeting or passing of other vessels, and proceed with caution after passing arrangements have been made. Mariners must communicate clearly, and in advance, with the dredge via VHF 6 or 13.

(4) This section applies to all vessels except those engaged in the following operations: Enforcing laws, servicing aids to navigation and emergency response vessels.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by Federal, State and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement periods.* This section will be enforced weekly, from 9 a.m. on Mondays through 9 p.m. on Thursdays, from September 5, 2017, through September 23, 2017, unless cancelled earlier by the Captain of the Port.

Dated: August 30, 2017.

Scott E. Anderson,

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

[FR Doc. 2017–18732 Filed 9–1–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0621; FRL–9965–89–Region 9]

Revisions to the California State Implementation Plan; Imperial County Air Pollution Control District; Stationary Sources Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing action on a revision to the Imperial County Air Pollution Control District (ICAPCD or District) portion of the California State Implementation Plan (SIP). We are finalizing a conditional approval of one rule. This rule updates and revises the District's New Source Review (NSR) permitting program for new and modified sources of air pollution.

DATES: This rule is effective on October 5, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2015–0621. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although it may be listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Thien Khoi Nguyen, EPA Region IX, (415) 947–4120, *nguyen.thien@epa.gov.*

SUPPLEMENTARY INFORMATION:

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Definitions

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The word or initials *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The initials *CARB* mean or refer to the California Air Resources Board.

(iii) The initials *CFR* mean or refer to Code of Federal Regulations.

(iv) The initials or words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(v) The initials *FIP* mean or refer to Federal Implementation Plan.

(vi) The word or initials *ICAPCD* or *District* mean or refer to the Imperial County Air Pollution Control District, the agency with jurisdiction over stationary sources within Imperial County.

(vii) The initials *NSR* mean or refer to New Source Review.

(viii) The initials *SIP* mean or refer to State Implementation Plan.

(ix) The initials *TSD* mean or refer to Technical Support Document.

I. Proposed Action

On June 12, 2017, the EPA proposed a conditional approval of Rule 207 (New and Modified Stationary Source Review; as noted in Table 1) submitted by CARB for incorporation into the ICAPCD portion of the California SIP. 82 FR 26883.[1] Table 1 also lists the dates the rule was adopted by ICAPCD and submitted by CARB, which is the governor's designee for California SIP submittals.

TABLE 1—SUBMITTED NSR RULE

Rule No.	Rule title	Adopted/revised	Submitted	Proposed action
207	New and Modified Stationary Source Review	10/22/13	1/21/14	Conditional Approval.

Rule 207 satisfies the statutory and regulatory requirements for a general NSR permit program as set forth in CAA section 110(a)(2)(c) and 40 CFR 51.160—51.164, and the statutory and regulatory requirements for a nonattainment NSR permit program for moderate ozone and serious PM_{10}, nonattainment areas as set forth in the applicable provisions of part D of title I of the Act (sections 172 and 173), in 40 CFR 51.165 and 40 CFR 51.307. For a moderate $PM_{2.5}$ nonattainment area, Rule 207 mostly satisfies these requirements; however, we have determined that it does not satisfy the requirements of 40 CFR 51.165(a)(13), which requires ammonia to be regulated as a $PM_{2.5}$ precursor. The state committed to revise the rule to correct this deficiency in Rule 207, and, based on those assertions, EPA proposed conditional approval of the rule.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period we received two comments, one posted anonymously and one from the Center for Biological Diversity (CBD). Copies of each comment letter have been added to the docket for this action and are accessible at *www.regulations.gov.* We have summarized the comments received and provided a response to the comments below.

Comment 1: ''keep standards in place. we all want clean air to breathe.''

Response 1: The EPA did not propose to remove any standards. Instead, as explained in our proposed rulemaking, our action concerns ICAPCD Rule 207. Rule 207 implements a federal preconstruction permit program for new and modified minor sources of regulated NSR pollutants, and new and modified major sources of regulated NSR pollutants for which the area is designated nonattainment. This action will not remove or alter the National Ambient Air Quality Standards, which are the federal standards promulgated by the EPA to protect air quality. As explained in our technical support document (TSD), dated November 28, 2016, in the rulemaking docket,[2] this action will update ICAPCD's SIP-approved preconstruction permitting program, including lower emission thresholds at which projects will trigger requirements for Lowest Achievable Emission Reductions and offsets. TSD at 20. These updates to ICAPCD's preconstruction permitting program will promote air quality protection, consistent with current federal requirements.

Comment 2: CBD stated that, ''the EPA's conditional approval of the proposed Rule 207 is not valid because the commitment letter submitted by the District does not provide for specific enforceable measures to regulate ammonia as a $PM_{2.5}$ precursor as required by 40 CFR 51.165(a)(13).'' CBD stated that the District's commitment letter is neither specific nor enforceable but merely commits to revise the definitions of the terms ''precursor'' and ''significant.'' CBD stated that the District's commitment lacks information on what the revision will entail, how the revision will satisfy the mandatory requirement to include ammonia as a $PM_{2.5}$ precursor, how the revision will create enforceable mechanisms to control ammonia, and how the revision will meet CAA section 110(l) requirements to not interfere with attainment and reasonable further progress of the NAAQS. CBD proposed certain specific measures and controls technologies, and stated that because the District's commitment letter did not include these measures or any other measures, the commitment measures cannot be properly enforced. CBD stated that the unspecified commitment puts the public at risk because the public cannot fully inform themselves as to whether the District is meeting its legal duties to protect public health. CBD stated that because the EPA must deny the District's Rule 207 proposal, the EPA is obligated to implement a Federal Implementation Plan (FIP) that will mandate ammonia as a $PM_{2.5}$ precursor and cure the Rule 207 deficiency within two years.

Response 2: The EPA disagrees with the comment. As explained further below, the EPA believes the record supports conditional approval of Rule 207 because the State has committed to correct the deficiency in Rule 207 identified by EPA in the November 2016 TSD within one year of this final action.

As explained in our proposed action, Rule 207 implements a federal preconstruction permit program for new and modified minor sources of regulated NSR pollutants, and new and modified major sources of regulated NSR pollutants for which the area is designated nonattainment. Rule 207 authorizes ICAPCD to issue permits that will contain emission limits, and associated monitoring, reporting, and recordkeeping requirements, consistent with the EPA's requirements for such programs as set forth in CAA sections 110(a)(2), 172 and 173, and applicable

[1] Previously, the EPA proposed a limited approval and limited disapproval of Rule 207. 81 FR 91895. (December 19, 2016)

[2] We included the November 28, 2016 TSD in the rulemaking docket in connection with our previous proposed limited approval and limited disapproval of Rule 207. *See* 81 FR 91895 (December 19, 2016).

regulatory provisions such as 40 CFR 51.160–51.165 and 40 CFR 51.307.

The EPA's proposed conditional approval of Rule 207 explained our determination that Rule 207 largely satisfies the statutory and regulatory requirements for an NSR permit program. We noted, however, one area in which Rule 207 was deficient. Specifically, our proposed action noted that Rule 207 does not adequately regulate ammonia as a $PM_{2.5}$ precursor as required by 40 CFR 51.165(a)(13).[3] Our proposed action explained that additional information on this issue could be found in our TSD.[4]

Our TSD explains that Rule 207, section B, contains various definitions necessary to implement the preconstruction permitting program set forth in the rule. TSD at 4. The TSD states that Rule 207's definition of the term ''precursor'' explicitly applies to two of four $PM_{2.5}$ precursors, NO_X and SO_x, and indirectly applies to a third $PM_{2.5}$ precursor, VOCs. *Id.* at 10. With respect to the fourth $PM_{2.5}$ precursor, ammonia, the TSD states that the Rule 207 definition of ''precursor'' does not satisfy regulatory requirements. *Id.* at 10–11. The TSD notes that ICAPCD adopted Rule 207 in October 2013, prior to EPA's revisions to our $PM_{2.5}$ regulations, including revisions relevant to the regulation of $PM_{2.5}$ precursors.[5] In particular, the TSD notes that Rule 207 requires regulation of ammonia as a $PM_{2.5}$ precursor ''if ammonia is determined to be a necessary part of the $PM_{2.5}$ control strategy in the attainment demonstration approved by USEPA in the SIP.'' *Id.* In other words, Rule 207 in its current form does not regulate ammonia as a $PM_{2.5}$ precursor absent a finding by EPA that regulation of ammonia is a necessary component of ICAPCD's strategy to attain the $PM_{2.5}$ NAAQS. This presumption against regulating ammonia as a precursor absent a determination that regulation is necessary for attainment was rejected by the Court of Appeals for District of Columbia Circuit in *Natural Resources Defense Council (NRDC)* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013). Following the *NRDC* decision, EPA revised its regulatory requirements, (specifically, by promulgating 40 CFR 51.165(a)(13)), to require regulation of ammonia as a $PM_{2.5}$ precursor unless EPA determines that such regulation is *not* necessary.[6]

As explained above, our proposed conditional approval of Rule 207 applies the correct standard pertaining to ammonia as a $PM_{2.5}$ precursor and appropriately identifies Rule 207's definition of precursor as deficient on the basis that it does not meet the requirements of 40 CFR 51.165(a)(13). As stated in our TSD, the remedy for Rule 207's deficient definition of ''precursor'' is either a revision to the definition of ''precursor'' or a demonstration that regulation of ammonia is not necessary to attain the $PM_{2.5}$ NAAQS, consistent with the EPA's requirements for such demonstrations at 40 CFR 51.1006(a)(3). TSD at 10–11. Similarly, our proposed conditional approval of Rule 207 identified our authority under CAA section 110(k)(4) to conditionally approve a plan revision based on a commitment by the State to adopt specific enforceable measures by a date certain but no later than one year after the effective date of final action. We also explained that the enforceable measures that the State must submit are revisions that regulate ammonia as a $PM_{2.5}$ precursor and that the District had in fact submitted such a letter.[7]

As noted by the commenter, ICAPCD's letter commits to submit a revised Rule 207 that will revise the definitions of the terms ''precursor'' and ''significant''.[8] The record for this action demonstrates that EPA identified a deficiency in Rule 207 based on the definition of ''precursor'' not properly regulating ammonia as far back as December 19, 2016, when EPA proposed a limited approval/limited disapproval of Rule 207 and included the TSD in the publicly available rulemaking docket.[9] As explained above and in our TSD, the only reason that Rule 207 is deficient with respect to federal requirements for NSR permit programs (specifically, 40 CFR 51.165(a)(13)) is that certain definitions in Rule 207 mean that the rule does not properly regulate ammonia as a $PM_{2.5}$ precursor. Therefore, the most logical approach to remedy the identified deficiency is to revise the definitions for these terms as the TSD advises. The State and the District committed to implement the changes necessary to correct the deficiency.

We do not agree with the commenter that ICAPCD's commitment to remedy the deficiencies in Rule 207's definitions of ''precursor'' or ''significant'' are insufficiently specific or are unenforceable. The EPA's TSD explains that Rule 207's definition of ''precursor'' fails to include ammonia; therefore, the State and the District reasonably committed to address the deficiency by revising certain definitions.[10] In addition, the District must solicit input from the public regarding the revisions to the definitions, and, as part of the public participation process for the revisions to Rule 207, interested members of the public will have the opportunity to provide input regarding the District's revised definitions and whether they meet the requirements of 40 CFR 51.165(a)(13). In addition, the public will be able to provide input as to whether the revisions provide an enforceable mechanism for regulating ammonia as a $PM_{2.5}$ precursor.[11]

EPA also disagrees with the commenter that the District's

[3] 40 CFR 51.165(a)(13) provides: ''The plan shall require that the control requirements of this section applicable to major stationary sources and major modifications of $PM_{2.5}$ shall also apply to major stationary sources and major modifications of $PM_{2.5}$ precursors in a $PM_{2.5}$ nonattainment area, except that a reviewing authority may exempt new major stationary sources and major modifications of a particular precursor from the requirements of this section for $PM_{2.5}$ if the NNSR precursor demonstration submitted to and approved by the Administrator shows that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the standard in the area. Any demonstration submitted for the Administrator's review must meet the conditions for a NNSR precursor demonstration as set forth in § 51.1006(a)(3).''

[4] *See also,* 82 FR 91897.

[5] *See* FN 3; *see also,* ''Fine Particulate Matter National Ambient Air Quality Standard: State Implementation Plan Requirements.'' 81 FR 58010, 58151 (August 24, 2016).

[6] *Id.*

[7] The rulemaking docket for our proposed action includes the following documents relevant to the State's commitment pursuant to CAA section 110(k)(4): (1) a letter dated May 17, 2017 from Karen Magliano, Chief of the Air Quality Planning and Science Division, California Air Resources Board (CARB) to Alexis Strauss, Acting Regional Administrator, EPA Region 9; (2) a letter dated May 16, 2017 from Matt Dessert, Air Pollution Control Officer (APCO), ICAPCD to Carol Sutkus, Manager, CARB; and (3) a letter dated May 16, 2017 from Matt Dessert APCO ICAPCD to Alexis Strauss, Acting Regional Administrator, EPA Region 9. CARB is the state agency responsible for adopting and revising the California SIP and for submitting SIP revisions to the EPA. We are clarifying that the State's commitment ''to adopt specific enforceable measures by a date certain'' pursuant to CAA section 110(k)(4) is comprised of all three documents.

[8] The District also indicated its intent to revise Rule 207's definition of the term ''significant.'' Rule 207's definition of ''significant'' also fails to include ammonia, and therefore requires revision for reasons similar to those necessitating a revision to the definition of ''precursor.''

[9] By the time CARB and the District submitted their commitment letters to the EPA, in mid-May 2017, the EPA's TSD for Rule 207, which explained Rule 207's deficiency as linked to the rule's definitions, was in the rulemaking docket for several months (since December 2016). See FN 2.

[10] We also note that ICAPCD's letter states that EPA had ''informed'' it that Rule 207 ''contains a deficiency regarding the treatment of ammonia as a $PM_{2.5}$ precursor'' and that it was committing to submit a revised rule with revised definitions of these terms ''to address this deficiency.''

[11] We also note that if the District does not fulfill its commitment, the conditional approval will convert to a disapproval and start an 18-month clock for sanctions under CAA section 179(a)(2). Such a failure would also trigger a two-year clock for a federal implementation plan (FIP) under CAA section 110(c)(1).

commitment lacks specificity because it does not explain how the revisions to Rule 207 will comply with CAA section 110(l). Once the EPA receives ICAPCD's revisions to Rule 207, the EPA will review the revised rule pursuant to CAA section 110(l) to ensure that the revisions do not interfere with any applicable requirements concerning attainment and reasonable further progress, or any other applicable requirements of the Act, and will take public comment on our determination regarding CAA section 110(l) along with other aspects of our action. It is therefore unnecessary for the District to provide this analysis in its commitment letter to EPA.

CBD also provided several suggestions for measures to control and monitor ammonia emissions and concluded that the failure to commit to implement such measures in the area puts the public at risk and deprives the public of its ability to assess compliance with the statute. The EPA disagrees that the State and the District are required to commit to implement specific control measures in order to obtain this conditional approval or that the public will be deprived of the right to review the state revisions to Rule 207 or any permits issued thereunder. When the District proposes revisions to Rule 207 or is actively issuing permits pursuant to that rule, CBD and other parties may comment as part of the public participation processes for those future actions. Thus, the comments are not within the scope of our current action, and the comments do not demonstrate a flaw in the EPA's identification of the Rule 207 deficiency and revisions necessary to address it.

Finally, because the EPA believes that the commitment of the State and the District to remedy the deficiencies identified in Rule 207 to regulate ammonia as a precursor to $PM_{2.5}$ is sufficient, we disagree that EPA is obligated to implement a FIP. Our proposed action to conditionally approve Rule 207 is based on a commitment from the State and the District to submit specific, enforceable measures in the form of revised definitions for the terms ''precursor'' and ''significant'' within twelve months from the effective date of our final action. Because the State and the District provided the necessary commitments, EPA reasonably proposed to conditionally approve Rule 207 pursuant to CAA section 110(k)(4).[12]

III. EPA Action

As authorized by CAA section 110(k)(4), EPA is finalizing conditional approval of Rule 207—New and Modified Stationary Source Review into the ICAPCD portion of the California SIP.

Section 110(k)(4) authorizes the EPA to conditionally approve a plan revision based on a commitment by the State to adopt specific enforceable measures by a date certain, but not later than one year after the effective date of the plan approval. In this instance, the enforceable measures that the State must submit are revisions to regulate ammonia as a $PM_{2.5}$ precursor. On May 17, 2017, CARB submitted a letter dated May 16, 2017 from the District committing to submit a SIP revision that regulates ammonia as a $PM_{2.5}$ precursor no later than one year from the effective date of this final action. Under a conditional approval, the state must adopt and submit the specific revisions it has committed to within one year. If the State does not comply with this commitment, the EPA's conditional approval will convert to a disapproval and start an 18-month clock for sanctions under CAA section 179(a)(2) and a two-year clock for a federal implementation plan (FIP) under CAA section 110(c)(1).

In today's action we are also making a technical correction to our previous action approving Rule 206 into the ICAPCD portion of the California SIP.[13] In that action, we provided incorrect regulatory text to effect that change. This final action includes the corrected regulatory text to approve the revised Rule 206 in the California SIP. We did not seek public comment on this technical correction because public participation requirements were satisfied as part of our action approving Rule 206 into the SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the ICAPCD rules listed in Table 1 of this notice. The EPA has made, and will continue to make, these rules generally available electronically through *www.regulations.gov* and in hard copy at the U.S. Environmental Protection Agency, Region IX (Air -3), 75 Hawthorne Street, San Francisco, CA, 94105–3901.

V. Statutory and Executive Order Reviews

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

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

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

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law.

[12] *See NRDC* v. *EPA,* 22 F3d 1125, 1134–1135 (D.C. Cir. 1994) (concluding that the conditional approval mechanism under CAA section 110(k)(4) ''is intended to provide EPA with an alternative to disapproving substantive, but not entirely satisfactory, SIPs submitted by the statutory deadlines.'')

[13] 82 FR 27125 (June 14, 2017).

Thus, Executive Order 13175 does not apply to this action.

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

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

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

K. Congressional Review Act (CRA)

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

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 6, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: July 31, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(56)(i)(B), (c)(442)(i)(A)(*5*), and (c)(490) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(56) * * *

(i) * * *

(B) Previously approved on November 10, 1980 in paragraph (c)(56)(i)(A) of this section and now deleted with replacement in paragraph (c)(490)(i)(A)(*1*) of this section: Rule 207 and Rule 209.

* * * * *

(442) * * *

(i) * * *

(A) * * *

(*5*) Rule 206, ''Processing of Applications,'' revised on October 22, 2013.

* * * * *

(490) An amended regulation was submitted on January 21, 2014 by the Governor's designee.

(i) Incorporation by reference.

(A) Imperial County Air Pollution Control District.

(*1*) Rule 207, ''Federal New Source Review,'' revised on October 22, 2013.

§ 52.232 [Amended]

■ 3. Section 52.232 is amended by removing and reserving paragraph (a)(1).

§ 52.233 [Amended]

■ 4. Section 52.233 is amended by removing and reserving paragraph (a)(1).

[FR Doc. 2017–18623 Filed 9–1–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF654

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from vessels using jig gear and catcher vessels greater than or equal to 60 feet (18.3 meters) length overall (LOA) using hook-and-line gear to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2017 total allowable catch of Pacific cod to be harvested.

DATES: Effective August 30, 2017, through 2400 hours, Alaska local time (A.l.t.), December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands (BSAI) according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2017 Pacific cod total allowable catch (TAC) specified for vessels using jig gear in the BSAI is 1,293 metric tons (mt) as established by the final 2017 and

2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and one inseason adjustment (82 FR 8905, February 1, 2017).

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that jig vessels will not be able to harvest 1,612 mt of the remaining 2017 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*1*). Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS apportions 1,612 mt of Pacific cod to the annual amount specified for catcher vessels less than 60 feet LOA using hook-and-line or pot gear.

The 2017 Pacific cod TAC specified for catcher vessels greater than or equal to 60 feet LOA using hook-and-line gear in the BSAI is 426 mt as established by final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017).

The Regional Administrator has determined that catcher vessels greater than or equal to 60 feet LOA using hook-and-line gear will not be able to harvest 426 mt of the remaining 2017 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*3*). Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS apportions 426 mt of Pacific cod to catcher vessels less than 60 feet LOA using hook-and-line or pot gear.

The harvest specifications for Pacific cod included in the final 2017 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and inseason adjustment (82 FR 8905, February 1, 2017) are revised as follows: 107 mt for vessels using jig gear, 0 mt for catcher vessels greater than or equal to 60 feet LOA using hook-and-line gear, and 7,571 mt to catcher vessels less than 60 feet LOA using hook-and-line or pot gear.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod specified from other sectors to catcher vessels less than 60 feet LOA using hook-and-line or pot gear. Since the fishery is currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 29, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: August 30, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–18733 Filed 8–30–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 170
Tuesday, September 5, 2017

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0068]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway and Biscayne Bay, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes modifying the operating schedule that governs the Venetian Causeway Bridge (West) across the Atlantic Intracoastal Waterway mile 1088.6, Miami, FL and the operating schedule that governs the Venetian Causeway Bridge (East) across Biscayne Bay, Miami, FL. This action will extend the twice an hour opening schedule of the Venetian Causeway Bridges (East and West) across Miami Beach Channel and Atlantic Intracoastal Waterway, Miami, FL between 7 a.m. and 7 p.m., to include weekends and Federal holidays. This action is intended to reduce vehicular traffic caused by these bridges opening on demand on weekends

DATES: Comments and related material must reach the Coast Guard on or before: October 5, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0068 using Federal eRulemaking Portal at *http://www.regulations.gov*.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Eddie Lawrence of the Coast Guard Bridge Branch; telephone 305–415–6946, email *Eddie.H.Lawrence@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code
AICW Atlantic Intracoastal Waterway
FDOT Florida Department of Transportation

II. Background, Purpose and Legal Basis

The Venetian Causeway Bridges (East and West) currently open on signal, except that between 7 a.m. and 7 p.m., Monday through Friday except Federal holidays these bridges open twice an hour, pursuant to 33 CFR 117.269 and 33 CFR 117.261. Miami-Dade County, the bridge owner, and the Cities of Miami and Miami Beach have requested a change to the current operating schedule for both bridges to allow for scheduled openings twice an hour to include weekends as there has been an increase in both vehicle traffic and vessel traffic during these times. Bridge logs indicate these bridges open up to four times an hour or more during peak travel times, which results in frequent vehicular traffic disruptions.

The Venetian Causeway Bridge (East) across Miami Beach Channel, Miami, FL has a vertical clearance of 5 feet at MHW in the closed to navigation position and a horizontal clearance of 57 feet between fenders.

The Venetian Causeway Bridge (West) across the Atlantic Intracoastal Waterway mile 1088.6, Miami, FL has a vertical clearance of 12 feet at MHW in the closed to navigation position and a horizontal clearance of 90 feet between fenders.

III. Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 117.261. Under this proposed regulation, the draw of the Venetian Causeway Bridge (West), at Miami, Florida would open twice an hour, once on the hour and once on the half-hour, between the hours of 7 a.m. and 7 p.m.

The Coast Guard proposes to amend 33 CFR 117.269. Under this proposed regulation, the draw of the Venetian Causeway Bridge (East) would open twice an hour, once on the hour and once on the half-hour, between the hours of 7 a.m. and 7 p.m.

This change will still allow vessels to pass through the bridge while taking into account the reasonable needs of other modes of transportation. Emergency vessels and tugs with tows can still request openings at any time.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the continued ability for vessels to transit the bridge during the twice-an-hour opening schedule. Vessels in distress, Public vessels of the United States and tugs with tows must be passed at any time.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a

significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

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

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.261, revise paragraph (nn) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(nn) Venetian Causeway Bridge (West). The draw of the Venetian Causeway Bridge (West) mile 1088.6, at Miami, Florida will open on signal, except that from 7 a.m. to 7 p.m. daily, including Federal holidays, the draw need only open on the hour and half hour.

* * * * *

■ 3. Revise § 117.269 to read as follows:

§ 117.269 Biscayne Bay.

The draw of the Venetian Causeway bridge (East), at Miami, Florida will open on signal, except that from 7 a.m. to 7 p.m. daily, including Federal holidays, the draw need only open on the hour and half hour.

Dated: August 22, 2017.

Peter J. Brown,

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

[FR Doc. 2017–18711 Filed 9–1–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2017–0003; FRL–9967–11–OAR]

EPA Responses to Certain State Designation Recommendations for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard: Notification of Availability and Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of availability and public comment period.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has posted on our public electronic docket and Internet Web site responses to certain state designation recommendations for the 2010 Sulfur Dioxide (SO_2) Primary National Ambient Air Quality Standard (NAAQS). These responses include our intended designations for the affected areas. The EPA invites the public to review and provide input on our intended designations during the comment period specified in the **DATES** section. The EPA sent our responses directly to the states on or about August 22, 2017. The EPA intends to make final designation determinations for the areas of the country addressed by these responses no later than December 31, 2017.

DATES: Comments must be received on or before October 5, 2017. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the comment period.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0003, at *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 our 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 *https://www2.epa.gov/dockets/commenting-epa-dockets.*

The public may inspect the recommendations from the states and territories, our recent letters notifying the affected states, territories, and tribes of our intended designations, and area-specific technical support information at the following locations:

Regional offices	States
Dave Conroy, Chief, Air Programs Branch, EPA New England, 1 Congress Street, Suite 1100, Boston, MA 02114–2023, (617) 918–1661.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Richard Ruvo, Chief, Air Programs Branch, EPA Region II, 290 Broadway, 25th Floor, New York, NY 10007–1866, (212) 637–4014.	New Jersey, New York, Puerto Rico, and Virgin Islands.
Cynthia H. Stahl, Acting Associate Director, Office of Air Program Planning, EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2187, (215) 814–2180.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.
R. Scott Davis, Chief, Air Planning Branch, EPA Region IV, Sam Nunn Atlanta Federal Center, 61 Forsyth Street SW., 12th Floor, Atlanta, GA 30303, (404) 562–9127.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
John Mooney, Chief, Air Programs Branch, EPA Region V, 77 West Jackson Street, Chicago, IL 60604, (312) 886–6043.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Alan Shar, Acting Chief, Air Planning Section, EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202, (214) 665–6691.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Mike Jay, Chief, Air Programs Branch, EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66129, (913) 551–7460.	Iowa, Kansas, Missouri, and Nebraska.
Monica Morales, Air Program Director, EPA Region VIII, 1595 Wynkoop Street, Denver, CO 80202–1129, (303) 312–6936.	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Doris Lo, Air Planning Office, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3959.	American Samoa, Arizona, California, Guam, Hawaii, Nevada, Northern Mariana Islands, Navajo Nation, and the Hopi Tribe.
Debra Suzuki, Manager, State and Tribal Air Programs, EPA Region X, Office of Air, Waste, and Toxics, Mail Code OAQ–107, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–0985.	Alaska, Idaho, Oregon, and Washington.

The information can also be reviewed online at *https://www.epa.gov/sulfur-dioxide-designations* and also in the public docket for these SO_2 designations at *https://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2017–0003.

FOR FURTHER INFORMATION CONTACT: For general questions concerning this action, please contact Liz Etchells, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, C539–01, Research Triangle Park, NC 27709, telephone (919) 541–0253, email at *etchells.elizabeth@epa.gov.* The following EPA contacts can answer questions regarding areas in a particular EPA Regional office:

U.S. EPA Regional Office Contacts

Region I—Leiran Biton, telephone (617) 918–1267, email at *biton.leiran@epa.gov.*

Region II—Ken Fradkin, telephone (212) 637–3702, email at *fradkin.kenneth@epa.gov.*

Region III—Ruth Knapp, telephone (215) 814–2191, email at *knapp.ruth@epa.gov.*

Region IV—Twunjala Bradley, telephone (404) 562–9352, email at *bradley.twunjala@epa.gov.*

Region V—John Summerhays, telephone (312) 886–6067, email at *summerhays.john@epa.gov.*

Region VI—Dayana Medina, telephone (214) 665–7241, email at *medina.dayana@epa.gov*.

Region VII—David Peter, telephone (913) 551–7397, email at *peter.david@epa.gov*.

Region VIII—Adam Clark, telephone (303) 312–7104, email at *clark.adam@epa.gov*.

Region IX—Anita Lee, telephone (415) 972–3958, email at *lee.anita@epa.gov*.

Region X—John Chi, telephone (206) 553–1185, email at *chi.john@epa.gov*.

SUPPLEMENTARY INFORMATION:

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The following is an outline of the Preamble.

I. What is the purpose of this action?
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III. What is the 2010 SO_2 NAAQS and what are the health concerns that it addresses?
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V. What guidance has the EPA previously issue and how does the EPA now intend to apply the statutory requirements to determine area designations and boundaries?
VI. What air quality information has the EPA used for these intended designations?
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I. What is the purpose of this action?

The purpose of this action of availability is to solicit input from interested parties other than states on the EPA's recent responses to the state designation recommendations for the 2010 SO_2 NAAQS. These responses, and their supporting technical analyses, can be found at *https://www.epa.gov/sulfur-dioxide-designations* and also in the public docket for these SO_2 designations at *https://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2017–0003.

On June 2, 2010, the EPA Administrator signed a notice of final rulemaking that revised the primary SO_2 NAAQS (75 FR 35520; June 22, 2010) after review of the existing primary SO_2 standards promulgated on April 30, 1971 (36 FR 8187). The EPA established the revised primary SO_2 NAAQS at 75 parts per billion (ppb) which is attained when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb.

The process for designating areas following promulgation of a new or revised NAAQS is contained in the Clean Air Act (CAA or Act) section 107(d) (42 U.S.C. 7407). After promulgation of a new or revised NAAQS, each governor or tribal leader has an opportunity to recommend air quality designations, including the appropriate boundaries for nonattainment areas, to the EPA. The EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised NAAQS. By no later than 120 days prior to promulgating designations, the EPA is required to notify states, territories, and tribes, as appropriate, of any intended modifications to an area designation or boundary recommendation that the EPA deems necessary.

After invoking a 1-year extension of the deadlines to designate areas, as provided for in section 107 of the Act, the EPA completed an initial round of SO_2 designations for certain areas of the country on July 25, 2013 (referred to as ''Round 1'').[1] Following the initial designations, three lawsuits were filed against the EPA in different U.S. District Courts, alleging the agency had failed to perform a nondiscretionary duty under the CAA by not designating all portions of the country by the June 2, 2013, deadline. In one of those cases, the U.S. District Court for the Northern District of California on March 2, 2015, entered an enforceable order for the EPA to complete the area designations by three specific deadlines according to the court-ordered schedule.

To meet the first court-ordered deadline, additional areas were designated on June 30, 2016, and November 29, 2016 (collectively referred to as ''Round 2'').[2] Pursuant to the court-ordered schedule,[3] the EPA must complete SO_2 designations for the remaining areas of the country by two specific deadlines: December 31, 2017, and December 31, 2020. This current third round of designations addresses all remaining undesignated areas except those where a state[4] has installed and begun timely operating a new SO_2 monitoring network meeting EPA specifications referenced in EPA's SO_2 Data Requirements Rule.[5]

On or about August 22, 2017, consistent with section 107(d)(1)(b)(ii) of the CAA, the EPA notified affected states, territories, and tribes of our assessment of their recommended designations for Round 3. While we are in agreement with the recommendations for many areas, some warrant further discussion. We stand ready to assist and hope to resolve any differences regarding the proper designation for these areas within the 120-day process provided by the CAA.

For any areas that we designate nonattainment in our final action, the CAA directs states to develop and submit to the EPA State Implementation Plans (SIPs) within 18 months of the effective date of the final rule, that meet the requirements of sections 172(c) and 191–192 of the CAA and provide for attainment of the NAAQS as expeditiously as practicable, but not later than 5 years from the effective date of the final rule.

II. Instructions for Submitting Public Comments and Internet Web Site for Rulemaking Information

A. Invitation To Comment

The purpose of this action is to solicit input from interested parties, other than the states, territories, and tribes to which we have sent notification letters, on the EPA's recent responses to the designation recommendations for the 2010 SO_2 NAAQS. These responses, and their supporting technical analyses, can be found at *https://www.epa.gov/sulfur-dioxide-designations* and also in the public docket for these SO_2 designations at Docket ID No. EPA–HQ–OAR–2017–0003. Air dispersion modeling input and output files are too large to post in the docket or on the Web site and must be requested from the EPA Docket Office or the Regional office contacts listed in the beginning of this document. The EPA Docket Office can be contacted at (202) 566–1744, and is located at EPA Docket Center Reading Room, WJC West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. The hours of operation at the EPA Docket Center are 8:30 a.m.–4:30 p.m., Monday–Friday.

CAA section 107(d) provides a process for air quality designations that

[1] A total of 29 areas throughout the U.S. were designated in this action published on August 5, 2013 (78 FR 47191). The EPA designated all 29 areas nonattainment based on violating monitored SO_2 concentrations from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 CFR parts 50 and 58, and did not at that time designate any other areas.

[2] A total of 65 areas throughout the U.S. were designated in these actions published on July 12, 2016 (81 FR 45039), and December 13, 2016 (81 FR 89870). Of these 65 areas, seven were designated nonattainment.

[3] *Sierra Club* v. *McCarthy,* No. 3–13–cv–3953 (SI) (N.D. Cal. Mar. 2, 2015).

[4] In Mineral County, West Virginia, a new SO_2 monitor was installed and is operated by the state of Maryland.

[5] 40 CFR part 51, subpart BB (80 FR 51052; August 21, 2015).

involves recommendations by states, territories, and tribes to the EPA and responses from the EPA to those parties, prior to the EPA promulgating final area designations and boundaries. The EPA is not required under the CAA section 107(d) to seek public comment during the designation process, but we are electing to do so for these areas with respect to the 2010 SO_2 NAAQS in order to gather additional information for the EPA to consider before making final designations for the specific areas addressed in the EPA's recent letters to states, territories, and tribes. The EPA invites public input on our responses to states regarding these areas during the 30-day comment period provided in this action. In order to receive full consideration, input from the public must be submitted to the docket by October 5, 2017. At this time, the EPA is not asking for public comments on areas beyond those areas that are the subject of this proposed action. This action and opportunity for public comment does not affect any rights or obligations of any state, territory, or tribe, or of the EPA, which might otherwise exist pursuant to the CAA section 107(d).

Please refer to the **ADDRESSES** section in this document for specific instructions on submitting comments and locating relevant public documents.

For some cases, the EPA has indicated to a state or territory that further discussion is needed—*e.g.,* where the state recommended a designation of unclassifiable/attainment (or unclassifiable) and available air quality monitoring or modeling data show that the area may be violating the 2010 primary SO_2 NAAQS or contain sources that may be contributing to air quality in a nearby area that may be violating the 2010 primary SO_2 NAAQS. In establishing nonattainment area boundaries for a particular area, the EPA is required to include within the boundaries both the area that does not meet the standard and any nearby area contributing to the area that does not meet the standard. We are particularly interested in receiving comments, supported by relevant information, if you believe that a specific geographic area for which further discussion is needed concerning a state's recommended designation of unclassifiable/attainment or unclassifiable (and for which available air quality data would require a modification of the recommended designation) should not be categorized by the CAA section 107(d) criteria as nonattainment, or if you believe that a specific nearby area for which the EPA does agree with a state's recommended designation of unclassifiable/attainment or unclassifiable should in fact be categorized as contributing to nonattainment using the CAA section 107(d) criteria. Please be as specific as possible in supporting your views.

- Describe any assumptions and provide any technical information and/or data that you used.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible.
- Provide your input by the comment period deadline identified.

The EPA intends to complete designations for the areas subject to this round no later than December 31, 2017. The EPA is not yet prepared to respond to state and tribal area designation recommendations, or seek public input thereon, for areas that will be designated in Round 4 for the 2010 SO_2 NAAQS. The EPA is required to address those areas by December 31, 2020. Additional information on the EPA's intended approach for addressing designations for all areas can be found on the EPA's SO_2 implementation Web site at *https://www.epa.gov/so2-pollution/applying-or-implementing-sulfur-dioxide-standards.*

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

1. *Submitting CBI.* Do not submit CBI information to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: Tiffany Purifoy, OAQPS CBI Officer, U.S. EPA, Office of Air Quality Planning and Standards, Mail Code C404–02, Research Triangle Park, NC 27711, telephone (919) 541–0878, email at *purifoy.tiffany@epa.gov,* Attention Docket ID No. EPA–HQ–OAR–2017–0003.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

C. Where can I find additional information for this rulemaking?

The EPA has also established a Web site for this rulemaking at *https://www.epa.gov/sulfur-dioxide-designations.* The Web site includes the state, territorial and tribal recommendations, the EPA's intended area designations, information supporting the EPA's preliminary designation decisions, as well as the rulemaking actions and other related information that the public may find useful.

III. What is the 2010 SO_2 NAAQS and what are the health concerns that it addresses?

The Administrator signed a final rule revising the primary SO_2 NAAQS on June 2, 2010. The rule was published in the **Federal Register** on June 22, 2010 (75 FR 35520) and became effective on August 23, 2010. Specifically, the EPA established a new 1-hour SO_2 standard at a level of 75 ppb, which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50. 40 CFR 50.17(a) and (b). Current scientific evidence links short-term exposures to SO_2, ranging from 5 minutes to 24 hours, with an array of adverse respiratory effects including bronchoconstriction and increased asthma symptoms. Studies also show a connection between short-term exposure and increased visits to emergency departments and hospital admissions for respiratory illnesses, particularly in at-risk populations including children, the elderly, and asthmatics.[6]

IV. What are the CAA requirements for air quality designations and what action has the EPA taken to meet these requirements?

After the EPA promulgates a new or revised NAAQS, the EPA is required to designate all areas of the country as either ''nonattainment,'' ''attainment,'' or ''unclassifiable,'' for that NAAQS pursuant to section 107(d)(1) of the CAA. As part of these Round 3

[6] *See* 75 FR 35520 at 35525, June 22, 2010.

designations, EPA is implementing its interpretation of statutory terms under CAA section 107(d) nationwide and is basing these designations on EPA's nationwide analytical approach and technical analysis, including evaluation of monitoring data and air quality modeling, applied to the available evidence for each area.

Regarding statutory definitions and the EPA's interpretations of such, the section 107(d)(1)(A)(i) of the CAA defines a nonattainment area as an area that does not meet the NAAQS or that contributes to a nearby area that does not meet the NAAQS. An attainment area is defined by the CAA as any area that meets the NAAQS and does not contribute to a nearby area that does not meet the NAAQS. Unclassifiable areas are defined by the CAA as those that cannot be classified on the basis of available information as meeting or not meeting the NAAQS.

In this action, the EPA defines a nonattainment area as an area that the EPA has determined violates the 2010 SO_2 NAAQS or contributes to a violation in a nearby area, based on the most recent 3 years of air quality monitoring data, appropriate dispersion modeling analysis, and any other relevant information. In this action, an unclassifiable/attainment area is defined by EPA as an area that either: (1) Based on available information including (but not limited to) appropriate modeling analyses and/or monitoring data, EPA has determined (i) meets the 2010 SO_2 NAAQS, and (ii) does not contribute to ambient air quality in a nearby area that does not meet the NAAQS; or (2) was not required to be characterized under 40 CFR 51.1203(c) or (d) and EPA does not have available information including (but not limited to) appropriate modeling analyses and/or monitoring data that suggests that the area may (i) not be meeting the NAAQS, or (ii) contribute to ambient air quality in a nearby area that does not meet the NAAQS. In this action, an unclassifiable area is defined by the EPA as an area that either: (1) Was required to be characterized by the state under 40 CFR 51.1203(c) or (d), has not been previously designated, and on the basis of available information cannot be classified as either: (i) Meeting or not meeting the 2010 SO_2 NAAQS, or (ii) contributing or not contributing to ambient air quality in a nearby area that does not meet the NAAQS; or (2) was not required to be characterized under 40 CFR 51.1203(c) or (d) and the EPA does have available information including (but not limited to) appropriate modeling analyses and/or monitoring data that suggests that the area may (i) not be meeting the NAAQS, or (ii) contribute to ambient air quality in a nearby area that does not meet the NAAQS.

These definitions refer to 40 CFR 51.1203(c) and (d), which are part of EPA's Data Requirements Rule. The citation to these CFR sections is in effect a reference to any area that contains a source, generally one emitting more than 2,000 tons per year of SO_2 or was otherwise listed under the DRR, with respect to which the state has indicated that it will comply with the Data Requirements Rule either by establishing a new monitoring network or by submitting an air quality modeling analysis.

This nationwide analytical approach also includes but is not limited to: (1) EPA's interpretations of other terms in the context of Round 3 of the 2010 SO_2 NAAQS; (2) the appropriate basis for characterizing the air quality of an area; (3) the five-factor analysis to determine the boundaries for each air quality area under the NAAQS; and (4) the methodology for appropriately characterizing SO_2 air quality through monitoring or modeling.

The EPA notes that CAA section 107(d) provides the agency with discretion to determine how best to interpret the terms in the definition of a nonattainment area (*e.g.,* ''contributes to'' and ''nearby'') for a new or revised NAAQS, given considerations such as the nature of a specific pollutant, the types of sources that may contribute to violations, the form of the standards for the pollutant, and other relevant information. In particular, the EPA's position is that the statute does not require the agency to establish bright line tests or thresholds for what constitutes ''contribution'' or ''nearby'' for purposes of designations.[7]

Similarly, the EPA's position is that the statute permits the EPA to evaluate the appropriate application of the term ''area'' to include geographic areas based upon full or partial county boundaries, as may be appropriate for a particular NAAQS. For example, CAA section 107(d)(1)(B)(ii) explicitly provides that the EPA can make modifications to designation recommendations for an area ''or portions thereof,'' and under CAA section 107(d)(1)(B)(iv) a designation remains in effect for an area ''or portion thereof'' until the EPA redesignates it.

By no later than 1 year after the promulgation of a new or revised NAAQS, CAA section 107(d)(1)(A) provides that each state governor is required to recommend air quality designations, including the appropriate boundaries for areas, to the EPA.[8] The EPA reviews those recommendations and is authorized to make any modifications the Administrator deems necessary. The statute does not define the term ''necessary,'' but the EPA interprets this to authorize the Administrator to modify designations that did not meet the statutory requirements or were otherwise inconsistent with the facts or analysis deemed appropriate by the Administrator. If the EPA is considering modifications to a recommendation, we are required by CAA section 107(d)(1)(B)(ii) to notify the state of any such intended modifications not less than 120 days prior to our promulgation of the final designation. These notifications are commonly known as the ''120-day letters.'' During this period, if the state or territory does not agree with the EPA's modification, it has an opportunity to respond to the EPA and to demonstrate why it believes the modification proposed by the EPA is inappropriate. If a state or territory fails to provide any recommendation for an area, in whole or in part, the EPA still must promulgate a designation that the Administrator deems appropriate, pursuant to CAA section 107(d)(1)(B)(ii). While CAA section 107(d) specifically addresses the designations process between the EPA and states and territories, the EPA intends to follow the same process to the extent practicable for tribes that submitted designation recommendations.

V. What guidance has the EPA previously issued and how does the EPA now intend to apply the statutory requirements to determine area designations and boundaries?

In the notice of proposed rulemaking for the revised SO_2 NAAQS (74 FR 64810; December 8, 2009), the EPA issued proposed guidance on our approach to implementing the standard, including our approach to initial area designations. The EPA solicited comment on that guidance and, in the notice of final rulemaking (75 FR 35520; June 22, 2010), provided further guidance concerning implementation of the standard and how to identify nonattainment areas and boundaries for the SO_2 NAAQS. Subsequently, on March 24, 2011, the EPA provided additional designations guidance to assist states with making their

[7] This view was confirmed in *Catawba County* v. *EPA,* 571 F.3d 20 (D.C. Cir. 2009).

[8] Tribes are invited to submit recommendations following promulgation of a new or revised NAAQS, but are not required to do so.

recommendations for area designations and boundaries.[9] That guidance recommended, among other things, that monitoring data from the most recent 3 consecutive years be used to identify a violation of the SO_2 NAAQS. This is appropriate because the form of the SO_2 NAAQS is calculated as a 3-year average of the 99th percentile of the yearly distribution of 1-hour daily maximum SO_2 concentrations (specifically the most recent 3 consecutive years). The EPA based the first round of final SO_2 designations in 2013 solely on violating monitored SO_2 concentrations for the years 2010–2012 from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 CFR parts 50 and 58, and did not at that time designate any other areas.

In the March 24, 2011, guidance, the EPA stated that the perimeter of a county containing a violating monitor would be the initial presumptive boundary for nonattainment areas, but also stated that the state, tribe and/or the EPA could conduct additional area-specific analyses that could justify establishing either a larger or smaller area. The EPA indicated that the following factors should be considered in an analysis of whether to exclude portions of a county and whether to include additional nearby areas outside the county as part of the designated nonattainment area: (1) Air quality data; (2) emissions-related data; (3) meteorology; (4) geography/topography; and (5) jurisdictional boundaries, as well as other available data. States and tribes may identify and evaluate other relevant factors or circumstances specific to a particular area.

Following entry of the March 2, 2015, court order setting forth the schedule for the EPA to complete SO_2 designations, the EPA issued updated designations guidance.[10] This guidance superseded the March 24, 2011, designation guidance for the 2010 SO_2 NAAQS, and identified factors that the EPA intended to evaluate in determining whether areas are in violation of the 2010 SO_2 NAAQS or contribute to air quality in nearby areas that are in violation of the 2010 SO_2 NAAQS. The guidance also contained the factors the EPA intended to evaluate in determining the boundaries for all remaining areas in the country, consistent with the court's order and schedule. These factors include: (1) Air quality characterization via ambient monitoring or dispersion modeling results; (2) emissions-related data; (3) meteorology; (4) geography and topography; and (5) jurisdictional boundaries.[11]

On March 8, 2017, the EPA issued a memo to clarify what version of the AERMOD modeling system is the most appropriate for consideration by the agency in the SO_2 designations process.[12]

VI. What air quality information has the EPA used for these intended designations?

For designations for the SO_2 NAAQS, air agencies have the flexibility to characterize air quality using either appropriately sited ambient air quality monitors or modeling of actual or allowable source emissions.

These intended designations are based on the EPA's application of the nationwide analytical approach to, and preliminary technical assessment of, the weight of evidence for each area, including but not limited to available air quality monitoring data and air quality modeling results. With respect to air quality monitoring data, the EPA has considered data from at least the most recent 3 calendar years, *i.e.,* 2014–2016, as available. In most of the modeling runs available for EPA's review, the impacts of the actual emissions for one or more of the 3-year periods 2012–2014, 2013–2015, or 2014–2016 were considered, and in some cases the modeling was of recently effective or not-yet-effective limits on allowable emissions in lieu of or as a supplement to modeling of actual emissions. The 1-hour primary SO_2 standard is violated at an ambient air quality monitoring site (or in the case of dispersion modeling, at an ambient air quality receptor location) when the 3-year average of the annual 99th percentile of the daily maximum 1-hour average concentrations exceeds 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50.

VII. How do the Round 3 designations affect Indian country?

For areas of Indian country, there are no violating monitors. The Navajo Nation submitted modeling analyses for the areas around two SO_2 emission sources located in the Navajo Nation, the Navajo Generating Station and the Four Corners Power Plant, neither of which indicated a violation of the NAAQS. The Navajo Nation and the lands of the Hopi Tribe are being designated as separate areas. No areas of Indian country are being designated as nonattainment as part of this round. Any other parts of Indian country being designated as unclassifiable/attainment or unclassifiable are being designated along with the surrounding state area.

VIII. Where can I find information forming the basis for this intended rule and exchanges between the EPA, states, and tribes related to this intended rule?

Information providing the basis for this intended action are provided in a technical support document (TSD)[13] included in the docket. The TSD, modeling files, technical assistance documents, applicable EPA guidance memoranda, and copies of correspondence regarding this process between the EPA and the states, territories, tribes, and other parties, are available for review at the public docket for these SO_2 designations at *https://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2017–0003, at the EPA Docket Center listed in the **ADDRESSES** section of this document and on the agency's SO_2 Designations Web site at *https://www.epa.gov/sulfur-dioxide-designations.* Area-specific questions can be addressed to the EPA Regional offices (*see* contact information provided at the beginning of this document).

[9] *See,* ''Area Designations for the 2010 Revised Primary Sulfur Dioxide National Ambient Air Quality Standards,'' memorandum to Regional Air Division Directors, Regions I–X, from Stephen D. Page, dated March 24, 2011.

[10] *See,* ''Updated Guidance for Area Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standard,'' memorandum to Regional Air Division Directors, Regions I–X, from Stephen D. Page, dated March 20, 2015.

[11] The EPA supplemented this guidance with documents first made available to states and other interested parties in 2013 and updated in 2016. *See* SO_2 NAAQS Designations Source-Oriented Monitoring Technical Assistance Document (February 2016), available at *https://www.epa.gov/sites/production/files/2016-06/documents/so2monitoringtad.pdf,* and SO_2 NAAQS Designations Modeling Technical Assistance Document (August 2016), available at *https://www.epa.gov/sites/production/files/2016-06/documents/so2modelingtad.pdf.*

[12] *See* ''Clarification on the AERMOD Modeling System Version for Use in SO_2 Implementation Efforts and Other Regulatory Actions,'' memorandum to EPA Regional Air Division Directors from Richard A. Wayland, dated March 8, 2017. This memo is available at *https://www3.epa.gov/ttn/scram/guidance/clarification/SO2__DRR__Designation__Modeling__Clarification__Memo-03082017.pdf.*

[13] The single TSD for this action consists of a few sections with information that applies to all affected areas or to certain groups of areas with some common features, and many sections that are specific to individual states, territories, or tribal areas. For convenience, the term ''TSD'' is also used generically to refer to these state/territory/tribe-specific sections. For informational purposes, these individual state/territory/tribe-specific sections/TSDs are available for separate downloading from the indicated EPA Web site.

Dated: August 22, 2017.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning & Standards.

[FR Doc. 2017–18423 Filed 9–1–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 82, No. 170

Tuesday, September 5, 2017

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0049]

Notice of Decision; Cold Treatment of Grapefruit From Australia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to amend cold treatment schedule T107–d–3 in the Plant Protection and Quarantine Treatment Manual to include grapefruit from Australia. In a previous notice, we made available to the public for review and comment a treatment evaluation document that described the treatment schedule and explained why we have determined that it is effective at neutralizing certain target pests on grapefruit from Australia.

DATES: The cold treatment schedule T107–d–3 will be authorized for use on grapefruit from Australia beginning September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy C. Wayson, Senior Regulatory Policy Specialist, Imports, Regulations and Manuals, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 851–2036.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR chapter III are intended to prevent the introduction or dissemination of plant pests and noxious weeds into or within the United States. Under the regulations, certain plants, fruits, vegetables, and other articles must be treated before they may be moved into the United States or interstate. The phytosanitary treatments regulations contained in 7 CFR part 305 (referred to below as the regulations) set out standards for treatments required in 7 CFR parts 301, 318, and 319 for fruits, vegetables, and other articles.

In § 305.2, paragraph (b) states that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual.[1] Section 305.3 sets out the processes for adding, revising, or removing treatment schedules in the PPQ Treatment Manual. In that section, paragraph (a) sets out the normal process for adding, revising, or removing treatment schedules.

In accordance with § 305.3(a)(1), we published a notice[2] in the **Federal Register** on September 16, 2016 (81 FR 63735–63736, Docket No. APHIS–2016–0049), in which we announced the availability of a treatment evaluation document (TED). The TED recommended amending treatment schedule T107–d–3 to extend its applicability to grapefruit from Australia. The treatment would effectively mitigate the pest risk from Queensland fruit fly (*Bactrocera tryoni* (Froggatt)) and provide exporters with the option to have grapefruit from Australia cold-treated at 3 °C or below for 14 days to meet U.S. entry requirements.

We solicited comments on the notice for 60 days ending on November 15, 2016. We received two comments by that date. They were from a State plant protection agency and a foreign agriculture department.

Both commenters were in favor of amending treatment schedule T107–d–3 to include grapefruit from Australia. One commenter stated that it should be emphasized that the treatment is applicable only to fruit coming from areas free of Mediterranean fruit fly (Medfly, *Ceratitis capitata* (Weidemann)).

We agree with the commenter and note that treatment schedule T107–d–3 is approved for mitigation of Queensland fruit fly only. As treatment for Medfly requires a longer cold treatment to ensure mortality of all immature stages, T107–d–3 will apply only to fruit coming from Medfly-free areas of Australia.

Therefore, in accordance with the regulations in § 305.3(a)(2), we are amending the PPQ Treatment Manual and making available a new version of the manual that reflects this addition to T107–d–3.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 30th day of August 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–18703 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–34–P

[1] The PPQ Treatment Manual is available at *http://www.aphis.usda.gov/import_export/plants/manuals/index.shtml* or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

[2] To view the notice, the treatment evaluation document, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0049.*

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Proposed Posting, Posting, and Deposting of Stockyards

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice and request for comments.

SUMMARY: GIPSA is taking several actions to post and depost stockyards under the Packers and Stockyards Act (P&S Act). Specifically, we are proposing that 11 stockyards now operating subject to the P&S Act be posted. We are also posting seven stockyards that were identified previously as operating subject to the P&S Act and deposting two stockyards that no longer meet the definition of a stockyard.

DATES: GIPSA will consider comments received by October 5, 2017.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- *Mail, Courier or Hand Delivery:* Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3604.
- *Submit Comments using the Internet:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All comments should refer to the date and page number of this issue of the **Federal Register**. The comments and other documents relating to this action will be available for public

inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Donna Ash, Program Analyst, Litigation and Economic Analysis Division at (202) 720–0222 or *Donna.A.Ash@usda.gov.*

SUPPLEMENTARY INFORMATION: GIPSA administers and enforces the P&S Act of 1921 (7 U.S.C. 181 *et seq.*). The P&S Act prohibits unfair, deceptive, and fraudulent practices by livestock market agencies, dealers, stockyard owners, meat packers, swine contractors, and live poultry dealers in the livestock, poultry, and meatpacking industries.

Section 302 of the P&S Act (7 U.S.C. 202) defines the term ''stockyard'' as follows: ''. . . any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce.''

Section 302 (b) of the P&S Act requires the Secretary of Agriculture to determine which stockyards meet this definition, and to notify the owner of the stockyard and the public of that determination by posting a notice in each designated stockyard. Once the Secretary provides notice to the stockyard owner and the public, the stockyard is subject to the provisions of Title III of the P&S Act (7 U.S.C. 201–203 and 205–217a) until the Secretary deposts the stockyard by public notice. To post a stockyard, we assign the stockyard a facility number, notify the stockyard owner, and send an official posting notice to the stockyard owner to display in a public area of the stockyard. This process is referred to as ''posting.'' The date of posting is the date that the posting notices are physically displayed at the stockyard. A facility that does not meet the definition of a stockyard is not subject to the P&S Act, and therefore cannot be posted. A posted stockyard can be deposted, which occurs when the facility is no longer used as a stockyard.

We are hereby notifying stockyard owners and the public that the following 11 stockyards meet the definition of a stockyard, and that we propose to designate these stockyards as posted stockyards.

Proposed facility number	Stockyard name and location
FL–141	Gulf Coast Livestock, Madison, Florida.
KY–190	Franklin Livestock Market, Inc., Franklin, Kentucky.
LA–148	Southwest Horse Sale, LLC, Bush, Louisiana.
MS–182	Trade Day Auction, LLC, Philadelphia, Mississippi.
OK–219	Watson's Auction Service, Maud, Oklahoma.
OK–220	Daniel's Hog and Goat Sale, Howe, Oklahoma.
OK–221	Glover Auction & Livestock, LLC, Lawton, Oklahoma.
SC–165	Willie Hester, d/b/a Willietakeit Auctions, Pelzer, South Carolina.
TN–216	Ricky Kepley, d/b/a Cumberland City Stockyards, Cumberland City, Tennessee.
TN–217	Dickson Horse Sale, Dickson, Tennessee.
WV–119	Parkersburg Livestock Market, Mineral Wells, West Virginia.

We are also notifying the public that the stockyards listed in the following table meet the P&S Act's definition of a stockyard and that we have posted the stockyards. On October 17, 2016, we published a notice in the **Federal Register** (81 FR, 71477–71479) of our proposal to post these seven stockyards. Since we received no comments to our proposal, we assigned the stockyards a facility number and notified the owner of the stockyard facilities. Posting notices were sent to the owner of the stockyard to display in public areas of the stockyard. The table below reflects the date of posting for each stockyard.

Facility number	Stockyard name and location	Date of posting
KY–189	Blue Grass Stockyards of Albany, LLC, Albany, Kentucky	11/07/2016
MS–181	Cattlemens Stockyard, LLC, West Point, Mississippi	11/07/2016
NC–182	Walton L. Standridge d/b/a Standridge Auction, Hamlet, North Carolina	11/07/2016
NC–183	Vale Enterprises, LLC d/b/a Cleveland County Agriculture & Livestock Exchange, Shelby, North Carolina.	11/07/2016
PA–164	Nicholson Livestock Market, Factoryville, Pennsylvania	11/08/2016
SD–173	Kramer's Auction, LLC, Colman, South Dakota	11/14/2016
TN–215	Alexandria Stockyard, Inc., Alexandria, Tennesse	11/08/2016

Finally, we are notifying the public that the following stockyards no longer meet the definition of a stockyard and are being deposted. We depost stockyards when the facility can no longer be used as a stockyard. The reasons a facility can no longer be used as a stockyard may include the following: (1) The market agency has moved and the posted facility is abandoned; (2) the facility has been torn down or otherwise destroyed, such as by fire; (3) the facility is dilapidated beyond repair; or (4) the facility has been converted and its function has changed.

Facility number	Stockyard name and location	Date posted
MA–104	Crowley's Commission Sales, Inc., Agawam, Massachusetts	03/14/1972
NB–146	Kearney Livestock Market, Inc., Kearney, Nebraska	02/22/1938

Authority: 7 U.S.C. 202.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–18637 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Montana Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice of designation.

SUMMARY: GIPSA is announcing the designation of the Montana Department of Agriculture (Montana) to provide official services under the United States Grain Standards Act (USGSA), as amended.

DATES: July 1, 2017.

ADDRESSES: Jacob Thein, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Jacob Thein, 816–866–2223, *Jacob.D.Thein@usda.gov* or *FGIS.QACD@usda.gov*.

Read Applications: All applications and comments are available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the April 17, 2017, **Federal Register** (82 FR 18100), GIPSA requested applications for designation to provide official services in the geographic areas presently serviced by Montana. Applications were due by May 17, 2017.

The current official agency, Montana, was the only applicant for designation to provide official services in these areas. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated the designation criteria in section 7(f) of the USGSA (7 U.S.C. 79(f)) and determined that Montana is qualified to provide official services in the geographic area specified in the **Federal Register** on April 17, 2017. This designation to provide official services in the specified area of Montana is effective July 1, 2017, to June 30, 2022.

Interested persons may obtain official services by contacting this agency at the following telephone number:

Official agency	Headquarters location and telephone	Designation start	Designation end
Montana	Great Falls, MT, 406–444–3144	7/1/2017	6/30/2022

Section 7(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)).

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–18634 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Memphis, Tennessee, Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice of opportunity for designation.

SUMMARY: The designation of the official agency listed below will end on March 31, 2018. We are asking persons or governmental agencies interested in providing official services in the areas presently served by this agency to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agency: Midsouth Grain Inspection Service (Midsouth).

DATES: Applications and comments must be received by October 5, 2017.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to *Regulations.gov* (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Mark Wooden, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Mark Wooden, 816–872–1257.
- *Email: FGIS.QACD@usda.gov.*

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Mark Wooden, 816–659–8413 or *FGIS.QACD@usda.gov*.

SUPPLEMENTARY INFORMATION: Section 7(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). Under section 7(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 7(f) of the USGSA.

Areas Open for Designation

Midsouth

Pursuant to Section 7(f)(2) of the United States Grain Standards Act, the following geographic area in the States of Arkansas, Mississippi, Tennessee, and Texas is assigned to this official agency.

In Arkansas

The entire State of Arkansas.

In Mississippi

The entire State of Mississippi, except export port locations within the State, which are serviced by GIPSA.

In Tennessee

Carroll, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Henderson, Lauderdale, Madison, McNairy, Shelby, and Tipton Counties.

In Texas

Bowie and Cass Counties.

The following grain elevator is part of this geographic area assignment. In Cairo Grain Inspection Agency, Inc.'s area: Cargill, Inc., Tiptonville, Lake County, Tennessee.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic area specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic area in Arkansas, Mississippi, Tennessee, and Texas is for the period beginning April 1, 2018, to March 31, 2023. To apply for designation or to request more information, contact Mark Wooden at the address listed above.

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Midsouth official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Submit all comments to Mark Wooden at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–18632 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Jamestown, North Dakota Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice of opportunity for designation.

SUMMARY: The designation of the official agency listed below will end on March 31, 2018. We are asking persons or governmental agencies interested in providing official services in the areas presently served by this agency to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agency: Grain Inspection, Inc. (Jamestown).

DATES: GIPSA will consider applications and comments received by October 5, 2017.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to *Regulations.gov* (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Mark Wooden, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Mark Wooden, 816–872–1257.
- *Email: FGIS.QACD@usda.gov.*

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Mark Wooden, 816–659–8413 or *FGIS.QACD@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 7(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). Under section 7(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 7(f) of the USGSA.

Areas Open for Designation

Jamestown

Pursuant to Section 7(f)(2) of the United States Grain Standards Act, the following geographic area in the States of Minnesota and North Dakota is assigned to this official agency.

In Minnesota

Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, Pine, Big Stone, Stevens, Pope, Stearns, Benton, Isanti, Chisago, Swift, Kandiyohi, Meeker, Wright, Sherburne, Anoka, Lac Qui Parle, and Chippewa Counties.

In North Dakota

Bounded on the north by Interstate 94 east to U.S. Route 85; U.S. Route 85 north to State Route 200; State Route 200 east to U.S. Route 83; U.S. Route 83 southeast to State Route 41; State Route 41 north to State Route 200; State Route 200 east to State Route 3; State Route 3 north to the northern Wells County line, the northern Wells and Eddy County lines east; the eastern Eddy County line south to the northern Griggs County line; the northern Griggs county line east to State Route 32; bounded on the east by State Route 32 south to State Route 45; State Route 45 south to State Route 200; State Route 200 west to State Route 1; State Route 1 south to the Soo Railroad line; the Soo Railroad line southeast to Interstate 94; Interstate 94 west to State Route 1; State Route 1 south to the Dickey County line; bounded on the south by the southern Dickey County line west to U.S. Route 281; U.S. Route 281 north to the Lamoure County line; the southern Lamoure County line; the southern Logan County line west to State Route 13; State Route 13 west to U.S. Route 83; U.S. Route 83 south to the Emmons County line; the southern Emmons County line; the southern Sioux County line west State Route 49; State Route 49 north to State Route 21; State Route 21 west to the Burlington-Northern line; the Burlington-Northern line northwest to State Route 22; State Route 22 south to U.S. Route 12; U.S. Route 12 west-northwest to the North Dakota State line; and bounded on the west by the western North Dakota State line north to Interstate 94.

The following grain elevators are not part of this geographic area assignment and are assigned to: Minot Grain Inspection, Inc.: Benson Quinn Company, Underwood, McLean County and Falkirk Farmers Elevator, Washburn, McLean County, North Dakota.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic area specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic area in Minnesota and North Dakota is for the period beginning April 1, 2018, to March 31, 2023. To apply for designation or to request more

information, contact Mark Wooden at the address listed above.

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Jamestown official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Submit all comments to Mark Wooden at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–18631 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Amendment to the Designation of Mid-Iowa Grain Inspection

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice of amendment.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is amending Mid-Iowa Grain Inspection, Inc.'s (Mid-Iowa) geographical territory to include the area previously designated to Central Illinois Grain Inspection, Inc. (Central Illinois). Mid-Iowa purchased Central Illinois effective July 1, 2017, and met the requirements specified by regulations issued under the United States Grain Standards Act (USGSA), as amended. The designation of Mid-Iowa is from July 1, 2016, to June 30, 2020.

DATES: July 1, 2017.

FOR FURTHER INFORMATION CONTACT: Sharon Lathrop, 816–891–0415 or *FGIS.QACD@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 7(f) of the USGSA (7 U.S.C. 71–87k) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). Under 7 U.S.C. 79(g), designations of official agencies are effective for no longer than 5 years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in 7 U.S.C. 79(f).

Mid-Iowa Designation

Pursuant to Section 7(f)(2) of the USGSA, the following geographic area, in the States of Iowa, Illinois, and Minnesota, is assigned to this official agency.

In Iowa

Bounded on the north by the northern Winneshiek and Allamakee County lines; bounded on the east by the eastern Allamakee County line; the eastern and southern Clayton County lines; the eastern Buchanan County line; the northern Jones and Jackson County lines; the eastern Jackson and Clinton County lines; southern Clinton County line; the eastern Cedar County line south to State Route 130; bounded on the south by State Route 130 west to State Route 38; State Route 38 south to Interstate 80; Interstate 80 west to U.S. Route 63; and bounded on the west by U.S. Route 63 north to State Route 8; State Route 8 east to State Route 21; State Route 21 north to D38; D38 east to V49; V49 north to Bremer County; the southern Bremer County line; the western Fayette and Winneshiek County lines.

In Illinois

Carroll and Whiteside Counties

Bounded on the north by State Route 18 east to U.S. Route 51; U.S. Route 51 south to State Route 17; State Route 17 east to Livingston County; and the Livingston County line east to State Route 47; bounded on the east by State Route 47 south to State Route 116; State Route 116 west to Pontiac, which intersects with a straight line running north and south through Arrowsmith to the southern McLean County line; the southern McLean County line east to the eastern DeWitt County line; the eastern DeWitt County line; the eastern Macon County line south to Interstate 72; Interstate 72 northeast to the eastern Piatt County line; the eastern Piatt, Moultrie, and Shelby County lines; bounded on the south by the southern Shelby County line; and a straight line running along the southern Montgomery County line west to State Route 16 to a point approximately one mile northeast of Irving; and bounded on the west by a straight line from this point northeast to Stonington on State Route 48; a straight line from Stonington northwest to Elkhart on Interstate 55; a straight line from Elkhart northeast to the west side of Beason on State Route 10; State Route 10 west to the Logan County line; the western Logan County line; the southern Tazewell County line; the western Tazewell County line; the western Peoria County line north to Interstate 74; Interstate 74 southeast to State Route 116; State Route 116 north to State Route 26; and State Route 26 north to State Route 18.

In Minnesota

Fillmore, Houston, Olmstead, Wabasha, and Winona Counties

The following grain elevators are not part of this geographic area assignment and are assigned to: Champaign-Danville Grain Inspection Departments, Inc.: East Lincoln Farmers Grain Co., Lincoln, Logan County, Illinois; Okaw Cooperative, Cadwell, Moultrie County, Illinois; ADM (3 elevators), Farmer City, Dewitt County, Illinois; and Topflight Grain Company, Monticello, Piatt County, Illinois.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–18636 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Lincoln, Nebraska, Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice of opportunity for designation.

SUMMARY: The designation of the official agency listed below will end on March 31, 2018. We are asking persons or governmental agencies interested in providing official services in the areas presently served by this agency to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agency: Lincoln Grain Inspection Service, Inc. (Lincoln).

DATES: GIPSA will consider applications and comments received by October 5, 2017.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://*

fgis.gipsa.usda.gov/default_home_FGIS.aspx) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.

- *Submit Comments Using the Internet:* Go to *Regulations.gov* (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Sharon Lathrop, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Sharon Lathrop, 816–872–1257.
- *Email: FGIS.QACD@usda.gov.*

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Sharon Lathrop, 816–891–0415 or *FGIS.QACD@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 7(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). Under section 7(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 7(f) of the USGSA.

Areas Open for Designation

Lincoln

Pursuant to Section 7(f)(2) of the United States Grain Standards Act, the following geographic area in the States of Iowa and Nebraska is assigned to this official agency.

In Iowa and Nebraska

Bounded on the north (in Nebraska) by the northern York, Seward, and Lancaster County lines; the northern Cass County line east to the Missouri River; the Missouri River south to U.S. Route 34; U.S. Route 34 east to Interstate 29; bounded on the east by Interstate 29 south to the Fremont County line; the northern Fremont and Page County lines; the eastern Page County line south to the Iowa-Missouri State line; the Iowa-Missouri State line west to the Missouri River; the Missouri River south-southeast to the Nebraska-Kansas State line; bounded on the south by the Nebraska-Kansas State line west to County Road 1 mile west of U.S. Route 81; bounded on the west by County Road 1 mile west of U.S. Route 81 north to State Highway 8; State Highway 8 east to U.S. Route 81; U.S. Route 81 north to the Thayer County line; the northern Thayer County line east; the western Saline County line; the southern and western York County lines.

The following grain elevators are not part of this geographic area assignment and are assigned to: Omaha Grain Inspection Service, Inc.: Goode Seed & Grain, McPaul, Fremont County, Iowa; and Haveman Grain, Murray, Cass County, Nebraska.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic area specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic area in Iowa and Nebraska is for the period beginning April 1, 2018, to March 31, 2023. To apply for designation or to request more information, contact Sharon Lathrop at the address listed above.

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Lincoln official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Submit all comments to Sharon Lathrop at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–18633 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Solicitation of Applications (NOSA or Notice) for the Multifamily Preservation and Revitalization (MPR) Demonstration Program Under Section 514, Section 515, and Section 516

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (Agency) announces the timeframes to submit pre-applications to participate in a demonstration program to preserve and revitalize existing Multi-Family Housing (MFH) projects currently financed under Section 514, Section 515, and Section 516 of the Housing Act of 1949, as amended. Under this demonstration program, existing Section 515 Rural Rental Housing (RRH) and Sections 514/516 Off-Farm Labor Housing (FLH) projects may be revitalized to preserve the ability of rental projects to provide safe and affordable housing for very-low, low, or moderate-income residents. The goal for projects participating in this program will be to extend their affordable use without displacing tenants because of increased rents. RRH projects include properties designated as senior, family, mixed, congregate and cooperative housing with currently outstanding Section 515 loans. FLH projects include only off-farm properties with currently outstanding Section 514 loans.

This Notice *does not* provide any additional units of Agency Rental Assistance (RA) for projects financed under Section 514, Section 515, and Section 516.

DATES: Pre-applicants selected under this Notice to submit final applications will be funded to the extent an appropriation act provides sufficient funding at the time of final application approval. The amount of funding available will be posted in the Rural Development (RD) Web site, *http://www.rd.usda.gov/programs-services/housingpreservation-revitalization-demonstration-loans-grants.*

Pre-application submission deadlines for these opportunities are:

(1) For pre-applications requesting multiple MPR funding tools [including debt deferral of eligible Section 514 or Section 515 loans] complete pre-applications as defined in this Notice must be received no later than 5:00 p.m. Eastern Time December 1, 2017.

(2) For any MPR applicants requesting *debt deferral only* for eligible Section 514 or Section 515 loans, complete MPR pre-applications may be submitted on

an ongoing basis through 5:00 p.m. Eastern Time, September 28, 2018.

The Agency will not consider any pre-application received after the closing deadlines. *MPR pre-applications will only be accepted electronically.* All supporting documents must also be delivered electronically in PDF format by these deadlines to be considered for acceptance.

FOR FURTHER INFORMATION CONTACT: Dean Greenwalt, *dean.greenwalt@wdc.usda.gov,* (314) 457–5933, and/or Abby Boggs, *abby.boggs@wdc.usda.gov,* (615) 783 1382, Multi-Family Housing Preservation and Direct Loan Division, STOP 0782, (Room 1263–S) U.S. Department of Agriculture, Rural Development, 1400 Independence Avenue SW., Washington, DC 20250–0782. *(Please note these telephone numbers are not toll-free numbers.)*

SUPPLEMENTARY INFORMATION: This Notice will be posted on the RD Web site, *www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas.* To the extent an Appropriation Act provides funding for the MPR demonstration program, program dollar commitments will only be made to the MPR pre-applicants selected to submit formal applications. The Agency will publish, as necessary, any revisions and amendments reflecting program modifications, in the **Federal Register** within the period this Notice remains open.

Expenses incurred in applying for this NOSA Notice will be borne by and be at the applicant's sole risk.

The Agency will assign additional points to pre-applications from existing RD-financed projects based in or serving census tracts in persistent poverty counties as well as other areas with special housing needs. This emphasis supports RD's mission of improving the quality of life for Rural Americans and an ongoing commitment to direct resources to those most in need.

A synopsis of this program and the pre-application's universal resource locator will be listed by Catalog of Federal Domestic Assistance Number or at Federal Grants Wire at *http://www.federalgrantswire.com* or more specifically at *https://www.cfda.gov/index?s=program&mode=form&tab=step1&id=4c4fe0f56eb9b21ce519a6c4104933bc.*

Paperwork Reduction Act

The information collection requirements contained in this Notice have received approval from the Office of Management and Budget (OMB) under Control Number 0570–0190.

Overview

Federal Agency Name: Rural Housing Service, USDA.

Funding Opportunity Title: Multifamily Preservation and Revitalization Demonstration Program—Section 514, Section 515, and Section 516 for Fiscal Year 2017 and any subsequent funding appropriation of funds made available during the term this NOSA is outstanding.

Announcement Type: Inviting responses in the form of pre-applications from interested applicants.

Catalog of Federal Domestic Assistance Number (CFDA): 10.447.

I. Funding Opportunity Description

The Consolidated Appropriations Act, 2017, Public Law 115–31, signed May 5, 2017, authorized USDA to conduct a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties (off-farm FLH properties) to restructure existing USDA MFH loans expressly to ensure the project has sufficient resources to provide safe and affordable housing for low-income residents and farm laborers under the programs authorized by the Housing Act of 1949, as amended (42 U.S.C. 1484, 1485 and 1486).

This Notice solicits pre-applications from interested borrowers/applicants of MFH projects already participating in the Agency's Section 515 MFH portfolio and Sections 514/516 FLH portfolio for the purpose of revitalization and preservation. Eligibility for MPR funding under this NOSA includes current RD borrowers that have received a loan from the Agency and eligible applicants who are applying to assume ownership and the associated presently outstanding RD loans on RD-financed MFH properties. Eligible applicants for the MPR program include individuals, partnerships or limited partnerships, consumer cooperatives, trusts, State or local public agencies, corporations, limited liability companies, non-profit organizations, Indian tribes, associations, or other entities that own or will be the owner of the project for which an application for transfer of ownership by the Agency is submitted.

Agency regulations for the Section 515 MFH program and the Sections 514/516 FLH program are published at 7 CFR part 3560.

The intent of the MPR demonstration program is to ensure that existing rental projects will continue to deliver decent, safe and sanitary, affordable rental housing for eligible tenants over the remaining term of any Agency loan, or the remaining term of any existing Restrictive-Use Provisions (RUP) or prohibition, whichever ends later.

MPR funds cannot be used to build community rooms, add additional parking areas, playgrounds, or laundry rooms. MPR funds may be used to repair or renovate existing project items identified in the Capital Needs Assessment (CNA) and to satisfy accessibility transition and fair housing requirements.

To fulfill an existing need for additional affordable rental housing as documented in a market study and/or another information source acceptable to the Agency, MPR funds may be used to add new units, and/or reconfigure the present units, *within* the existing footprint of a project's current or previously resident-occupied structure(s) (*e.g.,* converting the non-residential portion of mixed-used space into residential units). With Agency concurrence, MPR funds may also be used to meet the project's five (5) percent fully accessible requirement as defined by Uniform Federal Accessibility Standards (UFAS).

All pre-applications will be reviewed by the Agency using the process described in this NOSA and selected applicants will be invited to participate in the MPR demonstration program. Upon written notification to the Agency from the selected applicant of their acceptance to participate, the applicant will engage a qualified independent third-party to conduct a comprehensive Capital Needs Assessment (CNA) acceptable to RD (unless an existing CNA acceptable to the Agency was included as part of the pre-application submission) which should provide a fair and objective review of projected capital needs in any case where the applicant indicates additional MPR tools are also being requested. Applicants determined eligible to receive deferral-only MPR assistance for Exiting Projects and transfers will be processed on a continuous basis as described in this Notice so long as funds remain available. The Agency shall implement any other proposal that may be offered under this Notice through an MPR Conditional Commitment (MPRCC) with the eligible borrower/applicant, which will include all the terms and conditions offered by the Agency.

One of the MPR tools available in this program is debt payment deferral for up to 20 years for presently outstanding Section 514 or Section 515 loans. The cash flow from the deferred RD direct loan principal and interest payment will be deposited to the RD project's reserve account or used as directed by the Agency to help meet the specific project's future physical needs, support new debt or to reduce rents, or as otherwise directed and determined by the Agency to be in the best interests of the tenants and Government.

A. Debt deferral is described as follows:

1. *MPR Debt Deferral.* A deferral for up to 20 years of the existing Section 514 or Section 515 Agency loan(s). If the term of any existing Section 514 or Section 515 loans is less than 20 years, the Agency will offer a re-amortization of the existing loans extending the term up to 20 years based on an analysis of the individual needs of the specific property. If an MPR debt deferral is necessary as part of an ownership transfer under the provisions of 7 CFR 3560.406, debt deferral only for eligible loans as described herein may be included in the transfer underwriting when:

a. The deferral of such loans will assure the continued feasibility of preserving needed rental units based on criteria described in 7 CFR 3560.57(a)(3), and

b. The new owner, including all principles, does not share any identity of interest (IOI) with the selling entity in any other RD properties not fully compliant with all Agency requirements and conditions for any other outstanding RD indebtedness, or

c. In those cases where the IOI seller, including the principles of the acquiring applicant, are fully compliant on any outstanding RD approved workout agreements.

Any questions on whether or not a loan is eligible for deferral should be directed to the local RD State Office at: *http://www.rd.usda.gov/contact-us/state-offices.*

2. All terms and conditions of the deferral will be described in the MPR Debt Deferral Agreement. A balloon payment of principal and accrued interest (deferral balloon) will be due at the end of the deferral period, or upon default pursuant to the terms contained therein. Interest will accrue at the promissory note rate and, if applicable, the subsidy will be applied as set out in the Agency's ''*Multiple Family Housing Interest Credit Agreement*'', Form RD 3560–9, which is available at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560–9.PDF.*

3. At the time of the deferral balloon, RHS intends to use the available servicing tools to preserve any needed projects as affordable rental housing.

B. Other Agency MPR funding tools are as follows:

1. *MPR Grant.* A grant limited to non-profit applicants/borrowers only. The grant will be limited to the cost of correcting health and safety violations of a project, including accessibility and fair housing mandates identified by a CNA accepted by the Agency. The grant administration will be in accordance with applicable provisions of 2 CFR parts 200 and 400.

2. *MPR Zero Percent Loan.* A loan at zero percent interest. This loan is not deferred. Monthly payments are required for the maximum term and amortization period will be as authorized by the respective program authority.

a. The maximum term for the Zero Percent Loan will not extend beyond the latest maturity date of any existing Section 515 RRH or Section 514 FLH loan term already in place at the time of closing, or the modified maturity date of any current loan being re-amortized.

b. For Section 515 RRH projects, the maximum loan term is 30 years amortized over a maximum term of 50 years.

c. For Sections 514/516 projects, the loan will be amortized over a maximum term of 33 years.

3. *MPR Soft-Second Loan.* A loan with a one percent interest rate that will have its accrued interest and principal deferred to a balloon payment. The balloon payment will be due at the same time as the latest maturing Section 514 or Section 515 loan already in place at the time of closing, or the modified maturity date of any current loan being reamortized.

4. *Other Possible Sources of Funds:*

a. Rural Development Section 515 Rehabilitation loan funds for RRH projects;

b. Rural Development Sections 514/516 Off-Farm rehabilitation loan/grant funds for FLH projects;

c. Rural Development Section 538 Guaranteed Rural Rental Housing (GRRH) program financing;

d. Rural Development Multi-Family Housing Preservation Revolving Loan Funds program;

e. Third-party loans, grants, tax credits and tax-exempt financing;

f. Owner-provided capital contributions in the form of a cash infusion. A cash infusion cannot be a loan; and

g. Excess funds as defined by the then current respective RD program servicing regulations from the project's reserve or operating fund accounts, or donated services provided by the applicant.

5. *Transfers/Subordinations/Consolidations.* Transfers, subordinations, and consolidations may be approved as part of a MPR transaction for the selected pre-applicants in accordance with 7 CFR part 3560 and the following:

If a transfer is part of the MPR transaction, and the transfer includes a seller payment and/or an increase in the allowable Return to Owner (RTO), the transfer must first be underwritten to meet the requirements of 7 CFR 3560.406 to establish the maximum RTO amount RD will recognize for the buyer and seller. When it is in the best interests of the Government and the tenants to meet preservation goals, the transferee may request RD to reconsider the initial transfer authorization and grant use of MPR debt deferral only of all eligible RRH or FLH loans.

Transfers using *only* MPR loan deferral funds in the underwriting do not require review by the RD Headquarters MPR Loan Review Committee. The RD State Office will submit these transfer requests through its HQ Review Underwriter to the Deputy Administrator, MFH for concurrence.

a. This Notice will allow transfer transaction applicants to submit a second feasibility scenario using multiple MPR tools in addition to their primary proposal with MPR Deferral only. Applicants may include, *at their own risk,* MPR Zero Percent and/or MPR Soft Second loans in their transfer proposals. The combined total of the Zero Percent and Soft Second loans may not exceed the amount posted on the RD Web site at the beginning of each Round. Notwithstanding the aforementioned, if the transfer proposes a seller payment and/or an increase in the allowable Return to Owner (RTO), the transfer must first be underwritten to meet the requirements of 7 CFR 3560.406 to establish the maximum RTO amount RD will recognize for the buyer and seller. RD has added a feature to its Transfer Preliminary Assessment Tool (PAT) that provides users the ability to include the second feasibility scenario using multiple MPR tools within the same template.

b. An applicant that chooses to include MPR Zero Percent and/or MPR Soft Second loans in their transfer proposal will formally acknowledge that they understand inclusion of those funds in the underwriting constitutes neither an approval nor a commitment of any MPR funds by the Agency. They must also submit a transfer proposal for the transaction consistent with other proposals using other types of currently available financing, so the Agency can determine the feasibility of the transfer using such alternative forms of financing (*e.g.,* Section 538). If MPR funds are not available or the transfer is not feasible without those funds, the applicant may choose to wait for MPR funds to become available. If the applicant must move forward with the transaction and is unable to wait for MPR funds to become available, it will be the applicant's responsibility, not the Agency's, to secure additional equity

and/or funding comparable to the rates and terms of the MPR loan funds from other non-Agency sources to replace the MPR tools. *The applicant may also choose to modify its transaction and exclude the use of MPR funds if the transaction remains financially feasible.*

c. The Agency will evaluate all transfers applying to participate in the MPR program equally, whether they chose to use MPR tools at underwriting or not. Every transfer application, regardless of the use of MPR tool in the underwriting, applying to participate in the MPR program will be evaluated and selected in accordance to the selection process outlined in this Notice. The MPR funds amount limit [mentioned in b. above] will not apply to transfers approved by the Agency that do not use MPR Zero percent and MPR Soft Second loans in its proposal.

MPR funds will not be used to pay equity on MFH transfers.

d. Prior RD Headquarters concurrence is required for any transfer with equity loan payments, increased RTO, or waivers for unusual transactions that fall outside of the normal transfer transaction principles of 7 CFR 3560.406 or revitalization related policy issues not otherwise addressed.

1. For the purposes of the MPR demonstration program, the Agency will identify transactions in four (4) categories:

i. Exiting Project Deferral Only Transactions: These involve no change in ownership and only defer payments to the final due date authorized by statutory and program regulations unless otherwise modified under the terms of this Notice. This tool is available only to project owners where all Agency mortgages on the property are maturing on or before December 31, 2023.

A CNA will not be required for these transactions unless the RD debt payments are being deferred to allow additional capital repairs and improvements to fund work beyond the scope of the servicing requirement for reserve account use as in servicing the annual operating budget under 7 CFR 3560.306 (g).

Exiting Project deferral only transactions do not require review by the RD Headquarters MPR Loan Review Committee. The RD State Office will submit these transfer requests through its HQ Review Underwriter to the Deputy Administrator, MFH for concurrence.

ii. Simple Transactions: These involve no change in ownership where the borrower is seeking one or more of the available MPR tools to meet the specific project's present and future physical need, support new debt or to reduce rents, or as otherwise directed as determined by the Agency to be in the best interests of the tenants and Government. Simple transactions involve a single project but may include the consolidation of project phases owned by the same entity into one project under 7 CFR 3560.410.

iii. Complex Transactions: These may consist of one or more project transfers within the same market area to a single new owner processed in accordance with 7 CFR 3560.406, with or without a consolidation; or single-owner transactions requiring a subordination agreement because of third-party funds. A complex transaction may involve more than one project but results in only a single project upon closing the transaction. The applicant will submit one pre-application.

A. If a consolidation of existing properties is simultaneously proposed, all projects being consolidated must be submitted on one pre-application and must also be located in the same market area. Market area is defined in 7 CFR 3560.11 as the geographic or locational delineation for a specific project, including outlying areas that will be impacted by the project including the area in which alternative, similar properties effectively compete with the subject property.

B. For a MPR consolidation, all projects must be of the same type, be in a neighborhood or similar area where the properties compete for the same tenants; managed under one management plan and one management agreement; and, in sufficiently close proximity to permit convenient and efficient management of the property.

C. Applicants should discuss proposed consolidations with the Rural Development State Office in the State where the projects are located prior to filing their MPR pre-application to ensure Rural Development concurs with the applicant's market area estimation.

D. Removal of one or more projects from the proposal by either the Agency or the owner does not affect the eligibility of the complex transaction. To be a complex transaction, the Agency assumes only one project remains at the MPR closing.

iv. Portfolio transactions: These include two or more projects with one stay-in owner that will not be consolidated into a single property under 7 CFR 3560.11, or two or more projects with multiple projects located in one State sale transactions to a common purchaser. A stay-in owner is defined as an existing Section 515 or Sections 514/516 borrower who owns two or more properties either as a single ownership entity, or as separate legal entities with at least one common general partner/managing member capable of securing all necessary approvals from other partners, investors, etc. as may be required in the entity's organizational documents for participation in the MPR program prior to closing. Each project in the portfolio will be submitted on a separate pre-application form unless those located in the same market area are being consolidated as defined above. Any projects being consolidated should be listed on the same pre-application form. Each pre-application must have the same portfolio name. If the owner chooses to remove one or more projects from the proposal, at least two projects must remain in order to be classified as a portfolio transaction. At the end of the transaction, the Agency assumes there will be two or more unconsolidated projects remaining. The projects of the stay-in owner or common purchaser must have at least one general partner/managing member in common capable of securing the consent of all other partners or members prior to closing the MPR in accordance with the entity organizational documents.

6. Transactions, other than Exiting Project deferral only MPR assistance, within each category may utilize any or all MPR funding tools described above in paragraph I, ''Funding Opportunity Description''. MPR tools available through the MPR demonstration program address preservation and rehabilitation needs identified in the Agency-accepted CNA, including any accessibility transition plans and fair housing requirements not previously satisfied.

7. The total of all liens against the project, with the exception of Agency deferred debt, cannot exceed the Agency-approved security value of the project. All Agency debt, either in first lien position or in a subordinated lien position, must be secured by the project, except deferred debt, which is not included in the Agency's total lien position for computation of the Agency's security value in the MPR program. Payment of any deferred debt will not be required from normal project operations income. Payment of any deferred debt will be required from excess cash generated from project operations after all other secured debts, required reserves and operational costs are satisfied or as directed by the Agency.

8. All exiting RD direct loans with payments being deferred will be reamortized or restructured to the maximum term allowed under the

respective RRH or FLH loan program authorities prior to debt deferral.

C. MPR Applicants

Pre-applicants selected under this Notice to submit formal applications will be subsequently referred to as ''Applicants'', and will be considered for available funding as described in this Notice subject to the availability of MPR funds or other program funds for which they may be eligible.

D. Exiting Project Applicants

The Agency recognizes that a number of Section 515 and Sections 514/516 properties are financed through mortgages scheduled to mature through calendar year 2023. The Agency will make an MPR debt deferral available to properties with all Agency mortgages maturing on or before December 31, 2023, that are not already being reamortized as part of an RD servicing action to extend the affordable use of the housing and continue its eligibility for Section 521 Rental Assistance. Notwithstanding any other provisions of this Notice, MPR pre-applicants applying for a deferral of their eligible mortgage debt and any other MPR tools will be required to meet the continuing eligibility requirements as outlined in ''Section III Eligibility Information'' of this Notice. Applicants applying solely for deferral of eligible Exiting Projects will only be required to submit the MPR pre-application within the established deadlines set out in the **DATES** section of this Notice; no additional supporting documentation is required. The applicant will complete the MPR pre-application documenting the date the Agency loans will mature. The Agency reserves the right to approve an MPR debt deferral under this paragraph in its sole discretion, based on factors including but not limited to: the preceding 12-month average physical vacancy; analysis of current ownership; evidence the property is financially solvent; the current physical condition of the property; amount of assistance needed to meet immediate and long term physical needs of the property; and the availability of other subsidized housing within the community. The RD State Office will submit Exiting Project deferral only requests through its HQ Review Underwriter to the Deputy Administrator, MFH for concurrence.

II. Award Information

Pre-applications selected under this Notice that become an Agency approved application may be funded with current or future fiscal year funds subject to the availability of a funding appropriation.

Any pre-applications selected under this Notice, will be considered withdrawn on December 31, 2018, if not approved by the Agency. *This deadline will not be extended, so please plan your transaction's timeline accordingly. Applicants may reapply for funding under future rounds and/or Notices as may be made available.*

Awards under this Notice mean any loan or grant approved and obligated. Awardees receiving loans or grants under the MPR program are subject to 2 CFR 25.200. All Awardees of any nature under this Notice are subject to the applicable requirements of the Office of Management and Budget (OMB)-approved USDA Suspension and Debarment, and Drug-Free Workplace Certifications as prescribed under Title 2 CFR parts 417 and 421.

Applicants are advised that the Agency has unfunded applications carried over from prior Notices that will receive priority consideration for funding approval from available fiscal year appropriations based on the terms of those Notices. If fiscal year funds available for the MPR demonstration program are fully committed before funding all remaining eligible pre-applications selected for further processing under this Notice, the Agency may continue to process pre-applications that if approved, may receive conditional commitments subject to the future appropriation and availability of MPR funds.

Applicants are further advised that the Agency anticipates it may not have sufficient funding under this Notice to fund every approved application. If the Agency depletes the available MPR funds before funding every approved application, then every approved application not funded will be incorporated into a funding priority queue. The queue will prioritize approved applications by receipt date and score and it will be maintained by the HQ Review Underwriter Team Leader (Team Leader).

The queue process begins when HQ Review Underwriters email approved applications to the Team Leader, who accumulates the approved applications for placement in the queue throughout the week until the weekly submission deadline of midnight Eastern Time every Thursday. The Team Leader then incorporates the approved applications received through Thursday into the queue no later than the following Tuesday (*e.g.,* requests received from Friday, April 13, 2018 to Thursday, April 19, 2018 will be reviewed and placed into the queue in scoring order by Tuesday, April 24, 2018). To the extent that MPR funds become available, they will be allocated starting with the first approved application on the queue until all funds are exhausted. As long as MPR funds remain available or when MPR funds become available once again, the Agency will continue to allocate those funds in the manner aforementioned. However, if an application is not approved by the HQ Loan Review Committee and the application is returned to the State Office, the application will be reassigned a new place in the queue based on the [email] date and time the HQ Review Underwriter resubmits the application to the Team Leader. In the event of a tie, priority will be given to the request for the project that: First—has the highest percentage of leveraging (lowest Loan to Cost); second—is in the smaller rural community.

In order to maximize the distribution of MPR funds among as many States as possible, the Director, MFH PDLD, may authorize a State with four (4) or less funded applications to be funded ahead of any State with five (5) or more funded applications even when the application from the State with (4) or less funded applications has a later queue date and time than the application from a State with five (5) or more funded applications.

MPR funding tools are only for authorized purposes in the respective RRH and FLH programs in accordance with 7 CFR 3560 unless otherwise determined to be in the best interests of the government. The program will be administered within the resources available to the Agency through Public Law 114–113 and any future appropriations for the preservation and revitalization of Sections 514/516 and Section 515-financed projects. In the event that any provisions of 7 CFR part 3560 conflict with this Notice, the provisions of this Notice will take precedence.

III. Eligibility Information

Applicant eligibility requirements. For the purpose of this Notice, ''applicant'' includes the applying entity (*e.g.,* ABC LLP) and the entity's principals (*e.g.,* John Doe, General Partner of ABC LLP; XYZ, Inc., General Partner of ABC LLP; John Doe Jr., President of XYZ, Inc.). In the case of a single asset entity that is not a natural person, the Agency will rely solely on the qualifications of the natural person(s) managing/controlling the entity (whether directly or indirectly through other entities) to establish the applicant's eligibility.

These eligibility requirements include substantial and verifiable favorable experience and creditworthiness, but do

not require the test for other credit. Appropriate credit reports will be ordered by RD upon receipt of the MPR application selected for further processing in all cases, unless a current credit report has been included as part of a RD transfer application file. In the case of FLH applicants, eligibility requirements are included in 7 CFR 3560.555.

1. All applicants must meet the following requirements:

a. Be a U.S. citizen or qualified alien(s); a corporation; a State or local public Agency; an Indian tribe as defined in § 3560.11; or a limited liability company (LLC), non-profit organization, consumer cooperative, trust, partnership, or limited partnership in which the principals are U.S. citizens or qualified aliens;

b. Be unable to obtain similar credit elsewhere at rates that would allow for rents within the payment ability of eligible residents;

c. Possess the legal and financial capacity to carry out the obligations required for the loan or grant;

d. Be able to maintain, manage, and operate the housing for its intended purpose and in accordance with all Agency requirements as demonstrated with its compliance with Agency servicing requirements. Non-compliance with Agency servicing requirements with other projects owned and/or managed by natural person(s) managing/controlling (whether directly or indirectly through other entities) the borrowing entity, will render the applicant ineligible to participate in the MPR program nationwide until the non-compliance event(s) is/are remedied;

e. With the exception of applicants who are a non-profit organization, housing cooperative or public body, be able to provide the borrower contribution from their own resources (this contribution must be in the form of cash, or land, or a combination thereof);

f. Not be suspended, debarred, or excluded based on the ''List of Parties Excluded from Federal Procurement and Non-Procurement Programs.'' The list is available to Federal agencies from the U.S. Government Printing Office. Non-Federal parties should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800;

g. Not be delinquent on Federal debt or a Federal judgment debtor, with the exception of those debtors described in 7 CFR 3560.55 (b); and

h. Be in compliance with the requirements of the Improper Payments Elimination and Recovery Improvement Act (IPERIA) as applied by USDA.

Additional requirement for applicants with prior debt. If an applicant, the managing general partner, managing member, or key principal in the organization decision-making and operational authority that may control the applicant and any sub-applicant entities involved including the actual natural person(s) of any sub-entity (*i.e.,* other organizations, partnerships, etc.) excising management and/or financial control of an applicant borrower, as well as any affiliated entity having a 10 percent or more ownership interest, having a prior or existing Agency debt, the following additional requirements must be met:

a. The applicant must be in compliance with any existing loan or grant agreements and with all legal and regulatory requirements or must have an Agency approved workout agreement and be in compliance with the provisions of the workout agreement. The Agency may require that applicants with monetary or non-monetary deficiencies be in compliance with an Agency-approved workout agreement for a minimum of six (6) consecutive months before becoming eligible for further assistance.

b. The applicant must be in compliance with the Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and all other applicable civil rights laws.

Additional requirements for non-profit organizations. In addition to the eligibility requirements of paragraphs above, non-profit organizations must meet the following criteria:

a. The applicant must have received a tax-exempt ruling from the IRS designating the applicant as a 501(c)(3) or 501(c)(4) organization.

b. The applicant must have in its charter the provision of affordable housing.

c. No part of the applicant's earnings may benefit any of its members, founders, or contributors.

d. The applicant must be legally organized under State and local law.

e. In the case of off-farm labor housing loans and grants, non-profit organizations must be ''broad-based'' non-profit organizations (refer to § 3560.555(a)(1)).

Additional requirements for limited partnerships. In addition to the applicant eligibility requirements aforementioned, limited partnership loan applicants must meet the following criteria:

a. The general partners must be able to meet the borrower contribution requirements if the partnership is not able to do so at the time of loan request.

b. The general partners must maintain a minimum 5 percent financial interest in the residuals or refinancing proceeds in accordance with the partnership organizational documents.

c. The partnership must agree that new general partners can be brought into the organization only with the prior written consent of the Agency.

Additional requirements for Limited Liability Companies (LLCs). In addition to the applicant eligibility requirements aforementioned, LLC loan applicants must meet the following criteria:

a. One member who holds at least a five (5) percent financial interest in the LLC must be designated the authorized agent to act on the LLC's behalf to bind the LLC and carry out the management functions of the LLC.

b. No new members may be brought into the organization without prior consent of the Agency.

c. The members must commit to meet the equity contribution requirements if the LLC is not able to do so at the time of loan request.

1. This Notice requires selected applicants to make the required equity contribution as outlined in 3560.63(c) for any new Section 515 loan offered as part of the MPR. Applicant funds committed under Section I, may be used to fund all or a portion of the required RD equity contribution for the subsequent direct program loan. Loan applicants will not receive any increased equity value attributed to the property since the initial RD loan closing and will not receive additional RTO for this contribution.

2. Eligibility also includes the continued ability of the borrower/applicant to provide acceptable management and will include an evaluation of any current outstanding deficiencies. As defined in Section V of this Notice, any outstanding violations or extended open operational findings associated with the applicant/borrower or any affiliated entity having an identity of interest (IOI) with the project ownership and which are recorded in the Agency's automated Multi-Family Information System (MFIS), will preclude further processing of any MPR applications unless there is a current, approved workout plan in place and the plan has been satisfactorily followed for a minimum of six (6) consecutive months, as determined by the Agency.

3. For Section 515 RRH projects, the average physical vacancy rate for the 12 months preceding this Notice's pre-application submission date can be no more than 10 percent for projects consisting of 16 or more revenue units and no more than 15 percent for projects less than 16 revenue units unless an

exception applies under Section IV B 1(b) of this Notice. The Agency may require additional information, which may include a current market study, to assess the need of the project and its continued financial feasibility. If a project consolidation is involved, the consolidation will remain eligible so long as the average vacancy rate for each individual project meets the occupancy standard noted in this paragraph. Any individual project selected under the complex or portfolio pre-application submission that does not continue to meet the occupancy threshold at the time of filing the formal application, regardless of reason, may be withdrawn by the owner or the Agency from complex or portfolio applicant package without jeopardizing the formal application so long as the application continues to meet the eligibility conditions otherwise described in this Notice.

4. For Sections 514/516 FLH projects, rather than an average physical vacancy rate as noted in section (ii) above, a positive cash flow for the previous full three (3) years of operation is required unless an exception applies as described section III(A)(3), above for projects with an approved work out plan.

5. MPR tools will only be awarded if the pre-applicant will meet applicable program ownership requirements, including the ability to operate the project after the transaction is completed. In the event of a MFH transfer, the proposed transferee must submit evidence of site control together with a copy of the borrower's written request signed by both the proposed buyer and the seller describing the general terms of the proposed transfer. Evidence may include a Purchase Agreement, Letter of Intent, or other documentation acceptable to the Agency.

6. An Agency approved CNA (for guidance refer to *http://www.rd.usda.gov/programs-services/housing-preservation-revitalization demonstration-loans-grants*) and an Agency financial evaluation/analysis must be conducted to ensure that utilization of the MPR demonstration program tools is financially feasible, and necessary for the revitalization and preservation of the project as affordable housing.

7. Initial eligibility for any processing will be determined as of the date of the pre-application filing deadline. The Agency reserves the right to discontinue processing any application due to material changes in the applicant's status occurring at any time after the initial eligibility determination.

8. All selected applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and register in the Central Contractor Registration (CCR) prior to submitting an application pursuant to 2 CFR 25.200. In addition, all entity applicants must maintain registration in the CCR database at all times during which it has an active Federal award or an application or plan under consideration by the Agency as required by OMB in 2 CFR 25.200 and 25.305. Similarly, all recipients of Federal Financial Assistance are required to report information about first-tier, sub-awards and executive compensation, in accordance with 2 CFR part 170. So long as an entity applicant does not have an exception under 2 CFR 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. See 2 CFR 170.200(b).

IV. Application and Submission Information

A. The general steps of the MPR application process are as follows:

1. *Pre-application:* All applicants for MPR funds submit a pre-application as described in Section VI along with any supporting documentation as outlined in this Notice. Failure to timely submit all required documentation will result in an incomplete pre-application. This pre-application process is designed to lessen the cost burden on all applicants, including those who may not be eligible or whose proposals may not be feasible. Selection of a pre-application for further processing is not an award or commitment for funding, except for Exiting Project deferrals cited in Section I D of this Notice.

Note: If you receive a loan or grant award under this Notice, USDA reserves the right to post all information submitted as part of the pre-application/application package, which is not protected under the Privacy Act, on a public Web site with free and open access to any member of the public.

2. *Eligible Projects:* Using criteria described below in this Notice, the Agency will conduct an initial screening for eligibility. As described in Section VI, the Agency will conduct an additional eligibility screening later in the formal application process.

3. *Scoring and Ranking:* All complete, eligible and timely filed pre-applications will be scored, ranked and put in potential funding categories as discussed in this Notice.

4. *Formal Applications:* All complete, eligible and timely filed pre-applicants will receive a letter from the Agency inviting them to submit a formal application. As discussed in Section III of this Notice, the Agency will require the owner to provide a CNA, completed in accordance with the Agency's published guidance (available at *http://www.rd.usda.gov/programs-services/housing-preservation-revitalizationdemonstration-loans-grants*) to underwrite the proposal to determine financial feasibility. Applicants will be informed of any proposals that are determined to be incomplete, ineligible, or financially infeasible. Any proposal denied by the Agency will be returned to the applicant, and the applicant will be given appeal rights pursuant to 7 CFR 11.

5. *Financial Feasibility:* The Agency will use the results of the CNA to help identify the need for resources and applicant provided information regarding anticipated or available third-party financing in order to determine the financial feasibility of each potential transaction. The Agency will use tools available either through existing regulatory authorities or specifically authorized through the MPR demonstration program. A project is financially feasible when it can provide affordable, decent, safe, and sanitary housing for 20 years or the remaining term of any Agency loan, whichever ends later, by using the authorities of this program while minimizing the cost to the Agency, and without increasing rents for eligible tenants, except when necessary to meet normal and necessary operating expenses, as determined by the Agency.

6. If the Agency determines the transaction is financially feasible, it may be able to offer the borrower a revitalization proposal, subject to available funding. This will include a requirement that the borrower execute and record, an Agency-approved Restrictive-Use Covenant (RUC) for a period equivalent to the longest term of any MPR funding being authorized, the remaining term of any non-deferred existing loans, or the remaining term of any existing RUPs, whichever ends later. The proposal will be established in the offer presented to the applicant as part of a MPR Conditional Commitment (MPRCC) using a format determined by RD.

7. *MPR Agreements:* If the applicant accepts the offer, the applicant must sign and return the MPRCC. By signing the offer, the applicant agrees to the terms of the MPRCC. Any third-party lender will be required to subordinate to the Agency's RUC unless the Agency determines, on a case-by-case basis, that the lender's refusal to subordinate will

not compromise the purpose of the MPR demonstration program.

8. *General Requirements:* The MPR transactions are with a stay-in owner (simple) or may involve a change in ownership (complex or portfolio). Any housing or related facilities that are constructed or repaired must meet the Agency design and construction standards and the development standards contained in 7 CFR part 1924, subparts A and C, respectively. Upon completion, Section 515 MFH and Sections 514/516 FLH projects must be managed in accordance with 7 CFR 3560. Tenant eligibility will be limited to persons who qualify as an eligible household under Agency regulations. Tenant eligibility requirements are contained in 7 CFR 3560.152.

B. The MPR application submission and scoring will be completed in two phases in order to avoid unnecessary effort and expense on the part of applicants. The two phases are as follows:

1. Phase I—The first phase is the pre-application process. Applicants, including applicants seeking deferral only, must submit a complete pre-application by the deadline listed under the **DATES** section of this Notice. The applicant's submission will be classified as ''complete'' when the MPR pre-application is received in the correct format and place as described in this Notice for each existing property the applicant wishes to be considered in the demonstration program. When the MPR proposal involves a project consolidation, the consolidation will be completed in accordance with 7 CFR 3560.410. One pre-application for the proposed consolidated project is required and must identify each project included in the consolidation. If the MPR proposal involves a portfolio transaction (sale or stay-in owner), one pre-application for each project in the portfolio is required and each pre-application must identify each project included in the portfolio transaction. Pre-applications must include all applicable information requested on the MPR pre-application form and must be provided to be complete for consideration. Additional information that must be provided with the pre-application *to be considered complete,* when applicable, includes:

a. For all transfers of ownership, evidence of site control.

b. Current market data (defined as no more than 6 months old at time of filing) for any project not meeting the occupancy standards cited in sections III (2) and III (3) above. The market data must demonstrate there is need for the project evidenced by waiting lists and a housing shortage confirmed by local housing agencies and realtors and accepted by the Agency. The market data must show a clear need and demand for the project once an MPR transaction is completed. The results of the survey of existing or proposed rental or labor housing, including complex name, location, number of units, bedroom mix, family or elderly type, year built, and rent charges must be provided, as well as the existing vacancy rate of all available rental units in the community, their waiting lists and amenities, and the availability of RA or other subsidies. The Agency will determine whether or not the proposal has market feasibility based on the data provided by the applicant. Any costs associated with the completion of the market data is NOT an eligible program project expense.

c. For a property that has been sold to a non-profit entity under the Sale to Non-Profit process defined in 3560, Subpart N, a copy of the recorded Deed.

Unless an exception under this section applies, the requirements stated in Section III A(1) and (2) of this Notice must be met.

Note: All documents must be received on or before the pre-application closing deadline to be considered complete and timely filed. Pre-applications that do not include valid and unexpired evidence of site control for transfer proposals, or current market data for projects that do not meet the occupancy standards of Section III A(1) and (2) of this Notice, will be considered incomplete and will be returned to the applicant without further action or appeal rights.

2. Phase II—The second phase of the application process will be completed by the Agency based on Agency records and the pre-application information submitted. All complete, eligible, and timely-filed pre-applications will be scored and ranked based on points received during the application process. Further, the Agency will categorize each MPR proposal as being an Exiting Project Deferral, Simple, Complex, or Portfolio transaction based on the information submitted on the pre-application, in accordance with the category descriptions provided in Section I of this Notice.

All pre-applications will only be submitted electronically. Pre-applications received electronically will be recorded by the actual date and time received in the MPR Web site and used in ranking the pre-application as discussed under section I A 3.

Assistance with filing electronic pre-applications can be obtained from any Rural Development State Office. USDA Rural Development MFH State Office contacts can be found at *http://www.rd.usda.gov/contact-us/state-offices.*

(**Note:** Telephone numbers listed in the Web site are not toll-free.)

The pre-application is in Adobe Acrobat format and will be completed as a fillable form online. The form contains *a button labeled ''Submit by Email'' and must be clicked to receive an email indicating a pre-application has been sent to the MPR Web site* and acknowledging that the pre-applicant will submit to the electronic mail box any required attachments for consideration. If a purchase agreement or market data is required, these additional documents are to be attached to the resulting email prior to submission.

Pre-applications may be downloaded from the Agency's Web site at *http://www.rd.usda.gov/programs-services/housing-preservation-revitalizationdemonstration-loans-grants* or obtained by contacting the State Office in the State the project is located to assist the pre-applicant in gathering the details necessary to complete and submit their electronic application. Additional information may also be obtained in writing by contacting Dean Greenwalt or Abby Boggs, Multi-Family Housing Preservation and Direct Loan Division, STOP 0782, (Room 1263–S), U.S. Department of Agriculture, Rural Development, 1400 Independence Avenue SW., Washington, DC 20250–0782.

V. Application Review Information

A. Pre-application ranking points will be based on information provided during the submission process, and in Agency records. Only timely, complete pre-applications requesting both debt deferral of eligible Section 514 or Section 515 loans *AND* other MPR funding tools will be ranked. Points will be awarded as follows:

1. *Contribution of other sources of funds.* Other funds are those discussed in Section I.B, 4 ''Other Sources of Funds'' paragraph, items (a) through (g), above. Points will be awarded based on documented written evidence that the funds are *committed,* as determined by the Agency. ''Commitment'' means an actual award of funds evidenced by a documented approval, obligation, or another contractual agreement between a third-party funder and the borrower/applicant entity to provide funds. *Commitments that include the terms such as 'may' or 'intend' will not be acceptable for scoring purposes.* The maximum points awarded for this

criterion is 30 points. These points will be awarded in the following manner:

a. Evidence of a commitment of at least $3,000 to $5,000 per unit per project from other sources—10 points, or

b. Evidence of a commitment greater than $5,000 to $10,000 per unit per project from other sources—15 points.

c. Evidence of a commitment greater than $10,000 to $15,000 per unit per project from other sources—20 points.

d. Evidence of a commitment greater than $15,000 per unit per project from other sources—30 points.

2. *Owner contribution.* Points will be awarded if the owner agrees to make a contribution of at least $500 per unit to pay transaction costs. (These funds cannot be from the project's reserve, operating funds, tax credit equity or be in the form of donated services provided by the applicant.) Transaction costs are defined as those Agency approved costs required to complete the transaction under this Notice and include, but are not limited to the CNA, legal and closing costs, appraisal costs, RD MPR credit report and associated MPR document filing/recording fees. This contribution must be deposited into the respective project reserve account prior to closing the MPR transaction from the owner's non-project resources. The maximum points awarded for this criterion is 30 points. These points will be awarded in the following manner:

a. Evidence of a contribution of at least $500 to $650 per unit—10 points, or

b. Evidence of a contribution greater than $651to $900 per unit—20 points, or

c. Evidence of a contribution greater than $901 per unit—30 points.

3. *Owner contribution for the hard costs of construction.* (These funds cannot be from the project's reserve account or project's general operating account or in the form of a loan.) Hard costs of construction are defined as those costs for materials equipment, property or machinery required to complete the proposal under this Notice. Owner contributions under this criteria are not eligible for a Return on Investment (ROI) under 7 CFR 3560.68 if they are part of the minimum 3 percent or 5 percent initial investment required in conjunction with any Section 515 direct loan or have been contributed as any amount used to establish the RTO in a MFH transfer authorized under 7 CFR 3560.406. Owner contributions of the minimum 3 percent or 5 percent initial investment required in conjunction with any new Section 515 direct loan used toward hard costs of construction may be included in the contribution amount of this section to qualify for points. Hard costs must be itemized on Form RD 1924–13, ''*Estimate and Certificate of Actual Cost*''. Form RD 1924–13 can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD1924–13.PDF.*

The minimum contribution required to receive these points is $1,000 per unit per project, and will be required to be deposited in the project reserve account or supervised/construction account as directed by Rural Development prior to closing. An increased RTO may be allowed for funds committed in accordance with 7 CFR 3560.406(d)(14)(ii). The maximum points awarded for this criterion is 15 points. These points will be awarded in the following manner:

a. Evidence of a contribution of at least $1,000 to $2,500 per unit—5 points, or

b. Evidence of a contribution greater than $2,500 to $5,000 per unit—10 points, or

c. Evidence of a contribution greater than $5,000 per unit—15 points.

4. *Exiting Projects.* Points will be awarded to properties where all existing RD loans will mature (*make their final loan payment) on or before December 31, 2023, and which are also competing for other MPR tools.* 25 Points

5. *Persistent Poverty Counties.* Points will be awarded to projects located in persistent poverty counties. A persistent poverty county is a classification for counties in the United States that have had a relatively high rate of poverty over a long period. The USDA's Economic Research Service (ERS) (*http://ers.usda.gov/*) is the main source of economic information and research for USDA and a principal agency of the U.S. Federal Statistical System located in Washington, DC ERS has defined counties as being persistently poor if 20 percent or more of their populations were living in poverty over the last 30 years (measured by the 1980, 1990, and 2000 decennial censuses and 2006–2010 American Community Survey 5-year estimates). Projects in RD designated Strike Force and Promise Zones, Colonias, tribal lands, Rural Economic Area Partnership (REAP) Zone communities, or in a place identified in the State Consolidated Plan or a State needs assessment as a high need community for will also qualify for points under this priority. 15 points

6. Points may be awarded to projects that have been adversely impacted by an event that, as determined by the Agency, directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution over the previous 24 months, or other unavoidable accident causing physical property damage or failure that is not reimbursable by property, casualty or liability insurance or any other form of third-party compensation, such as disaster loans and grants from other agencies. 25 points

7. *Age of project.* For a project consolidation (including portfolio transactions) proposal, the project with the earliest operational date (operational date is the date the project initially placed in service and documented in MFIS) will be used in determining the age of the project. Since the age of the project and the date the project placed in service are generally directly related to physical needs, no pre-application will receive more than a maximum of 30 points based on the following criteria:

a. Projects with initial operational dates prior to December 21, 1979—30 points.

b. Projects with initial operational dates on or after December 21, 1979, but before December 15, 1989—20 points.

c. Projects with initial operational dates on or after December 15, 1989, but before October 1, 1999—10 points.

d. Projects with initial operational dates on or after October 1, 1999—0 points;

8. Projects with Open Physical Findings. An ''Open Physical Finding'' is a physical condition to the property buildings or improvements, identified by the Agency that is not in compliance with the Agency standards published in 7 CFR 3560.103. Projects with Open Physical Findings classified ''B'', ''C'', or ''D'', as defined below, will be awarded points in the following manner:

Class ''D'' Projects

Class ''D'' projects are those projects that are in default and may be taken into inventory, be lost to the program, or cause the displacement of tenants. Defaults can be monetary or non-monetary. Projects in default are those where the Agency has notified the borrower of a violation using the Agency's servicing letter process, and the borrower has not addressed the violation to the Agency's satisfaction.

Class ''C'' Projects

Class ''C'' projects are projects with Open Physical or Financial findings or violations, which are not associated to an approved workout and/or transition plan. This can *include* projects with violations where a servicing letter has been issued but 60 calendar days have not passed since the issuance of the first servicing letter.

Class ''B'' Projects

Class ''B'' projects indicate the Agency has taken servicing steps and the borrower is cooperating to resolve identified findings or violations by associating an approved workout plan and/or transition plan.

For transfer proposals:

a. For projects classified a ''C'' or ''D'' for 24 months or more. 20 points

b. For projects classified as a ''C'' or ''D'' for less than 24 months. 15 points

Stay-in owner proposals:

a. For projects classified as a ''B'' because of a workout and/or transition plan approved by the Agency for not more than 12 months prior to the application closing dates contained in this Notice. 25 points

b. Projects with an Agency ''C'' classification *for 24 months* or longer with Open Findings that were within the owner's ability/control to cure at the time the MPR pre-application is filed will not be eligible to participate in the MPR demonstration program.

9. Closed Sale of Section 515 projects to non-profit/Public Housing Authority. The Agency will award 30 points for projects that have been sold to nonprofit organizations under the prepayment process as explained in 7 CFR 3560, Subpart N. To receive points, the borrower/applicant must provide a copy of *the filed deed with their pre-application.* 30 points

10. Prior approved CNAs. In the interest of ensuring timely application processing and underwriting, the Agency will award up to 20 points for projects with CNAs already approved by the Agency. ''Approved'' means the date the CNA or an updated CNA was approved by the Agency. CNAs or updates previously approved more than 12 months prior to the pre-application submission, may not be used for MPR underwriting without an update approved by the Agency. Points will be awarded for:

a. CNAs approved no earlier than 12 months before MPR closing date specified in this NOTICE for which the MPR pre-application is filed, 20 points

b. CNAs approved no earlier than 24 months before MPR closing date specified in this NOTICE for which the MPR pre-application is filed, 10 points

11. *Tenant service provision.* The Agency will award 5 points for applications that include new services provided by either a for-profit or a non-profit organization, which may include a faith-based organization, or by another Government agency. Such services shall be provided at no cost to the project and shall be made available to all tenants. Examples of such services may include transportation for the elderly, afterschool day care services or after-school tutoring. 5 points.

12. For portfolio sales with project consolidations as defined in this Notice, the Agency will award the following points:

a. Proposal does not involve a consolidation of properties 0 points;

b. Proposal involves a consolidation of 2–4 properties 5 points;

c. Proposal involves a consolidation of 5 or more properties 10 points.

13. Energy Conservation, Energy Generation, and Green Property Management. Project may receive a maximum total of not more than a combined 42 points under three categories: Energy Conservation, Energy Generation, and Green Property Management. 42 Points

a. Energy Conservation. Under the MPR Energy Initiatives, projects participating in the Green Communities program by the Enterprise Community Partners, *http://www.enterprisecommunity.com/solutions-and-innovation/enterprise-greencommunities,* will be awarded 40 points for any project that qualifies for the program provided at least 30 percent of the points needed to qualify for the Green Communities program are being earned under the Energy Efficiency section of the Green Communities program. Participation in Green Communities has an initial checklist indicating prerequisites for participation. Each applicant must provide a checklist establishing that the prerequisites for each program's participation will be met. Additional points will be awarded for checklists that achieve higher levels of energy efficiency certification as set forth in paragraph 2 below. All checklists must be accompanied by a signed affidavit by the project architect or engineer stating that the goals are achievable. 40 Points

b. Other Energy Conservation. If you are *not enrolling* in the Green Communities program, then points can be accumulated for each of the following items up to a total of 30 points. Provide documentation to substantiate your answers below: *documentation may include a signed statement agreeing to replace the items, when needed, with Energy Star rated items.*

i. This proposal includes the replacement of heating, ventilation, and air conditioning (HVAC) equipment with Energy Star qualified heating, ventilation, and air conditioning equipment. 4 points

ii. This proposal includes the replacement of windows and doors with Energy Star qualified windows and doors. 4 points

iii. This proposal includes additional attic and wall insulation that exceeds the required R-Value of these building elements for your areas as per the International Energy Conservation Code 2012. Three points will be awarded if all exterior walls exceed insulation code, and 2 points will be awarded if attic insulation exceeds code for a maximum of 5 points.

iv. This proposal includes the reduction in building shell air leakage by at least 15 percent as determined by pre- and post-rehab blower door testing on a sample of units. Building shell air leakage may be reduced through materials such as caulk, spray foam, gaskets, and house-wrap. Sealing of duct work with mastic, foil-backed tape, or aerosolized duct sealants can also help reduce air leakage. 4 points

v. This proposal includes 100 percent of installed appliances and exhaust fans that are Energy Star qualified. 3 points

vi. This proposal includes 100 percent of installed water heaters that are

vii. Energy Star qualified. 3 points

viii. This proposal included replacement of 100 percent of toilets with flush capacity of more than 1.6 gallon flush capacity with new toilets having 1.6 gallon flush capacity or less, and with Environment Protection Agency (EPA) Water Sense label. 2 points

ix. This proposal includes 100 percent of new showerheads with EPA Water Sense label. 2 points

x. This proposal included 100 percent of new faucets with EPA Water Sense label. 1 point

xi. This proposal included 100 percent energy-efficient lighting including, but not limited to, Energy Star qualified fixtures, compact fluorescent replacement bulbs in standard incandescent fixtures and Energy Star ceiling fans. 2 points

AND

c. Participation in local green/energy efficient building standards. Applicants who participate in a city, county, or municipality program will receive an additional 2 points. The applicant should be aware and look for additional requirements that are sometimes embedded in the third-party program's rating and verification systems. 2 points

14. Energy Generation (Maximum 5 Points).

Pre-applications which participate in the Green Communities program by the Enterprise Community Partners, or receive at least 20 points for Energy Conservation measures, are eligible to earn additional points for installation of

on-site renewable energy sources. Renewable, on-site energy generation will complement a weather-tight, well-insulated building envelope with highly efficient mechanical systems. Possible renewable energy generation technologies include, but are not limited to: wind turbines and micro-turbines, micro-hydro power, photovoltaic (capable of producing a voltage when exposed to radiant energy, especially light), solar hot water systems and biomass/biofuel systems that do not use fossil fuels in production. Geo-exchange systems are highly encouraged as they lessen the total demand for energy and, if supplemented with other renewable energy sources, can achieve zero energy consumption more easily.

Points under this paragraph will be awarded as follows. Projects with preliminary or rehabilitation building plans and energy analysis that propose a 10 percent to 100 percent energy generation commitment (where generation is considered to be the total amount of energy needed to be generated on-site to make the building a net-zero consumer of energy) may be awarded points corresponding to their percent of commitment as follows:

a. 10 to 20 percent commitment to energy generation receives 1 point;

b. 21 to 40 percent commitment to energy generation receives 2 points;

c. 41 to 60 percent commitment to energy generation receives 3 points;

d. 61 to 80 percent commitment to energy generation receives 4 points;

e. 81 to 100 percent or more commitment to energy generation receives 5 points.

In order to receive more than 1 point for this energy generation paragraph, an accurate energy analysis prepared by an engineer will need to be submitted with the pre-application. Energy analysis of preliminary building plans using industry-recognized simulation software must document the projected total energy consumption of the building, the portion of building consumption which will be satisfied through on-site generation, and the building's Home Energy Rating System (HERS) score.

15. Green Property Management Credentials (5 Points).

Pre-applications may be awarded an additional 5 points if the designated property management company or individuals that will assume maintenance and operations responsibilities upon completion of construction work have a Credential for Green Property Management. Credentialing can be obtained from the National Apartment Association (NAA), National Affordable Housing Management Association, The Institute for Real Estate Management, or the U.S. Green Building Council's Leadership in Energy and Environmental Design for Operations and Maintenance (LEED OM). Credentialing must be illustrated in the resume(s) of the property management team and included with the pre-application.

16. Sponsor Bonus.

Pre-applications submitted solely by an Indian tribe or non-profit Organization as defined in 7 CFR 3560.11 and providing appropriate documentation with the pre-application will receive an additional 10 points.

The Agency will total the points awarded to each pre-application and rank them according to their respective total score. If point totals are equal, the earliest time and date the pre-application was received by the Agency will determine the ranking. In the event pre-applications are still tied, they will be further ranked by giving priority to those projects with the earliest Rural Development operational date as defined under section V A 7.

B. Confirmation of Eligibility.

For pre-applications submitted under this Notice requesting debt deferral *only* of the eligible Section 515 or Section 514 loans, the Agency will conduct eligibility determinations on an ongoing basis, and eligible applicants will be authorized to proceed, subject to the availability of appropriated funds under the MPR program.

For pre-applications submitted under this Notice, eligibility will be confirmed after ranking is completed. If one or more of the pre-applications is determined ineligible then the next highest-scoring pre-application will be confirmed for eligibility.

If one or more of the pre-applications is a portfolio transaction, eligibility determinations will be conducted on each pre-application associated with the portfolio. Should any of the pre-applications associated with the portfolio be determined ineligible, those ineligible pre-application(s) will be rejected, but the overall eligibility of the portfolio will not be affected as long as the requirements in Section I and other provisions of this Notice are met, as determined by the Agency.

If one or more of the pre-applications in a State is a project consolidation, and one of the projects involved in the consolidation does not meet the occupancy standards cited in Section III A (4) and (5), that project(s) will be determined ineligible and eliminated from the proposed consolidation transaction.

1. Award Administration Information.

A. Selection of Pre-Applications for Further Processing.

For pre-applications submitted under this Notice and requesting debt deferral only, the Agency will complete the eligibility confirmations on an ongoing basis and authorize those applicants determined eligible to proceed, subject to the availability of appropriated funds under the MPR program.

B. Pre-Application Selection.

State offices will score complete pre-applications, received on or prior to the submission deadlines in the ''DATES'' section of this Notice, using the criteria in Section ''V. *Application Review Information*'' in this Notice. State Offices will process the pre-applications selected under this Notice to submit an application in ''highest score to lowest score'' order. Pre-applications selected under this Notice to submit an application that request and receive application submission extensions will not be processed in ''highest score to lowest score'' order. Rather, they will be processed after those pre-applications selected under this Notice to submit an application *not requesting extensions* and in the order their complete application is received by the State Office.

Those eligible pre-applications that are ranked and then selected for further processing will be invited to submit a formal application on SF 424, ''Application for Federal Assistance.'' Applications (SF 424s) can be obtained and completed online. An electronic version of this form may be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/SF424.PDF.* Refer to Section VIII of this Notice, below, for a link to all Rural Development State Offices.

Applicants rejected will be notified that their pre-applications were not selected and advised of their appeal rights under 7 CFR part 11.

Awards made under this Notice are subject to the provisions contained in the Agriculture, Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113235, Division E, Title 1, sections 744 and 745, regarding corporate felony convictions and corporate federal tax delinquencies. In accordance with those provisions, only selected applicants that are or propose to be corporations need submit the following form as part of their MPR formal application; such applicants must submit an executed form AD–3030, which can be found online at: *http://www.ocio.usda.gov/document/ad3030.*

If a pre-application is accepted for further processing, the applicant must submit additional information needed to demonstrate eligibility and feasibility (such as a CNA), consistent with this

Notice and other pertinent RRH or FLH transfer and program provisions consistent with 7 CFR part 3560, prior to the issuance of any MPR offer. In the case of transfers, the transferee must comply with the requirements of 7 CFR 3560.406 including all Agency approval and closing conditions prior to closing any of the MPR tools. The Agency will provide additional guidance to the applicant and request information and documents necessary to complete the underwriting and review process. Since the character of each application may vary substantially depending on the type of transaction proposed, information requirements will be provided as appropriate.

Complete project information must be submitted as soon as possible, but in no case later than 45 calendar days from the date of Agency notification of the applicant's selection for further processing. MPR transfer applicants must submit a preliminary transfer request as required by 7 CFR 3560.406 (c) within 45 days of the RD notification and will be allowed a total of 180 days in which to submit the final transfer MPR application. If the State Office determines there exists compelling reasons the full transfer application cannot be delivered within the stated timeframe and upon the receipt of the applicant's written request the MPR due date may be extended for an additional period of 90 days (Section VI. B. will apply). Any extensions beyond the former must recommended by the State Office and concurred by the HQ Review Underwriter assigned to the State.

Notwithstanding the aforementioned, any pre-applications selected under this Notice's, will be considered withdrawn on December 31, 2018, if not approved by the Agency. *These deadlines will not be extended, so please plan your transaction's timeline accordingly. Applicants may reapply for funding under future rounds and/or Notices as they may be made available.*

Failure to submit the required information in a timely manner will result in the Agency discontinuing the processing of the request.

The Agency will work with the applicants selected for further processing in accordance with the following:

a. Based on the feasibility of the type of transaction that will best suit the project and the availability of funds, further eligibility confirmation determinations will be conducted by the Agency.

b. If an Agency-approved CNA has not already been submitted to the Agency, an Agency-approved CNA will be required (see 7 CFR 3560.103(c) and the Agency's published ''Guidance on the Capital Needs Assessment Process'' available at *http://www.rd.usda.gov/programs-services/housing-preservation-revitalizationdemonstration-loans-grants* and the CNA Statement of Work together with any non-conflicting amendments). Agency-approved CNAs must be prepared by a qualified independent contractor, and are obtained to determine needed repairs and any necessary adjustments to the reserve account for long-term project viability.

c. Underwriting will be conducted by the Agency. The feasibility and structure of each revitalization proposal will be based on the Agency's underwriting and determination of the MPR funding tools that will minimize the cost to the Government consistent with the purposes of this Notice.

C. MPR Offers.

Approved MPR offers will be presented to successful applicants who will then have up to 15 calendar days to accept or reject the offer in writing. If no offer is made or if the applicant fails to accept or reject the offer presented, the application will be rejected and appeal rights will be given. Closing of MPR offers will occur within six months of the obligation of MPR tools unless extended in writing by the Agency. All Offers are explicitly made subject to the availability of appropriated funds. Should sufficient funds not be available at any time to funds any authorized MPR offers for which funds have not been obligated, including those with only transfer debt deferral, the Agency may notify the applicant accordingly and the authorization may be cancelled.

VI. Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410;

(2) *fax:* (202) 690–7442; or

(3) *email: program.intake@usda.gov.*

VII. Award Agency Contacts

USDA Rural Development MFH State Office contacts can be found at: *http://rd.udsa.gov/contact-us/state-offices.* (Note: Telephone numbers listed are not toll-free.)

Appropriation Act funding will be posted on the Rural Development Web site.

All adverse determinations are appealable pursuant to 7 CFR part 11. Instructions on the appeal process will be provided at the time an applicant is notified of the adverse action.

Dated: August 29, 2017.

Richard A. Davis,

Acting Administrator, Rural Housing Service.

[FR Doc. 2017–18753 Filed 9–1–17; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; 2017–2019 Business Research and Development Surveys

AGENCY: U.S. Census Bureau, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to

comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written or on-line comments must be submitted on or before November 6, 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(s) and instructions should be directed to Michael Flaherty, U.S. Census Bureau, HQ–6H149, 4600 Silver Hill Rd., Suitland, MD 20746, (301) 763–7699 (or via the internet at *michael.j.flaherty@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau, with support from the National Science Foundation (NSF), plans to conduct the Business Research and Development Survey (BRDS) for the 2017–2019 survey years (collected in calendar years 2018–2020). The BRDS covers all domestic, non-farm, for-profit businesses with at least 10 paid employees. The BRDS provides the only comprehensive data on Research and Development (R&D) costs and detailed expenses by type and industry.

The Census Bureau has conducted an R&D survey since 1957 (the Survey of Industrial Research and Development (SIRD) from 1957–2007 and the Business R&D and Innovation Survey (BRDIS) from 2008–2016), collecting primarily financial information on the systematic work companies undertake to discover new knowledge or use existing knowledge to develop new or improved goods and services.

From 2008–2015, the BRDIS collected R&D and innovation data from companies with five or more employees. In 2016, the BRDIS collected R&D and innovation data from companies with at least one paid employee. Beginning in 2017, the BRDS will no longer collect innovation data and only companies with at least 10 paid employees will be in scope. The Census Bureau will continue to collect R&D data from companies with fewer than 10 employees, and innovation data from all companies, however, beginning in 2017, these data will be collected on a different survey.

The 2017–2019 BRDS will continue to collect the following types of information:

- R&D expense based on accepted accounting standards.
- Worldwide R&D of domestic companies.
- Business segment detail.
- R&D-related capital expenditures.
- Detailed data about the R&D workforce.
- R&D strategy and data on the potential impact of R&D on the market.
- R&D directed to application areas of particular national interest.
- Data measuring intellectual property protection activities and technology transfer.

Domestic and foreign researchers in academia, business, and government analyze and cite data from the BRDS. Among the federal government users are the Bureau of Economic Analysis (BEA) and the White House's Office of Science and Technology Policy (OSTP). BEA includes R&D in the system of national accounts that measures the economic well-being of the country. BRDS data are key inputs into these accounts, which feed into the calculation of the U.S. Gross Domestic Product (GDP). The White House, in 2006, issued the American Competitiveness Initiative to ''increase investments in research and development, strengthen education, and encourage entrepreneurship.'' In support of this initiative and in response to legislative mandates, data on R&D are delivered to OSTP, primarily in the biennial National Science Board report *Science and Engineering Indicators.* Also, the National Science Foundation (NSF) produces a series of publications containing R&D data including the *National Patterns of R&D Resources* series, the *S&E State Profile* series, and the annual *Business R&D and Innovation* series. Special reports and other publications are also prepared.

II. Method of Collection

Beginning in 2017, the BRDS will follow a primarily electronic collection strategy. The BRD–1 form will be available on the Web site to assist respondents with gathering the required data prior to reporting online. Paper forms will also be sent to respondents upon request, however no paper forms will be included in initial mail packets. The online survey automatically skips questions that do not apply [based on previous responses] and checks for common errors. Links to detailed question-by-question instructions will be embedded in the electronic instrument. Excel spreadsheets are available to facilitate the electronic collection of information from various areas of the companies. Respondents have the capability to download the spreadsheets from the Census Bureau's Web site. A consolidator spreadsheet is also available to assist companies that need to gather information from business units and then compile the information into one company report.

The due date will be six weeks after mail out.

III. Data

OMB Control Number: 0607–0912.

Form Number: BRD–1.

Type of Review: Regular submission.

Affected Public: All domestic, non-farm, for-profit (public or private) businesses with at least 10 paid employees.

Estimated Number of Respondents: 45,000.

Estimated Time per Response: 3.3 hours.

Estimated Total Annual Burden Hours: 148,600.

Estimated Total Annual Cost: $0.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 8(b), 131, and 182; and Title 42, United States Code, Sections 1861–76 (National Science Foundation Act of 1950, as amended).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information 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.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–18656 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: Pursuant to section 251 of the Trade Act 1974, as amended, the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[8/15/2017 through 8/23/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Lemfco, Inc	100 South Commerce Street, Galena, IL 61036.	8/15/2017	The firm manufactures iron castings of up to 70 pounds.
Twin Oaks Industries, Inc	2001 West Grand Avenue, Salina, KS 67401	8/18/2017	The firm manufactures customized metal fabricated products, primarily of carbon steel and aluminum steel.
Optics Technology, Inc	3800 Monroe Avenue, Suite 6, Pittsford, NY 14534.	8/16/2017	The firm manufactures micro-optics and mechanics for high resolution imaging.
Mid-Mountain Materials, Inc	2731 77th Avenue Southeast, Suite 100; Box 800, Mercer Island, WA 98040.	8/18/2017	The firm manufactures precision coated fiberglass fabric, high-temperature resistant textiles and thermal insulation materials.
RPM Industries, Inc. d/b/a Promold Plastics.	91 Main Street, Portland, CT 06480	8/23/2017	The firm manufactures custom parts and molds.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2017–18638 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 170802716–7716–01]

National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of the Proposed Fiscal Year 2019 Annual Materials Plan

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of inquiry; request for comments.

SUMMARY: The purpose of this notice is to advise the public that the National Defense Stockpile Market Impact Committee, co-chaired by the Departments of Commerce and State, is seeking public comments on the potential market impact of the proposed Fiscal Year 2019 National Defense Stockpile Annual Materials Plan. The role of the Market Impact Committee is to advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions, conversions, and disposals involving the stockpile and related material research and development projects. Public comments are an important element of the Committee's market impact review process.

DATES: To be considered, written comments must be received by October 5, 2017.

ADDRESSES: Address all comments concerning this notice to Eric Longnecker, U.S. Department of Commerce, Bureau of Industry and Security, Office of Strategic Industries and Economic Security, 1401 Constitution Avenue NW., Room 3876, Washington, DC 20230, fax: (202) 482–5650 (Attn: Eric Longnecker), email: *MIC@bis.doc.gov;* and Landon Derentz, Energy Policy Advisor, U.S. Department of State, Bureau of Energy Resources, 2201 C Street NW., Washington, DC 20520, fax: (202) 647–4037 (Attn: Landon Derentz), email: *DerentzL@state.gov.*

FOR FURTHER INFORMATION CONTACT: Parya Fenton, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, telephone: (202) 482–8228, fax: (202) 482–5650 (Attn: Parya Fenton), email: *MIC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the Strategic and Critical Materials Stock Piling Revision Act of 1979, as amended (the Stock Piling Act) (50 U.S.C. 98 *et seq.*), the Department of Defense's Defense Logistics Agency (DLA), as National Defense Stockpile Manager, maintains a stockpile of strategic and critical materials to supply the military, industrial, and essential civilian needs

of the United States for national defense. Section 9(b)(2)(G)(ii) of the Stock Piling Act (50 U.S.C. 98(h)(b)(2)(G)(ii)) authorizes the National Defense Stockpile Manager to fund material research and development projects to develop new materials for the stockpile.

Section 3314 of the Fiscal Year (FY) 1993 National Defense Authorization Act (NDAA) (50 U.S.C. 98h–1) formally established a Market Impact Committee (the Committee) to ''advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile. . . .'' The Committee must also balance market impact concerns with the statutory requirement to protect the U.S. Government against avoidable loss.

The Committee is comprised of representatives from the Departments of Commerce, State, Agriculture, Defense, Energy, Interior, the Treasury, and Homeland Security, and is co-chaired by the Departments of Commerce and State. The FY 1993 NDAA directs the Committee to consult with industry representatives that produce, process, or consume the materials stored in or of interest to the National Defense Stockpile Manager.

As the National Defense Stockpile Manager, the DLA must produce an Annual Materials Plan proposing the maximum quantity of each listed material that may be acquired, disposed of, upgraded, converted, recovered, or sold by the DLA in a particular fiscal year. In Attachment 1, the DLA lists the quantities and type of activity (potential acquisition, potential disposal, potential upgrade, potential conversion, potential recovery, or potential sale) associated with each material in its proposed FY 2019 Annual Materials Plan (''AMP''). The quantities listed in Attachment 1 are not acquisition, disposal, upgrade, conversion, recovery, or sales target quantities, but rather a statement of the proposed maximum quantity of each listed material that may be acquired, disposed of, upgraded, converted, recovered, or sold in a particular fiscal year by the DLA, as noted. The quantity of each material that will actually be acquired or offered for sale will depend on the market for the material at the time of the acquisition or offering, as well as on the quantity of each material approved for acquisition, disposal, conversion, recovery, or upgrade by Congress.

The Committee is seeking public comments on the potential market impact associated with the proposed FY 2019 AMP as enumerated in Attachment 1. Public comments are an important element of the Committee's market impact review process.

Submission of Comments

The Committee requests that interested parties provide written comments, supporting data and documentation, and any other relevant information on the potential market impact of the quantities associated with the proposed FY 2019 AMP. All comments must be submitted to the addresses indicated in this notice. All comments submitted through email must include the phrase ''Market Impact Committee Notice of Inquiry'' in the subject line.

The Committee encourages interested persons who wish to comment to do so at the earliest possible time. The period for submission of comments will close on October 5, 2017. The Committee will consider all comments received before the close of the comment period. Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured.

All comments submitted in response to this notice will be made a matter of public record and will be available for public inspection and copying. Anyone submitting business confidential information should clearly identify the business confidential portion of the submission and also provide a non-confidential submission that can be placed in the public record. The Committee will seek to protect such information to the extent permitted by law.

The Office of Administration, Bureau of Industry and Security, U.S. Department of Commerce, displays public comments on the BIS Freedom of Information Act (FOIA) Web site at *http://www.bis.doc.gov/foia.* This office does not maintain a separate public inspection facility. If you have technical difficulties accessing this Web site, please call BIS's Office of Administration at (202) 482–1900 for assistance.

Dated: August 25, 2017.

Richard Ashooh,

Assistant Secretary for Export Administration.

Attachment 1

PROPOSED FISCAL YEAR 2019 ANNUAL MATERIALS PLAN

Material	Unit	Quantity	Footnote
Potential Disposals:			
Beryllium Metal	ST	6	
Chromium, Ferro	ST	23,500	
Chromium, Metal	ST	200	
Germanium Scrap	kg	5,000	
Manganese, Ferro	ST	50,000	
Manganese, Metallurgical Grade	SDT	322,025	(1)
Nickel Based Alloys	Lbs	150,000	
Platinum	Tr Oz	8,380	
PGM—Iridium	Tr Oz	489	
Tantalum Carbide Powder	Lb Ta	3,777	
Tantalum Scrap	Lbs	190	
Titanium Based Alloys	Lbs	75,000	
Tungsten Metal Powder	LB W	275,738	(1)
Tungsten Ores and Concentrates	LB W	3,000,000	
Zinc	ST	7,993	
Potential Acquisitions:			
Antimony	MT	1,100	
Boron Carbide	MT	1,000	
High Modulus High Strength Carbon Fibers	MT	72	
Carbon Fibers	m^2	5,000	
CZT (Cadmium Zinc Tellurium substrates)	cm^2	32,000	
Dysprosium	MT	0.5	

PROPOSED FISCAL YEAR 2019 ANNUAL MATERIALS PLAN—Continued

Material	Unit	Quantity	Footnote
Electrolytic Manganese Metal	MT	3,000	
Europium	MT	35	
Ferro-niobium	MT	209	
Lithium Ion Precursors	kg	19,000	
Rare Earths Elements	MT	416	(3)
Rare Earth Magnet Feedstock	MT	100	(3)
Rayon	MT	600	
Silicon Carbide Fibers	Lbs	875	
TATB (Triamino-Trinitrobenzene)	LB	48,000	
Tantalum	Lb Ta	33,990	
Tin	MT	40	
Tungsten Rhenium Metal	kg	5,000	
Yttrium Oxide	MT	10	
Potential Conversions (Upgrade, rotation, reprocessing, etc.):			
Beryllium Metal	ST	5	
CZT (Cadmium Zinc Tellurium substrates)	cm^2	32,000	
High Modulus High Strength Carbon Fibers	MT	72	
Dysprosium	MT	0.5	
Europium	MT	35	
Germanium Scrap	kg	5,000	
Iridium Catalyst	Lbs	50	
Rare Earths Elements	MT	416	(3)
Silicon Carbide Fibers	Lbs	875	
Tin	MT	804	
Potential Recovery from Government Sources:			
Bearing Steel	MT	50	
E-Waste	MT	50	(2)
Gadolinium Oxide	MT	4	
Germanium (Scrap)	kg	5,000	
Iridium Catalyst (Scrap)	Lbs	50	
Lithium Ion Precursors	MT	25	
Magnesium Metal	MT	10	
Nickel Based Alloys	Lbs	150,000	
Rare Earth Elements—Magnets	MT	100	
Rhenium Metal	kg	500	
Permanent Magnet Alloys	kg	500	
Tantalum	MT	10	
Titanium Based Alloys (Scrap)	Lbs	75,000	
Yttrium Aluminum Garnet Rods (Scrap)	kg	250	
Zirconia Oxide	MT	4	

Footnote Key:
[1] Actual quantity will be limited to remaining inventory.
[2] Strategic and Critical Materials collected from E-Waste.
[3] Excludes acquisition of yttrium, dysprosium and europium as these rare earths were requested under separate legislation.

[FR Doc. 2017–18664 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–832]

Carbon and Alloy Steel Wire Rod From the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination and Preliminary Affirmative Critical Circumstances Determination, in Part

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of carbon and alloy steel wire rod (wire rod) from the Republic of Turkey (Turkey). The period of investigation is January 1, 2016, through December 31, 2016.

DATES: Applicable September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Justin Neuman or Omar Qureshi, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3813 or (202) 482–7438, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on April 26, 2017.[1] On June 5, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now August 25, 2017.[2] For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision

[1] *See Carbon and Alloy Steel Wire Rod from Italy and Turkey: Initiation of Countervailing Duty Investigations,* 82 FR 19213 (April 26, 2017) (*Initiation Notice*).

[2] *See Carbon and Alloy Steel Wire Rod from Italy and the Republic of Turkey: Postponement of Preliminary Determinations of Countervailing Duty Investigations,* 82 FR 25771 (June 5, 2017).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod from the Republic of Turkey,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is wire rod from Turkey. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.* , scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the Initiation Notice as well as additional language proposed by the Department. For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.[6] The Department is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. See scope in Appendix I.

Methodology

The Department is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.* , a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7]

The Department notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to the Department's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.[8] For further information, see ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 703(e)(1) of the Act, the Department preliminarily determines that critical circumstances exist with respect to imports of wire rod for all other exporters or producers not individually examined. For a full description of the methodology and results of the Department's analysis, see the Preliminary Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, the Department shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. In this investigation, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for Habas Sinai Ve Tibbi Gazlar Istih (Habas). Consequently, the rate calculated for Habas is also assigned as the rate for all-other producers and exporters.

Preliminary Determination

The Department preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate
Habas Sinai Ve Tibbi Gazlar Istih.	2.27 percent.
Icdas Celik Eberji Tersane Ve Ulasim San (Icdas).	*de minimis.*
All-Others	2.27 percent.

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the rates indicated above. Because the subsidy rate for Icdas is *de minimis*, the Department is directing CBP not to suspend liquidation of entries of the merchandise from this company.

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. The Department preliminarily finds that critical circumstances exist for ''all other'' exporters or producers of subject merchandise. In accordance with section 703(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise from the exporters/producers identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

Disclosure

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice,* 82 FR at 19214.

[6] *See* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated August 7, 2017 (Preliminary Scope Decision Memorandum).

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] *See* sections 776(a) and (b) of the Act.

issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, the Department will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: August 25, 2017.

Gary Taverman,

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

Appendix I

Scope of the Investigation

The merchandise covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.* , products that contain by weight oneor more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope Comments
IV. Scope of the Investigation
V. Respondent Selection
VI. Injury Test
VII. Preliminary Determination of Critical Circumstances
VIII. Subsidies Valuation
IX. Use of Facts Otherwise Available and Adverse Inferences
X. Analysis of Programs
XI. ITC Notification
XII. Disclosure and Public Comment
XIII. Verification
XIV. Conclusion

[FR Doc. 2017–18640 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–DS–P

[9] See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–837]

Carbon and Alloy Steel Wire Rod From Italy: Preliminary Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of carbon and alloy steel wire rod (wire rod) from Italy. The period of investigation is January 1, 2016, through December 31, 2016.

DATES: Applicable September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas or John Corrigan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3813 or (202) 482–7438, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on April 26, 2017.[1] On June 5, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now August 25, 2017.[2] For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*, and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is wire rod from Italy. For

[1] *See Carbon and Alloy Steel Wire Rod from Italy and Turkey: Initiation of Countervailing Duty Investigations*, 82 FR 19213 (April 26, 2017) (*Initiation Notice*).

[2] *See Carbon and Alloy Steel Wire Rod from Italy and the Republic of Turkey: Postponement of Preliminary Determinations of Countervailing Duty Investigations*, 82 FR 25771 (June 5, 2017).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod from Italy,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the Initiation Notice set aside a period of time for parties to raise issues regarding product coverage, (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the Initiation Notice as well as additional language proposed by the Department. For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.[6] The Department is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. *See* scope in Appendix I.

Methodology

The Department is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7]

The Department notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to the Department's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.[8] For further information, see ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, the Department shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. In this investigation, the Department preliminarily assigned a rate based entirely on facts available to Ferriera Valsider S.p.A. (Ferriera Valsider). Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available, is the rate calculated for Ferriere Nord S.p.A. (Ferriere Nord). Consequently, the rate calculated for Ferriere Nord is also assigned as the rate for all-other producers and exporters.

Preliminary Determination

The Department preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Ferriere Nord S.p.A.[9]	1.70
Ferriera Valsider S.p.A	44.18
All-Others	1.70

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, the Department will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice*, 82 FR at 19214.

[6] *See* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated August 7, 2017 (Preliminary Scope Decision Memorandum).

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] *See* sections 776(a) and (b) of the Act.

[9] As discussed in the Preliminary Decision Memorandum, the Department has found the following companies to be cross-owned with Ferriere Nord: FIN FER S.p.A.; Acciaierie di Verona S.p.A.; and SIAT S.p.A.

[10] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

Dated: August 25, 2017.

Gary Taverman,

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

Appendix I—Scope of the Investigation

The merchandise covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope Comments
IV. Scope of the Investigation
V. Respondent Selection
VI. Injury Test
VII. Subsidies Valuation
VIII. Use of Facts Otherwise Available and Adverse Inferences
IX. Analysis of Programs
X. ITC Notification
XI. Disclosure and Public Comment
XII. Verification
XIII. Conclusion

[FR Doc. 2017–18641 Filed 9–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–854]

Certain Tin Mill Products From Japan: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this sunset review, the Department of Commerce (the Department) finds that revocation of the antidumping duty order on certain tin mill products (tin mill products) from Japan would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Reviews'' section of this notice.

DATES: Applicable September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3813.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2017, the Department published the notice of initiation of the third sunset review of the antidumping duty order on tin mill products from Japan, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[1] On May 11, 2017, the Department received a notice of intent to participate in this review from ArcelorMittal USA LLC, and on May 15, 2017, the Department received a notice of intent to participate in this review from United States Steel Corporation (collectively, domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i). These domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic like product in the United States.

On May 31, 2017, we received complete substantive responses for this review from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from respondent interested parties, nor was a hearing requested. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department is conducting an expedited (120-day) sunset review of the order.

[1] *See Initiation of Five-Year (''Sunset'') Reviews,* 82 FR 20314 (May 1, 2017).

Scope of the Order

The products covered by the antidumping duty order are tin mill flat-rolled products that are coated or plated with tin, chromium or chromium oxides. Flat-rolled steel products coated with tin are known as tin plate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The merchandise covered by the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 7212.10.0000, and 7212.50.0000 if of non-alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0180 if of alloy steel. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order remains dispositive.[2]

Analysis of Comments Received

All issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the order were revoked, are addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

[2] A full description of the scope of the order is contained in the memorandum to 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, from James Maeder, Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Certain Tin Mill Products from Japan'' (Issues and Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty order on tin mill products from Japan would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 95.29 percent.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely 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.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: August 29, 2017.

Gary Taverman,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. History of the Order
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2017–18729 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Department of Commerce Trade Finance Advisory Council; Notice of Meeting

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

ACTION: Notice of an open meeting.

SUMMARY: The U.S. Department of Commerce Trade Finance Advisory Council (TFAC or Council) will hold a meeting via teleconference on Monday, September 18, 2017. The meeting is open to the public with registration instructions provided below.

The TFAC was chartered on August 11, 2016, to advise the Secretary in identifying effective ways to help expand access to finance for U.S. exporters, especially small and medium-sized enterprises, and their foreign buyers.

DATES: Monday, September 18, 2017, from approximately 2:00 p.m. to 3:00 p.m. Eastern Daylight Time (EDT). The deadline for members of the public to register, including requests for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on Monday, September 11, 2017. The final agenda will be posted on the Department of Commerce Web site for TFAC at *http://trade.gov/tfac,* at least one week in advance of the meeting.

ADDRESSES: The meeting will be held by conference call. The call-in number and passcode will be provided by email to registrants. Requests to register (including for auxiliary aids) and any written comments should be submitted via email to *TFAC@trade.gov,* or by mail to Ericka Ukrow, Office of Finance and Insurance Industries, U.S. Department of Commerce Trade Finance Advisory Council, Room 18002, 1401 Constitution Avenue NW., Washington, DC 20230. Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Ericka Ukrow, Designated Federal Officer, Office of Finance and Insurance Industries (OFII), International Trade Administration, U.S. Department of Commerce at (202) 482–0405; email: *Ericka.Ukrow@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 25, 2016, the Secretary of Commerce established the TFAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The TFAC advises the Secretary of Commerce in identifying effective ways to help expand access to finance for U.S. exporters, especially small- and medium-sized enterprises (SMEs) and their foreign buyers. The TFAC also provides a forum to facilitate the discussion between a diverse groups of stakeholders such as banks, non-bank financial institutions, other trade finance related organizations, and exporters, to gain a better understanding regarding current challenges facing U.S. exporters in accessing finance.

During the meeting on September 18, 2017, TFAC members are expected to deliberate and potentially adopt a letter outlining its recommendation for Secretary of Commerce on ''Increasing Credit Capacity for U.S. SME Exporters.'' A copy of the draft recommendation can be made available upon request to Ericka Ukrow at (202) 482–0405; email: *Ericka.Ukrow@trade.gov.*

II. Public Participation

The meeting will be open to the public and will be accessible to people with disabilities.

All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted, by the registration deadline, as explained under the **ADDRESSES** caption. Last minute requests will be accepted, but may not be possible to fill. There will be fifteen minutes allotted for oral comments from members of the public. Any member of the public may submit pertinent written comments concerning matters relevant to the TFAC's affairs at any time before or after the meeting. Comments may be submitted to Ericka Ukrow, at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EDT on Monday, September 11, 2017, to ensure transmission to the Council prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered on the call. Comments and statements will be posted on the U.S. Department of Commerce Trade Finance Advisory Council Web site (*http://trade.gov/TFAC*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers.

All comments and statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you are prepared to have made publicly available.

III. Meeting Minutes

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

Dated: August 29, 2017.

Paul Thanos,

Director, Office of Finance and Insurance Industries.

[FR Doc. 2017–18655 Filed 9–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Renewable Energy and Energy Efficiency Advisory Committee; Notice of a Meeting

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

ACTION: Notice of an open meeting.

SUMMARY: The Renewable Energy and Energy Efficiency Advisory Committee (REEEAC) will hold a meeting on Thursday, November 16, 2017 at the U.S. Department of Commerce Herbert C. Hoover Building in Washington, DC. The meeting is open to the public with registration instructions provided below.

DATES: November 16, 2017, from approximately 8:30 a.m. to 5:00 p.m. Eastern Standard Time (EST). Members of the public wishing to participate must register in advance with Victoria Gunderson at the contact information below by 5:00 p.m. EST on Friday, November 10, 2017, in order to pre-register, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

ADDRESSES: To register, please contact Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), International Trade Administration, U.S. Department of Commerce at (202) 482–7890; email: *Victoria.Gunderson@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), International Trade Administration, U.S. Department of Commerce at (202) 482–7890; email: *Victoria.Gunderson@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), on July 14, 2010. The REEEAC was re-chartered most recently on June 9, 2016. The REEEAC provides the Secretary of Commerce with consensus advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of the U.S. renewable energy and energy efficiency products and services.

On November 16, the REEEAC will hold the third in-person meeting of its new charter term and hold REEEAC sub-committee working sessions, discuss next steps for each sub-committee (Export Competitiveness, Market Access, and Finance), consider recommendations for approval, and hear from officials from the Department of Commerce and other agencies on major issues affecting the competitiveness of the U.S. renewable energy and energy efficiency industries. Agenda will be made available by November 1 upon request.

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact Ms. Gunderson and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant by 5:00 p.m. EST on Friday, November 10, 2017. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Ms. Gunderson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries, U.S. Department of Commerce; 1401 Constitution Avenue NW.; Mail Stop: 4053; Washington, DC 20230. To be considered during the meeting, written comments must be received no later than 5:00 p.m. EST on Friday, November 10, 2017, to ensure transmission to the REEEAC prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

Dated: August 29, 2017.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2017–18748 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–054]

Certain Aluminum Foil From the People's Republic of China: Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

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

SUMMARY: The Department of Commerce (the Department) is aligning the final determination in this countervailing duty (CVD) investigation of certain aluminum foil (aluminum foil) from the People's Republic of China (the PRC) with the final determination in the companion antidumping duty (AD) investigation.

DATES: September 5, 2017.

FOR FURTHER INFORMATION CONTACT: John Corrigan at (202) 482–7438, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 28, 2017, the Department initiated the CVD and AD investigations of aluminum foil from the PRC.[1] The CVD investigation and AD investigation cover the same class or kind of merchandise.

[1] *See Certain Aluminum Foil from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 82 FR 15688 (March 30, 2017), and *Certain Aluminum Foil from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 82 FR 15691 (March 30, 2017).

Alignment With AD Final Determination

On August 14, 2017, the Department published the preliminary affirmative CVD determination pertaining to aluminum foil from the PRC.[2] On August 10, 2017, in accordance with section 705(a) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.210(b)(4)(i), and 351.210(i), the Aluminum Association Trade Enforcement Group and its individual members, *i.e.,* the petitioners, timely requested alignment of the final CVD determination with final determination in the related AD investigation of aluminum foil from the PRC.[3] Therefore, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4)(i), we are aligning the final CVD determination with the final AD determination. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued on or about December 18, 2017.

This notice is issued and published pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(g).

Dated: August 29, 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. 2017–18642 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See Certain Aluminum Foil from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination,* 82 FR 37844 (August 14, 2017).

[3] *See* Letter to the Secretary re: Countervailing Duty Investigation of Certain Aluminum Foil from the People's Republic of China—Petitioners' Request to Align the Countervailing Duty Final Determination with the Companion Antidumping Duty Final Determination, dated August 10, 2017.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–978]

High Pressure Steel Cylinders From the People's Republic of China: Final Results of Expedited Sunset Review of the Countervailing Duty Order

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

SUMMARY: The Department of Commerce (the Department) finds that revocation of the countervailing duty (CVD) order on high pressure steel cylinders (Steel Cylinders) from the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the Final Results of Review section of this notice.

DATES: Applicable September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Mark Kennedy, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7883.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2017, the Department initiated a sunset review of the *CVD Order* [1] on Steel Cylinders from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On May 8, 2017, the Department received a notice of intent to participate in the review on behalf of Norris Cylinder Company (Norris) within the deadline specified in 19 CFR 351.218(d)(1). Norris claimed interested party status under section 771(9)(C) of the Act because it was the petitioner in the underlying countervailing duty investigation and is the sole U.S. producer of Steel Cylinders.

The Department received an adequate substantive response from the domestic industry within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[3] The Department did not receive a substantive response from the Government of the PRC or any respondent interested party to the proceeding. Because the Department received no response from the respondent interested parties, the Department conducted an expedited review of this *CVD Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(l)(ii)(B)(2) and (C)(2).

Scope of the Order

The merchandise covered by the scope of the *Order* is seamless steel cylinders designed for storage or transport of compressed or liquefied gas (high pressure steel cylinders). High pressure steel cylinders are fabricated of chrome alloy steel including, but not limited to, chromium-molybdenum steel or chromium magnesium steel, and have permanently impressed into the steel, either before or after importation, the symbol of a U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (DOT)-approved high pressure steel cylinder manufacturer, as well as an approved DOT type marking of DOT 3A, 3AX, 3AA, 3AAX, 3B, 3E, 3HT, 3T, or DOT–E (followed by a specific exemption number) in accordance with the requirements of sections 178.36 through 178.68 of Title 49 of the Code of Federal Regulations, or any subsequent amendments thereof. High pressure steel cylinders covered by the *Order* have a water capacity up to 450 liters, and a gas capacity ranging from 8 to 702 cubic feet, regardless of corresponding service pressure levels and regardless of physical dimensions, finish or coatings.

Excluded from the scope of the *Order* are high pressure steel cylinders manufactured to UN–ISO–9809–1 and 2 specifications and permanently impressed with ISO or UN symbols. Also excluded from the *Order* are acetylene cylinders, with or without internal porous mass, and permanently impressed with 8A or 8AL in accordance with DOT regulations.

Merchandise covered by the *Order* is classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7311.00.00.30. Subject merchandise may also enter under HTSUS subheadings 7311.00.00.60 or 7311.00.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum (IDM).[4] The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the *CVD Order* were revoked. Parties can find a complete discussion of all issues raised in this expedited sunset review and the corresponding recommendations in this public memorandum, which is on file electronically *via* the Enforcement and Compliance Antidumping and

[1] *See Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 75 FR 70201 (November 17, 2010) (*CVD Order*).

[2] *See Initiation of Five-Year ''Sunset'' Review,* 82 FR 20314 (May 1, 2017).

[3] *See* Letters to the Department, ''High Pressure Steel Cylinders from the People's Republic of China; Notice of Appearance and of Intent to Participate on Behalf of Petitioner Norris Cylinder Company in Sunset Review of Countervailing Duty Order,'' dated May 8, 2017, (The Petitioner's Intent to Participate).

[4] *See* Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review: High Pressure Steel Cylinders from the People's Republic of China (August 29, 2017).

Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 752(b)(1) and (3) of the Act, we determine that revocation of the *CVD Order* on Steel Cylinders from the PRC would be likely to lead to continuation or recurrence of a net countervailable subsidy at the rates listed below:

Producer/exporter	Subsidy rate
Beijing Tianhai Industry Co., Ltd.; Tianjin Tianhai High Pressure Container Co., Ltd.; Langfang Tianhai High Pressure Container Co., Ltd	15.81
All Others	15.81

This notice serves as the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of 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.

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: August 29, 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. 2017–18728 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Renewable Energy and Energy Efficiency Advisory Committee; Notice of a Meeting

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

ACTION: Notice of an open meeting.

SUMMARY: The Renewable Energy and Energy Efficiency Advisory Committee (REEEAC) will hold a conference call on Thursday, September 28, 2017 at 4:00 p.m. EDT The conference call is open to the public with registration instructions provided below.

DATES: September 28, 2017, from 4:00 p.m. to 5:00 p.m. Eastern Daylight Time (EDT). Members of the public wishing to participate must register in advance with Victoria Gunderson at the contact information below by 5:00 p.m. EDT on Friday, September 22, 2017, in order to pre-register, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

ADDRESSES: To register, please contact Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), International Trade Administration, U.S. Department of Commerce at (202) 482–7890; email: *Victoria.Gunderson@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), International Trade Administration, U.S. Department of Commerce at (202) 482–7890; email: *Victoria.Gunderson@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), on July 14, 2010. The REEEAC was re-chartered most recently on June 9, 2016. The REEEAC provides the Secretary of Commerce with consensus advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of the U.S. renewable energy and energy efficiency products and services.

On September 28, 2017, the REEEAC will hold a conference call to potentially approve recommendations to the Secretary of Commerce informing of actions to improve the competitiveness of the U.S. renewable energy and energy efficiency industries.

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact Ms. Gunderson and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant by 5:00 p.m. EDT on Friday, September 22, 2017. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Ms. Gunderson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries, U.S. Department of Commerce; 1401 Constitution Avenue NW.; Mail Stop: 4053; Washington, DC 20230. To be considered during the meeting, written comments must be received no later than 5:00 p.m. EDT on Friday, September 22, 2017, to ensure transmission to the REEEAC prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

Dated: August 29, 2017.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2017–18747 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD900

Marine Mammals; File No. 18786–02

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that the NMFS Office of Protected Resources, Marine Mammal Health and Stranding Response Program (Responsible Party: Teri Rowles, D.V.M., Ph.D.), 1315 East West Highway, Silver Spring, MD 20910, has applied for an amendment to Scientific Research Permit No. 18786–01.

DATES: Written, telefaxed, or email comments must be received on or before October 5, 2017.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18786–02 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 18786–02 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 18786, issued on June 30, 2015 (80 FR 44939), authorizes the permit holder to: (1) Carry out response, rescue, rehabilitation and release of threatened and endangered marine mammals under NMFS jurisdiction (Cetacea and Pinnipedia [excluding walrus]), and disentanglement of all marine mammals under NMFS jurisdiction, pursuant to sections 109(h), 112(c), and Title IV of the MMPA; and, carry out such activities as enhancement pursuant to section 10(a)(1)(A) of the ESA; (2) Conduct health-related, bona fide scientific research studies on marine mammals and marine mammal parts under NMFS jurisdiction pursuant to sections 104(c) and Title IV of the MMPA and section 10(a)(1)(A) of the ESA, including research related to emergency response that may involve compromised animals, and research on healthy animals that have not been subject to emergency response (*e.g.,* baseline health studies); (3) Conduct Level B harassment on all marine mammal species under NMFS jurisdiction incidental to MMHSRP activities in the U.S.; and (4) Collect, salvage, receive, possess, transfer, import, export, analyze, and curate marine mammal specimens under NMFS jurisdiction for purposes delineated in numbers (1) and (2) above.

The permit holder is requesting the permit be amended to include authorization to: (1) Increase the number of dolphins captured, handled, and released for research by 200 takes; (2) increase the number of research takes for non-ESA listed pinniped species by 200 takes for directed research and by 500 takes for sampling under other permitted research; (3) increase the number of research takes for non-ESA listed large whales by 400 takes; (4) add 10 dedicated research takes for the proposed ESA-listed Gulf of Mexico subspecies of Bryde's whale (*Balaenoptera edeni*); and (5) clarify that new methods and tools may be used during emergency response.

An environmental assessment (EA) was prepared for the original permit (No. 18786) in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit. Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on June 29, 2017. The activities in this proposed amendment are consistent with the analyses in the original EA and no additional NEPA analysis is required for the issuance of this amendment. The original EA and FONSI are available upon request.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 30, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–18681 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF665

Notice of Intent To Prepare an Environmental Assessment on the Issuance of Incidental Take Authorizations in Cook Inlet, Alaska

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

ACTION: Notice.

SUMMARY: The National Marine Fisheries Service announces its intent to prepare an Environmental Assessment (EA) to analyze the environmental impacts of issuing annual incidental harassment authorizations (IHAs) pursuant to the Marine Mammal Protection Act (MMPA) for the taking of marine mammals incidental to anthropogenic activities in the waters of Cook Inlet, Alaska, for the 2018 season; and its intent to continue an annual cycle for issuing MMPA IHAs in Cook Inlet such that companies planning to submit IHA applications for work to be conducted in Cook Inlet in 2018 do so by no later than October 1, 2017. We refer prospective applicants to our 2016 Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (*http://*

www.nmfs.noaa.gov/pr/acoustics/guidelines.htm).

DATES: Applicants should submit applications to the Permits and Conservation Division in the Office of Protected Resources by October 1, 2017.

ADDRESSES: Applications should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing applications is *itp.youngkin@noaa.gov.* Applications sent via email, including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for applications sent to addresses other than those provided here.

Instructions: All applications received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Sara Young, Office of Protected Resources, NMFS, (301) 427–8484.

SUPPLEMENTARY INFORMATION:

Background

Sections 101 (a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment for a period of one year or less, a notice of proposed authorization is provided to the public for review. The term ''take'' under the MMPA means ''to harass, hunt, capture or kill, or attempt to harass, hunt, capture, or kill.'' Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as ''any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].''

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Concern for Cook Inlet Beluga Whales

Cook Inlet is a semi-enclosed tidal estuary located in southcentral Alaska and home to the Cook Inlet beluga whale, a small resident population that was designated as depleted under the MMPA and listed as an endangered species under the Endangered Species Act (ESA) in 2008. The stock has not recovered, despite implementation of subsistence hunting regulations in 1999, and cessation of hunting in 2007. In May 2015, NMFS unveiled its ''Species in the Spotlight: Survive to Thrive'' initiative. This initiative includes targeted efforts vital for stabilizing eight species—including the Cook Inlet beluga whale—identified among the most at risk for extinction. The approach involves intensive human efforts to stabilize these species, with the goal that they will become candidates for recovery. NMFS issued a **Federal Register** Notice in January 2017 announcing availability of its ESA Recovery Plan for the Cook Inlet Beluga Whale (82 FR 1325; January 5, 2017).

Due to the reduced number of ITA requests in the region, combined with current funding constraints, NMFS' intention of preparing an Environmental Impact Statement (EIS) for oil and gas activities in Cook Inlet has been postponed (79 FR 61616; October 14, 2014). Should the number of ITA requests, or anticipated requests, noticeably increase, NMFS will re-evaluate whether preparation of an EIS is necessary.

MMPA Authorization Cycle (Application Deadlines)

To support NMFS' efforts to prepare an EA that covers multiple MMPA incidental harassment authorizations for the 2018 open water season, NMFS is continuing an application cycle for incidental harassment authorizations that include Cook Inlet beluga whales. NMFS requests prospective MMPA incidental harassment authorization applicants for the 2018 open water season to submit their applications by October 1, 2017 (unless the activity is scheduled to occur before May, in which case they should be submitted earlier). Receipt of those MMPA applications by October 1, 2017, will aid NMFS in the development of an EA to support timely and well-informed MMPA incidental harassment authorizations.

Dated: August 30, 2017.

Donna S. Wieting,

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

[FR Doc. 2017–18752 Filed 9–1–17; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Generic Information Collection Request for the Collection of Qualitative Feedback on Agency Service Delivery; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Generic Information Collection Request for Qualitative Feedback on Agency Service Delivery for review and approval in accordance with the Paperwork Reduction Act of 1995. Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Amy Borgstrom, at 202–606–6930 or email to *aborgstrom@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, by October 5, 2017.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods by 30

days from the date of publication in the **Federal Register**:

(1) By fax to: 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) By email to: *smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on June 26, 2017 at 82 FR 28830. This comment period ended August 25, 2017. No public comments were received from this Notice.

Description: This collection was developed as part of a federal government-wide effort to streamline the process for seeking feedback from the public on agency service delivery.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3045–0137.

Agency Number: None.

Affected Public: Individuals and Households; Businesses and Organizations; State, Local or Tribal Governments.

Total Respondents: 10,000.

Frequency: Once.

Average Time per Response: 10 minutes.

Estimated Total Burden Hours: 1,667 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: August 30, 2017.

Mary Hyde,

Director, Research and Evaluation.

[FR Doc. 2017–18746 Filed 9–1–17; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Strategic Environmental Research and Development Program Scientific Advisory Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed pursuant to 10 U.S.C. 2904 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The charter and contact information for the Board's Designated Federal Officer (DFO) can be obtained at *http://www.facadatabase.gov/.*

Pursuant to 10 U.S.C. 2904(e), the Strategic Environmental Research and Development Program Council (''the Council'') shall refer to the Board, and the Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of $1,000,000. The Council, pursuant to its responsibilities under 10 U.S.C. 2902(d)(1) and in an effort to enhance the Board's review process, has lowered the dollar threshold for referral by the Council to the Board to any proposed research project in excess of $900,000. The Board shall make any recommendations to the Council that the Board considers appropriate regarding such project or proposal. Pursuant to 10 U.S.C. 2904(a), the Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall jointly appoint not less than six and not more than 14 members. Pursuant to 10 U.S.C. 2904(b), the Board membership shall be composed of the following: (a) Permanent members of the Board are the Science Advisor to the President and the Administrator of the National Oceanic and Atmospheric Administration or their respective designees; and (b) Non-permanent members of the Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. One such member of the Board shall be a representative of environmental public interest groups, and one such member shall be a representative of the interests of State governments. Board members who are not full-time or permanent part-time Federal officers or employees are appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. Board members who are full-time or permanent part-time Federal officers or employees are appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee members. Each member is appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, members serve without compensation. The DoD, as necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board, and all subcommittees must operate under the provisions of FACA and the Government in the Sunshine Act. Subcommittees will not work independently of the Board and must report all recommendations and advice solely to the Board for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, directly to the DoD or any Federal officers or employees. The Board's DFO, pursuant to DoD policy, must be a full-time or permanent part-time DoD employee, and must be in attendance for the duration of each and every Board/subcommittee meeting. The public or interested organizations may submit written statements to the Board membership about the Board's mission

and functions. Such statements may be submitted at any time or in response to the stated agenda of planned Board meetings. All written statements must be submitted to the Board's DFO who will ensure the written statements are provided to the membership for their consideration.

Dated: August 30, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–18695 Filed 9–1–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Defense Policy Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The charter and contact information for the Board's Designated Federal Officer (DFO) can be obtained at *http://www.facadatabase.gov/.*

The Board shall provide the Secretary of Defense and the Deputy Secretary of Defense, independent, informed advice and opinions concerning matters of defense policy in response to specific tasks from the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P). The Board shall focus on: (a) Issues central to strategic DoD planning; (b) policy implications of U.S. force structure and force modernization on DoD's ability to execute U.S. defense strategy; (c) U.S. regional defense policies; and (d) any other topics raised by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P). The Board shall be composed of no more than 35 members who have distinguished backgrounds in defense and national security affairs. Members who are not full-time or permanent part-time Federal officers or employees are appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. Members who are full-time or permanent part-time Federal officers or employees are appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee members. Each member is appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, members serve without compensation. The DoD, as necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board, and all subcommittees must operate under the provisions of FACA and the Government in the Sunshine Act. Subcommittees will not work independently of the Board and must report all recommendations and advice solely to the Board for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, directly to the DoD or any Federal officers or employees. The Board's DFO, pursuant to DoD policy, must be a full-time or permanent part-time DoD employee, and must be in attendance for the duration of each and every Board/subcommittee meeting. The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Such statements may be submitted at any time or in response to the stated agenda of planned Board meetings. All written statements must be submitted to the Board's DFO who will ensure the written statements are provided to the membership for their consideration.

Dated: August 30, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–18698 Filed 9–1–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decisions Under the Randolph-Sheppard Act

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of arbitration decisions.

SUMMARY: The Department of Education (Department) is changing the way it notifies the public of arbitration panel decisions under the Randolph-Sheppard Act. The Department will no longer publish detailed synopses of each decision in the **Federal Register.** Rather, the Department will publish a quarterly notice in the **Federal Register** listing any decisions reached in the previous three months. The full text of the decisions will be available on the Department's Web site and by request. This notice lists decisions from the first two quarters of 2017 and available decisions from 2016.

FOR FURTHER INFORMATION CONTACT: Donald Brinson, U.S. Department of Education, 400 Maryland Avenue SW., Room 5045, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7310. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: For the purpose of providing blind persons with remunerative employment, enlarging their economic opportunities, and stimulating greater efforts to make themselves self-supporting, the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.* (Act), authorizes blind persons to operate vending facilities on Federal property and provides them with a priority for doing so. The vending facilities include, among other things, cafeterias, snack bars, and automatic vending machines. The Department administers the Act and designates an agency in each State—the State Licensing Agency (SLA)—to license blind persons to operate vending facilities on Federal and other property in the State.

The Act requires arbitration of disputes between SLAs and blind vendors and between SLAs and Federal agencies before three-person panels convened by the Department whose decisions constitute final agency action. 20 U.S.C. 107d–1. The Act also makes these decisions matters of public record and requires their publication in the **Federal Register.** 20 U.S.C. 107d–2(c).

The Department's long-standing practice has been to publish in the **Federal Register** detailed synopses of

arbitration decisions rather than their full text, which are sometimes quite lengthy. This saves publishing costs for the Department and time for interested members of the public. The Department has also provided copies of full arbitration panel decisions to members of the public upon request.

The time it took to draft these synopses resulted in a publishing backlog, however. Therefore, the Department has decided to change its practice in a way that will allow it to comply with the statutory requirement for publication and to provide the text of the arbitration panel decisions to the public more quickly and conveniently and at minimal cost to the Department.

The Department will now make the full text of arbitration panel decisions under the Act available on the Department's Web site, and we will add older, archived decisions as they become available in the proper format and are made accessible to individuals with disabilities under section 508 of the Rehabilitation Act. The decisions will be searchable by key terms and available for download in Adobe Acrobat (.pdf) format. The Department will continue to provide copies of decisions to members of the public upon request to the person listed under **FOR FURTHER INFORMATION CONTACT.**

Since the beginning of 2017, Randolph-Sheppard Arbitration panels have issued the following decisions.

Case name	Docket No.	Date	State
Kansas Dept. for Children and Families v. *Department of the Army*	RS 15–15	5/9/17	Kansas.
Homan v. *Maryland*	RS 15–06	3/30/17	Maryland.
Texas v. *The Department of the Air Force*	RS 16–09	2/28/17	Texas.
Sheets v. *California*	RS 13–08	2/27/17	California.
Florida Dept. of Education, Division of Blind Services v. *Department of the Air Force*	RS 15–13	2/1/17	Florida.

The decisions are available at *www.ed.gov/programs/rsarsp/arbitration-decisions.html.*

At this same site, we have posted the following decisions from 2016.

Case name	Docket No.	Date	State
Oklahoma v. *Fort Sill*	RS 15–10	12/23/16	Oklahoma.
South Carolina v. *Dept. of the Army*	RS 15–07	9/2/16	South Carolina.
Georgia v. *Fort Stewart*	RS 13–09	1/11/16	Georgia.

In the future, shortly after the end of every calendar quarter–March 31, June 30, September 30, and December 31–the Department will publish a notice in the **Federal Register** listing arbitration decisions issued in the previous three months and any older decisions when they become available and are made accessible under section 508. The notice will provide a link to the Web site where the decisions may be found and contact information for anyone, with or without access to the internet, who wishes to request a copy of a decision from the Department.

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

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 PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Dated: August 30, 2017.

Kimberly M. Richey,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017–18751 Filed 9–1–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0089]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Report of Dispute Resolution Under Part C of the Individuals With Disabilities Education Act

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), 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 October 5, 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–0089. 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 216–42, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Amanda Hoffman, 202–245–6951.

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: Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act.

OMB Control Number: 1820–0678.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 2,240.

Abstract: This data collection provides instructions and forms necessary for States to report the number of written, signed complaints; mediation requests; and hearing requests and the status of these actions with regards to children served under Part C of Individuals with Disabilities Education Act (IDEA) initiated during the reporting year. The form satisfies reporting requirements and is used by OSEP to monitor SEAs and for Congressional reporting.

Dated: August 29, 2017.

Tomakie Washington,

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

[FR Doc. 2017–18666 Filed 9–1–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3211–009]

Notice of Intent To File License Application, Filing of Pre-Application Document, Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests; Power Authority of the State of New York

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 3211–009.

c. *Date Filed:* June 30, 2017.

d. *Submitted By:* Power Authority of the State of New York (NYPA).

e. *Name of Project:* Hinckley (Gregory B. Jarvis) Hydroelectric Project.

f. *Location:* On West Canada Creek, a tributary of the Mohawk River, at the Hinckley reservoir dam, approximately 0.5 mile upstream of the Hamlet of Hinckley in the counties of Oneida and Herkimer, New York. The project does not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Mark E. Slade, Director, Licensing, New York Power Authority, 123 Main St., White Plains, NY 10601, (914) 681–6659, *Mark.Slade@nypa.gov.*

i. *FERC Contact:* Emily Carter at (202) 502–6512 or email at *Emily.Carter@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402, and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating NYPA as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. On June 30, 2017, NYPA filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end

of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–3211–009.

All filings with the Commission must bear the appropriate heading: Comments on Pre-Application Document, Study Requests, Comments on Scoping Document 1, Request for Cooperating Agency Status, or Communications to and from Commission Staff. Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by October 28, 2017.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: Tuesday, September 26, 2017.
Time: 7:00 p.m.
Location: SUNY Polytechnic Institute (Student Center Multipurpose Room #2), 100 Seymour Road, Utica, New York 13502.
Phone: (315) 792–7222.

Daytime Scoping Meeting

Date: Wednesday, September 27, 2017.
Time: 10:00 a.m.
Location: SUNY Polytechnic Institute (Student Center Multipurpose Room #2), 100 Seymour Road, Utica, New York 13502.
Phone: (315) 792–7222.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the eLibrary link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an environmental site review of the project on Tuesday, September 26, 2017, starting at 11:00 a.m. All participants should meet at the Hinckley Boat Launch, located at 11740 State Route 365, Remsen, NY 13438. NYPA will provide shuttles to visit locations within the project boundary. To attend the environmental site review, please RSVP via email to *Jarvis.Relicensing@nypa.gov* on or before September 19, 2017. Persons not providing an RSVP by September 19, 2017, will not be allowed on the environmental site review.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: August 29, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18735 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC17–166–000.
Applicants: Northern States Power Company, a Minnesota corporation, Benson Power, LLC.
Description: Joint Application for Authorization under Section 203 of the Federal Power Act, Request for Expedited Treatment, Waivers and Confidential Treatment of Northern States Power Company, a Minnesota corporation, et al.
Filed Date: 8/28/17.
Accession Number: 20170828–5176.
Comments Due: 5 p.m. ET 9/18/17.

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

Docket Numbers: EG17–145–000.
Applicants: Imperial Valley Solar 3, LLC.
Description: Notice of Self-Certification of EWG Status of Imperial Valley Solar 3, LLC.
Filed Date: 8/28/17.
Accession Number: 20170828–5134.
Comments Due: 5 p.m. ET 9/18/17.

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

Docket Numbers: ER17–1752–002.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Amendment: Silicon Valley Power Deficiency Filing for Grizzly Agreement (RS 248) to be effective 8/1/2017.
Filed Date: 8/28/17.
Accession Number: 20170828–5147.
Comments Due: 5 p.m. ET 9/18/17.

Docket Numbers: ER17–2364–000.
Applicants: St. Joseph Energy Center, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 10/31/2017.
Filed Date: 8/28/17.
Accession Number: 20170828–5119.
Comments Due: 5 p.m. ET 9/18/17.

Docket Numbers: ER17–2365–000.
Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 318—NTUA NITS to be effective 8/1/2017.
Filed Date: 8/28/17.
Accession Number: 20170828–5148.
Comments Due: 5 p.m. ET 9/18/17.

Docket Numbers: ER17–2366–000.
Applicants: West Penn Power Company, PJM Interconnection, L.L.C., The Potomac Edison Company.
Description: § 205(d) Rate Filing: West Penn submits Borderline Agreement, Service Agreement No. 4692 with Potomac to be effective 9/1/2017.
Filed Date: 8/29/17.
Accession Number: 20170829–5094.
Comments Due: 5 p.m. ET 9/19/17.

Docket Numbers: ER17–2367–000.
Applicants: GenOn Holdco 1, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/1/2017.
Filed Date: 8/29/17.
Accession Number: 20170829–5095.
Comments Due: 5 p.m. ET 9/19/17.

Docket Numbers: ER17–2368–000.
Applicants: GenOn Holdco 3, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/1/2017.
Filed Date: 8/29/17.
Accession Number: 20170829–5097.
Comments Due: 5 p.m. ET 9/19/17.

Docket Numbers: ER17–2369–000.
Applicants: GenOn Holdco 4, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/1/2017.
Filed Date: 8/29/17.
Accession Number: 20170829–5099.
Comments Due: 5 p.m. ET 9/19/17.

Docket Numbers: ER17–2370–000.
Applicants: GenOn Holdco 2, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/1/2017.
Filed Date: 8/29/17.
Accession Number: 20170829–5101.
Comments Due: 5 p.m. ET 9/19/17.

Docket Numbers: ER17–2371–000.
Applicants: GenOn Holdco 5, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/1/2017.
Filed Date: 8/29/17.
Accession Number: 20170829–5102.
Comments Due: 5 p.m. ET 9/19/17.

Docket Numbers: ER17–2372–000.
Applicants: GenOn Holdco 6, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/1/2017.
Filed Date: 8/29/17.
Accession Number: 20170829–5104.
Comments Due: 5 p.m. ET 9/19/17.

Docket Numbers: ER17–2373–000.
Applicants: GenOn Holdco 7, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/1/2017.
Filed Date: 8/29/17.
Accession Number: 20170829–5105.
Comments Due: 5 p.m. ET 9/19/17.

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 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18713 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2292–000]

Southampton Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Southampton Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18714 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2341–000]

CA Flats Solar 130, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of CA Flats Solar 130, LLC's application for market-based rate authority, with an

accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18720 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: ER12–1933–008; ER12–1934–007.
Applicants: Interstate Power and Light Company, Wisconsin Power and Light Company.
Description: Notification of Non-material Change in Status of Interstate Power and Light Company, et al.
Filed Date: 8/25/17.
Accession Number: 20170825–5295.
Comments Due: 5 p.m. ET 9/15/17.

Docket Numbers: ER16–1546–003.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing: Arkansas Electric Cooperative Corporation Formula Rate Compliance Filing to be effective 7/1/2016.
Filed Date: 8/28/17.
Accession Number: 20170828–5106.
Comments Due: 5 p.m. ET 9/18/17.

Docket Numbers: ER17–2110–000.
Applicants: ISO New England Inc.
Description: Response of ISO New England Inc. to August 23, 2017 Deficiency Notice and Request for Waiver of Section 388.112 of the Commission's Regulations.
Filed Date: 8/25/17.
Accession Number: 20170825–5232.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2363–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–08–28_Termination of SA 2411 ITC-Detroit Edison E&P Agreement (J122) to be effective 8/29/2017.
Filed Date: 8/28/17.
Accession Number: 20170828–5080.
Comments Due: 5 p.m. ET 9/18/17.

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

Docket Numbers: ES17–53–000.
Applicants: Old Dominion Electric Cooperative, Inc.
Description: Application for Authorization to Issue Short- and Long-term Debt, to Guaranty Obligations, and for Waivers of Old Dominion Electric Cooperative.
Filed Date: 8/28/17.
Accession Number: 20170828–5099.
Comments Due: 5 p.m. ET 9/18/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–20–000.
Applicants: BlackRock, Inc.
Description: BlackRock, Inc. submits FERC 65–A Exemption Notification.
Filed Date: 8/25/17.
Accession Number: 20170825–5283.
Comments Due: 5 p.m. ET 9/15/17.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF17–1404–000.
Applicants: Kimberly-Clark Corporation.
Description: Form 556 of Kimberly-Clark Corporation [Mobile].
Filed Date: 8/25/17.
Accession Number: 20170825–5297.
Comments Due: None Applicable.

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 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18731 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2342–000]

Bladen Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Bladen Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal

Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18721 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TS17–2–000]

American Municipal Power, Inc.; Notice of Filing

Take notice that on August 28, 2017, pursuant to sections 35.28(e)(2)and 358.1(d) and Rules 101(e) and 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,[1] American Municipal Power, Inc. filed a petition requesting that the Commission waive reciprocity-based standards of conduct and Open Access Same-Time Information System requirements that might otherwise apply under Order Nos. 889 [2] and 717.[3]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 18, 2017.

Dated: August 29, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18736 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 35.28(e)(2), 358.1(d), 385.101(e), 385.207.

[2] Open Access Same-Time Information System (formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, 61 FR 21,737 (May 10, 1996), FERC Stats. & Regs. 31,035 (1996), clarified, 76 FERC 61,009 (1996), modified, Order No. 889–A, 62 FR 12,484 (Mar. 14, 1997), FERC Stats. & Regs. 31,049 (1997), reh'g denied, Order No. 889–B, 81 FERC 61,253 (1997), aff'd in part and remanded in part sub nom. Transmission Access Policy Study Grp. v. FERC, 225 F.3d 667 (D.C. Cir. 2000), aff'd sub nom. New York v. FERC, 535 U.S. 1 (2002).

[3] Standards of Conduct for Transmission Providers, Order No. 717, 73 FR 63,796 (Oct. 27, 2008), FERC Stats. & Regs. 31,280 (2008), on reh'g, Order No. 717–A, 74 FR 54,463 (Oct. 22, 2009), FERC Stats. & Regs. 31,297 (2009), clarified, Order No. 717–B, 129 FERC 61,123 (2009), on reh'g, Order No. 717–C, 131 FERC 61,045 (2010), on reh'g and clarification, Order No. 717–D, 135 FERC 61,017 (2011).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2343–000]

Bullock Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Bullock Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18722 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2337–000]

Shoreham Solar Commons Holdings LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Shoreham Solar Commons Holdings LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18718 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2336–000]

Shoreham Solar Commons LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Shoreham Solar Commons LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18717 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2322–000]

Nexus Energy Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Nexus Energy Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR

part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18715 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2345–000]

EC&R Energy Marketing, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EC&R Energy Marketing, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18723 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2340–000]

Golden Hills North Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Golden Hills North Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 18, 2017.

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

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

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

Dated: August 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18719 Filed 9–1–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10516—The Bank of Georgia, Peachtree City, Georgia

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC) as receiver for The Bank of Georgia, Peachtree City, Georgia (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of The Bank of Georgia on October 2, 2015. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: August 30, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–18680 Filed 9–1–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS17–05]

Appraisal Subcommittee; Notice of Meeting

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104 (b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: Federal Reserve Board—International Square location; 1850 K Street NW., Washington, DC 20006.

Date: September 13, 2017.

Time: 10:00 a.m.

Status: Open.

Reports

Chairman
Executive Director
Delegated State Compliance Reviews
Financial Report

Action and Discussion Items

May 10, 2017 Open Session Minutes
Appraisal Foundation FY18 Grant Proposal
- Foundation Grant for AQB and ASB
- State Grant for Investigator Training

ASC FY18 Budget Proposal
Final Rulemaking—AMC National Registry Fee Implementation
Revised ASC Policy Statements for approval to repost in **Federal Register** for public comment
Agency Reform Plan for submission to the Office of Management and Budget

How To Attend and Observe an ASC Meeting

If you plan to attend the ASC Meeting in person, we ask that you send an email to *meetings@asc.gov.* You may register until close of business four business days before the meeting date. You will be contacted by the Federal Reserve Law Enforcement Unit on security requirements. You will also be asked to provide a valid government-issued ID before being admitted to the Meeting. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC meetings.

Dated: August 29, 2017.

James R. Park,

Executive Director.

[FR Doc. 2017–18725 Filed 9–1–17; 8:45 am]

BILLING CODE 6700–01–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 29, 2017.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528. Comments can also be sent electronically to or *Comments.applications@rich.frb.org:*

1. *CapGen Capital Group VI LLC and CapGen Capital Group V I L P,* both of New York, New York; to acquire up to

7.3 percent of the voting shares of Union Bankshares, Corporation, Richmond, Virginia, and thereby indirectly acquire Union Bank & Trust, Richmond, Virginia.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Veritex Holdings, Inc.,* Dallas, Texas; to merge with Liberty Bancshares, Inc., Fort Worth, Texas, and thereby indirectly acquire Liberty Bank, Hurst, Texas.

Board of Governors of the Federal Reserve System, August 30, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–18734 Filed 9–1–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Notification of Nonfinancial Data Processing Activities (FR 4021; OMB No. 7100–0306).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Notification of Nonfinancial Data Processing Activities.

Agency form number: FR 4021.

OMB control number: 7100–0306.

Frequency: On occasion.

Respondents: Bank holding companies.

Estimated number of respondents: 2.

Estimated average hours per response: 2.

Estimated annual burden hours: 4.

General description of report: Bank holding companies (BHCs) submit the FR 4021 notification to request permission to administer the 49 percent revenue limit on nonfinancial data processing activities on a business-line or multiple-entity basis. These notifications, which may be submitted in letter form, should describe the structure of the requesting BHC's data processing operations, the methodology the BHC proposes to use to administer the 49 percent revenue test and the reasons why the BHC believes that the proposed methodology is appropriate. The Board will consider any request in light of all the facts and circumstances, including the interrelationships between the data processing activities conducted by the BHC's separate subsidiaries, the holding company's business or operational reasons for conducting its data processing activities in different subsidiaries, and the level of the BHC's ownership interest in the individual subsidiaries.

Legal authorization and confidentiality: The Board's Legal Division has determined that the Bank Holding Company Act (12 U.S.C. 1843(c)(8), (j) and (k)) authorizes the Board to collect this information and the information is required to obtain a benefit. A BHC may request confidential treatment of the information contained in the notice pursuant to exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Current actions: On May 31, 2017 the Federal Reserve published a notice in the **Federal Register** (82 FR 24970) requesting public comment for 60 days on the extension, without revision, of the Notification of Nonfinancial Data Processing Activities. The comment period for this notice expired on July 31, 2017. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, August 30, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–18694 Filed 9–1–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1557]

Final Guidelines for Evaluating Joint Account Requests

SUMMARY: Under the Federal Reserve Act (FRA), the Federal Reserve Banks (Reserve Banks) have the authority to open accounts for member banks and other eligible depository institutions (collectively, depository institutions). The Reserve Banks routinely open and maintain individual Federal Reserve accounts for eligible institutions. Joint accounts—those where the rights and liabilities are shared among multiple depository institution account-holders—have not in the past been available as a standard account option, but in limited cases the Reserve Banks have opened such accounts for specific purposes. The Board of Governors of the Federal Reserve System (Board) has approved final guidelines for evaluating requests for joint accounts at Reserve Banks intended to facilitate settlement between and among depository institutions participating in private-sector payment systems (private-sector arrangements). The guidelines broadly outline factors that will be considered in evaluating such requests, but are not intended to provide assurance that any specific arrangement would be granted a joint account. Requests will be evaluated on a case-by-case basis, with the type and extent of information necessary to evaluate a particular request likely dependent on the complexity of the arrangement.

DATES: September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Susan V. Foley, Senior Associate Director (202–452–3596), Kylie Stewart, Manager (202–245–4207), or Ian C.B. Spear, Senior Financial Services Analyst (202–452–3959), Division of Reserve Bank Operations and Payment Systems; Gavin Smith, Counsel (202–452–3474), Legal Division; for users of Telecommunications Device for the Deaf (TDD) only, contact 202–263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

On December 22, 2016, the Board requested comment on proposed guidelines for evaluating requests for joint accounts at Federal Reserve Banks intended to facilitate settlement between depository institutions participating in private-sector arrangements within the U.S. payment system.[1] The Reserve Banks routinely open and maintain individual Federal Reserve accounts for depository institutions. Joint accounts have not been available in the past as a standard account option, but in limited cases the Reserve Banks have opened such accounts for specific purposes.[2] Currently, the Reserve Banks maintain joint accounts to facilitate settlement between users of two private-sector arrangements.[3] Both of these joint accounts are long-standing, with the more recent account being established approximately 15 years ago.

For purposes of these guidelines, a joint account is an account at a Reserve Bank where the rights and liabilities are shared among multiple account-holders (joint account holders), that is, institutions that are eligible to open an account with a Reserve Bank. The Board contemplates that under these arrangements, the joint account holders will authorize a single entity to serve as their ''agent'' in providing instructions to the Reserve Bank at which the account would be held (the account-holding Reserve Bank) with respect to the account. The account-holding Reserve Bank would be authorized to act on any instruction provided by the agent, consistent with the provisions of the joint account agreement. The Board also contemplates private-sector arrangements using joint accounts might also use an ''operator'' (which could be the agent of the joint account or a separate entity) for the running of the arrangement, which might include undertaking various steps in the payment process such as initiation, clearing, settlement, and reconciliation, or establishing rules and governance. ''Participants'' in the arrangement might include joint account holders, as well as other depository institutions and nondepository institutions that are directly part of the payment system established by the private-sector arrangement.

In 2016, Board and Reserve Bank (collectively, Federal Reserve) staff received a request from an organization to open a new joint account for that organization's proposed real-time payment system. Given the ongoing evolution of the U.S. payment system, the Board believes that other potential providers may contemplate joint account arrangements, or may reconsider their options for settlement capabilities if they understand better the availability of joint accounts at Reserve Banks.[4]

The Board therefore proposed to establish a set of guidelines that would be considered in evaluating requests for joint accounts intended to facilitate settlement between depository institutions participating in private-sector arrangements. The Board proposed guidelines based on the following six principles:

(1) As a necessary condition for evaluating a joint account request, each joint account holder should meet all applicable legal requirements to have a Federal Reserve account, and the Reserve Bank will not have any obligation to any non-account holder with respect to the funds in the account.

(2) The private-sector arrangement should demonstrate that it has a sound legal and operational basis for its payment system, including an effective legal framework for achieving settlement finality.

(3) The design and rules of the private-sector arrangement should be consistent with the Federal Reserve's policy objectives to promote a safe, efficient, and accessible payment system for U.S. dollar transactions and be consistent with the intended use of the arrangement.

(4) The provision of the joint account should not create undue credit, settlement, or other risks to the Reserve Banks.

(5) The provision of a joint account should not create undue risk to the overall payment system.

(6) The provision of a joint account should not adversely affect monetary policy operations.

The Board requested comment on all aspects of the proposed guidelines, including whether the scope and application were sufficiently clear and appropriate to achieve their intended purpose and any other criteria or information that commenters believed may be relevant to evaluate joint account requests. The Board further sought comment specifically on the following:

- What information, if any, about the establishment of an individual joint account should be made public?
- How, if at all, would the possibility (1) that the account agreement with the account holding Reserve Bank may include limits on balances, require information on projected balances or volatility of balances, or restrict further joint accounts; or (2) that the joint account may be closed if warranted affect interest in establishing a joint account, or use of such an account once opened? Are there other types of restrictions or conditions that, while equally effective in attaining the same objectives, might be less burdensome if placed on joint accounts once in use?
- Are there additional criteria or information that may be relevant to evaluate joint account requests for U.S. depository institutions to provide services to foreign clearing and settlement arrangements?
- Should the Board or the Reserve Banks consider other steps or actions to facilitate settlement in light of market participants' efforts to develop faster retail payment solutions?

II. Summary of Comments and Analysis on the Proposed Guidelines

The Board received nine comments in response to its request. Comments were submitted by depository institutions, depository institution trade associations, a national payments association, service providers and payment system operators, and an individual. All nine commenters supported establishment of the guidelines. No commenter expressed opposition to any of the six proposed principles or the guidelines more broadly. Five commenters requested that the Board clarify certain aspects or

[1] 81 FR 93923 (Dec. 22, 2016).

[2] Section 13(1) of the FRA authorizes each Reserve Bank to receive deposits from its member banks or other depository institutions (12 U.S.C. 342). In addition, section 16(14) of the FRA authorizes the Board to direct a Reserve Bank to exercise the functions of a clearinghouse for depository institutions (12 U.S.C. 248–1).

[3] The two joint accounts currently used to facilitate settlement are operated by The Clearing House (TCH): One to facilitate wholesale payments through the Clearing House Interbank Payments System (CHIPS) and another to facilitate TCH's Universal Payment Identification Code (UPIC) service for ACH payments.

CHIPS is a multilateral netting system that continuously settles wholesale payments between two or more participating institutions.

TCH offers a UPIC service that enables its customer's end users to provide payment instructions to third parties without disclosing their bank account information and enables such end users to change banking relationships without needing to notify each payor of the change (the UPIC remains the same). The joint account for UPIC transactions enables the settlement of ACH credit transactions using UPICs when the transactions are sent by customers of the Reserve Banks' FedACH service and destined for participants in TCH's UPIC service.

[4] A Faster Payments Task Force (Task Force) was established in 2015 to help foster a desired outcome set forth as part of the Federal Reserve's *Strategies for Improving the U.S. Payment System* efforts for ''a ubiquitous, safe, faster electronic solution.'' The *Strategies for Improving the U.S. Payment System* paper is available at *https://fedpaymentsimprovement.org/wp-content/uploads/strategies-improving-us-payment-system.pdf.* The Task Force developed a process to assess proposals for faster retail payment systems. As part of the process, proposers were made aware that they could discuss Reserve Bank services, such as settlement options, with Federal Reserve representatives if they had an interest in using those services to facilitate their proposed faster retail payment systems.

consider additional elements as part of the final guidelines.

Each of the proposed principles, the comments received, and the Board's final guidelines are described in additional detail below. Throughout the final guidelines, the Board has made changes to clarify the application of the final six principles and more specifically identify the parties to a private-sector arrangement for which individual principles and evaluation factors are relevant.

1. *Each joint account holder must meet all applicable legal requirements to have a Federal Reserve account, and the Reserve Bank will not have any obligation to any non-account holder with respect to the balance in and operation of the account.*

Unless otherwise specified by statute, only those entities that are member banks or other depository institutions are legally able to obtain Federal Reserve accounts and payment services.[5] Therefore, under the first proposed principle, only an institution eligible to have a Federal Reserve account under the applicable federal statute and Federal Reserve rules, policies, and procedures is able to be a joint account holder. Consistent with Federal Reserve policies and procedures, under the first proposed principle the account-holding Reserve Bank must approve all joint account holders that are part of a proposed private-sector arrangement.[6] The Board also explained that, consistent with the limits on the Reserve Banks' deposit-taking authority, an account-holding Reserve Bank's obligation with respect to any funds in a joint account will be limited to the joint account holders, and non-account holders will not have any rights against the Reserve Bank with respect to those funds.

Three commenters addressed the first proposed principle and supported the proposed principle as consistent with existing account policies regarding Federal Reserve accounts. Two of the three commenters further stated that the first proposed principle would ensure the integrity of the payment system. None of the three commenters proposed changes to the first proposed principle or its considerations.

In the final guidelines, the Board has adopted the first principle as proposed with minor technical changes for clarity. As proposed, only an institution eligible to have a Federal Reserve account under applicable federal statute and Federal Reserve rules, policies, and procedures is able to be a joint account holder. Some institutions may be eligible for a Federal Reserve account but may present atypical risk profiles, such as uninsured institutions. In these cases, a heightened analysis of that institution's participation as a joint account holder may be performed under one or more of the other guidelines. The final guidelines now provide further clarification that under the first principle, the designated agent or operator of the private-sector arrangement would not need to be eligible for a Federal Reserve account, assuming it is not a joint account holder.[7] In the final guidelines, the first principle also clarifies that no party other than an account holder shall have a claim against the account-holding Reserve Bank in connection with operation of the joint account, including any decision related to opening or refusing to open the account.

2. *The private-sector arrangement should demonstrate that it has a well-founded, clear, transparent, and enforceable legal basis in all aspects of its proposed arrangement.*[8]

Under the second proposed principle, the Board proposed that a private-sector arrangement seeking a joint account should have a sound legal and operational basis for its payment system, including an effective legal framework for achieving settlement finality. The Board explained that under the second proposed principle, requestors of a joint account would be expected to provide supporting legal analysis as well as the system's rules, agreements, and other governing documents.[9] The Board also proposed that the private-sector arrangement should have established appropriate compliance procedures and have policies and procedures to minimize disruption to its system when one of its participants, the agent, or the operator fails, when fraudulent activity occurs, or in the event of operational failures. Evaluation under the second proposed principle would further consider the applicable supervisory framework for all parties to the private-sector arrangement, with the expectation that the agent and operator should be subject to the examination authority of a federal or state supervisory agency.

Three commenters addressed the second proposed principle. All three commenters were generally supportive, stating that the expectations described under the second proposed principle reduce risks to participants and the broader payment system. Only one of the commenters, a payment system operator, suggested modifications. Specifically, the commenter suggested that joint account requests only be approved if the agent and operator are subject to federal examination authority, in particular the Federal Financial Institutions Examination Council's significant service provider or technology service provider programs.[10]

In considering the appropriate level of supervision for an arrangement whose participants use a joint account at a Reserve Bank, the Board seeks to reduce risks for the Reserve Banks and the payment system as a whole while at the same time avoiding posing unwarranted access barriers. However, the Board does agree that, at some point in the maturity of a private-sector arrangement, federal supervision or examination may be important. For example, a successful private-sector arrangement is likely to grow over time

[5] Section 13(1) of the FRA permits Reserve Banks to receive deposits from member banks or other depository institutions. 12 U.S.C. 342. Section 19(b)(1)(A) of the FRA includes as depository institutions any federally insured bank, mutual savings bank, savings bank, savings association, or credit union, as well as any of those entities that are eligible to make application to become a federally insured institution. 12 U.S.C. 461(b). In addition, there are certain statutory provisions allowing Reserve Banks to act as a depository or fiscal agent for the Treasury and certain government-sponsored entities (*See i.e.* 12 U.S.C. 391, 393–95, 1823, 1435) as well as for certain international organizations (*See i.e.* 22 U.S.C. 285d, 286d, 290o–3, 290i–5, 290l–3). In addition, Reserve Banks are authorized to offer deposit accounts to designated financial market utilities (12 U.S.C. 5465), Edge and Agreement corporations (12 U.S.C. 601–604a, 611–631), branches or agencies of foreign banks (12 U.S.C. 347d), and foreign banks and foreign states (12 U.S.C. 358).

[6] Under the first proposed principle, the designated agent or operator of the private-sector arrangement would not need to be a depository institution.

[7] The designated agent would need to enter into an agreement with the account-holding Reserve Bank.

[8] As described below, in the final guidelines the Board has clarified certain aspects of the second proposed principle. Significant changes from the proposed language are indicated in italics: The private-sector arrangement should demonstrate that it has *a well-founded, clear, transparent, and enforceable* legal basis *in all aspects of its proposed arrangement* (the second principle as proposed read ''The private-sector arrangement must demonstrate that it has a sound legal and operational basis for its payment system, including an effective legal framework for achieving settlement finality'').

[9] For example, the Board explained that requestors would be expected to analyze the application of laws and regulations, such as U.C.C. 4A, the Electronic Funds Transfer Act, U.S. sanction programs, Bank Secrecy Act and anti-money-laundering requirements or regulations, and other relevant laws and regulations. In addition, the arrangement would be expected to analyze significant matters that may pose legal risks, such as the attachment risk related to the funds in the joint account and the impact of participant insolvency on the account.

[10] The significant service provider program was formerly known as the Multi-Regional Data Processing Servicers program.

in terms of number of participants and geographic reach (interstate or international), which may pose increasing risks to the overall payment system in light of the potential to operate on a 24/7/365 basis. The Board sees benefit in uniform supervision and examination authority for private-sector arrangements that have reached this point of maturity.

Therefore, the Board has added to the provision that the private-sector arrangement be subject to federal or state supervision an expectation that the payment system established by a private-sector arrangement (including the operator) is also subject to the jurisdiction of a federal banking agency with the authority to examine or inspect the private-sector arrangement and take supervisory actions against the arrangement or its participants.[11] This means for a payment system established by a private-sector arrangement and supervised by a state regulatory body, a federal banking agency need not be engaging in active supervision or examination, but should have the authority to do so when the risk, scope, and operations call for such supervision or examination. For example, under the Bank Service Company Act, federal banking agencies have the authority to examine third-party service providers that perform services for depository institutions that the depository institution could otherwise do itself.

The Board also believes that consideration of those supervisory factors, as well as consideration of issues related to the operational soundness of the private-sector arrangement, would be more appropriately addressed under the final guidelines' third principle as part of considering the Federal Reserve's objectives to promote a safe, efficient, and accessible payment system for U.S. dollar transactions. In the final guidelines, the Board has therefore identified those elements as considerations under principle three.

Finally, as part of the final guidelines, and as indicated above, the Board has clarified the phrase ''sound legal basis'' in the second principle to mean a well-founded, clear, transparent, and enforceable legal basis in all aspects of the proposed arrangement. The Board has also made other minor technical changes for clarity.

3. *The design and rules of a private-sector arrangement should be consistent with the Federal Reserve's policy objectives to promote a safe, efficient, and accessible payment system for U.S. dollar transactions.*

As explained under the third proposed principle, a private-sector arrangement using a joint account to facilitate settlement would be expected to manage risks consistent with Part I of the Board's Policy on Payment System Risk (PSR Policy), even if the private-sector arrangement is not otherwise subject to the PSR Policy. Also of relevance was (1) whether the system is widely available for use by its intended end users and is designed to minimize the risk of disruption (rejection or delay of payments) to end users and (2) whether the system creates undue inefficiencies in the payment process or undue barriers to interoperability within the U.S. dollar payment system. The Board also explained that evaluation of a joint account request would assess whether the private-sector arrangement promotes payment system improvements and innovations and the extent to which the arrangement fosters competition in the payment system. The design and rules of the private-sector arrangement, including rules relating to the funding of and disbursements from the joint account, should also be consistent with the intended use of the account. For example, the rules should not provide an incentive for a participant that is not a joint account holder and not eligible for its own individual Federal Reserve account to use its participation in the arrangement, including the funding of its obligations under the arrangement through a joint account holder, to inappropriately take advantage of the credit-risk-free nature of the joint account for purposes other than settling payments through the arrangement.

The Board did not receive any comments suggesting modifications under the third proposed principle but did receive one comment from a national payments association related to principle five that the Board believes has implications for principle three. The commenter suggested that it would be relevant for the Board to consider the extent to which a private-sector arrangement facilitates payments as part of a transparent payment system, noting that less transparent mechanisms could reduce effective risk management of participants by providing inadequate visibility for all parties to sufficiently monitor and manage risks, which may affect the payment system more broadly. The Board believes that effective risk management will be adequately considered in the final guidelines but agrees that promoting transparency in the overall payment system is also an important policy objective. Therefore the final guidelines include under the third principle a consideration of the extent to which a private-sector arrangement promotes transparency for end users and the public more broadly (for example by making operating rules, rulemaking processes, list of participants, or certain network statistics publicly available).

As described in the discussions regarding the Board's second and fourth proposed principles, the Board believes, based on the comments received, that several considerations proposed under those principles would be more appropriately evaluated as part of principle three, specifically factors related to supervision, operational soundness (such as policies and procedures to minimize disruption when one of its participants, the agent, or the operator fails or in the event of operational failures), and financial soundness of the operator (such as financial statements and cash flow projections). The third principle of the final guidelines also provides greater clarity on the consideration of the Board's PSR Policy, specifically that a private-sector arrangement would be expected to comply with the general policy expectations for payment systems outlined within Part I of the PSR Policy at a minimum, even if it is not otherwise subject to the policy, in addition to any supervisory obligations.[12]

The Board has also clarified that as part of the third principle, the arrangement's rules should sufficiently address the responsibilities and liabilities of the participants, agent, and operator in cases of operational disruption, or erroneous or fraudulent conduct. Lastly, the final guidelines provide additional clarity related to consideration under the third principle of the extent to which the design and rules of the arrangement are consistent with the intended use of the arrangement.

4. *Provision of a joint account should not create undue credit, settlement, or other risks to the Reserve Banks.*

The Board in its proposal explained under the fourth proposed principle that granting a request for a joint account should not create undue risks to a Reserve Bank. For instance, the Board proposed that an operator for an arrangement must be financially sound and that the agent should demonstrate

[11] A federal banking agency would include the Board; the Federal Deposit Insurance Corporation (FDIC); and the Office of the Comptroller of the Currency (OCC).

[12] Those expectations are identified in Part I, section C of the PSR Policy, ''General policy expectations for other payment systems within the scope of the policy'' (as amended effective September 23, 2016). The PSR Policy is available at *https://www.federalreserve.gov/paymentsystems/files/psr_policy.pdf.*

an ongoing ability to meet all obligations under the joint account agreement with the account-holding Reserve Bank. Evaluation under this proposed principle would consider the manner in which the joint account will be used, including any anticipated use of Reserve Bank services and methods in place by the private-sector arrangement to avoid overnight and intraday overdrafts, which would not be permitted in a joint account. Under the fourth proposed principle, the agent would also need to demonstrate that it has ways to monitor the joint account and transactions into and out of the account, including the ability to avoid overdrafts and promptly cover any inadvertent overdrafts.

One commenter, a depository institution, addressed the fourth proposed principle. The commenter suggested that evaluation under the principle should consider the contingency processing capabilities of owners, participants and operators of a private-sector arrangement. The Board agrees that contingency processing capabilities will be important when evaluating joint account requests and believes that such considerations are already accounted for under several of the principles, including consideration of the private-sector arrangement's ability to minimize disruption to its system and to meet the requirements of the PSR Policy (principle three), the agent's ability to monitor transactions originated and received by the account (principle four), and whether the arrangement poses undue risk to the overall payment system (principle five). As those considerations are included in the final guidelines, the Board does not intend to include a separate contingency assessment as part of principle four.

The same commenter asked that the guidelines set forth a clearly defined review process for assessing the financial soundness of operators. The Board agrees that providing further information may be helpful to requestors and the final guidelines clarify that it will likely be necessary to review (among other things) the financial statements of operators, as well as cash flow projections (including capital and operating expenses). The Board also believes that those financial soundness factors would be more appropriately addressed under the final guidelines' third principle when considering the Federal Reserve's objectives to promote a safe, efficient, and accessible payment system for U.S. dollar transactions. In the final guidelines, the Board has therefore identified those elements as considerations under principle three. The Board does not believe, however, it would be appropriate to create a standardized review process for assessing the financial soundness of every operator, or to establish expectations that only certain information related to the financial condition of the operator will be relevant as part of assessing a joint account request. Ultimately, the specific considerations necessary to determine whether an operator is financially sound will vary depending on the nature of the private-sector arrangement and the individual entity.

The final guidelines no longer discuss an assessment of the financial soundness of each participant under principle four (absent a potential for further analysis of any atypical risk presented by a potential joint account holder, as discussed under the first guideline). The Board believes that the Reserve Banks already apply appropriate controls to account holders as necessary to mitigate risks that may result from financially unsound institutions. Moreover, the financial soundness of participating depository institutions is already considered by a depository institution's supervisor. In light of these various factors, the Board does not believe it is necessary to assess each individual joint account holder's financial soundness as part of evaluating a request.

Lastly, the explanatory paragraphs to the final guidelines provide that the account agreement with the account-holding Reserve Bank at the time of account opening, or any time thereafter, may include obligations relating to, or conditions or limitations on, use of the joint account as necessary to limit any operational, credit, legal, or reputational risks posed to the Reserve Banks.

5. *Provision of a joint account should not create undue risk to the overall payment system.*

Under the fifth proposed principle, a private-sector arrangement should not cause undue credit, settlement, or other risks to the efficient operation of other payment systems or the payment system as a whole. In evaluating a joint account request under this proposed principle, the Board proposed that the operational and financial interaction with, and use of, other payment systems would be relevant, as would the extent to which use of the joint account may restrict a portion of funds from being available to support intraday liquidity needs of depository institutions for other payment and settlement activity.

Three commenters addressed the fifth proposed principle. While all three commenters were generally supportive, two of the commenters suggested modifications to the proposed principle and its considerations. As discussed above, the Board received one comment from a national payments association under principle five that the Board believed was relevant for evaluation under principle three. One depository institution commenter suggested that the principle should include an assessment of individual joint account holders' liquidity needs to ensure that the private-sector arrangement does not negatively impact the ability to meet further obligations. The Board does not believe, however, that it would be appropriate to assess the liquidity needs of each individual account holder in considering a joint account request. Joint account holders should be effectively managing their unique liquidity needs, which may change over time. Institutions participating in private-sector arrangements should ensure liquidity management is appropriately robust and quantitative in light of the nature of the arrangement, particularly where its objective is to facilitate faster payments. Moreover, the liquidity of participating depository institutions will likely already be considered by a depository institution's supervisor. However, the Board agrees that issues of liquidity will be a critical consideration in evaluating joint account requests and believes that the overall impact of the private-sector arrangement on liquidity should already be adequately assessed as part of the fifth principle, which includes consideration of the extent to which the use of the joint account may restrict a portion of funds from being available to support liquidity needs of depository institutions for other payment and settlement activity.

In addition, the explanatory paragraphs of the final guidelines provide that the account agreement with the account-holding Reserve Bank at the time of account opening or any time thereafter may include obligations relating to, and conditions or limitations on, use of the joint account to limit risks to financial stability and the implementation of monetary policy (see principle six), as well as other risks that may arise.

6. *Provision of a joint account should not adversely affect monetary policy operations.*

Finally, the provision of a joint account could have important implications for monetary policy implementation, particularly if the end-of-day balances in a joint account or joint accounts in the aggregate fluctuate to the extent that they materially affect the demand for or supply of reserve

balances.[13] Such fluctuations would be a concern in a monetary policy framework that relies on controlling the supply of reserves and in which reserve balances are relatively scarce. Under the sixth proposed principle, a joint account would not be opened if it would adversely affect the conduct of monetary policy. The Board explained that evaluation of the potential monetary policy implications would include whether the balance in the joint account would be treated as reserves (that is, would either be available to satisfy any joint account holder's reserve balance requirement or be treated as excess reserves), the expected predictability and volatility of the aggregate end-of-day balance of the joint account, and the potential for a Reserve Bank to impose limitations on account volatility without affecting the intended function of the arrangement. The Board further identified several areas where it may be necessary for the account agreement with the account-holding Reserve Bank to include limits or controls, such as limiting account volatility and account size or requiring a private-sector arrangement to provide information related to such issues.[14] The Board requested comment on (1) how, if at all, the possibility of such limits affected interest in establishing a joint account or use of such an account once opened and (2) whether commenters believed other types of restrictions or conditions might be less burdensome, while being equally effective in attaining the same objectives.

Four commenters addressed these issues. One commenter suggested that the Board treat balances held in a joint account as reserves. The treatment of joint account balances, however, will depend on the nature of the private-sector arrangement, including the rights and obligations of the parties involved. Determining whether balances held in a joint account qualify as reserves therefore will be assessed for each request individually. Moreover, the determination of whether balances in joint accounts are treated as reserves will not affect the potential need to predict and limit the volatility in the joint accounts. If joint account balances are determined to be reserve balances, then these balances will affect the demand for such balances, which is closely monitored and supplied by the Federal Reserve in a scarce reserve regime. Likewise, if joint account balances are not treated as reserves, they are a factor affecting the supply of reserve balances, meaning, all else equal, movements in joint account balances have similarly sized but opposite effects on the supply of reserve balances, which the Federal Reserve will need to offset to provide the appropriate level of reserves in a scarce reserve regime.

None of the commenters opposed the principle or objected to the potential imposition of limits or controls. One commenter stated that institutions would be able to adequately adjust to any necessary limits or controls placed on the account. Two commenters suggested that any limits or controls be identified prior to opening a joint account, or be included in the account agreement with the account-holding Reserve Bank to provide clarity and certainty to private-sector arrangements. While the Board agrees that providing certainty would be beneficial to private-sector arrangements, limits or controls placed on joint accounts to mitigate monetary policy implications will necessarily depend on the framework in which the Federal Reserve is conducting monetary policy. Under a monetary policy framework where the policy rate is targeted by tightly managing the supply of reserves balances, the magnitude and predictability of daily changes in joint account balances would become important for monetary policy operations, and therefore it may be necessary to limit the volatility or size of a joint account or require advance notice of significant daily changes. However, under a monetary policy framework where the supply of reserve balances far exceeds the demand for reserve balances, joint account balances are likely to have a negligible effect on monetary policy operations, and such controls may not be necessary. The Board does not believe it would be possible to identify the exact limitations and controls that will be needed in all future policy frameworks.

As explained previously, the explanatory paragraphs of the final guidelines provide that the account agreement with the account-holding Reserve Bank at the time of account opening or any time thereafter may include obligations relating to, or conditions or limitations on, use of the joint account to limit risks to financial stability and the implementation of monetary policy, as well as other risks that may arise. Accordingly, the final guidelines have been modified to include only the evaluation considerations under principle six. Finally, the Board has made minor technical changes under principle six for clarity.

7. *Responses to Additional Questions Posed by the Board.*

In response to the Board's request for comment on any other criteria or information that commenters believed may be relevant to evaluate a joint account request, one national payments association commenter suggested that the final guidelines include separate elements to evaluate a designated agent or operator of a joint account.[15] The Board agrees that evaluation of the agent and operator is important. The Board does not believe, however, that it would be appropriate to establish separate, distinct criteria to evaluate the agent and operator apart from the private-sector arrangement, because the roles (and corresponding risks) of an agent or operator may vary depending on the specific design of a private-sector arrangement. Evaluating a private-sector arrangement's joint account request will necessarily consider the agent and operator, and the Board believes that both entities will be appropriately evaluated as part of that process under the final guidelines. For example, the risks posed to the participants of the private-sector arrangement will be necessarily considered in determining whether the private-sector arrangement has a sound legal and operational basis under principles two and three respectively, and the risks posed to the payment system as a whole would be considered under principle five.

Three commenters supported making some level of information public about joint accounts established under the final guidelines. Two commenters noted that certain information should not be made public. One payment system operator commenter stated that confidential information (such as functional, technical, or operational details) should not be made public as it may result in risk or harm to the private-sector arrangement or its participants. Another commenter, a depository institution trade association, stated that

[13] End-of-day balances refers to the balances in joint accounts at the time the Federal Reserve's accounting system closes for a given day.

[14] An information requirement might include a notice period within which the agent must notify the Reserve Bank of shifts in account balances greater than a designated threshold. The Board further explained that if other potential conditions discussed above are ineffective at mitigating the risks identified or if the obligations, limits or controls are breached, the account agreement with the account-holding Reserve Bank might be restricted further or the joint account may be closed if warranted.

[15] The commenter suggested that such separate criteria include, among other things, an appropriate risk assessment addressing the risks posed to the participants of the private-sector arrangement, the safety and integrity of the particular payment system established by the private-sector arrangement, and risks posed to the payment system as a whole, and an assessment of the agent's or operator's compliance with legal requirements and regulatory oversight.

unsuccessful joint account applications should not be made public.

In considering these comments, the Board believes that public announcement of joint accounts could be interpreted by some as an endorsement by the Federal Reserve of the private-sector arrangement or of its safety and soundness. The Board believes it is necessary to avoid any appearance of endorsing a private entity or arrangement using a joint account. The Board also believes that making the disapproval of a joint account arrangement public could result in competitive harm to the entities involved. Therefore, the Board has determined that neither it nor the Reserve Banks intend to announce the opening of individual joint accounts or the corresponding individual private-sector arrangements. The Board believes that the private-sector arrangement will provide sufficient transparency to participants and end users about the method of settlement, including the use of a joint account. This approach is generally consistent with the treatment of other Federal Reserve accounts, for which neither the Board nor the Reserve Banks publish information upon account openings, with limited exceptions.[16]

Consistent with the foregoing, the Board has clarified in the final guidelines that establishment of a joint account by the Reserve Banks is not intended as an endorsement or approval by the Federal Reserve of the payment system established by the private-sector arrangement and does not relieve any party to the private-sector arrangement or end user from conducting its own diligence on the arrangement generally, the associated risks of using the system established by the arrangement, or the acceptability of such risks.

Commenters were generally silent as to additional criteria or information that may be relevant to evaluating joint account requests for U.S. depository institutions to provide services to foreign clearing and settlement arrangements. The final guidelines will generally apply in the event that a request is received related to a foreign clearing or settlement arrangement, but the level of scrutiny and information necessary may vary from domestic arrangements.[17]

Finally, the Board requested comment on other steps or actions the Federal Reserve should consider to facilitate settlement in light of market participants' efforts to develop faster retail payment solutions. One commenter, a payment system operator, suggested that the Board coordinate with the Office of the Comptroller of the Currency's initiative on evaluating national bank charter applications from financial technology companies that engage in the business of banking. The Board does collaborate with other federal banking agencies on efforts to improve the payment system. Another depository institution trade association commenter recommended that the Federal Reserve continue to foster collaboration among a wide range of payments stakeholders across a broad range of issues in the same model as the Faster Payments Task Force to facilitate payment system improvements. The Board agrees that a collaborative approach has been productive and believes that it will continue to be valuable as the Federal Reserve and industry work to achieve the desired outcomes set forth in the *Strategies for Improving the U.S. Payment System* paper.

Another payment service provider commenter suggested that the final guidelines be applied using a risk-based approach to evaluating joint account requests so that smaller private-sector arrangements or new entrants are evaluated in light of their specific volumes and risks. The Board does not believe that it would be prudent to evaluate smaller arrangements or new entrants under less-stringent criteria; an evaluation under the final guidelines should necessarily consider the specific risks posed by each private-sector arrangement. In certain instances, that may mean a smaller private-sector arrangement presents less risk by nature of its size. In other instances, a smaller private-sector arrangement may present significant risks in spite of its size. For these reasons, evaluation under the final guidelines will consider the specific risks posed by a joint account request, regardless of size.

One commenter, a depository institution, asked the Federal Reserve to study how new payment methods have affected the payment system. Two other commenters recommended that the Board strive to balance burdens imposed by the final guidelines against the importance of payment system developments. The Board agrees that ensuring balanced guidelines is important to further the Federal Reserve's objectives of a safe, efficient, and accessible payment system, while avoiding undue burdens that lead to unintended consequences. The Board also agrees that monitoring existing and emerging payment methods provides useful information for achieving those objectives, and Federal Reserve staff will continuously consider developments in the payment system and any corresponding implications.[18]

II. Final Guidelines for Evaluating Joint Account Requests

The Board of Governors of the Federal Reserve System (Board) has adopted six principles and corresponding considerations (collectively, the guidelines) to be used in evaluating requests to the Federal Reserve Banks (Reserve Banks) for joint accounts intended to facilitate settlement between and among member banks and other eligible depository institutions (collectively depository institutions) participating in private-sector payment systems (private-sector arrangements).

For purposes of these guidelines, a joint account is an account at a Reserve Bank where the rights and liabilities are shared among multiple account holders (joint account holders), that is, institutions that are eligible to open an account with a Reserve Bank. The Board contemplates that under these arrangements, the joint account holders will authorize a single entity to serve as their ''agent'' in providing instructions to the Reserve Bank at which the account would be held (the account-holding Reserve Bank) with respect to the account. The account-holding Reserve Bank would be authorized to act on any instruction provided by the agent, consistent with the provisions of the joint account agreement. The Board also contemplates that private-sector arrangements using joint accounts might also use an ''operator'' (which could be the agent of the joint account or a separate entity) for running the arrangement, which may include undertaking various steps in the payments process such as initiation, clearing, settlement, and reconciliation, or establishing rules and governance. ''Participants'' in the arrangement might

[16] For example, the Board's H2 release publishes actions of the Board and the Reserve Banks, including authorizations to establish accounts for designated financial market utilities in accordance with the Dodd-Frank Act.

[17] Like domestic arrangements, requests will be evaluated on a case-by-case basis; the considerations and information to evaluate a particular request will likely be based on the complexity of the arrangement and other factors. For example, in considering a request related to a foreign clearing or settlement arrangement, the relevant supervisory and examination framework under principle three may be whether the payment system established by the private-sector arrangement is subject to a level of supervision and examination commensurate with those of domestic arrangements.

[18] Including, for example, as part of the Federal Reserve Payments Study and through the Reserve Banks' payment research groups. *https://www.federalreserve.gov/paymentsystems/payres_about.htm.*

include joint account holders, as well as other depository institutions and nondepository institutions that are directly part of the payment system established by the private-sector arrangement.

The guidelines broadly outline considerations necessary for evaluating requests, but are not intended to provide assurance that any specific arrangement would be granted a joint account. Every request will be evaluated on a case-by-case basis, with the type and extent of information necessary to evaluate a particular request likely dependent on the complexity of the arrangement. The guidelines apply to both domestic private-sector arrangements and foreign clearing or settlement arrangements. In the event that a request is received related to a foreign clearing or settlement arrangement, the level of scrutiny and information necessary may vary from domestic arrangements.

In addition to the evaluation under the guidelines, the account agreement with the account-holding Reserve Bank may include (at the time of account opening or any time thereafter) obligations relating to, or conditions or limitations on, use of the joint account as necessary to limit operational, credit, legal, or reputational risks posed to the Reserve Banks. The account agreement may also impose obligations relating to, or conditions or limitations on, use of the joint account to limit risks to financial stability and the implementation of monetary policy, as well as other risks that may arise. Obligations, limitations or conditions to limit risks to financial stability, the implementation of monetary policy, or other risks that may arise would be used only as deemed necessary and may include, for example, limits on the level or volatility of account balances and requirements for information on projected balances or volatility of balances. An information requirement might include a notice period within which the agent must notify the account-holding Reserve Bank of shifts in the end-of-day account balances greater than a designated threshold. If the obligations, limitations, or controls are ineffective at mitigating the risks identified or if the obligations, limitations, or controls are breached, the account agreement with the account-holding Reserve Bank might be restricted further or the joint account may be closed if warranted.

Establishment of a joint account by the Reserve Banks under these guidelines does not relieve any participant in the private-sector arrangement or any end user from conducting its own diligence on the arrangement generally, on any associated risks of using the payment system established by the private-sector arrangement, or on the acceptability of such risks. Establishment of a joint account by the Reserve Banks under these guidelines is not an endorsement or approval by the Board or Reserve Banks (collectively the Federal Reserve) of the payment system established by the private-sector arrangement. Moreover, nothing in the Board's guidelines relieves any institution from compliance with obligations imposed by an institution's supervisor.

The following will be used in evaluating requests to the Reserve Banks for joint accounts intended to facilitate settlement between depository institutions participating in private-sector arrangements:

1. *Each joint account holder must meet all applicable legal requirements to have a Federal Reserve account, and the Reserve Bank will not have any obligation to any non-account holder with respect to the balance in and operation of the account.*

○ Only an institution that is eligible to have a Federal Reserve account under applicable federal statute and Federal Reserve rules, policies, and procedures is able to be a joint account holder. Unless otherwise specified by statute, only those entities that are member banks or meet the definition of a depository institution under section 19(b) of the Federal Reserve Act are legally able to obtain Federal Reserve accounts and payment services.[19]

○ As part of evaluating any joint account requests, and consistent with Federal Reserve policies and procedures, the account-holding Reserve Bank must approve all joint account holders that are part of a proposed private-sector arrangement. Some institutions may be eligible for a Federal Reserve account but may present atypical risk profiles, such as uninsured institutions. In these cases, a heightened analysis of that institution's participation as a joint account holder may be performed under one or more of the other guidelines.

○ The designated agent or operator of the private-sector arrangement would not need to be a depository institution, assuming it is not a joint account holder.

○ Consistent with the Reserve Banks' deposit-taking authority, a Reserve Bank's obligation with respect to any balance in a joint account will be owed solely to the joint account holders, and no non-account holders may have any rights against the Reserve Bank with respect to the balance. No party other than an account holder shall have a claim against the account-holding Reserve Bank in connection with the operation of the joint account, including any decision related to opening or refusing to open the account.

2. *The private-sector arrangement should demonstrate that it has a well-founded, clear, transparent, and enforceable legal basis in all aspects of its proposed arrangement.*

○ Requestors of a joint account should provide supporting legal analysis as well as the system's rules, agreements, and other governing documents. The legal analysis should consider the application of applicable laws and regulations, such as U.C.C. 4A, the Electronic Funds Transfer Act, U.S. sanction programs, Bank Secrecy Act and anti-money-laundering requirements or regulations, and other relevant laws and regulations; the attachment risk related to the account; and how the operation of the account would be affected by a participant's insolvency.

3. *The design and rules of the private-sector arrangement should be consistent with the Federal Reserve's policy objectives to promote a safe, efficient, and accessible payment system for U.S. dollar transactions.*

○ In addition to any party's supervisory obligations, a private-sector arrangement that uses a joint account approved under these guidelines will be expected to manage risks consistent with the general policy expectations for payment systems outlined within Part I of the Board's *Federal Reserve Policy on Payment System Risk* (PSR Policy) at a minimum.[20] These policy expectations apply even if the private-sector arrangement is not otherwise subject to the PSR Policy.[21] Thus, before authorizing the establishment of a joint account, the private-sector arrangement would be expected to demonstrate that it has a general risk-management framework appropriate for the risks the system poses to the operator, agent, participants, the Reserve Bank granting the joint account, and other relevant parties and payment systems.

○ The private-sector arrangement should have policies and procedures to minimize disruption to its system when one of its participants, the agent, or the operator fails or in the event of operational failures. The arrangement's rules should also sufficiently

[19] There are certain statutory provisions allowing Reserve Banks to act as a depository and fiscal agent for the Treasury and certain government-sponsored entities (*See i.e.* 12 U.S.C. 391, 393–95, 1823, 1435) as well as for certain international organizations (*See i.e.* 22 U.S.C. 285d, 286d, 290o–3, 290i–5, 290l–3). In addition, Reserve Banks are authorized to offer deposit accounts to designated financial market utilities (12 U.S.C. 5465), Edge and Agreement corporations (12 U.S.C. 601–604a, 611–631), branches or agencies of foreign banks (12 U.S.C. 347d), and foreign banks and foreign states (12 U.S.C. 358).

[20] As of the date of publication of the final guidelines, those expectations are identified in Part I, section C of the PSR Policy, ''General policy expectations for other payment systems within the scope of the policy'' (as amended effective September 23, 2016). The PSR Policy is available at *https://www.federalreserve.gov/paymentsystems/files/psr_policy.pdf.*

[21] The Board's PSR Policy sets forth standards regarding the management of risks that financial market infrastructures (FMIs) present to the financial system when an FMI expects to settle a daily aggregate gross value of $5 billion on a given day and when providing accounts and services to FMIs. Generally, FMIs are multilateral systems among participating financial institutions, including the system operator, used for the purposes of clearing, settling, or recording payments, securities, or other financial transactions. For the purposes of a system that uses a joint account to facilitate settlement, the standards would be applicable regardless of the daily aggregate gross value in a given day.

address the responsibilities and liabilities of the participants, agent, and operator in cases of operational disruption, or erroneous or fraudulent conduct.

○ Requests for joint accounts involving a financially unsound operator would not be approved. Evaluation may include, among other things, reviewing financial statements of the operator, as well as cash flow projections (including capital and operating expenses).

○ Evaluation under this principle will take into account the applicable supervisory framework for the private-sector arrangement.[22] The payment system established by a private-sector arrangement (including the operator) should be subject to federal or state supervision and should also be subject to the jurisdiction of a federal banking agency with the authority to examine or inspect the private-sector arrangement and take supervisory actions against the arrangement or its participants.[23] This means for a payment system established by a private-sector arrangement and supervised by a state regulatory body, a federal banking agency need not be engaging in active supervision or examination, but should have the authority to do so when the risk, scope, and operations call for such supervision or examination. For example, under the Bank Service Company Act, federal banking agencies have the authority to examine third-party service providers that perform services for depository institutions that the depository institution could otherwise do itself.

○ An evaluation under this principle would assess whether the system is widely available for use by its intended end users, is designed to minimize the risk of disruption (rejection or delay of payments) to end users, and promotes transparency for end users and the public more broadly (for example, by making its operating rules, rulemaking processes, list of participants, or certain network statistics publicly available). Evaluation under this guideline would also assess whether the system creates inefficiencies in payment processes or barriers to interoperability within the U.S. dollar payment system. Also of relevance is whether the private-sector arrangement promotes payment system improvements and innovations and the extent to which the arrangement fosters competition in the payment system (for example between providers of payment services).

○ Finally, the design and rules of the private-sector arrangement, including rules relating to the funding of and disbursements from the joint account, should be consistent with the intended use of the account, such that a participant can only use the balances for the intended purpose of settling payments in the associated system.

4. *The provision of the joint account should not create undue credit, settlement, or other risks to the Reserve Banks.*

○ The agent and the joint account holders should demonstrate an ongoing ability to meet all obligations under the joint account agreement with the account-holding Reserve Bank.

○ The manner in which the joint account will be used in support of the private-sector arrangement and any anticipated use of Reserve Bank services should be identified.

○ Reserve Banks will not extend overnight or intraday credit to a joint account. The private-sector arrangement should structure its use of the joint account and Reserve Bank services in a manner that seeks to avoid intraday overdrafts. The agent also should demonstrate ways to monitor the joint account on an ongoing basis to avoid overdrafts and to promptly cover any inadvertent overdrafts.

○ Further, the agent should demonstrate the ability to appropriately monitor transactions into and out of the joint account.

5. *The provision of a joint account should not create undue risk to the overall payment system.*

○ The private-sector arrangement should not cause undue credit, settlement, or other risks to the efficient operation of other payment systems or the payment system as a whole.

○ The operational and financial interaction with and use of other payment systems should be identified.

○ The extent to which the use of the joint account may restrict a portion of funds from being available to support liquidity needs of depository institutions for other payment and settlement activity will also be considered.

6. *The provision of a joint account should not adversely affect monetary policy operations.*

○ Evaluation of the potential monetary policy implications of the use of a joint account will include whether the balance in the joint account would be treated as reserves (that is, treated as available to satisfy any joint account holder's reserve balance requirements or as excess reserves), the expected predictability and volatility of the end-of-day joint account balances, and the potential for the account agreement with the account-holding Reserve Bank to impose limitations on account volatility without affecting the intended function of the arrangement. This evaluation will occur regardless of the current monetary policy implementation framework in place.

By order of the Board of Governors of the Federal Reserve System, August 9, 2017.

Ann E. Misback,

Secretary of the Board.

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[22] Nothing in the Board's guidelines should be interpreted to relieve any participant in the private-sector arrangement from compliance with obligations imposed by an institution's supervisor, including for example related to financial resources, liquidity, participant default management, and other aspects of risk management.

[23] A federal banking agency would include the Board; the Federal Deposit Insurance Corporation (FDIC); and the Office of the Comptroller of the Currency (OCC).

FEDERAL TRADE COMMISSION

[File No. 162 3063]

TaxSlayer, LLC; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of the Gramm-Leach-Bliley Act Privacy Rule, and of the Gramm-Leach-Bliley Act Safeguards Rule. The attached Analysis To Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 29, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''In the Matter of TaxSlayer, LLC, File No. 1623063'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/taxslayerconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of TaxSlayer, LLC, File No. 1623063'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Katherine McCarron (202–326–2333) and Jacqueline Connor (202–326–2844), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 29, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 29, 2017. Write ''In the Matter of TaxSlayer, LLC, File No. 1623063'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/taxslayerconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''In the Matter of TaxSlayer, LLC, File No. 1623063'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC. 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 29, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from TaxSlayer, LLC (''TaxSlayer'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission again will review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves TaxSlayer, a company that advertises, offers for sale, sells, and distributes products and services to consumers, including TaxSlayer Online, a browser-based tax return preparation and electronic filing software and service. TaxSlayer Online assists consumers, typically for a fee, in preparing and electronically filing federal and state income tax returns. In 2016, more than 950,000 individuals filed tax returns using TaxSlayer Online.

TaxSlayer Online users create an account by entering a username and password (''login credentials'') on an account creation page. They then input a host of personal information in order to create a tax return, including but not limited to: Name, Social Security number (''SSN''), telephone number, physical address, income, employment status, marital status, identity of dependents, financial assets, financial activities, receipt of government benefits, home ownership, indebtedness, health insurance, retirement information, charitable donations, tax payments, tax refunds, bank account numbers, and payment card numbers.

TaxSlayer Online uses this personal information to prepare tax returns on behalf of customers. Once a tax return is prepared, a customer can file the return electronically through TaxSlayer Online with the Internal Revenue Service (''IRS'') and state departments of revenue. If a customer is entitled to a refund, TaxSlayer offers the option of directing the refund into a customer's bank account, or customers may elect to receive their refunds on a prepaid debit card.

The complaint alleges that TaxSlayer became subject to a list validation attack that began in October 2015. List validation attacks occur when attackers use lists of stolen login credentials to attempt to access accounts across a number of Web sites, knowing that consumers often reuse login credentials. In an unknown number of instances, the attackers engaged in tax identity theft by e-filing fraudulent tax returns and diverting the fabricated refunds to themselves.

The Commission's complaint alleges that TaxSlayer failed to comply with the Gramm-Leach-Bliley (''GLB'') Act Privacy Rule in two ways. First, TaxSlayer failed to provide a clear and conspicuous initial privacy notice. TaxSlayer's Privacy Policy was contained towards the end of a long License Agreement, and TaxSlayer did not convey the importance, nature, and relevance of this Privacy Policy to its customers. Second, TaxSlayer failed to deliver the initial privacy notice so that each customer could reasonably be expected to receive actual notice. For example, TaxSlayer did not require customers to acknowledge receipt of the

initial privacy notice as a necessary step to obtaining a particular financial product or service.

In addition, the complaint alleges that TaxSlayer engaged in a number of practices that, taken together, failed to provide reasonable and appropriate security for sensitive information from consumers, in violation of the GLB Act Safeguards Rule. First, TaxSlayer failed to have a written information security program until November 2015. Second, TaxSlayer failed to conduct a risk assessment, which would have identified reasonably foreseeable risks to the security, confidentiality, and integrity of customer information, including risks associated with inadequate authentication. Third, TaxSlayer failed to implement information safeguards to control the risks to customer information from inadequate authentication.

The proposed order contains provisions designed to prevent TaxSlayer from engaging in practices similar to those alleged in the complaint. Part I prohibits TaxSlayer from violating any provision of the GLB Act Privacy Rule and Safeguards Rule. Part II of the proposed order requires TaxSlayer to obtain, within the first one hundred eighty (180) days after service of the order and on a biennial basis thereafter for a period of ten (10) years, an assessment and report from a qualified, objective, independent third-party professional, certifying, among other things, that: (1) It has in place a security program that provides protections that meet or exceed the protections required by Part I.B of the order, and (2) its security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of sensitive consumer information has been protected.

Parts III through VII of the proposed order are reporting and compliance provisions. Part III requires dissemination of the order now and in the future to all current and future principals, offers, directors, and LLC managers and directors, and to persons with managerial or supervisory responsibilities relating to Parts I through IV of the order. Part IV ensures notification to the FTC of changes in corporate status and mandates that TaxSlayer submit an initial compliance report to the FTC. Part V requires TaxSlayer to retain documents relating to its compliance with the order for a five-year period. Part VI mandates that TaxSlayer make available to the FTC information or subsequent compliance reports, as requested. Part VII is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–18706 Filed 9–1–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0089: Docket No. 2017–0053; Sequence 3]

Submission for OMB Review; Request for Authorization of Additional Classification and Rate, Standard Form 1444

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Request for Authorization of Additional Classification and Rate, Standard Form (SF) 1444. A notice was published in the **Federal Register** at 82 FR 20340 on May 1, 2017. No comments were received.

DATES: Submit comments on or before October 5, 2017.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA 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 9000–0089. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0089, Request for Authorization of Additional Classification and Rate, SF 1444.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0089, Request for Authorization of Additional Classification and Rate, SF 1444'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000–0089.

Instructions: Please submit comments only and cite Information Collection 9000–0089, 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. Zenaida Delgado, Procurement Analyst, Federal Acquisition Policy Division, GSA, 202–969–7207 or email *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal Acquisition Regulation (FAR) 22.406 prescribes labor standards for federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts (DBRA), as well as labor standards for non-construction contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA).

The recordkeeping requirements in this regulation, FAR 22.406, reflect the requirements cleared under OMB control numbers 1235–0023, 1235–0008, and 1235–0018 for 29 CFR 5.5(a)(1)(i), 5.5(c), and 5.15 (records to be kept by employers under the Fair Labor Standards Act (FLSA)). The regulation at 29 CFR 516 reflects the basic recordkeeping and reporting requirements for the laws administered by the Department of Labor Wage and Hour Division.

FAR 22.406–3, implements the recordkeeping and information collection requirements prescribed in 29 CFR 5.5(a)(1)(ii) cleared under OMB control number 1235–0023 (also prescribed at 48 CFR 22.406 under OMB control number 9000–0089), by

providing SF 1444, Request for Authorization of Additional Classification and Rate, for the contractor and the Government to enter the recordkeeping and information collection data required by 29 CFR 5.5(a)(1)(ii) prior to transmitting the data to the Department of Labor.

B. Annual Reporting Burden

Number of Respondents: 3,831.
Responses per Respondent: 2.
Total Annual Responses: 7,662.
Review time per response: 0.5.
Total Burden Hours: 3,831.

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: Requester may obtain a copy of the justification from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0089, Request for Authorization of Additional Classification and Rate, SF 1444, in all correspondence.

Dated: August 29, 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. 2017–18676 Filed 9–1–17; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2017–0001; Sequence 3]

Submission for OMB Review; Ombudsman Inquiry/Request Instrument

AGENCY: Office of Acquisition Policy, Office of the Procurement Ombudsman (OPO), General Services Administration (GSA).

ACTION: Notice of request for comments regarding a new request for an Office of Management and Budget (OMB) clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the OMB a request to review and approve a new information collection requirement regarding OMB Control No: 3090–XXXX; Ombudsman Inquiry/Request Instrument. A notice was published in the **Federal Register** on May 19, 2017. No comments were received.

DATES: Submit comments on or before October 5, 2017.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Information Collection 3090–XXXX; Ombudsman Inquiry/Request Instrument.'' Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–XXXX; Inquiry/Request Instrument.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–XXXX; Ombudsman Inquiry/Request Instrument'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 3090–XXXX; Office of the Ombudsman Inquiry/Request Instrument.

Instructions: Please submit comments only and cite Information Collection 3090–XXXX; Inquiry/Request Instrument, 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. Millisa Gary, GSA Procurement/Task & Delivery Order Ombudsman, Office of Acquisition Policy, Office of the Ombudsman, GSA, at telephone 202–501–0699 or via email to *millisa.gary@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

OPO wants to place an online intake Instrument on the GSA Ombudsman's Web page for receiving inquiries from vendors who are currently doing business with, or interested in doing business with GSA. The inquiries will be collected by the GSA Ombudsman and routed to the appropriate office for resolution and/or implementation in the case of recommendations for process or program improvements. Reporting of the data collected will help highlight thematic issues that vendors encounter with GSA acquisition programs, processes or policies, and identify areas where training is needed. The information collected will also assist in identifying and analyzing patterns and trends to help improve efficiencies and lead to improvements in current practices.

B. Annual Reporting Burden

Maximum Potential Respondents: 118.

Responses per Respondent: 1.

Total Maximum Potential Annual Responses: 118.

Hours per Response: .25.

Total Burden Hours: 29.5.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 3090–XXXX, Inquiry/Request Instrument, in all correspondence.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–18675 Filed 9–1–17; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Voluntary Relinquishment From the Quantros Patient Safety Center

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of delisting.

SUMMARY: The Patient Safety Rule authorizes AHRQ, on behalf of the Secretary of HHS, to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. AHRQ has accepted a notification of voluntary relinquishment from the Quantros Patient Safety Center of its status as a PSO, and has delisted the PSO accordingly.

DATES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. The delisting was applicable at 12:00 Midnight ET (2400) on August 15, 2017.

ADDRESSES: Both directories can be accessed electronically at the following HHS Web site: *http://www.pso.ahrq.gov/listed.*

FOR FURTHER INFORMATION CONTACT: Eileen Hogan, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N94B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events.

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of federally approved PSOs.

AHRQ has accepted a notification from the Quantros Patient Safety Center, a component entity of Quantros Inc., PSO number P0014, to voluntarily relinquish its status as a PSO. Accordingly, the Quantros Patient Safety Center was delisted effective at 12:00 Midnight ET (2400) on August 15, 2017.

The Quantros Patient Safety Center has patient safety work product (PSWP) in its possession. The PSO will meet the requirements of section 3.108(c)(2)(i) of the Patient Safety Rule regarding notification to providers that have reported to the PSO and of section 3.108(c)(2)(ii) regarding disposition of PSWP consistent with section 3.108(b)(3). According to section 3.108(b)(3) of the Patient Safety Rule, the PSO has 90 days from the effective date of delisting and revocation to complete the disposition of PSWP that is currently in the PSO's possession. More information on PSOs can be obtained through AHRQ's PSO Web site at *http://www.pso.ahrq.gov.*

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–18707 Filed 9–1–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–0765; Docket No. CDC–2017–0062]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comments on a request for an extension of an approved information collection entitled, CDC's Fellowship Management System. CDC uses the information collected for processes that aid and enhance the selection of fellowship participants and host sites and to track participant information that helps strengthen the current, emerging, and ever-changing public health workforce.

DATES: Written comments must be received on or before November 6, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0062 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Fellowship Management System (OMB No. 0920–0765, expires 04/30/2018)— Extension—Division of Scientific Education and Professional Development (DSEPD), Center for Surveillance, Education, and Laboratory Services (CSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

DSEPD requests a three-year extension to continue use of the CDC Fellowship Management System (FMS) for its electronic applications, host sites, and directory processes that allow individuals to apply to fellowships online, allow public health agencies to submit fellowship assignment proposals online, and track applicant and alumni information. CDC uses the FMS application module to collect, process, and manage data from nonfederal applicants seeking training or public health support services through CDC fellowships, under the Office of Management and Budget (OMB) control number 0920–0765. FMS is key to CDC's ability to protect the public's health by supporting training opportunities that strengthen the public health workforce. In 2015, OMB approval for revision was granted for FMS for a 3-year period. Since 2015, OMB has approved nonsubstantive changes to FMS information collection requests under the same OMB control number, 0920–0765. These changes were made to accurately reflect evolving fellowship eligibility requirements, provide clarification of existing questions, efficiently and effectively accommodate changing needs of host organizations, and to account for the addition of 150 new applicants to the Science Ambassadors Fellowship. A 3-year extension will allow all fellowship applicants, public health agencies that host fellowship participants, and fellowship alumni the continued use of FMS for submission of electronic data.

The mission of DSEPD is to improve health outcomes through a competent, sustainable, and empowered public health workforce. Professionals in public health, epidemiology, medicine, economics, information science, veterinary medicine, nursing, public policy, and other related professionals seek opportunities, through CDC fellowships, to broaden their knowledge, and skills to improve the science and practice of public health. CDC fellows are assigned to state, tribal, local, and territorial public health agencies; federal government agencies, including CDC and Department of Health and Human Services' (HHS) operational divisions, such as Centers for Medicare & Medicaid Services; and to nongovernmental organizations, including academic institutions, tribal organizations, and private public health organizations.

FMS allows CDC to electronically collect and process fellowship applications, fellowship assignment proposals, and fellowship alumni information from nonfederal persons. FMS is a flexible and robust data management system that is standardized and tailored for each CDC fellowship, collecting only the minimum amount of information required, thereby streamlining decision processes for CDC and reducing burden for respondents. Respondent types vary depending on fellowship eligibility requirements, and responses to FMS questions are voluntary. CDC uses the information FMS gathers to identify participants for its fellowship programs and effectively address each program's needs and the needs of the public. By allowing online submissions of applications to fellowships and proposals for fellowship assignments, FMS can track fellowship applicants, alumni, and public health service agency employees seeking to host and work with fellows, all in one integrated database.

The annual burden table reflects OMB-approved changes since 2015, including the 150 new respondents applying to Science Ambassadors and changes for public health agency representatives. No changes were made relative to the FMS Alumni Directory or the FMS Host Site Module. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Frequency of response	Average burden time per response (in hours)	Average total response burden (in hours)
Fellowship Applicants	FMS Application	1,991	1	1.75	3,485
	Science Ambassadors	150	1	45/60	113
Fellowship Alumni	FMS Alumni Directory	1,382	1	15/60	346
Public Health Agency or Organization Staff.	FMS Host Site Module	408	1	1.5	612
Total		3,931			4,556

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. 2017–18697 Filed 9–1–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10203 and CMS–10346]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

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 October 5, 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/PaperworkReductionActof1995/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:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Health Outcomes Survey (HOS); *Use:* The collection is necessary to hold Medicare managed care contracts accountable for the quality of care they deliver to beneficiaries. This reporting requirement allows us to obtain the information necessary for proper oversight of the Medicare Advantage program. It is critical to our mission that we collect and disseminate valid and reliable information that can be used to improve quality of care through identification of quality improvement opportunities, assist us in carrying out our oversight responsibilities, and help beneficiaries make an informed choice among health plans. *Form Number:* CMS–10203 (OMB control number: 0938–0701); *Frequency:* Yearly; *Affected Public:* Individuals and households; *Number of Respondents:* 739,959; *Total Annual Responses:* 554,895; *Total Annual Hours:* 183,115. (For policy questions regarding this collection contact Kimberly DeMichele at 410–786–4286.)

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved information collection; *Title of Information Collection:* Appeals of Quality Bonus Payment Determinations; *Use:* Section 1853(o) of the Social Security Act requires us to make Quality Bonus Payments (QBPs) to Medicare Advantage (MA) organizations that achieve performance rating scores of at least 4 stars under a five star rating system. MA organizations have 10 calendar days from the date of CMS' release of its QBP determinations to request a technical report from CMS

explaining the development of their QBP status. The technical report is provided in writing by electronic mail to the MA organization. If, after reviewing the technical report, the MA organization believes that CMS was incorrect in its QBP determination, within 10 calendar days the MA organization may request an appeal to be conducted by a hearing officer designated by CMS. The hearing officer's decision is final and binding on both the MA organization and CMS. The hearing officer is required to issue his/her decision on or before May 15 of the year preceding the year in which the contract for which the QBP to be applied will be offered. *Form Number:* CMS–10346 (OMB control number: 0938–1129); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 500; *Total Annual Responses:* 20; *Total Annual Hours:* 160. (For policy questions regarding this collection contact Sarah Gaillot at 410–786–4637).

Dated: August 30, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–18740 Filed 9–1–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–102 and CMS–105, and CMS–10631]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

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 (the 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 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates 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 must be received by *November 6, 2017.*

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

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 *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

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:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–102 and CMS–105 Clinical Laboratory Improvement Amendments of 1988 (CLIA) Budget Workload Reports and Supporting Regulations

CMS–10631 The PACE Organization Application Process in 42 CFR part 460

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. 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 requires federal agencies to publish a 60-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.

Information Collection

1. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Clinical Laboratory Improvement Amendments of 1988 (CLIA) Budget Workload Reports and Supporting Regulations; *Use:* We will use the collected information to determine the amount of Federal reimbursement for surveys conducted. Use of the information includes program evaluation, audit, budget formulation and budget approval. Form CMS–102 is a multi-purpose form designed to capture and record all budget and expenditure data. Form CMS–105 captures the annual projected CLIA workload that the State survey agency will accomplish. Our regional offices also use the information to approve the annual projected CLIA workload. The information is required as part of the section 1864 agreement with the state. *Form Numbers:* CMS–102 and CMS–105 (OMB control number: 0938–0599); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 50; *Total Annual Hours:* 1,700. (For policy questions regarding this collection contact Jeffrey Pleines at 410–786–0684.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* The PACE Organization Application Process in 42 CFR part 460; *Use:* Initial application requirements for the PACE program are currently set forth in 42 CFR 460.12 and in the PACE Manual, Ch. 17. Until recently, the submission of initial and SAE PACE applications and supporting information was in paper format. These

applications are often hundreds of pages long, expensive to reproduce and transmit, and administratively inefficient, as staff reviewing different parts of the application are located in different physical locations and must receive hard copies of the material. However, beginning in 2016 and 2017, initial and SAE PACE applications, respectively, are being submitted via a new automated, electronic submission process. As with initial applications, an application also must be submitted for a PO that seeks to expand its service area and/or add a new service site, and with OMB approval, an automated application process will now also be required of PACE organizations submitting service area expansion applications. The collection specific to the application was approved by OMB for a 3-year period, which expires March 31, 2020. Approval is now requested for revisions to this currently-approved collection, which includes modifications to the PACE application. *Form Number:* CMS–10631 (OMB control number: 0938–1326); *Frequency:* Once and occasionally; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions) and State, Local, or Tribal Governments; *Number of Respondents:* 730; *Total Annual Responses:* 84; *Total Annual Hours:* 4,626. (For policy questions regarding this collection contact Stacy Davis at 410–786–7813.)

Dated: August 30, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–18738 Filed 9–1–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–P–1459]

Determination That ENJUVIA (Estrogens, Conjugated Synthetic B) Tablets, 0.625 Milligrams and 1.25 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 milligrams (mg) and 1.25 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 mg and 1.25 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Bronwen Blass, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6228, Silver Spring, MD 20993–0002, 301–796–5092.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 mg and 1.25 mg, is the subject of NDA 021443, held by Teva Branded Pharmaceutical Products R&D, Inc. (Teva), and was initially approved on May 10, 2004. ENJUVIA is indicated for treatment of moderate to severe vasomotor symptoms due to menopause and treatment of moderate to severe vaginal dryness and pain with intercourse, as well as symptoms of vulvar and vaginal atrophy due to menopause.

In 2016, Teva notified FDA that ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 mg and 1.25 mg, were being discontinued, and FDA moved those drug products to the ''Discontinued Drug Product List'' section of the Orange Book.

Foley & Lardner submitted a citizen petition dated March 8, 2017 (Docket No. FDA–2017–P–1459), under 21 CFR 10.30, requesting that the Agency determine whether ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 mg and 1.25 mg, were withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 mg and 1.25 mg, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that these products were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 mg and 1.25 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that these drug products were withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 mg and 1.25 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to ENJUVIA (estrogens, conjugated synthetic B) tablets, 0.625 mg and 1.25 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: August 28, 2017.

Anna K. Abram,

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

[FR Doc. 2017–18693 Filed 9–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–E–4282]

Providing Regulatory Submissions in Electronic Format—Content of the Risk Evaluation and Mitigation Strategies Document Using Structured Product Labeling; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Content of the Risk Evaluation and Mitigation Strategies Document Using Structured Product Labeling.'' This draft guidance is being issued in accordance with the Food and Drug Administration Safety and Innovation Act (FDASIA), which amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to require that certain submissions under the FD&C Act and the Public Health Service Act (PHS Act) be submitted in electronic format, beginning no earlier than 24 months after issuance of final guidance on electronic format for submissions. The draft guidance describes how FDA plans to implement the requirements for the electronic submission of Risk Evaluation and Mitigation Strategies (REMS) documents in certain submissions under new drug applications, abbreviated new drug applications, and biologics license applications, beginning no earlier than 24 months after issuance of the final guidance.

DATES: Submit either electronic or written comments on the draft guidance by March 5, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. [FDA–2017–E–4282] for '' Providing Regulatory Submissions in Electronic Format—Content of the Risk Evaluation and Mitigation Strategies Document Using Structured Product Labeling; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff office between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)). Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Adam Kroetsch, Center for Drug Evaluation and Research, Food and Drug Administration, Bldg. 51, Rm. 1168, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3842; or Aaron Sherman, Center for Drug Evaluation and Research, Food and Drug Administration, Bldg. 51, Rm.

6366, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–0493; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Content of the Risk Evaluation and Mitigation Strategies Document Using Structured Product Labeling; Draft Guidance for Industry.''

FDASIA (Pub. L. 112–144), amended the FD&C Act to add section 745A (21 U.S.C. 379k–1), entitled ''Electronic Format for Submissions.'' Section 745A(a)(1) of the FD&C Act requires that submissions under section 505(b), (i), or (j) of the FD&C Act (21 U.S.C. 355(b), (i), or (j)) and submissions under section 351(a) or (k) of the PHS Act (42 U.S.C. 262(a) or (k)) be submitted to FDA in electronic format no earlier than 24 months after FDA issues final guidance on electronic format for submissions. In accordance with section 745A(a)(1) of the FD&C Act, FDA is issuing this draft guidance, announcing its determination that submission types identified in the guidance must be submitted electronically in the format specified in the guidance beginning 24 months after the issuance of the final guidance.

This draft guidance (and the technical specification documents it references) describes how certain REMS documents will be required to be submitted in electronic format using Structured Product Labeling (SPL) as outlined in the FDA ''Structured Product Labeling (SPL) Implementation Guide with Validation Procedures'' (available at *http://www.fda.gov/downloads/ForIndustry/DataStandards/StructuredProductLabeling/UCM321876.pdf*). (FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register,** but Web sites are subject to change over time.) SPL is a Health Level 7 data standard used by FDA since 2005. For more information on how FDA interprets section 745A(a) of the FD&C Act, see the guidance for industry ''Providing Regulatory Submissions in Electronic Format—Submissions Under Section745A(a) of the Federal Food, Drug, and Cosmetic Act'' (available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM384686.pdf*).

Development of this guidance was facilitated by completion of the ''Pharmacy Systems Under REMS Project: Standardizing REMS Information for Inclusion Into Pharmacy Systems Using Structured Product Labeling (SPL).'' More information on this project—one of four predefined priority projects that are a part of the larger REMS Integration Initiative—can be found in the report ''Standardizing and Evaluating Risk Evaluation and Mitigation Strategies (REMS)'' (available at *http://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM415751.pdf*).

II. Paperwork Reduction Act of 1995

This notice refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001.

III. Electronic Access

Persons with access to the Internet may obtain the guidance at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *http://www.regulations.gov.*

Dated: August 23, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–18506 Filed 9–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4866]

Pediatric Post-Marketing Pharmacovigilance and Drug Utilization Reviews; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice, establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is establishing a public docket to collect comments related to the pediatric post-marketing pharmacovigilance and drug utilization reviews of products posted between March 11, 2017, and September 12, 2017, on FDA's Web site but not presented at the September 12, 2017, Pediatric Advisory Committee (PAC) meeting. These reviews are intended to be available for review and comment by members of the PAC, interested parties (such as academic researchers, regulated industries, consortia, and patient groups), and the general public.

DATES: Submit either electronic or written comments by October 20, 2017.

ADDRESSES: You may submit your comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 20, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 20, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, you 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 submission as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–4866 for the ''Pediatric Post-Marketing Pharmacovigilance and Drug Utilization Reviews'' that have been posted on FDA's Web site between March 11, 2017, and September 12, 2017, but not presented at the September 12, 2017, PAC meeting. Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff office between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenneth Quinto, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5145, Silver Spring, MD 20993, 240–402–2221, email: *kenneth.quinto@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is responsible for protecting the public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our Nation's food supply, cosmetics, and products that emit radiation.

FDA is establishing a public docket, Docket No. FDA–2017–N–4866, to receive input on pediatric post-marketing pharmacovigilance and drug utilization reviews posted between March 11, 2017, and September 12, 2017, available on FDA's Web site at *https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/PediatricAdvisoryCommittee/ucm510701.htm,* but not presented at the September 12, 2017, PAC meeting. FDA welcomes comments by members of the PAC, as mandated by the Best Pharmaceuticals for Children Act (Pub. L. 107–109) and the Pediatric Research Equity Act (Pub. L. 108–155), interested parties (such as academic researchers, regulated industries, consortia, and patient groups), and the general public. The docket number is FDA–2017–N–4866. The docket will open on October 9, 2017, and remain open until October 20, 2017. These pediatric post-marketing pharmacovigilance and drug utilization reviews are for the following products from the following centers at FDA:

Center for Biologics Evaluation and Research

1. GRASTEK (Timothy Grass Pollen Allergen Extract) Tablet for Sublingual Use
2. ORALAIR (Sweet Vernal, Orchard, Perennial Rye, Timothy, and Kentucky Blue Grass Mixed Pollens Allergen Extract) Tablet for Sublingual Use

Center for Drug Evaluation and Research

1. ALOXI (palonosetron hydrochloride)
2. ARNUITY ELLIPTA (fluticasone furoate)
3. ASMANEX HFA and ASMANEX TWISTHALER (mometasone furoate inhalation)
4. CYMBALTA (duloxetine)
5. EMSAM (selegiline transdermal system)
6. LATISSE (bimatoprost ophthalmic solution) 0.03%
7. NAMENDA (memantine hydrochloride) and NAMENDA XR (memantine hydrochloride) extended-release
8. PRIFTIN (rifapentine)
9. REYATAZ (atazanavir)
10. TACLONEX (betamethasone dipropionate/calcipotriene hydrate) Topical Suspension 0.064%/0.005% and TACLONEX (betamethasone dipropionate/calcipotriene hydrate) Topical Ointment 0.064%/0.005%
11. ZETONNA (ciclesonide)

Dated: August 30, 2017.

Anna K. Abram,

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

[FR Doc. 2017–18690 Filed 9–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Apparatus for Microarray Binding Sensors Having Biological Probe Materials Using Carbon Nanotube Transistors

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Commercialization Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice to Nanobernetics, LLC (''Nanobernetics'') located in Maryland.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before September 20, 2017 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated Exclusive Commercialization Patent License should be directed to: Jaime M. Greene, Senior Licensing and Patenting Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, Rm. 1E530 MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702 Telephone: (240)-276–5530;

Facsimile: (240)-276–5504 Email: *greenejaime@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

EP Patent 1999277 (Application No. 07753436.0) filed 19 March 2007, titled ''Apparatus for biosensor microarrays based on carbon nanotube transistors having biological probe materials, method for its production and method of electronically detecting a biological target material'', validated in FR, DE, IE, and GB, HHS Reference No.: E–056–2007/0–EP–04;

Australia Patent 2007227415 (Application No. 2007227415) filed 10/16/08, titled ''Apparatus for microarray binding sensors having biological probe materials using carbon nanotube transistors'', HHS Reference No.: E–056–2007/0–AU–05;

Canada Patent 2646465 (Application No. 2646465) filed 03/19/07, titled ''Apparatus for microarray binding sensors having biological probe materials using carbon nanotube transistors'', HHS Reference No.: E–056–2007/0–CA–06;

Japan Patent 5048752 (Application No. 2009–501490) filed 03/19/07, titled ''Apparatus for microarray binding sensors having biological probe materials using carbon nanotube transistors'', HHS Reference No.: E–056–2007/0–JP–07;

EP Patent 2570490 (Application No. 12160369.0) filed 03/19/07, titled ''Apparatus for microarray binding sensors having biological probe materials using carbon nanotube transistors'', validated in FR, DE, and GB. HHS Reference No.: E–056–2007/0–EP–08;

U.S. Patent 8,017,938 (Application No. 11/723,369), filed 19 March 2007, titled ''Apparatus for Microarray Binding Sensors Having Biological Probe Materials Using Carbon Nanotube Transistors'', HHS Ref. No.: E–056–2007/0–US–03; and

PCT Application No. PCT/US2007/06809, filed 19 March 2007, now abandoned, titled ''Apparatus for Microarray Binding Sensors Having Biological Probe Materials Using Carbon Nanotube Transistors'', HHS Ref. No.: E–056–2007/0–PCT–02.

U.S. Provisional Patent Application No. 60/743,524, filed 17 March 2006, now abandoned, titled ''Apparatus for Microarray DNA Binding Sensors Using Carbon Nanotube Transistors'', HHS Ref. No.: E–056–2007/0–US–01.

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to: ''The development of an FDA-approved or cleared *in vitro* diagnostic for the detection of hematological malignancies, wherein nucleic acids encoding one or more of the following genes are detected: (1) BCR–ABL, (2) FLT3, (3) Btk, (4) Alk, (5) Bcl–2, (6) Akt, and (7) PI3K.''

This technology discloses a microarray apparatus that uses carbon nanotubes transistors and electronic circuitry to quantitatively measure changes in gene expression levels. Typically, microarrays are microscope glass slides spotted with thousands of different genes. The array does not have built-in reader, and the detection is performed using a fluorescence scanner after hybridization with fluorescent-tagged target DNA. For simple nucleic acid detection, current methods rely upon various combinations of enzymatic amplification of nucleic acids and fluorescent labeling of targets, which entail enzymatic manipulation of the nucleic acid being tested and chemical labeling, respectively. These methods are both time consuming and afford limited sensitivity. In cases where microarray technology is used as a tool for monitoring gene expression patterns and profiling of micro RNA (miRNA) in normal and cancerous tissue, quantification of changes has typically been optically-based. While this technique is highly sensitive, use of optical methods impedes progress in both system miniaturization and in direct interfacing with data collection electronics.

To overcome the limitation of current microarray technologies, the inventors have developed a highly sensitive microarray apparatus that uses carbon nanotube transistors for the electronic detection of biological probe-target binding. The present invention provides an apparatus for biological target material detection which uses an array of carbon nanotube transistors, with each being operated as a field effect transistor. A single carbon nanotube transistor is associated with a distinct biological probe material. The current versus voltage characteristics or transconductance between the source and drain electrodes is measured before and after a binding event between the biological probe and target materials. By using a mathematical relationship, the exact amount of target binding can be extracted. Importantly, the present apparatus offers a significant advantage in simplicity of protocol as the method used therewith does not require chemical or enzymatic manipulation of the target being detected.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Commercialization Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: August 25, 2017.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2017–18668 Filed 9–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; NCI Cancer Genetics Services Directory Web-Based Application and Update Mailer (National Cancer Institute)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI) will publish periodic summaries of propose projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Margaret Beckwith, Office of Cancer Content, Office of Communications and Public Liaison (OCPL), 9609 Medical Center Drive, Rockville, MD 20892 or call non-toll-free number 240–276–6600 or email your request, including your address to: *nciocpl@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written

comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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.

Proposed Collection Title: NCI Cancer Genetics Services Directory Web-Based Application and Update Mailer, 0925–0639, Extension, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The Office of Communications and Public Liaison has created the NCI Cancer Genetics Services Directory on NCI's Web site *Cancer.gov.* This directory is a searchable collection of information about professionals who provide services related to cancer genetics. These services include cancer risk assessment, genetic counseling, and genetic susceptibility testing. The professionals have applied to be in the directory using an online application form and have met basic criteria outlined on the form.

There are currently 552 genetics professionals listed in the directory. Approximately 30–60 new professionals are added to the directory each year. The applicants are nurses, physicians, genetic counselors, and other professionals who provide services related to cancer genetics. The information collected on the application form includes name, professional qualifications, practice locations, and the area of specialization. The information is updated annually using a Web-based update mailer that mirrors the application form.

The NCI Cancer Genetics Services Directory is a unique resource for cancer patients and their families who are looking for information about their family risk of cancer and genetic counseling. Collecting applicant information and verifying it annually by using the NCI Cancer Genetics Services Directory Web-based Application Form and Update Mailer is important for providing this information to the public and for keeping it current.

OMB approval is requested for 3 year. There are no costs to respondents other than their time. The total estimated annualized burden hours are 180.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden Hours
Web-based Application Form	Genetics Professional	60	1	30/60	30
Web-based Update Mailer	Genetics Professional	600	1	15/60	150
Totals		660	660		180

Dated: August 21, 2017.

Karla Bailey,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2017–18667 Filed 9–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: Availability for licensing U.S. Government owned intellectual property for commercial development.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the patent applications listed below may be obtained by emailing the indicated licensing contact at the National Heart, Lung, and Blood, Office of Technology Transfer and Development Office of Technology Transfer, 31 Center Drive Room 4A29, MSC2479, Bethesda, MD 20892–2479; telephone: 301–402–5579. A signed Confidential Disclosure Agreement may be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing. Technology description follows.

Hybrid Computed Tomography Scanning System

Description of Technology: The invention relates to a combination hybrid computed tomography (CT) system that is particularly suited for elucidating stages in pulmonary diseases, notably cystic fibrosis and lung cancer. Improved visualization of lung parenchyma and the margins of lung cysts and lung nodules (non-invasive ''virtual biopsy'') may provide sufficient detail to distinguish the types of cystic lesions and lung nodules such that the typical lung tissue pathologic biopsy would not be needed to make a diagnosis. The system includes placing one or more x-ray detector panels near the patient's body initially outside the view of a CT scanner and then moved into place for a secondary scan. An initial low dose scan, CT scan or X-ray, can be performed and if a high-resolution CT scan is then necessary a flat panel detector is positioned near the area of interest. It is preferable that the flat panel detector be transparent to high-energy x-ray photons. The plurality of acquired images are then reconstructed into a low and high-resolution image.

Potential Commercial Applications:

- Non-invasive lung biopsies

Development Stage:

- Early stage, no prototype.

Inventors: Han Wen (NHLBI)

Intellectual Property: HHS Reference No. E–175–2017/0–US–01

- U.S. Provisional Patent Application 62/546,639 filed August 17, 2017.

Licensing Contact: Michael Shmilovich, Esq, CLP; 301–435–5019; *shmilovm@nih.gov.*

Collaborative Research Opportunity: The National Heart, Lung, and Blood Institute seeks statements of capability or interest from parties interested in collaborative research to further develop and evaluate, please contact Cecilia Pazman, Ph.D., Technology Development Specialist, Office of Technology Transfer, National Heart, Lung, and Blood Institute, Phone: (301) 594–4273; *pazmance@nhlbi.nih.gov.*

Dated: August 21, 2017.

Michael Shmilovich,

Senior Licensing and Patenting Manager, National Heart, Lung, and Blood Institute, Office of Technology Transfer and Development.

[FR Doc. 2017–18670 Filed 9–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Hearing and Balance Clinical Trial Review.

Date: September 27, 2017.

Time: 4:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; U01 Review.

Date: September 29, 2017.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, 301–402–3587, *rayk@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; VSL Clinical Trial Review.

Date: October 5, 2017.

Time: 11:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Institutional Research Training Grant Review.

Date: October 10, 2017.

Time: 12:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *katherine.shim@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: August 29, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18672 Filed 9–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0019; OMB No. 1660–0061]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Federal Assistance to Individuals and Households Program, (IHP)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, 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 a reinstatement, without change, of a previously approved information collection for which approval has expired. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the need to continue collecting information from individuals and States in order to provide and/or administer disaster assistance through the Federal Assistance to Individuals and Households Programs.

DATES: Comments must be submitted on or before October 5, 2017.

ADDRESSES: 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 Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Elizabeth McDowell, Program Specialist, 540–686–3630.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Act) is the legal basis for FEMA to provide disaster related assistance and services to individuals who apply for disaster assistance benefits in the event of a federally

declared disaster. The Individuals and Households Program (IHP) (the Act at 5174, Federal Assistance to Individuals and Households) provides financial assistance to eligible individuals and households who, as a direct result of a major disaster or emergency have necessary expenses and serious needs. The ''Other Needs Assistance'' (ONA) provision of IHP provides disaster assistance to address needs other than housing, such as personal property, transportation, etc.

The delivery of the ONA provision of IHP is contingent upon the State/Tribe choosing an administrator for the assistance. States/Tribes satisfy the selection of an administrator of ONA by completing the Administrative Option Agreement (FEMA Form 010–0–11), which establishes a plan for the delivery of ONA. This agreement establishes a partnership with FEMA and inscribes the plan for the delivery of disaster assistance. The agreement is used to identify the State/Tribe's proposed level of support and participation during disaster recovery.

This proposed information collection previously published in the **Federal Register** on May 30, 2017 at 82 FR 24731 with a 60 day public comment period. No comments were received. This information collection expired on July 31, 2017. FEMA is requesting a reinstatement, without change, of a previously approved information collection for which approval has expired. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Federal Assistance to Individuals and Households Program, (IHP).

Type of Information Collection: Reinstatement, without change, of a previously approved information collection for which approval has expired.

OMB Number: 1660–0061.

Form Titles and Numbers: FEMA Form 010–0–11, Administrative Option Agreement for the Other Needs provision of Individuals and Households Program, (IHP); FEMA Form 010–0–12, Request for Continued Assistance (Application for Continued Temporary Housing Assistance); FEMA Form 010–0–12S (Spanish) Solicitud para Continuar la Asistencia de Vivienda Temporera.

Abstract: The Federal Assistance to Individuals and Households Program (IHP) enhances applicants' ability to request approval of late applications, request continued assistance, and appeal program decisions. Similarly, it allows States to partner with FEMA for delivery of disaster assistance under the ''Other Needs'' provision of the IHP through Administrative Option Agreements and Administration Plans addressing the level of managerial and resource support necessary.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 59,073.

Estimated Number of Responses: 78,399.

Estimated Total Annual Burden Hours: 65,267 hours.

Estimated Total Annual Respondent Cost: The estimated annual cost to respondents for the hour burden is $2,043,275.28. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $213,556.60.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (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.

Dated: August 25, 2017.

Tammi Hines,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–18716 Filed 9–1–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–35]

60-Day Notice of Proposed Information Collection: Annual Adjustment Factors (AAF) Rent Increase Requirement

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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:* November 6, 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: Stephan A. Martin, Director, Assisted Housing Oversight Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; 202–708–3000; email: *Stephan.A.Smith@hud.gov.* 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: Annual Adjustment Factors (AAF) Rent Increase Requirement.

OMB Approval Number: 2502–0507.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–92273–S8.

Description of the need for the information and proposed use: Owners of project-based section 8 contracts that utilize the AAF as the method of rent adjustment provide this information which is necessary to determine whether or not the subject properties' rents are to be adjusted and, if so, the amount of the adjustment.

Respondents (i.e. affected public): Business, Not for profit institutions.

Estimated Number of Respondents: 1,080.

Estimated Number of Responses: 8.

Frequency of Response: On occasion.

Average Hours per Response: 1.5 Hours.

Total Estimated Burden: 12.

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: August 29, 2017.

Dana T. Wade,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–18745 Filed 9–1–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–47]

30-Day Notice of Proposed Information Collection: Technical Processing Requirements for Multifamily Project Mortgage Insurance

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:* October 5, 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 June 20, 2017 at 82 FR 28085.

A. Overview of Information Collection

Title of Information Collection: Technical Processing Requirements for Multifamily Project Mortgage Insurance.

OMB Approval Number: 2502–0594.

Type of Request: Reinstatement with change of a previously approved collection.

Form Number: HUD–92466, HUD–2456, HUD–92450, HUD–92443, HUD–3305, HUD–3306, HUD–92403.1, FHA–2415, HUD–92283, FHA–2455, FHA–1710, HUD–92433, and FHA–2459.

Description of the need for the information and proposed use: The information collection is analyzed by HUD during the four technical discipline phases of an application for mortgage insurance—underwriting, valuation, architectural, and mortgage credit analysis. HUD performs each phase during the application process to ensure the financial, physical, and environmental soundness of the project, as well as the potential insurance risk. Sponsors, mortgagors and contractors are required to undergo a thorough examination to determine their solvency, reliability, past experience, and dependability to develop, build, and operate the type of multifamily housing project they propose.

Respondents (i.e. affected public): Business and other non-profit.

Estimated Number of Respondents: 2,700,895.

Estimated Number of Responses: 9,250.

Frequency of Response: Annually.

Average Hours per Response: 1.

Total Estimated Burden: 9,250.

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: August 25, 2017.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–18741 Filed 9–1–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–29]

60-Day Notice of Proposed Information Collection: Housing Counseling Program—Biennial Agency Performance Review

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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:* November 6, 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: Cheryl Appline, Director, Office of Oversight and Accountability (OOA), Office of Housing Counseling, Department of Housing and Urban Development, Five Points Plaza Building, 40 Marietta Street, Atlanta, GA 30303; telephone 678–732–2696 (this is not a toll-free number) or email at *Cheryl.W.Appline@hud.gov.*

Copies of available documents submitted to OMB may be obtained from Ms. Appline.

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: Office of Housing Counseling Performance Review.

OMB Approval Number: 2502–0574.

Type of Request: Extension.

Form Number: HUD 9910.

Description of the need for the information and proposed use: HUD Office of Housing Counseling participating agencies are non-profit and government organizations that provide housing counseling services. The information collected allows HUD to monitor and provide oversight for agencies participating in the Housing Counseling Program. Specifically, the information collected is used to ensure that participating agencies comply with program policies and regulations and to determine if agencies remain eligible to provide counseling services under HUD's Housing Counseling Program. Housing counseling aids tenants, potential home buyers and homeowners in improving their housing conditions and in meeting the responsibilities of tenancy and homeownership.

Respondents (i.e., affected public): Not-for-profit institutions.

Estimated Number of Respondents: 455.

Estimated Number of Responses: 455.

Frequency of Response: 1.

Average Hours per Response: 9.5.

Total Estimated Burdens: 4,323.

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: August 29, 2017.

Dana T. Wade,

Associate General Deputy Assistant Secretary for Housing—Associate Deputy Federal Housing Commissioner.

[FR Doc. 2017–18743 Filed 9–1–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–30]

60-Day Notice of Proposed Information Collection: Continuation of Interest Reduction Payments After Refinancing Section 236 Projects

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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:* November 6, 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: Sheba Scott, Housing Program Manager, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *236preservation@hud.gov* or telephone 202–708–0001. 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. Scott.

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: Continuation of Interest Reduction Payments after Refinancing Section 236 Projects.

OMB Approval Number: 2502–0572.

Type of Request: Revision of currently approved collection.

Form Number:

- Form HUD–93173 Agreement for Interest Reduction Payments (§ 236(e)(2))
- form HUD–93175 Agreement for Interest Reduction Payments (§ 236(b))
- form HUD–93174 Use Agreement (§ 236(e)(2))
- form HUD–93176 Use Agreement (§ 236(b))

Description of the need for the information and proposed use: The purpose of this information collection is to preserve low-income housing units. HUD uses the information to ensure that owners, mortgagees and or public entities enter into binding agreements for the continuation of Interest Reduction Payments (IRP) after refinancing eligible Section 236 projects. HUD has created an electronic application for eligible projects to retain the IRP benefits after refinancing.

Respondents (i.e. affected public): Profit Motivated or Non-Profit Owners of Section 236 projects.

Estimated Number of Respondents: 875.

Estimated Number of Responses: 1,750.

Frequency of Response: 1.

Average Hours per Response: 1 hour.

Total Estimated Burdens: 1,750.

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: August 29, 2017.

Dana Wade,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–18744 Filed 9–1–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–28]

60-Day Notice of Proposed Information Collection: HUD Multifamily Rental Project Closing Documents

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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:* November 6, 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: Sylvia S. Chatman, Housing Program Manager, Office of Multifamily Production, *Sylvia.s.chatman@hud.gov,* 202–402–2994, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410. 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 to be submitted to OMB may be found at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/mfhclosingdocuments.*

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: HUD Multifamily Rental Project Closing Documents.

OMB Approval Number: 2502–0598.

Type of Request: Extension of currently approved collection and implementation of two new forms.

Form Numbers: HUD–91710M, HUD–91712M, HUD–92023M, HUD–92070M, HUD–92223M, HUD–92412M, HUD–92414M, HUD–92450M, HUD–92452A–M, HUD–92452M, HUD–92455M, HUD–92456M, HUD–91073M, HUD–92464M, HUD–92476.1M, HUD–92476a-M, HUD–92477M, HUD–92478M, HUD–92479M, HUD–91725M, HUD–91725M–CERT, HUD–91725M–INST, HUD–92434M, HUD–92442M, HUD–92466M, HUD–92554M, HUD–94000M, HUD–94001M, HUD–93305M, HUD–92476M, HUD–92420M, HUD–92408M, HUD–91070M, HUD–91071M, HUD–92907, HUD–92908

Description of the need for the information and proposed use: The Closing Documents were revised to: provide clarification, improve readability, ensure consistency across the documents, correct previously provided information, and to reflect the 2016 MAP Guide and the FHA Multifamily Closing Guide. The following is a discussion of noteworthy changes to certain of the Closing Documents, and an explanation of two new Closing Documents.

Revisions to the Closing Documents

Regulatory Agreement, HUD–92466M

Given that the definitions of ''Principal'' and ''Affiliate'' no longer appear at 24 CFR 200.215 following changes to HUD's Previous Participation Rule, HUD proposes to add the prior definition of Principal and Affiliate from 24 CFR 200.215 as defined terms.

HUD proposes to reincorporate the definition of ''Residual Receipts'' into the form. The term means certain funds which are restricted in their use by

Program Obligations and applicable business documents (*e.g.,* HAP Contract, Use Agreement) as may be more specifically described in the Residual Receipts Rider attached to the Regulatory Agreement. This definition has been reincorporated because a number of HUD loan documents make reference to Residual Receipts, including some documents that refer to the Regulatory Agreement as the source of the definition. However, because the source of Residual Receipts requirements now ultimately lies in programs other than FHA insurance (*e.g.,* in connection with certain Section 8 HAP contracts), the definition for purposes of this document does not describe all instances when Residual Receipts would apply nor does it precisely describe the method for calculating Residual Receipts. Instead the definition makes reference to such other potential sources of Residual Receipts requirements, as may be more particularly described in an attached Residual Receipts Rider.

Note, HUD–94001M

HUD proposes to add alternative language for bifurcated notes for consistency with the MAP Guide policy allowing for such financing structures.

Lender's Certificate, HUD–92434M

HUD proposes to add a new paragraph concerning No Material Adverse Changes for consistency with similar language in the Firm Commitment templates issued through Housing Notice 2016–06.

HUD proposes the attachment of a new exhibit for the Reserve for Replacement funding schedule generated during the mortgage insurance application stage and attached to the Firm Commitment. The schedule represents the amounts that lenders must collect from borrowers during insured loan servicing unless other amounts are approved in writing by HUD pursuant to Program Obligations.

HUD proposes to add a restriction formerly contained in the Instructions of Borrower's Counsel relating to lenders' due diligence obligations concerning certificates, permits, licenses, etc., that is more appropriate for the Lender's Certificate.

HUD proposes to add a new section for transactions involving cash-collateralized tax-exempt bonds combined with 4% Low Income Housing Tax Credits for consistency with the MAP Guide and current HUD practice.

Request for Endorsement of Credit Instrument, HUD–92455M

Certificate of Lender (HUD–92455M, Section I)

HUD proposes to add a new paragraph concerning No Material Adverse Changes for consistency with similar language in the Firm Commitment templates issued through Housing Notice 2016–06.

HUD proposes the attachment of a new exhibit for Reserve for Replacement funding schedule generated during the mortgage insurance application stage and attached to the Firm Commitment. The schedule represents the amounts that lenders must collect from borrowers during insured loan servicing unless other amounts are approved in writing by HUD pursuant to Program Obligations.

HUD proposes to add a restriction formerly contained in the Instructions to Opinion of Borrower's Counsel relating to lenders' due diligence obligations concerning certificates, permits, licenses, etc., that is more appropriate for the Lender's Certificate.

HUD proposes to add a new section for transactions involving cash-collateralized tax-exempt bonds combined with 4% Low Income Housing Tax Credits for consistency with the MAP Guide and current HUD practice.

HUD proposes to add a new certification moved from the Instructions to Opinion of Borrower's Counsel relating to lender consent for any secondary financing.

Certificate of Borrower (HUD–92455M, Section II)

Completion of construction certification was enhanced to have the Borrower certify to the level of craftsmanship used to complete the repairs.

The following certifications were typically given separately from the Certificate of Borrower and collected at closing: Certification of Schedule of Accounts Payable, Certification of Rent Roll, Certification of Tenant Security Deposits. These certifications have now been incorporated into this document in order to reduce the number of separate documents collected at closing.

Opinion of Borrower's Counsel, HUD–91725M; Instructions, HUD–91725M–INST; Exhibit A, HUD–91725M–CERT

HUD proposes separate paragraphs related to bond, tax credit, secondary financing, and Public Entity Agreement (PEA) for clarification. The definition of PEA now includes public secondary financing; private secondary financing is a separate paragraph. There are separate opinions concerning supremacy of Primary/Supporting Loan for each of these matters.

HUD proposes to add a new paragraph under documents reviewed to clarify (as stated in existing Instructions) that all transaction documents must be included.

HUD proposes to add a new paragraph under opinions for required state or deal specific opinions.

HUD proposes that Borrower's Counsel must review all organizational documents within Borrower's organizational structure, as is legally necessary, to establish the authority of the signatory executing transaction documents on behalf of Borrower and to give the authorization opinion. Also, HUD proposes to add a definition for 2nd tier entity foreign status certificate.

HUD proposes to add a disclosure exception in confirmation (d) where another attorney in Borrower's Counsel's law firm has an interest in the subject matters of the Opinion. Previously the conflict/identity of interest had to be disclosed but it was unclear how to disclose. HUD proposes to add language that counsel must confirm compliance with applicable ethics rules rather than issuing a separate ethics opinion.

HUD proposes to include litigation ''threatened in writing'' as part of the litigation disclosures.

HUD proposes to add a definition of ''Primary Loan Documents'' to include HUD loan documents but not bond, tax credit, secondary financing, and supporting documents to ensure the supremacy opinions regarding bond, tax credit, and secondary financing are clear that the Primary Loan Documents control.

Lease Addendum, HUD–92070M

HUD has reformatted this document for ease of reading along with adding section headings. There is no longer a separate instructions page as that caused confusion in the past. HUD proposes to revise the document to be a signed agreement that is attached to the underlying ground lease/lease, rather than an unsigned addendum. Additionally, recognition of HUD lease requirements formerly in the recitals are now proposed as part of the actual agreement.

The proposed document has been further revised to provide two different options for the property interest being leased for consistency with new MAP Guide: Option 1, landlord owns the fee interest in the land and tenant/borrower owns the building and improvements (this is the traditional structure found in

the existing Lease Addendum); Option 2, the landlord owns the land, building and improvement in fee simple, which the tenant/borrower leases—this structure is now permitted in the revised MAP Guide in certain circumstances.

HUD proposes to add minimum requirements if a memo of lease is recorded instead of the entire ground lease, subject to state law requirements. This should establish greater uniformity with respect to different practices in different HUD offices.

The document now memorializes an existing but previously separate HUD requirement that landlords provide an estoppel certificate. HUD further proposes a bracketed option for deletion of the HUD option to purchase the fee estate when authorized in writing by HUD pursuant to Program Obligations, consistent with the new MAP Guide.

Lastly, HUD proposes to add a clause to prohibit merger of the fee and leasehold estates without HUD consent, for the protection of HUD. This is a fairly typical ground lease provision.

Subordination Agreement—Public, HUD–92420M

HUD proposes that this particular form will only be used for public, secondary lenders. HUD proposes a separate subordination form for private, subordinate lenders (see below).

HUD proposes to add brackets to certain provisions to accommodate secondary financing that comes in the form of forgivable loans. HUD proposes to add a sentence to memorialize Senior Lender's consent to the Subordinate Loan pursuant to the MAP Guide.

HUD proposes to add certain required language from the MAP Guide that was previously omitted. HUD also proposes to add language from the Surplus Cash Note that is required by the MAP Guide. HUD further proposes to include required HUD language to be inserted into the underlying promissory note so that Surplus Cash Note does not also need to be used. This should resolve inconsistent guidance and practice with respect to the form of note to use with public secondary financing that is secured.

HUD proposes to remove the requirement that public, subordinate lenders agree that their lien be extinguished by deed in lieu of foreclosure. This is a concession to state and local housing finance agencies that have raised numerous objections to this provision over the last 2.5 years.

HUD proposes a change to the prohibition against foreclosure of subordinate mortgages. Secondary financing lenders were previously prohibited from pursuing foreclosure in the event of a default under their loan documents. As an accommodation to public secondary financing lenders, Housing proposes to allow such public lenders to pursue their foreclosure remedies after a standstill period of 180 days. Note that foreclosure for a monetary event of default will still not be allowed while the loan is insured or HUD-held, given that that repayment obligations during this time are limited to 75% of available Surplus Cash. Consequently, public subordinate lender foreclosure can only occur for covenant events of default, such as for violations of use and affordability restrictions.

Subordination Agreement—Private, HUD–92907M

This is an entirely new form. It replaces the Secondary Financing Rider found in the FHA Multifamily Program Closing Guide that was previously used for secured, private secondary financing. This new form is largely modeled after the Subordination Agreement, HUD–92420M, which will become the form used with public secondary financing lenders.

Residual Receipts Note, HUD–92908M

Residual Receipts Note (Nonprofit Borrowers) (HUD–91710M) & Residual Receipts Note (Limited Dividend Borrowers) (HUD–91712M) will be merged into one form of note going forward. For new transactions, Housing doesn't underwrite NP or LD owners differently and so there is no longer an FHA-driven basis for residual receipts accounts. This was discussed in a public FAQ dated 6/18/2015 (highlighting that borrower's nonprofit status no longer triggers the requirement of residual receipts). However, the existing forms will continue to be made available for existing projects.

Supplementary Conditions to the Construction Contract, HUD–92554M

HUD proposes to add language that the document supersedes conflicting provisions in the AIA Document A201 General Conditions of the Contract for Construction, for consistency with the FHA Multifamily Program Closing Guide.

Survey Instructions and Surveyor's Report, HUD–91073M

HUD proposes revisions that are necessary to permit the form to work with new 2016 ALTA/NSPS standards as discussed in an FAQ from earlier this year. Additionally, the proposed revision to page one of the document isolates the instructions to make it easier for surveyors to understand HUD requirements and how to complete the form.

Escrow for Deferred Repairs, HUD–92476.1M

HUD proposes to remove the term ''Non-critical'' throughout, in order to recognize the MAP Guide policy change to allow certain accessibility corrections to be paid from this escrow after initial/final closing.

Supplement to Building Loan Agreement, HUD–92441M–SUPP

HUD is eliminating this form from the Collection of Information and use in the Multifamily programs, as borrower entities can no longer serve as their own general contractors and remain in compliance with HUD's regulatory single asset entity and administrative requirements.

Respondents (i.e. affected public): Lenders, Borrowers, Housing Finance Agencies, Government Agencies that support affordable housing, Multifamily Housing Developers, Lender's Council, Borrower's Council, Contractors, Architects, Secondary Financing Lenders.

Estimated Number of Respondents: 17,468.

Estimated Number of Responses: 17,468.

Frequency of Response: Once per annum.

Average Hours per Response: .70 hours.

Total Estimated Burden: 12,359.50 hours.

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 comments in response to these questions. Please note that HUD will not

consider any redline/strikeout comparison documents submitted by commenters, as it is far too inefficient for the Department to consolidate and consider redline/strikeout versions of each of the documents from numerous interested parties, based on HUD's past experience in seeking public comments on this information collection. HUD will only consider proposed changes to the documents listed under Section A that are submitted in narrative and/or bulleted form, accompanied by a detailed explanation and rationale for each requested change. However, commenters may include in their detailed explanation and rationale the relevant excerpt(s) from the document(s) with redlines/strikeouts.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 29, 2017.

Dana T. Wade,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–18742 Filed 9–1–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2017–N109; FXES11140200000–178–FF02ENEH00]

Incidental Take Permit Applications Received To Participate in the American Burying Beetle Amended Oil and Gas Industry Conservation Plan in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, as amended (ESA), we, the U.S. Fish and Wildlife Service, invite the public to comment on federally listed American burying beetle incidental take permit applications. The applicants anticipate American burying beetle take as a result of impacts to habitat the species uses for breeding, feeding, and sheltering in Oklahoma. The take would be incidental to the applicants' activities associated with oil and gas well field and pipeline infrastructure (gathering, transmission, and distribution), including geophysical exploration (seismic), construction, maintenance, operation, repair, decommissioning, and reclamation. If approved, the permits would be issued under the approved *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.*

DATES: To ensure consideration, written comments must be received on or before October 5, 2017.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicants' incidental take permit (ITP) applications by one of the following methods. Please refer to the proposed permit number when requesting documents or submitting comments.

○ *U.S. Mail:* U.S. Fish and Wildlife Service, Division of Endangered Species—HCP Permits, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.

○ *Electronically: fw2_hcp_permits@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at U.S. Fish and Wildlife Service, Environmental Review Division, P.O. Box 1306, Room 6034, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.;* ESA), we, the U.S. Fish and Wildlife Service, invite the public to comment on incidental take permit (ITP) applications to take the federally listed American burying beetle (*Nicrophorus americanus*) during oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

If approved, the permits would be issued to the applicants under the *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.* The original ICP was approved on May 21, 2014, and the ''no significant impact'' finding notice was published in the **Federal Register** on July 25, 2014 (79 FR 43504). The draft amended ICP was made available for comment on March 8, 2016 (81 FR 12113), and approved on April 13, 2016. The ICP and the associated environmental assessment/finding of no significant impact are available on our Web site at *http://www.fws.gov/southwest/es/oklahoma/ABBICP.* However, we are no longer taking comments on these finalized, approved documents.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following applications under the ICP, for incidentally taking the federally listed American burying beetle. Please refer to the appropriate permit number (*e.g.,* TE–123456) when requesting application documents and when submitting comments. Documents and other information the applicants have submitted are available for review, subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Permit TE41500C

Applicant: Plains All American Pipeline, L.P., Houston, TX.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Permit TE42582C

Applicant: Reach Energy Limited, Oklahoma City, OK.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as

representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority: We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: July 27, 2017.

Benjamin N. Tuggle,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2017–18724 Filed 9–1–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17X LLIDB00100 LF1000000.HT0000 LXSIOVHD0000 4500104754]

Notice of Public Meeting, Boise District Resource Advisory Council, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Boise District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Boise District RAC will meet on September 14, 2017, and on November 17, 2017.

ADDRESSES: Both meetings of the Boise District RAC will take place at the BLM Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Michael Williamson, BLM Boise District, Idaho; 3948 Development Avenue, Boise, Idaho 83705; 208–384–3393; *mwilliamson@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may contact Mr. Williamson by calling the Federal Relay Service (FRS) at 800–877–8339. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Williamson. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Idaho.

The September 14 meeting will begin at 7:00 a.m. and end no later than 5:00 p.m. and will involve a field tour of several locations throughout the Four Rivers Field Office. The public comment period will take place from 7:02 a.m. to 7:30 a.m. During this meeting, the Boise District RAC will visit locations to discuss the Four Rivers Field Office Resource Management Plan, the Paradigm Fuel Break Project, herbicide environmental analysis, and other field office issues. Additional topics may be added and will be included in local media announcements. The public will need to provide their own transportation if they wish to accompany the field trip.

The November 17 meeting will begin at 9:00 a.m. and end no later than 4:00 p.m. The public comment period will take place from 11:00 a.m. to 11:30 a.m. During this meeting, the Boise District RAC will receive updates on the Wild Horse and Burro program, travel management planning, Fire program, Soda Fire rehabilitation, Tri-State fuel break project, and other field office updates. Additional topics may be added and will be included in local media announcements.

RAC meetings are open to the public. The public may present written comments to the Council at the address listed in the **ADDRESSES** section of this notice. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided above.

Authority: 43 CFR 1784.4–2.

Lara Douglas,

District Manager.

[FR Doc. 2017–18701 Filed 9–1–17; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDT000000.L11200000.DD0000.241A.00; 4500069133]

Notice of Public Meeting, Twin Falls District Resource Advisory Council, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Twin Falls District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Twin Falls District RAC will meet on September 27, 2017.

ADDRESSES: The Twin Falls District RAC will meet at the BLM Twin Falls District Office, 2878 Addison Ave. E., Twin Falls, ID 83301.

FOR FURTHER INFORMATION CONTACT: Heather Tiel-Nelson, Twin Falls District Office, Idaho, 2878 Addison Ave. E., Twin Falls, ID 83301, 208–736–2352, email at *hnelson@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may contact Ms. Tiel-Nelson by calling the Federal Relay Service (FRS) at 800–877–8339. The FRS is available 24 hours a day, 7 days a week, to leave a message or question for Ms. Tiel-Nelson. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in Idaho. During the September 27 meeting, the RAC will convene at 9:00 a.m. and will receive an overview of the 2017 fire season, learn about the potential for Unmanned Aircraft Systems use for resource management, discuss travel management planning taking place around the Twin Falls District, and receive an update on the Cedar Fields Environmental Impact Statement. Additional topics may be added and will be included in local media announcements as well as online at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/Idaho/twin-falls-district-RAC.*

RAC meetings are open to the public. The public may present written comments to the Council at the address provided above. Each formal Council meeting will also have time allocated for

hearing public comments. The public comment period will take place from 1:30–2:00 p.m. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided above.

Authority: 43 CFR 1784.4–2.

Michael C. Courtney,

Twin Falls District Manager.

[FR Doc. 2017–18700 Filed 9–1–17; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDI00000.L10200000.PH0000. LXSS024D0000.17XL.241.A; 4500105632]

Notice of Public Meeting, Idaho Falls District Resource Advisory Council and Idaho Falls District Recreation Resource Advisory Council, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Idaho Falls District Resource Advisory Council (RAC) and Recreation RAC will meet as indicated below.

DATES: The Idaho Falls District RAC will meet on September 12 and 13, 2017.

ADDRESSES: The Idaho Falls District RAC will meet at the BLM Pocatello Field Office, 4350 Cliffs Drive, Pocatello, Idaho 83204.

FOR FURTHER INFORMATION CONTACT: Sarah Wheeler, Idaho Falls District, Idaho, 1405 Hollipark Drive, Idaho Falls, Idaho 83401, 208–524–7550, email at *sawheeler@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may contact Ms. Wheeler by calling the Federal Relay Service (FRS) at 800–877–8339. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Ms. Wheeler. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in Idaho.

The September 12th meeting will begin with new member orientation at 10:00 a.m. At 1:00 p.m., the full RAC will convene. The Recreation RAC will hear a fee-increase proposal from the Caribou-Targhee National Forest for five cabins on the Soda Springs and Montpelier Ranger Districts. Other topics will include items affecting the Pocatello Field Office such as phosphate mining, ongoing land health assessments, and travel management planning. A tour of a phosphate mine is scheduled for September 13, 2017. Limited space is available for the public to join the tour. Individuals who plan to attend and need special assistance (*e.g.,* sign language interpretation, tour transportation, or other reasonable accommodations) should contact the BLM as indicated above to determine availability.

Additional topics may be added and will be included in local media announcements. The agenda will be available online at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/Idaho/idaho-falls-district-RAC.*

The RAC meetings are open to the public. The public may present written comments to the Council at the address provided above. Each formal Council meeting will also have time allocated for hearing public comments. Public comment period for this meeting will take place from 1:00–1:30 p.m. on September 12, 2017. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1784.4–2.

Mary D'Aversa,

Idaho Falls District Manager.

[FR Doc. 2017–18702 Filed 9–1–17; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023837; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New Jersey State Museum, Trenton, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New Jersey State Museum has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the New Jersey State Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the New Jersey State Museum at the address in this notice by October 5, 2017.

ADDRESSES: Dr. Gregory D. Lattanzi, Bureau of Archaeology & Ethnology, New Jersey State Museum, 205 West State Street, Trenton, NJ 08625, telephone (609) 984–9327, email *gregory.lattanzi@sos.nj.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the New Jersey State Museum, Trenton, NJ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in

this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the New Jersey State Museum professional staff in consultation with representatives of the Pawnee Nation of Oklahoma.

History and Description of the Remains

Sometime after 1868, human remains representing, at minimum, one individual were collected by Mr. Charles A. Philhower of Westfield, NJ. The human remains were donated to Rutgers University, Special Collections and Library and, in 1972, transferred to the New Jersey State Museum as a permanent loan. In 2010, the Philhower collection was permanently accessioned into the New Jersey State Museum. The human remains consist of a hair lock and scalp representing one male of indeterminate age. A note accompanying the scalp lock reads ''Taken from the head of a Pawnee Indian by an Indian wagon driver, Alapthe, along the old Santa Fe Trail near Wagon Mound in the center of New Mexico, year 1868.'' No known individual was identified. No associated funerary objects are present.

Determinations Made by the New Jersey State Museum

Officials of the New Jersey State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Pawnee Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Gregory D. Lattanzi, Bureau of Archaeology & Ethnology, New Jersey State Museum, 205 West State Street, Trenton, NJ 08625, telephone (609) 984–9327, email *gregory.lattanzi@sos.nj.gov,* by October 5, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Pawnee Nation of Oklahoma may proceed.

The New Jersey State Museum is responsible for notifying the Pawnee Nation of Oklahoma that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–18682 Filed 9–1–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23719; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Fish and Wildlife Service, Office of Law Enforcement, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Fish and Wildlife Service, Office of Law Enforcement (USFWS OLE), has completed an inventory of human remains and an associated funerary object, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary object and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request to the USFWS OLE. If no additional requestors come forward, transfer of control of the human remains and associated funerary object to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to the USFWS OLE at the address in this notice by October 5, 2017.

ADDRESSES: Steve Oberholtzer, Special Agent in Charge, U.S. Fish and Wildlife Service Office of Law Enforcement, Mountain-Prairie Region, P.O. Box 25486—DFC, Denver, CO 80225, telephone (303) 236–7893, email *steve_oberholtzer@fws.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the USFWS OLE. The human remains and associated funerary object were removed from Ontario County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary object. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the USFWS OLE professional staff in consultation with representatives of the Onondaga Nation; Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); and Tuscarora Nation, as well as the Haudenosaunee Standing Committee on Burial Rules & Regulations. The Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin) deferred to the Haudenosaunee Standing Committee. The Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma) deferred to the Cayuga Nation and the Haudenosaunee Standing Committee. The Cayuga Nation; Oneida Nation of New York; and Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York) were invited to consult but declined to participate.

History and Description of the Remains

On an unknown date, human remains consisting of 80 loose teeth, representing, at minimum, 12 individuals (seizure-item number 817879–1) were removed from the Alva Reed Farm, Richmond Mills (Hne 105–4) or the site known as the Reed Fort or Richmond Mills site, all of which are located in Ontario County, NY. The ages of the individuals represented by the dentition are 11 to 12 years; 14 to 15 years; 6 to 6½ years; and 8½ to 10 years. No known individuals were identified. The associated funerary object is 1 bone roundel made from a

human cranial bone, which was contained together with the dentition in a display case.

On an unknown date, human remains consisting of 22 loose teeth, representing, at minimum, 5 individuals (seizure-item number 817890–2) were removed from an unknown location in the Finger Lakes region of New York, and more likely than not in Ontario County, NY. Adults and children of both sexes are represented. The age of one child is 9 or 10 years. Five teeth, which represent two individuals, have green copper oxide staining. This type of staining is often seen in Protohistoric and historic burials. Prominent shoveling and double-shoveling are indicative of Native American descent.

On an unknown date, human remains consisting of 53 loose teeth, representing, at minimum, 8 individuals (seizure-item number 817890–5) were removed from an unknown location in the Finger Lakes region of New York, and more likely than not in Ontario County, NY. Adults and children of both sexes are represented. The age of one child is 8 to 8½ years, and the other is 10½ to 11 years. Four teeth, which represent one individual, have taken on an orange hue. Prominent shoveling and double-shoveling are indicative of Native American descent.

On May 9, 2002, as part of a criminal investigation, the USFWS OLE purchased a display case containing what was suspected to be Native American human remains (seizure-item number 817879–1). The display case contained what appeared to be human teeth and a bone rondel. The human remains were being sold by an antique store in the Finger Lakes region of New York. On June 26, 2002, as part of the same investigation, the USFWS OLE seized further items suspected to be Native American human remains (seizure-item numbers 817890–2 and 817890–5), which were being held by a private individual, who also supplied the antiques store with the previously purchased human remains. The individual offered these items for sale to the USFWS OLE. After lengthy litigation regarding the case, the Department of Justice transferred the items to the USFWS OLE for NAGPRA compliance.

The Reed Farm site suggests a Protohistoric or historic time frame and, based on historical evidence, are believed to represent early historic Seneca villages. Archeological evidence indicates that the Owasco culture occupied central and eastern New York and the Glaciated Alleghany Plateau during the Woodland Stage (1000 B.C.—A.D. 1600). Around A.D. 1600, the Owasco culture underwent a transition. Between A.D. 1450 and 1600, diagnostic characteristics indicative of the Seneca culture begin to become evident in the archeological record. Seneca occupation of Ontario County, NY, is well-documented. From the early 16th century until the American Revolution, the Seneca occupied a region between the Genesee River and Canandaigua Lake, which includes Livingston and Ontario Counties, NY, as well as the southern portion of Monroe County, NY. Today, the Seneca are represented by three federally recognized Indian Tribes: The Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); and Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York).

Determinations Made by the U.S. Department of Interior, Fish and Wildlife Service, Office of Law Enforcement

Officials of the USFWS OLE have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of a minimum of 25 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary object and the Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); and Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to Steve Oberholtzer, Special Agent in Charge, U.S. Fish and Wildlife Service Office of Law Enforcement, Mountain-Prairie Region, P.O. Box 25486—DFC, Denver, CO 80225, telephone (303) 236–7893, email *steve_oberholtzer@fws.gov,* by October 5, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to the Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); and Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York) may proceed.

The USFWS OLE is responsible for notifying the Cayuga Nation; Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin); Oneida Nation of New York; Onondaga Nation; Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York); Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); Tuscarora Nation; and the Haudenosaunee Standing Committee on Burial Rules & Regulations that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–18683 Filed 9–1–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23726; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Arizona State Museum, University of Arizona, Tucson, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs, and Arizona State Museum, University of Arizona, have corrected an inventory of human remains and associated funerary objects, originally published in a Notice of Inventory Completion in the **Federal Register** on February 27, 2012, and subsequently published in a corrected Notice of Inventory Completion in the **Federal Register** on November 17, 2014. This notice corrects the minimum number of individuals and number of associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice

that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by October 5, 2017.

ADDRESSES: Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the physical custody of the Arizona State Museum, University of Arizona, Tucson, AZ (ASM). The human remains and associated funerary objects were removed from a location within the boundaries of the Fort Apache Indian Reservation, Navajo County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and number of associated funerary objects originally published in a Notice of Inventory Completion in the **Federal Register** (77 FR 11578–11580, February 27, 2012) and subsequently published in a corrected Notice of Inventory Completion in the **Federal Register** (79 FR 68472–68473, November 17, 2014). The number of human remains and associated funerary objects increased due a search through uncatalogued object collections.

Correction

In the **Federal Register** (79 FR 68473, November 17, 2014), column 1, paragraphs 3 and 4, under the heading ''Correction,'' are corrected by substituting the following paragraphs:

In the **Federal Register** (77 FR 11579, February 27, 2012), paragraph 7 is corrected by substituting the following paragraph:

In the years 1963 through 1977, human remains representing, at minimum, 1,023 individuals were removed from the Grasshopper Pueblo site AZ P:14:1(ASM), in Navajo County, AZ, as a result of legally authorized excavations conducted by the University of Arizona Archaeological Field School. Archeological collections from the site were brought to the museum at the end of each field season. No known individuals were identified. The 10,418 associated funerary objects are 710 animal bones, 2 animal skeletons, 1 antler wrench, 9 antler artifacts, 9 lots of beads of unidentified material, 21 bird bones, 1 bird effigy pendant, 6 bird skeletons, 1 bird skull, 31 bone artifacts, 53 bone awls, 9 bone awl fragments, 6 lots of bone beads, 2 bone needles, 47 bone rings, 1 bone spatula, 1 bone tool, 1 bone wand, 9 lots of botanical material, 2 ceramic artifacts, 719 ceramic bowls, 8 ceramic bowl fragments, 2 ceramic canteens, 1 ceramic figurine fragment, 223 ceramic jars, 7 ceramic jar fragments, 1 ceramic ladle, 4 ceramic mugs, 1 ceramic pendant, 9 ceramic pitchers, 2 ceramic plates, 1 ceramic platter, 3 ceramic scoops, 4,960 ceramic sherds, 7 ceramic sherd artifacts, 27 ceramic vessels, 7 ceramic vessel fragments, 21 chipped stone cores, 2 chipped stone drills, 2 chipped stone fire-cracked rocks, 2,233 chipped stone flakes, 1 chipped stone scraper, 1 clay sample, 14 crystals, 22 flotation samples, 10 fossils, 3 ground stones, 16 hammerstones, 1 handstone, 17 manos, 2 mano fragments, 8 lots of matting, 45 minerals, 3 mortars, 1 mosaic shell, 4 lots of organic material, 96 pebbles, 2 pecking stones, 12 pendants, 18 polishing stones, 6 pollen samples, 57 quartz crystals, 12 lots of raw material, 5 shaft straighteners, 111 shells, 3 lots of shell and stone beads, 7 shell artifacts, 1 shell artifact fragment, 32 lots of shell beads, 49 shell bracelets, 6 shell bracelet fragments, 25 shell pendants, 3 shell pendant fragments, 12 shell rings, 62 shell tinklers, 9 snail shells, 2 soil impressions, 58 soil samples, 14 stone artifacts, 1 stone axe, 8 lots of stone beads, 3 stone blades, 1 stone bowl, 1 stone disk, 6 stone figurines, 9 stone knives, 2 stone pendants, 257 stone projectile points, 7 stone scrapers, 2 stone shaft smoothers, 4 stone slabs, 12 tree ring samples, 5 lots of turquoise beads, 112 turquoise pendants, 58 turquoise tesserae, 1 lot of unidentified material, 1 lot of unidentified organic material, 4 wood fragments, 9 worked and unworked bones, and 3 worked stone flakes.

In the **Federal Register** (79 FR 68473, November 17, 2014), column 2, paragraphs 1 through 4, under the heading ''Correction,'' are corrected by substituting the following paragraphs:

In the **Federal Register** (77 FR 11580, February 27, 2012), paragraph 5 is corrected by substituting the following paragraph:

Pursuant to 25 U.S.C 3001(9), the human remains described in this notice represent the physical remains of 1,023 individuals or Native American ancestry.

In the **Federal Register** (77 FR 11580, February 27, 2012), paragraph 6 is corrected by substituting the following paragraph:

Pursuant to 25 U.S.C. 3001(3)(A), the 10,418 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as a part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by October 5, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The Arizona State Museum is responsible for notifying the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–18684 Filed 9–1–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023810]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate federally recognized Indian Tribes, and has determined that a cultural affiliation

between the human remains and associated funerary objects and present-day federally recognized Indian Tribes can reasonably be traced. Lineal descendants or representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the federally recognized Indian Tribes stated in this notice may proceed.

DATES: Lineal descendants or representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to TVA at the address in this notice by October 5, 2017.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of TVA. The human remains and associated funerary objects were removed from archeological sites in Jackson and Marshall Counties, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by TVA professional staff in consultation with representatives of the Absentee Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

The sites listed in this notice were excavated as part of TVA's Guntersville Reservoir project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor and funds provided by the Works Progress Administration. Details regarding these excavations and sites may be found in a report, ''An Archaeological Survey of Guntersville Basin on the Tennessee River in Northern Alabama,'' by William S. Webb and Charles G. Wilder. The human remains and associated funerary objects excavated from the sites listed in this notice have been in the physical custody of the AMNH at the University of Alabama since excavation, but are under the control of TVA.

From March to April of 1938, human remains representing, at minimum, 10 individuals were removed from the Hardin site (1JA27) in Jackson County, AL, after TVA acquired the site on October 16, 1936. Excavations revealed two primary occupations during the Late Woodland Flint River phase (A.D. 500–1000) and the Mississippian Henry Island phase (A.D. 1200–1450). The culturally affiliated human remains are from the Henry Island phase. The human remains include adults, juveniles, and infants of female and indeterminate sex. No known individuals were identified. The 11 associated funerary objects include 2 Bell Plain sherds; 1 Carthage Incised rim sherd; 1 conch shell cup; 1 Etowah Complicated Stamped jar; 1 Mississippi Plain bowl; 1 Mississippi Plain composite jar; 1 Mississippi Plain standard jar; 1 Moundville Engraved sherd; 1 Mulberry Creek Plain hemispherical bowl; and 1 Nashville Negative Painted bottle.

From January to June of 1938, human remains representing, at minimum, 19 individuals were removed from the Saulty and Riley site (1JA28) in Jackson County, AL, after TVA purchased the site on October 16, 1936. Site 1JA28 was composed of both a village and adjacent mound with Woodland (Flint River phase) and Mississippian occupations identified. The culturally affiliated human remains are from the Henry Island phase (circa A.D. 1200–1450). The human remains include adults, juveniles, and children of both sexes. No known individuals were identified. The 190 associated funerary objects include 4 Bell Plain sherds; 1 Bell Plain jar; 4 bone awls or Fids; 1 Carthage Incised bowl; 2 clay earspools; 3 pieces of cut mica; 1 stone discoidal; 2 mussel shells; 7 Mississippi Plain jars; 145 Mississippi Plain sherds; 9 Mississippi Plain bowl sherds; 1 Mississippi Plain effigy jar; 1 Mississippi Plain bowl; 1 Moundville Incised, var. Snows Bend jar; 1 Moundville Incised, var. Carrolton jar; 2 Mulberry Creek Plain, var. Hamilton sherds; 3 shell gorgets; 1 eroded shell-tempered sherd; and 1 Wright Check Stamped sherd.

From September of 1938 to January of 1939, human remains representing, at minimum, 48 individuals were removed from the Laws site (1MS100) on Pine Island in Marshall County, AL, after TVA purchased the site on April 21, 1937. Excavations began at the levee adjacent to the river and proceeded by both vertical slicing and horizontal excavations. There appear to have been at least four occupations at this site, including a pre-ceramic period with steatite vessels; a village using limestone-tempered pottery during the Flint River phase (A.D. 500–1000); a late Mississippian occupation using shell-tempered ceramics and rectilinear wall trench structures (Crow Creek phase, A.D. 1500–1700); and the Euro-American trade period (circa A.D. 1670–1715). The human remains are from the last two occupations and include adults, juveniles, and children of both sexes. No known individuals were identified. The 32,239 associated funerary objects include 21 bark container fragments; 8 bark pouch fragments; 1 Bell Plain red-filmed bowl, 1 biface fragment; 5 bone beads; 2 dog canines; 3 botanical fragments; 14 brass arm band fragments; 2 brass arm cuffs; 55 brass arm cuff fragments; 352 brass beads; 23 brass bells; 6 brass disks; 16 brass fragments; 1 brass ring; 9 brass ring fragments; 3 brass sheet fragments; 8 brass spherical buttons; 1 brass square; 10 brass tinkler cones; 2 buckskin fragments; 5 buckskin pouch fragments; 1 burnishing stone; 6 charred cane fragments; 1 chipped stone drill; 29 drum tooth beads; 1 stone effigy pipe; 2 pieces of fired clay; 29,965 glass beads; 1 glass mirror; 1 ground limonite; 145 iron and brass wire bracelets; 718 iron bracelet fragments; 2 iron buckle fragments; 2 iron ring fragments; 56 iron wire fragments; 4 modified bones; 1 lead musket ball; 7 pieces of shell; 1 red pigment; 735 shell beads; 4 shell ear pins; 2 shell gorgets; 6 shell ornament fragments; and 1 split cane fragment.

From October to November of 1937, human remains representing, at minimum, 4 individuals were removed from site 1MS121 on Pine Island, in Marshall County, AL, after TVA

purchased the site on April 19, 1937. There were excavations in both the village and adjacent mound. There are no radiocarbon dates for this site. The culturally affiliated human remains are from the Mississippian period (A.D. 1200–1500). The human remains are of four female adults. No known individuals were identified. The 16 associated funerary objects include 11 Bell Plain jar sherds; 1 crinoid bead; 2 Langston Fabric Marked sherds; and 2 Mississippi Plain bowls.

Although there is no absolute certainty that Native Americans of the Mississippian period are directly related to modern federally recognized Tribes, a relationship of shared group identity can reasonably be traced between these modern Tribes and the human remains and associated funerary objects of the earlier culture identified as Mississippian. The preponderance of the evidence indicates that the cultural items from Mississippian and early historic occupations at 1JA27, 1JA28, 1MS100, and 1MS121 are culturally affiliated with Native Americans descendants of the Koasati/Kaskinampo. These descendants include the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushata Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation.

Chronicles from Spanish explorers of the 16th century and French explorers of the 17th and 18th century indicate the presence of chiefdom level tribal entities in the southeastern United States which resemble the Mississippian chiefdoms. Linguistic analysis of place names noted by multiple Spanish explorers indicates that Koasati speaking groups inhabited northeastern Alabama. Early maps and research into the historic Native American occupation of northeastern Alabama indicates that the Koasati (as called by the English) or the Kaskinampo (as called by the French) were found at multiple sites in Jackson and Marshall Counties in the 17th and 18th centuries. Oral history, traditions, and expert opinions of the descendants of Koasati/Kaskinampo indicate that this portion of the Tennessee River valley was a homeland of their Tribe. The subsequent involuntary diaspora of these peoples resulted in descendants of the Koasati/Kaskinampo among multiple federally recognized Tribes.

Determinations Made by the Tennessee Valley Authority

Officials of TVA have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 81 individuals of Native American ancestry due to their presence in a prehistoric and early historic archeological site and osteological analysis.
- Pursuant to 25 U.S.C. 3001(3)(A), the 32,456 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects listed in this notice and the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by October 5, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation may proceed.

TVA is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–18688 Filed 9–1–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23729; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs, and the Arizona State Museum, University of Arizona, have completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by October 5, 2017.

ADDRESSES: Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the physical custody of the Arizona State Museum, University of Arizona, Tucson, AZ (ASM). The human remains were removed from a location within the boundaries of the Fort Apache Indian Reservation, Navajo County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the ASM professional staff in consultation with representatives of the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

In 1978, human remains representing, at minimum, 1 individual were removed from site AZ P:14:8(ASM) in Navajo County, AZ. Legally authorized excavations were conducted by the University of Arizona Archeological Field School under the direction of Michael Graves and Michael Faught. No human burials were reported at the time of the excavations. Following project completion, the archeological collections were brought to ASM. In 2017, ASM staff found fragmentary human remains in the repository collections. No known individuals were identified. No associated funerary objects are present.

AZ P:14:8(ASM) is a small village site that included three masonry room blocks. The human remains discovered in 2017 were originally found in roof fall debris inside one of the rooms. Tree ring dates and ceramic typologies suggest that the primary occupation of the site was during the late A.D. 1200s. These characteristics are consistent with the archeologically-described Upland Mogollon or prehistoric Western Pueblo tradition.

A detailed discussion of the basis for cultural affiliation of archeological sites in the region where the above site is located may be found in ''Cultural Affiliation Assessment of White Mountain Apache Tribal Lands (Fort Apache Indian Reservation),'' by John R. Welch and T.J. Ferguson (2005). To summarize, archeologists have used the terms Upland Mogollon or prehistoric Western Pueblo to define the archeological complex represented by the site described above. Material culture characteristics of these traditions include a temporal progression from earlier pit houses to later masonry pueblos, villages organized in room blocks of contiguous dwellings associated with plazas, rectangular kivas, polished and paint-decorated ceramics, unpainted corrugated ceramics, inhumation burials, cradleboard cranial deformation, grooved stone axes, and bone artifacts. The combination of the material culture attributes and a subsistence pattern that included hunting and gathering augmented by maize agriculture helps to identify an earlier group. Archeologists have also remarked that there are strong similarities between this earlier group and present-day tribes included in the Western Pueblo ethnographic group, especially the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico. The similarities in ceramic traditions, burial practices, architectural forms, and settlement patterns have led archeologists to believe that the prehistoric inhabitants of the Mogollon Rim region migrated north and west to the Hopi mesas, and north and east to the Zuni River Valley. Certain objects found in Upland Mogollon archeological sites have been found to have strong resemblances with ritual paraphernalia that are used in continuing religious practices by the Hopi and Zuni. Some petroglyphs on the Fort Apache Reservation have also persuaded archeologists of continuities between the earlier identified group and current-day Western Pueblo people. Biological information from AZ P:14:1(ASM), a site located close to AZ P:14:8(ASM), supports the view that the prehistoric occupants of the Upland Mogollon region had migrated from various locations to the north and west of the region.

Hopi and Zuni oral traditions parallel the archeological evidence for migration. Migration figures prominently in Hopi oral tradition, which refers to the ancient sites, pottery, stone tools, petroglyphs, and other artifacts left behind by the ancestors as ''Hopi Footprints.'' This migration history is complex and detailed, and includes traditions relating specific clans to the Mogollon region. Hopi cultural advisors have also identified medicinal and culinary plants at archeological sites in the region. Their knowledge about these plants was passed down to them from the ancestors who inhabited these ancient sites. Migration is also an important attribute of Zuni oral tradition and includes accounts of Zuni ancestors passing through the Upland Mogollon region. The ancient villages mark the routes of these migrations. Zuni cultural advisors remark that the ancient sites were not abandoned. People returned to these places from time to time, either to reoccupy them or for religious pilgrimages—a practice that has continued to the present day. Archeologists have found ceramic evidence at shrines in the Upland Mogollon region that confirms these reports. Zuni cultural advisors have names for plants endemic to the Mogollon region that do not grow on the Zuni Reservation. They also have knowledge about traditional medicinal and ceremonial uses for these resources, which has been passed down to them from their ancestors. Furthermore, Hopi and Zuni cultural advisors have recognized that their ancestors may have been co-resident at some of the sites in this region during their ancestral migrations.

There are differing points of view regarding the possible presence of Apache people in the Upland Mogollon region during the time that AZ P:14:8(ASM) was occupied. Some Apache traditions describe interactions with Ancestral Pueblo people during this time, but according to these stories, Puebloan people and Apache people were regarded as having separate identities. The White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, does not claim cultural affiliation with the human remains and associated funerary objects from this site. As reported by Welch and Ferguson (2005), consultations between the Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma, New Mexico; Pueblo of Laguna, New Mexico; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, have indicated that none of these tribes wish to pursue claims of affiliation with sites on White Mountain Apache Tribal lands. Finally, the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, supports the repatriation of human remains and associated funerary objects from this site and is ready to assist the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico, in their reburial.

Determinations Made by the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and the Arizona State Museum, University of Arizona, Tucson, AZ

Officials of the Bureau of Indian Affairs and Arizona State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by October 5, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, may proceed.

The Arizona State Museum is responsible for notifying the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–18685 Filed 9–1–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23766; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Fish and Wildlife Service, Alaska Region, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service, Alaska Region, (Alaska Region USFWS), has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization, including Alaska Native Tribes, not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Alaska Region USFWS. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribes or Native Hawaiian organizations not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Alaska Region USFWS at the address in this notice by October 5, 2017.

ADDRESSES: Edward J. DeCleva, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS–235, Anchorage, AK 99503, telephone (907) 786–3399, email *edward_decleva@fws.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Alaska Region USFWS. The human remains and associated funerary objects were recovered from two sites on Kodiak Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Alaska Region USFWS professional staff in consultation with representatives of the Alutiiq Museum and Archaeological Repository of Kodiak, Alaska, a NAGPRA representative on Kodiak Island designated by the Kaguyak Village, Native Village of Afognak, Native Village of Akhiok, Native Village of Larsen Bay, Native Village of Ouzinkie, Native Village of Port Lions, Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak), Tangirnaq Native Village (formerly Lesnoi Village (aka Woody Island)), and the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor).

History and Description of the Remains

In 1963, human remains representing, at minimum, 13 individuals were removed from the Younger Kiavak site 418, Alaska Heritage Resources Survey (AHRS) site number 049–KOD–00099, Kodiak Island, AK. There are eight numbered burials and these burials contain nine of the individuals. The human remains include three possible females, two possible males, and eight individuals of indeterminate sex. No known individuals were identified. The 31 associated funerary objects include 3 wood samples, 1 soil sample, 1 sulfide mineral, 2 projectile points, 1 bone labret, 4 ulu blades, 2 spear prongs, 3 modified mammal bone, 1 unmodified bone, 1 metal hammerhead, 1 metal spoon, 1 lot of metal fragments, 1 u-notched stone, 1 bone socket piece, 1 groundstone scrap, 1 stone scrap, 1 lot of prehistoric pottery sherds, 1 glass bottle stopper, 1 chipped stone, 1 mammal tooth, 1 polishing stone, and 1 abrasive stone.

In 1963, human remains representing, at minimum, 2 individuals were removed from the Old Kiavak site 419, AHRS site number 049–KOD–00100, Kodiak Island, AK. The human remains include 2 adult individuals of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

As part of the Aleut-Konyag project conducted by the University of Wisconsin Madison, excavations took place at several sites on Kodiak Island. Two of the sites, Old and Younger Kiavak, are located on the southeastern coast of Kodiak Island, south of the mouth of the lagoon at the head of Kiavak Bay. The Younger Kiavak site, originally tested and reported by Aleš Hrdlička in 1944, contained several eroding burials, glass beads, stone lamps, and unspecified artifacts. During the 1963 excavation, Donald Clark notes that the site revealed sparse evidence of historic occupation, although numerous trade goods accompanied a shallow burial.

The Old Kiavak site is located adjacent to the Younger Kiavak site. Two trenches were excavated in the main mounded portion of the site and a small test trench was excavated in the lower secondary portion of the site. Three components were identified that included the Old Kiavak phase (1678–407 B.C) of the Kachemak tradition, the Early Koniag Tradition (to A.D. 1040), and an historic period occupation (circa A.D. 1900).

The collection was curated and stored at the University of Wisconsin-Madison until 2006. The U.S. Army Corps of

Engineers was tasked by the Regional Historic Preservation Officer of the Alaska Region USFWS to determine locations of Alaskan archeological collections. The U.S. Army Corps of Engineers located and recovered this collection, conducted a complete inventory, and returned the human remains to the Alaska Region USFWS for storage.

Determinations Made by the Alaska Region USFWS

Officials of the Alaska Region USFWS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 15 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 31 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor).

Additional Requestors and Disposition

Lineal descendants or representatives of any Alaska Native Tribe not identified in this notice that wishes to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Edward DeCleva, Regional Historic Preservation Officer/Archaeologist, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS–235, Anchorage, AK 99013, telephone (907) 786–3399, email *edward_decleva@fws.gov,* by October 5, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor) may proceed.

The Alaska Region USFWS is responsible for notifying the Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor) that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–18686 Filed 9–1–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23787]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate federally recognized Indian Tribes, and has determined that a cultural affiliation between the human remains and associated funerary objects and any present-day federally recognized Indian Tribes cannot be reasonably traced. Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the federally recognized Indian Tribe stated in this notice may proceed.

DATES: Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to TVA at the address in this notice by October 5, 2017.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of TVA. The human remains and associated funerary objects were removed from archeological sites in Jackson and Marshal Counties, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by TVA professional staff in consultation with representatives of the Absentee Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

The sites listed in this notice were excavated as part of TVA's Guntersville Reservoir project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor and funds provided by the Works Progress Administration. Details regarding these excavations and sites may be found in a report, ''An Archaeological Survey of Guntersville Basin on the Tennessee River in Northern Alabama,'' by William S. Webb and Charles G. Wilder. The human remains and associated funerary objects excavated from the sites listed in this notice have been in the physical custody of the AMNH at the University of Alabama since excavation, but are under the control of TVA.

From March to April of 1938, human remains representing, at minimum, 37 individuals were removed from the Hardin site (1JA27) in Jackson County, AL, after TVA acquired the site on October 16, 1936. Excavations revealed two occupations, including Late Woodland Flint River phase (A.D. 500–1000) and Mississippian Henry Island phase (A.D. 1200–1450). The human remains include adults, juveniles, and infants of both sexes. No known individuals were identified. No associated funerary objects are present.

From January to June of 1938, human remains representing, at minimum, 158 individuals were removed from the Saulty and Riley site (1JA28) in Jackson County, AL, after TVA purchased the site on October 16, 1936. Site 1JA28 was composed of both a village and adjacent mound, with Woodland (Flint River phase) and Mississippian (Henry Island

phase) occupations identified. The human remains include adults, juveniles and children of both sexes. No known individuals were identified. The 4,711 associated funerary objects include 1 stone adze; 1 biface fragment; 17 bone awls; 1 bone fish hook; 1 stone celt; 2 Little Bear Creek projectile points; 1non-cortical flake; 2 unidentified projectile points; 4,680 shell beads; 3 shell gorgets/pendants; 1 stone discoidal; and 1 turtle shell net gage.

From September of 1938 to January of 1939, human remains representing, at minimum, 84 individuals were removed from the Laws site (1MS100) on Pine Island in Marshall County, AL, after TVA purchased the land on April 21, 1937. Excavations began at the levee adjacent to the river and proceeded by both vertical slicing and horizontal excavations. There appear to have been at least four occupations at this site, including a pre-ceramic period with steatite vessels; a village using limestone-tempered pottery during the Flint River phase (A.D. 500–1000); a late Mississippian occupation using shell-tempered ceramics and rectilinear wall trench structures (Crow Creek phase, A.D. 1500–1700); and burials with Euro-American trade goods circa A.D. 1670–1715. The human remains include adults, juveniles and infants of both sexes. No known individuals were identified. The 249 associated funerary objects include 1 bone awl; 1 canine bone; 2 pieces of fired clay; 1 graphite nodule; 1 modified bone; 241 shell beads; 1 shell ear plug; and 1 shell pendant.

From October to November of 1937, human remains representing, at minimum, 11 individuals were removed from site 1MS121 on Pine Island in Marshall County, AL, after TVA purchased the site on April 19, 1937. There were excavations in both the village and adjacent mound. There are no radiocarbon dates for this site. Artifacts recovered from the site indicate both a Woodland and Mississippian occupation. The human remains include adults, juveniles and infants of both sexes. No known individuals were identified. No associated funerary objects are present.

At the time of the excavation and removal of these human remains and associated funerary objects, the land from which the human remains and associated funerary objects were removed was not the tribal land of any federally recognized Indian tribe. On May 2, 2017, TVA consulted with all federally recognized Indian tribes who are recognized as aboriginal to the area from which these Native American human remains and associated funerary objects were removed. These tribes are the Cherokee Nation, Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma. None of these Indian tribes agreed to accept control of the human remains and associated funerary objects. After further consultation, TVA has decided to transfer control of the human remains and associated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation.

Determinations Made by the Tennessee Valley Authority

Officials of TVA have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in prehistoric archeological sites and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 290 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 4,960 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- Pursuant to 43 CFR 10.11(c)(1)(i), at the time of excavation of the human remains and associated funerary objects, the land from which the cultural items were removed was not the tribal land of any federally recognized Indian tribe.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the following tribes are aboriginal to the area from which the cultural items were excavated: The Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma. None of these tribes agreed to accept control of the human remains or associated funerary objects.
- Pursuant to 43 CFR 10.11(c)(2)(i), TVA has decided to transfer control of the culturally unidentifiable human remains to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation.
- Pursuant to 43 CFR 10.11(c)(4), TVA has decided to transfer control of the culturally unidentifiable associated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation.

Additional Requestors and Disposition

Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by October 5, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation may proceed.

TVA is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–18687 Filed 9–1–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Wi-Fi Enabled Electronic Devices and Components Thereof, DN 3246;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission,

U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and 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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Sharp Corporation and Sharp Electronics Corporation on August 29, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wi-fi enabled electronic devices and components thereof. The complaint names as respondents Hisense Co., Ltd. of China; Hisense Electric, Co. Ltd. of China; Hisense International (Hong Kong) Co. Ltd. of Hong Kong; Hisense USA Corporation of Suwanee, GA; Hisense Electronics Manufacturing Company of America Corporation of Suwanee, GA; Hisense USA Multimedia R & D Center, Inc. of Suwanee, GA; and Hisense Inc. of Huntington Beach, CA. The complainant requests that the Commission issue a limited exclusion order and a cease and desist order and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3246'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 30, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–18739 Filed 9–1–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Evidence

AGENCY: Advisory Committee on Rules of Evidence, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Evidence will hold a meeting on October 26–27, 2017. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: October 26, 2017—1:00 p.m. to 5:00 p.m.; October 27, 2017—8:30 a.m. to 4:00 p.m.

ADDRESSES: Boston College School of Law, 885 Centre Street, Newton Centre, MA 02459.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: August 28, 2017.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2017–18663 Filed 9–1–17; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0026]

Curtis-Strauss LLC: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for Curtis-Strauss LLC as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes available on September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Curtis-Strauss LLC (CSL) as a NRTL. CSL's expansion covers the addition of five test standards to its scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at: *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSL submitted an application, dated December 30, 2016, (OSHA–2009–0026–0073) to expand its recognition to include five additional test standards. OSHA staff performed a comparability analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing CSL's expansion application in the **Federal Register** on June 21, 2017 (82 FR 28356). The Agency requested comments by July 6, 2017, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of CSL's scope of recognition.

To obtain or review copies of all public documents pertaining to CSL's application, go to: *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2009–0026 contains all materials in the record concerning CSL's recognition.

II. Final Decision and Order

OSHA staff examined CSL's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that CSL meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant CSL's scope of recognition. OSHA limits the expansion of CSL's recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN CSL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 197	Commercial Electric Cooking Appliances.
UL 763	Motor-Operated Commercial Food Preparing Machines.
UL 982	Motor-Operated Household Food Preparing Machines.
UL 60335–2–3	Safety of Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electric Irons.
UL 60335–2–34	Safety of Household and Similar Electrical Appliances, Part 2–34: Particular Requirements for Motor-Compressors.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSL must abide by the following conditions of the recognition:

1. CSL must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. CSL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSL must continue to meet the requirements for recognition, including all previously published conditions on CSL's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSL, subject to the limitation and conditions specified above.

III. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on August 25, 2017.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–18678 Filed 9–1–17; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL TRANSPORTATION SAFETY BOARD

Forum

On Tuesday and Wednesday, September 19 and 20, 2017, the National Transportation Safety Board (NTSB) will convene a forum titled *Runway Incursion Safety Issues, Prevention, and Mitigation.* The forum will begin at 9:00 a.m. each day and is open to the public. Attendance is free, and no registration is required. NTSB Board Member Christopher A. Hart will preside over the forum. Invited panelists will include representatives from federal agencies, airlines, and industry associations. The panelists will make presentations, and a question-and-answer period between the NTSB and the panelists will follow each presentation to further explore the information discussed.

Below is the preliminary agenda.

Tuesday, September 19, 2017 (9:00 a.m. to 4:00 p.m.)

1. Opening remarks by Member Hart
2. Panel 1: Runway Incursion Statistics and Trends
3. Panel 2: Air Traffic Control
4. Panel 3: Aircraft Operations

Wednesday, September 20, 2017 (9:00 a.m. to 4:00 p.m.)

1. Opening remarks by Member Hart
2. Panel 4: Airports
3. Roundtable discussion with panelists and other industry stakeholders, moderated by Member Hart
4. Closing remarks by Member Hart

The forum will be held in the NTSB Boardroom and Conference Center, located at 429 L'Enfant Plaza SW., Washington, DC. The public can view the forum in person or via live webcast at *http://ntsb.capitolconnection.org/.* An archived version of each day's webcast is expected to be available on September 21, 2017, and the webcasts will be archived for 3 months after the date of the event.

Individuals requiring reasonable accommodation and/or wheelchair access directions should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Tuesday, September 12, 2017. Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

NTSB Media Contact: Mr. Terry Williams—*WilliaT@ntsb.gov.*

NTSB Forum Manager: Mr. Dan Bartlett—*Daniel.Bartlett@ntsb.gov.*

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2017–18662 Filed 9–1–17; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0179]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of one amendment request. The amendment request is for Browns Ferry Nuclear Plant, Units 1, 2, and 3. The NRC proposes to determine that the license amendment request involves no significant hazards consideration. Because the amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Comments must be filed by October 5, 2017. A request for a hearing must be filed by November 6, 2017. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by September 15, 2017.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0179. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: TWFN–8–D36M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: Janet Burkhardt, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1384, email: *Janet.Burkhardt@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0179, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0179.

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

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0179, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

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

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

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notice of an amendment containing SUNSI.

III. Notice of Consideration of Issuance of Amendment to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of

the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59

p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by email to *MSHD.Resource@nrc.gov*, or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant (Brown Ferry), Units 1, 2, and 3, Limestone County, Alabama

Date of amendment request: June 7, 2017. A publicly-available version is in ADAMS under Accession No. ML17158B285.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise Renewed Facility Operating License (RFOL) Nos. DPR–33, DPR–52, and DPR–68, for Browns Ferry, Units 1, 2, and 3, respectively. Browns Ferry, Units 1, 2, and 3, RFOLs, paragraphs 2.C.(13), 2.C.(14), and 2.C.(7), respectively, entitled, ''Transition License Conditions,'' require Tennessee Valley Authority (TVA or the licensee) to implement modifications to its facility as described in Attachment S, Table S–2, ''Plant Modifications,'' and Table S–3, ''Implementation Items'' (enclosures to the licensee's June 7, 2016, submittal) to complete the transition to full compliance with 10 CFR 50.48(c). The licensee requested changes to the above license conditions to include a reference to its letter dated June 7, 2017.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. Do the proposed amendments involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendments add a reference to TVA letter, CNL–17–024, dated June 7, 2017, to the RFOL License Condition paragraphs 2.C.(13), 2.C.(14), and 2.C.(7) for Browns Ferry, Units 1, 2, and 3, respectively, ''Transition License Conditions,'' items 2 and 3. The changes to the modifications referenced by Transition License Conditions, items 2 and 3, in the proposed license amendment request the following actions: (1) Clarify the description related to a drywell pressure modification (Table S–2, Modifications 52a and 52b) to match the design changes that are being implemented; (2) delete a modification (Table S–2, Modification 84) that would have allowed for manual recovery of the offsite power circuits that is no longer needed from a risk perspective (*i.e.,* core damage frequency (CDF) and large early release frequency (LERF)); and (3) delete an already implemented item (Table S–3, Item 09) related to the maximum length of flexible conduit that has been found to be unnecessarily restrictive.

The proposed changes do not adversely affect accidents initiators or precursors. In addition, the proposed changes do not alter the design assumptions, conditions, and configuration of the facility, nor do they alter the manner in which the plant is operated and maintained. The proposed changes do not affect the ability of structures, systems, and components to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits. The risk sensitivity analysis performed shows that no significant increase in accident consequence is involved.

Therefore, these proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed amendments create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendments add a reference to TVA letter, CNL–17–024, dated June 7, 2017, to the RFOL License Condition paragraphs 2.C.(13), 2.C.(14), and 2.C.(7) for Browns Ferry, Units 1, 2, and 3, respectively, ''Transition License Conditions,'' items 2 and 3. The changes to the modifications referenced by Transition License Conditions, items 2 and 3, in the proposed license amendment request the following actions: (1) Clarify the description related to a drywell pressure modification (Table S–2, Modifications 52a and 52b) to match the

design changes that are being implemented; (2) delete a modification (Table S–2, Modification 84) that would have allowed for manual recovery of the offsite power circuits that is no longer needed from a risk perspective (*i.e.,* CDF and LERF); and (3) delete an already implemented item (Table S–3, Item 09) related to the maximum length of flexible conduit that has been found to be unnecessarily restrictive.

The proposed changes will not result in any new or different kinds of accidents from that previously evaluated because they do not change any precursors or equipment that was previously credited for accident mitigation.

Therefore, these proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed amendments involve a significant reduction in a margin of safety?

Response: No.

The proposed amendments add a reference to TVA letter, CNL–17–024, dated June 7, 2017, to the RFOL License Condition paragraphs 2.C.(13), 2.C.(14), and 2.C.(7) for Browns Ferry, Units 1, 2, and 3, respectively, ''Transition License Conditions,'' items 2 and 3. The changes to the modifications referenced by Transition License Conditions, items 2 and 3, in the proposed license amendment request the following actions: (1) Clarify the description related to a drywell pressure modification (Table S–2, Modifications 52a and 52b) to match the design changes that are being implemented; (2) delete a modification (Table S–2, Modification 84) that would have allowed for manual recovery of the offsite power circuits that is no longer needed from a risk perspective (*i.e.,* CDF and LERF); and (3) delete an already implemented item (Table S–3, Item 09) related to the maximum length of flexible conduit that has been found to be unnecessarily restrictive.

The proposed changes will not result in any new or different kinds of accident from that previously evaluated because they do not change any precursors or equipment that was previously credited for accident mitigation.

Therefore, these proposed changes do not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Dr., WT 6A–K, Knoxville, Tennessee 37902.

NRC Branch Chief: Undine Shoop.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

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

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2017–17719 Filed 9–1–17; 8:45 am]

BILLING CODE 7590–01–P

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Reinstatement of a Previously Approved Information Collection Without Change

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for reinstatement.

SUMMARY: This notice offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR) for USAJOBS.

DATES: Comments are encouraged and will be accepted until October 5, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Chief Information Officer, Employee Services IT PMO, USAJOBS, 1900 E. Street NW., Washington, DC 20415, Attention: John Still or send them via electronic mail to *john.still@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the U.S. Office of Personnel Management, Chief Information Officer, Employee Services IT PMO, USAJOBS, 1900 E. Street NW., Washington, DC 20415, Attention: John Still, 202–606–1275, or by sending a request via electronic mail to *john.still@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

USAJOBS is the Federal Government's centralized source for most Federal jobs and employment information, including both positions that are required by law to be posted at that location and positions that can be posted there at an agency's discretion. The Applicant Profile and Resume Builder are two components of the USAJOBS application system. USAJOBS reflects the minimal critical elements collected across the Federal Government to begin an application for Federal jobs under the authority of sections 1104, 1302, 3301, 3304, 3320, 3361, 3393, and 3394 of title 5, United States Code. This revision proposes to a reinstatement of a previously approved information collection.

Analysis

Agency: Office of Personnel Management.

Title: USAJOBS.

OMB Number: 3206–0219.

Frequency: Annually.

Affected Public: Individuals.

Number of Respondents: 4,196,336.

Estimated Time per Respondent: 43 Minutes.

Total Burden Hours: 3,007,374.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–18730 Filed 9–1–17; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81493; File No. SR–NASDAQ–2017–085]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4752(d)(2)(F)(i)

August 29, 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 (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4752(d)(2)(F)(i) to permit the Exchange to calculate a derived price for use in the Opening Cross Price Test A when a security is the subject of a corporate action.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 4752(d)(2)(F)(i) to permit the Exchange to calculate a derived price for use in the Opening Cross Price Test A when a security is the subject of a corporate action. The Opening Price Tests are designed to avoid mispriced Opening Crosses, and the use of the clearly erroneous post-trade nullification process, by ensuring that the price established by the Opening Cross is reasonably related to the market and not the product of erroneous order entry. The Exchange believes that the proposed rule change will promote a more efficient Opening Cross by allowing the Exchange to base its Opening Price Tests on prices that are indicative of the value of the security after a corporate action.

Background

Nasdaq's Opening Cross provides an industry-leading, transparent auction process that determines a single price for the opening. Rule 4752(d)(2)(F) describes the Exchange's price protection for the Opening Cross. Once a security has an Opening Cross price set based on the process described in

Rule 4752(d)(2)(A)–(E), the Exchange requires the security to pass at least one of three ''tests'' in order for the Opening Cross to occur. These tests are designed to make sure that the price computed pursuant to Rule 4752(d)(2)(A)–(E) is reasonably related to the market for the security.

Rule 4752(d)(2)(F)(i), *i.e.,* Opening Price Test A, establishes a price test based on the closing price for the security. In particular, Rule 4752(d)(2)(F)(i) establishes a price range for the Opening Cross that is established by adding and subtracting the Opening Cross Price Test A threshold from the Nasdaq Official Closing Price (for Nasdsaq listed securities) or the consolidated closing price (for non-Nasdaq listed securities) of the security for the previous trading day. In addition, Rule 4752(d)(2)(F)(i) provides that the Opening Cross price range is established by adding and subtracting the Opening Cross Price Test A threshold from the offering price for new Exchange Traded Products that do not have a Nasdaq Official Closing Price. If the Nasdaq Opening Cross price is higher or lower than the Opening Cross price range established by Rule 4752(d)(2)(F)(i) or the security does not have a Nasdaq Official Closing Price or consolidated closing price for the previous trading day, Opening Cross Price Test B is performed.

Pursuant to Rule 4752(d)(2)(F)(ii), the Opening Cross price range for Test B is established by adding and subtracting the Opening Cross Price Test B threshold from the Nasdaq last sale (either round or odd lot) after 9:15 a.m. ET but prior to the Opening Cross. If the Nasdaq Opening Cross price is higher or lower than the Opening Cross price range established by this subparagraph or if there is no Nasdaq last sale, Opening Cross Price Test C is performed. Pursuant to Rule 4752(d)(2)(F)(iii), the Opening Cross price range for Test C is established by adding to and subtracting the Opening Cross Price Test C threshold from the Nasdaq best bid (for Opening Cross prices that would be higher than the closing price used for Opening Price Test A) or Nasdaq best offer (for Opening Cross prices that would be lower than the closing price used for Opening Price Test A). For purposes of this test, if a security does not have a Nasdaq Official Closing Price or consolidated closing price, as applicable, for the previous trading day Nasdaq will use a price of $0. If the Nasdaq Opening Cross price is higher or lower than the Opening Cross price range established by Opening Price Test C all Orders in the Opening Cross will be cancelled back to Participants, no Opening Cross will occur, and the security will open for regular market hours trading pursuant to Rule 4752(c).[3]

Derived Price for Corporate Actions

The Exchange now proposes to amend Rule 4752(d)(2)(F)(i) to permit the Exchange to calculate a derived price for use in the Opening Cross Price Test A when a security is the subject of a corporate action where the Exchange can calculate a derived price based on the terms of the corporate action.[4] The Exchange is able to mathematically calculate a derived price in the case of standard corporate actions, and does so today. The Exchange can also calculate a derived price for certain non-standard corporate actions as described in more detail later in this proposed rule change.[5] Initially, the Exchange intends to calculate a derived price for non-standard corporate actions only in cases that involve the issuance of a new class of securities with similar terms.[6] In the event the Exchange determines that it is capable of calculating a derived price for other non-standard corporate actions it will issue an Equity Trader Alert to inform members of the types of corporate actions where it will use derived prices in the Opening Price Tests pursuant to this proposed rule. The Exchange believes that using derived prices in the Opening Price Tests where possible will provide a more appropriate price test where closing and/or last sale prices are not available or reflective of the value of the security, and will therefore improve the experience for members and other market participants that trade in the Opening Cross.

Currently, for standard corporate actions (*e.g.,* a stock split or reverse stock split) the Exchange adjusts the price of the security before applying the Opening Cross Price Tests contained in Rule 4752(d)(2)(F). Thus, for example if a Nasdaq listed security that closed at a Nasdaq Official Closing Price of $50 per share is subject to a 2 for 1 stock split, the Exchange would adjust the closing price to $25 per share prior to applying the Opening Cross Price Test A. This process ensures that the prices used for the Opening Price Test A accurately reflect the value of the security after the corporate action. The Exchange proposes to codify this practice in Rule 4752(d)(2)(F)(i) so that members and market participants are appropriately advised of how the Opening Price Tests are applied to securities that are subject to a standard corporate action.

In addition, securities traded on Nasdaq are infrequently subject to non-standard corporate actions that involve, for instance, a second class of shares with slightly different terms, such as a class of shares with different voting rights. An example of such a corporate action was the Google transaction in 2014 where owners of Google Class A stock received one share of Class C non-voting stock for every share of Class A stock held. Currently, the Exchange does not perform a similar adjustment for non-standard corporate actions. The Exchange believes, however, that it is appropriate to calculate a derived price in these situations too.

Importantly, in cases of non-standard corporate actions, if the Exchange does not have the flexibility to adjust the stock price such securities may fail the Exchange's Opening Cross Price Tests on the day following the corporate action. In particular, today, if a security is subject to a non-standard corporate action where a new class of security is issued, it is guaranteed to fail Opening Price Test A due to the lack of appropriate closing prices on which to base that test. In addition, such securities may fail Opening Price Test B if there is no pre-market trading after 9:15 a.m. ET to establish a last sale price, and may fail Opening Price Test

[3] Rule 4752(c) provides that system securities in which no Nasdaq Opening Cross occurs shall begin trading at 9:30 a.m. by integrating Market Hours orders into the book in time priority and executing in accordance with market hours rules.

[4] As a conforming change, the Exchange also proposes to add references to the ''derived price'' where applicable in Rule 4752(d)(F)(i) and (iii). Furthermore, as a rule correction, the Exchange proposes to add references to the ''offering price'' in these rules, as the offering price is used in Opening Price Test A for new Exchange Traded Products that do not have a Nasdaq Official Closing Price. The Exchange believes that these changes are necessary so that these rules appropriately reference the prices used in Opening Price Test A. With the changes, the last sentence of Rule 4752(d)(F)(i) will state that ''[i]f the Nasdaq Opening Cross price is higher or lower than the Opening Cross price range established by this subparagraph or the security does not have a Nasdaq Official Closing Price or consolidated closing price for the previous trading day, offering price, or derived price, as applicable, Opening Cross Price Test B will be performed.'' In addition, the second sentence of Rule 4752(d)(F)(iii) will state that ''[f]or purposes of this test, if a security does not have a Nasdaq Official Closing Price or consolidated closing price for the previous trading day, offering price, or derived price, as applicable, Nasdaq will use a price of $0.'' Furthermore, the Exchange proposes to remove the word ''closing'' when discussing these prices in the parentheticals in the first sentence of Rule 4752(d)(F)(iii), so that it is clear that this refers to the price used in Opening Price Test A, regardless of whether that price is a closing price, offering price, or derived price.

[5] There may also be other non-standard corporate actions, such as in the case of a spinoff, where the Exchange is not capable of calculating a derived price.

[6] If the Exchange is not capable of calculating a derived price, the Exchange will perform each of the Opening Price Tests A, B, and C without a derived price.

C if the Nasdaq best bid or offer is sufficiently wide that the opening price calculated by the auction is outside the Opening Cross price range for Test C. Since there is no guarantee that there will be pre-market trading to establish a last sale price, or that there will be a sufficiently narrow best bid or offer, a security may fail the Opening Price Tests even when a proper price is determined by the Nasdaq Opening Cross. The Exchange does not believe that it is in the interest of a fair and orderly market to cancel an opening auction where the Nasdaq Opening Cross price is reflective of the market for the security as indicated by derived prices based on the terms of the corporate action.

The Google transaction described above pre-dates the Opening Price Tests, which Nasdaq adopted in 2016.[7] The Exchange believes, however, that if those tests were in place at the time of that transaction they could have interfered with the Exchange's ability to execute a successful opening auction. The proposed rule change is designed to prevent such a situation for future corporate actions. The Exchange believes that market participants value trading in the Opening Cross, and would therefore be better served by Nasdaq determining a derived price to be used in the Opening Price Tests that reflects the value of the security after the corporate action. Although in some cases a security may pass Opening Price Test B or C following a non-standard corporate action, the Exchange believes that members and other market participants are better served when the tests as a whole more closely relate to the market for the security subject to the corporate action.

The Exchange therefore proposes to amend its rules to allow it to calculate its Opening Price Test A for non-standard corporate actions by using a derived price calculated based on the terms of the corporate action, similar to the process described above for standard corporate actions today. This process will be used only for corporate actions where, similar to the Google transaction described above, the Exchange can calculate a derived price based on the terms of the corporate action. As previously discussed, the Exchange will initially use this authority only for non-standard corporate actions that involve the issuance of a new class of securities with similar terms; provided that if the Exchange determines that it is capable of calculating a derived price for other non-standard corporate actions it will issue an Equity Trader Alert to inform members of the types of corporate actions where it will use derived prices. Thus, for example, assume a Nasdaq listed security (Class A) is issuing a dividend of 2 shares of a new class of stock (Class C). If the Class A stock is trading at a price of $120 prior to the corporate action, the Exchange could derive a price for each share of Class A and new Class C stock that is $40 per share (*i.e.,* $120 ÷ 3) for purposes of the Opening Price Tests. Although there may be differences in the trading characteristics between Class A and Class C stock, the Exchange believes that using this derived price for calculation of the Opening Price Tests will provide a more reasonable basis for determining the validity of prices determined by the Opening Cross.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it will allow the Exchange to calculate a derived price for use in the Opening Cross Price Test A when a security is the subject of a non-standard corporate action. The Exchange also believes that the proposed rule change will promote just and equitable principles of trade by increasing transparency around the Exchange's current process for adjusting the prices used in Opening Cross Price Test A for securities that are subject to vanilla corporate actions. The Opening Cross provides an industry-leading, transparent price discovery process that aggregates a large pool of liquidity, across a variety of order types, in a single venue. Today, the Exchange may not be able to execute a successful Opening Cross for a security that is subject to a non-standard corporate action, as the prices used to compute the Opening Cross price ranges do not reflect the actual value of the security after the completion of the corporate action. Furthermore, in cases where a new class of securities is issued, there may be no applicable closing and/or last sale prices for the new class of securities to use to calculate the applicable Opening Cross price ranges. The proposed rule change would remedy this by allowing the Exchange to calculate an appropriate derived price to use for Opening Price Test A. The Exchange believes that this change will increase the likelihood that Nasdaq can execute a successful Opening Cross following a non-standard corporate action, and thereby promotes just and equitable principles of trade and perfects the mechanisms of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to increase the likelihood that the Exchange can execute a successful Opening Cross in securities that are subject to a corporate action, and is not intended to have any significant impact on competition. To the contrary, the Exchange believes that the proposed rule change is evidence of the strong competition in the equities industry, where exchanges must continually improve their offerings to stay competitive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

At any time within 60 days of the filing of the proposed rule change, the

[7] *See* Securities Exchange Act Release No. 77235 (February 25, 2016), 81 FR 10935 (March 2, 2016) (SR–NASDAQ–2015–159) (Approval Order).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–085 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–2017–085. 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–2017–085 and should be submitted on or before September 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18658 Filed 9–1–17; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81495; File No. SR–BatsBZX–2017–56]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List and Trade Shares of Specified Series of the Innovator Shield Strategy S&P 500 Monthly Index Series and Innovator Ultra Shield Strategy S&P 500 Monthly Index Series Under Rule 14.11(c)(3)

August 29, 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 22, 2017, Bats BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to list and trade shares of series of the Innovator Shield Strategy S&P 500 Monthly Index Series and Innovator Ultra Shield Strategy S&P 500 Monthly Index Series under the Academy Funds Trust, under Rule 14.11(c)(3) (''Index Fund Shares'').

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of each series of the Innovator Shield Strategy S&P 500 ETF (collectively, the ''Shield Funds'') and Innovator Ultra Shield Strategy S&P 500 ETF (collectively, the ''Ultra Shield Funds'') (each a ''Fund'' and, collectively, the ''Funds'') under Rule 14.11(c)(3), which governs the listing and trading of Index Fund Shares on the Exchange. In total, the Exchange is proposing to list and trade Shares of twelve monthly series of the Innovator Shield Strategy S&P 500 Monthly Index Series and twelve monthly series of the Innovator Ultra Shield Strategy S&P 500 Monthly Index Series. Each Fund will be an index-based exchange traded fund (''ETF'').

The Shares will be offered by Academy Funds Trust (the ''Trust''), which was established as a Delaware statutory trust on October 17, 2007. The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission on behalf of the Funds.[3] Each Fund intends to qualify each year as a regulated investment company (a ''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.[4]

Each Shield Fund's investment objective is to track, before fees and expenses, the performance of its respective index (the ''Shield Index''). Each Ultra Shield Fund's investment objective is to track, before fees and

[3] *See* Post-Effective Amendment Nos. 45 and 46 to Registration Statement on Form N–1A for the Trust, dated May 15, 2017 (File Nos. 333–146827 and 811–22135). The descriptions of the Fund and the Shares contained herein are based on information in the Registration Statement.

[4] 26 U.S.C. 851.

expenses, the performance of its respective index (the ''Ultra Shield Index''). Innovator Capital Management LLC (the ''Advisor'') will act as adviser to the Funds. Both the Shield Index and the Ultra Shield Index (collectively, the ''Indexes'') are owned and operated by S&P Dow Jones Indices, and were developed by the Chicago Board Options Exchange (''CBOE'' or ''Index Provider'') in coordination with Milliman Financial Risk Management LLC. The value of each Index is calculated daily as of the close of trading hours on the New York Stock Exchange by CBOE utilizing an option valuation model and data provided by CBOE. Milliman Financial Risk Management LLC will act as sub-adviser for the Funds (the ''Sub-Adviser'').

The Indexes employ a ''defined outcome strategy'' that seeks to provide investment returns that deliver one-to-one exposure to any gains of the S&P 500 Price Return Index (''S&P 500''), up to a capped amount, while protecting investors from S&P 500 losses of up to a capped amount, as further described below. The Indexes will be composed exclusively of FLexible EXchange Options (''FLEX Options'') linked to the S&P 500. Defined outcome strategies are designed to participate in market gains and losses within pre-determined ranges over a specified period (*i.e.* point to point). These outcomes are predicated on the assumption that an investment vehicle employing the strategy is held for the designated outcome periods. As such, the Exchange is proposing to list up to twelve monthly series of each of the Shield Funds and Ultra Shield Funds.

The Exchange is submitting this proposed rule change because the Indexes do not meet all of the ''generic'' listing requirements of Rule 14.11(c)(3)(A)(i), applicable to the listing of Index Fund Shares based upon an index of ''U.S. Component Stocks.'' [5] Specifically, Rule 14.11(c)(3)(A)(i) sets forth the requirements to be met by components of an index or portfolio of U.S. Component Stocks. Because the Index consists of FLEX Options, rather than ''U.S. Component Stocks'' as defined in Rule 14.11(c)(1)(D), the Index does not satisfy the requirements of Rule 14.11(c)(3)(A)(i).[6]

The Shares will conform to the initial and continued listing criteria under Rule 14.11(c), except that the Indexes will not meet the requirements of Rule 14.11(c)(3)(A)(i)(a)–(e) in that the Indexes will consist of options based on U.S. Component Stocks (*i.e.,* FLEX Options that reference the S&P 500), rather than U.S. Component Stocks.

Innovator Shield S&P 500 ETF

Under Normal Market Conditions,[7] each Shield Fund will attempt to achieve its investment objective of tracking, before fees and expenses, the performance of its respective Shield Index. Each Shield Index employs a ''defined outcome strategy'' that seeks to provide investment returns that deliver one to one exposure to any gains of the S&P 500, up to a capped amount, while protecting investors from S&P 500 losses of up to 15%. Each Index will be composed exclusively of FLEX Options that reference the S&P 500.

Defined outcome strategies are designed to participate in market gains and losses within pre-determined ranges over a specified period (*i.e.,* point to point). These outcomes are predicated on the assumption that an investment vehicle employing the strategy is held for the designated outcome periods. The Shield Indexes will be composed of a portfolio of FLEX Options linked to an underlying asset, the S&P 500, that, when held for the specified period, seeks to produce returns that, over a period of approximately one year, provide one to one returns on the price appreciation of the S&P 500 up to a capped maximum annualized return (the ''Cap Level''), while protecting investors from the first 15% of S&P 500 losses.

The FLEX Options comprising the Shield Indexes will first be entered into on approximately the date of the Shield Fund's inception and will automatically reset on approximately the one year anniversary thereafter (each, an ''outcome period''). These FLEX Options have been chosen to seek to provide investors, before fees and expenses, with the following outcomes:

- *If the S&P 500 appreciates over the outcome period:* The Shield Index seeks to provide a total return that matches the percentage increase of the S&P 500, up to the Cap Level;
- *If the S&P 500 decreases over the outcome period by 15% or less:* The Shield Index seeks to provide a total return of zero; and
- *If the S&P 500 decreases over the outcome period by more than 15%:* The Shield Index seeks to provide a total return loss that is 15% less than the percentage loss on the S&P 500 with a maximum loss of approximately 85%.

These outcomes are sought through the effect of layering purchased and written FLEX Options that comprise the Shield Index. Any FLEX Options that are written by a Shield Fund pursuant to its respective Shield Index that create an obligation to sell or buy an asset will be offset with a position in FLEX Options purchased by the Shield Fund pursuant to the Shield Index to create the right to buy or sell the same asset such that the Shield Fund will always be in a net long position. That is, any obligations of a Shield Fund created by its writing of FLEX Options will be covered by offsetting positions in other purchased FLEX Options. As the FLEX Options mature at the end of each outcome period, they are replaced. By replacing FLEX Options annually, each Shield Index seeks to ensure that investments made in a given month during the current year buffer against negative returns of the S&P 500 up to pre-determined levels in that same month of the following year. The Shield Funds do not offer any protection against declines in the S&P 500 exceeding 15% on an annualized basis. Shareholders will bear all S&P 500 losses exceeding 15% on a one-to-one basis.

The value of the FLEX Options purchased by a Shield Fund in accordance with the Index on any given day will be reflected in the Shield Fund's net asset value (''NAV''). The FLEX Options owned by the Shield Funds will have the same terms (*i.e.* same strike price and expiration) for all investors of the Shield Fund within an outcome period. The Cap Level is determined with respect to the applicable Shield Index on the inception date of the Shield Fund and at the beginning of each outcome period.

[5] As defined in Rule 14.11(c)(1)(D), the term ''U.S. Component Stock'' shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Act, or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act.

[6] Rule 14.11(c)(3)(A)(i)(e) provides that all securities in the applicable index or portfolio shall be U.S. Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 under Regulation NMS of the Act. Each component stock of the S&P 500 is a U.S. Component Stock that is listed on a national securities exchange and is an NMS Stock. Options are excluded from the definition of NMS Stock. The Funds and the Indexes meet all of the requirements of the listing standards for Index Fund Shares in Rule 14.11(c)(3), except the requirements in Rule 14.11(c)(3)(A)(i)(a)–(e), as the Index consists of options on U.S. Component Stocks. The S&P 500 consists of U.S. Component Stocks and satisfies the requirements of Rule 14.11(c)(3)(A)(i)(a)–(e).

[7] As defined in Rule 14.11(i)(3)(E), the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

Innovator Ultra Shield Strategy S&P 500 ETF

Under Normal Market Conditions, each Ultra Shield Fund will attempt to achieve its investment objective of tracking, before fees and expenses, the performance of its respective Ultra Shield Index. Each Ultra Shield Index employs a ''defined outcome strategy'' that seeks to provide investment returns that deliver one to one exposure to any gains of the S&P 500, up to a capped amount, while protecting investors from S&P 500 losses of between 5% and 35%. Each Index will be composed exclusively of FLEX Options that reference the S&P 500.

Defined outcome strategies are designed to participate in market gains and losses within pre-determined ranges over a specified period (*i.e.,* point to point). These outcomes are predicated on the assumption that an investment vehicle employing the strategy is held for the designated outcome periods. The Ultra Shield Indexes will be composed of a portfolio of FLEX Options linked to an underlying asset, the S&P 500, that, when held for the specified period, seeks to produce returns that, over a period of approximately one year, provide one to one returns on the price appreciation of the S&P 500 up to the Cap Level, while protecting investors from between 5% and 35% of S&P 500 losses.

The FLEX Options comprising the Ultra Shield Indexes will first be entered into on approximately the date of the Shield Fund's inception and will automatically reset on approximately the one year anniversary thereafter (each, an ''outcome period''). These FLEX Options have been chosen to seek to provide investors, before fees and expenses, with the following outcomes:

- *If the S&P 500 appreciates over the outcome period:* The Ultra Shield Index seeks to provide a total return that matches the percentage increase of the S&P 500, up to the Cap Level;
- *If the S&P 500 decreases over the outcome period by 5% or less:* The Ultra Shield Index seeks to provide a total return loss that is equal to the percentage loss on the S&P 500;
- *If the S&P 500 decreases over the outcome period by 5%–35%:* The Ultra Shield Index seeks to provide a total return loss of 5%; and
- *If the S&P If the S&P 500 decreases over the outcome period by more than 35%:* The Ultra Shield Index seeks to provide a total return loss that is 30% less than the percentage loss on the S&P 500 with a maximum loss of approximately 70%.

These outcomes are sought through the effect of layering purchased and written FLEX Options that comprise an Ultra Shield Index. Any FLEX Options that are written by an Ultra Shield Fund pursuant to its respective Ultra Shield Index that create an obligation to sell or buy an asset will be offset with a position in FLEX Options purchased by the Ultra Shield Fund pursuant to the Ultra Shield Index to create the right to buy or sell the same asset such that the Ultra Shield Fund will always be in a net long position. That is, any obligations of an Ultra Shield Fund created by its writing of FLEX Options will be covered by offsetting positions in other purchased FLEX Options. As the FLEX Options mature at the end of each outcome period, they are replaced. By replacing FLEX Options annually, each Ultra Shield Index seeks to ensure that investments made in a given month during the current year buffer against negative returns of the S&P 500 up to pre-determined levels in that same month of the following year. The Ultra Shield Fund does not offer any protection against declines in the S&P 500 of less than 5% or exceeding 35% on an annualized basis thereafter. Shareholders will bear all S&P 500 losses less than 5% and exceeding 35% on a one-to-one basis.

The value of the FLEX Options purchased by the Ultra Shield Fund in accordance with the Index on any given day will be reflected in the Ultra Shield Fund's NAV. The FLEX Options owned by an Ultra Shield Fund will have the same terms (*i.e.,* same strike price and expiration) for all investors of the Ultra Shield Fund within an outcome period. The Cap Level is determined with respect to the Index on the inception date of the Ultra Shield Fund and at the beginning of each outcome period.

Investment Methodology for the Funds

Under Normal Market Conditions, each of the Funds will invest not less than 80% of its assets in the FLEX Options that comprise their respective Index. Each of the Funds may invest up to 20% of its net assets (in the aggregate) in other investments that are not included in the Fund's respective Index, but which the Adviser or Sub-Adviser believes will help the Fund to track its Index and that will be disclosed at the end of each trading day (''Other Assets''). Other Assets include only cash or cash equivalents, as defined in Rule 14.11(i)(4)(C)(iii),[8] and traditional U.S. exchange-traded options contracts that reference either the S&P 500 or ETFs that track the S&P 500 (''Reference ETFs'').

S&P 500 FLEX Options

The market for options contracts on the S&P 500 traded on CBOE, including FLEX Options, is among the most liquid markets in the world [sic] S&P 500 FLEX Options are a subset of S&P 500 options traded on the CBOE.[9] In 2016, 1,023,623 options contracts on the S&P 500 were traded per day on CBOE, which is more than $200 billion in notional volume traded on a daily basis.[10] While, as described below, FLEX Options are traded differently than traditional options contracts, the Exchange believes that the liquidity and arbitrage opportunities of the S&P 500 bolsters the market for FLEX Options, as described below.

FLEX Options on the S&P 500 are quoted by the same market makers that trade traditional options contracts. Every FLEX Option order submitted to CBOE is exposed to a competitive auction process for price discovery. The process begins with a request for quote (''RFQ'') in which the interested party establishes the terms of the FLEX Options contract. The RFQ solicits interested market participants, including on-floor market makers, remote market makers trading electronically, and member firm traders, to respond to the RFQ with bids or offers through a competitive process. This solicitation contains all of the contract specifications-underlying, size, type of option, expiration date, strike price, exercise style and settlement basis. During a specified amount of time, responses to the RFQ are received and at the end of that time period, the initiator can decide whether to accept the best bid or offer. The process occurs under the rules of CBOE which means that customer transactions are effected according to the principles of a fair and orderly market following trading procedures and policies developed by

[8] As defined in Rule 14.11(i)(4)(C)(iii), cash equivalents include short-term instruments with maturities of less than three months, including: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[9] *See https://www.theocc.com/webapps/flex-reports.* Unless otherwise noted, all statistics provided herein are based on information from the Options Clearing Corporation.

[10] As of July 24, 2017, FLEX Options on the S&P 500 had open interest of 349,596 contracts.

CBOE. By way of example, during June and July 2017, the Sub-Adviser traded 2,500 FLEX Option S&P 500 contracts with a notional exposure of $626 million. The trades were executed at approximately .25% from the mid-market mark, which is similar to the transaction costs of exchange traded funds of similar size.

The Exchange believes that sufficient protections are in place to protect against market manipulation of the Funds' Shares and FLEX Options on the S&P 500 for several reasons: (i) The liquidity in the market for options on the S&P 500; (ii) the competitive quoting process for FLEX Options; (iii) the diversity, liquidity, and market cap of the securities underlying the S&P 500; and (iv) surveillance by the Exchange, CBOE and the Financial Industry Regulatory Authority (''FINRA'') designed to detect violations of the federal securities laws and self-regulatory organization (''SRO'') rules; [sic].

Trading in the Shares and the underlying investments will be subject to the federal securities laws and Exchange, CBOE and FINRA rules and surveillance programs.[11] In this regard, the Exchange has in place a surveillance program for transactions in ETFs to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Shares less readily susceptible to manipulation as assets in the portfolio—comprised primarily of FLEX Options on the S&P 500—will be acquired in extremely liquid and highly regulated markets.

As noted above, options on the S&P 500 are among the most liquid options in the world and derive their value from the actively traded S&P 500 Index components. The contracts are cash-settled with no delivery of stocks or ETFs, and trade in competitive auction markets with price and quote transparency. The Exchange believes the highly regulated options markets and the broad base and scope of the S&P 500 Index make securities that derive their value from the index less susceptible to market manipulation in view of market capitalization and liquidity of the S&P 500 components, price and quote transparency, and arbitrage opportunities.

The Exchange believes that the efficiency and liquidity of the markets for S&P 500 securities, options on the S&P 500, including FLEX Options, and other related derivatives are sufficiently great to deter fraudulent or manipulative acts associated with the Funds' Shares price. The Exchange also believes that such efficiency and liquidity are sufficient to support the creation and redemption mechanism. Coupled with the extensive surveillance programs of the SROs described above, the Exchange does not believe that trading in the Fund's Shares would present manipulation concerns.

The Exchange represents that, except as described above, the Funds will meet each of the initial and continued listing criteria in BZX Rule 14.11(c) with the exception Rule 14.11(c)(3)(A)(i), applicable to the listing of Index Fund Shares based upon an index of ''U.S. Component Stocks.'' The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Fund. In addition, the Exchange represents that the Shares of the Funds will comply with all other requirements applicable to Index Fund Shares including, but not limited to, requirements relating to the dissemination of key information such as the Disclosed Portfolio, Net Asset Value, and the Intraday Indicative Value, rules governing the trading of equity securities, trading hours, trading halts, surveillance, and the information circular, as set forth in Exchange rules applicable to Index Fund Shares and the orders approving such rules. Moreover, all of the options contracts held by the Funds will trade on markets that are a member of Intermarket Surveillance Group (''ISG'') or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[12] All statements and representations made in this filing regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values, and the applicability of Exchange rules specified in this filing shall constitute continued listing requirements for the Funds. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[13] in general and Section 6(b)(5) of the Act[14] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest in that the Shares of each Fund will meet each of the initial and continued listing criteria in BZX Rule 14.11(c) with the exception Rule 14.11(c)(3)(A)(i), applicable to the listing of Index Fund Shares based upon an index of ''U.S. Component Stocks.'' Specifically, Rule 14.11(c)(3)(A)(i) sets forth the requirements to be met by components of an index or portfolio of U.S. Component Stocks. Because the Index consists of FLEX Options, rather than ''U.S. Component Stocks'' as defined in Rule 14.11(c)(1)(D), the Index does not satisfy the requirements of Rule 14.11(c)(3)(A)(i).[15] The Exchange

[11] The Exchange notes that CBOE is a member of the Option Price Regulatory Surveillance Authority, which was established in 2006, to provide efficiencies in looking for insider trading and serves as a central organization to facilitate collaboration in insider trading and investigations for the U.S. options exchanges. For more information, *see http://www.cboe.com/aboutcboe/legal/departments/orsareg.aspx.*

[12] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(5).

[15] Rule 14.11(c)(3)(A)(i)(e) provides that all securities in the applicable index or portfolio shall be U.S. Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 under Regulation NMS of the Act. Each component stock of the S&P 500 is a U.S. Component Stock that is listed on a national securities exchange and is an NMS Stock. Options are excluded from the definition of NMS Stock. The Funds and the Indexes meet all of the requirements of the listing standards for Index Fund Shares in Rule 14.11(c)(3), except the requirements in Rule

believes that the concerns that Rule 14.11(c)(3)(A)(i) are intended to address are mitigated by: (i) The liquidity in the market for options on the S&P 500;[16] (ii) the competitive quoting process for FLEX Options; and (iii) the diversity, liquidity, and market cap of the securities underlying the S&P 500.

Further, trading in the Shares and the underlying Fund investments will be subject to the federal securities laws and Exchange, CBOE and FINRA rules and surveillance programs.[17] In this regard, the Exchange has in place a surveillance program for transactions in ETFs to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Shares less readily susceptible to manipulation as assets in the portfolio—comprised primarily of FLEX Options on the S&P 500—will be acquired in extremely liquid and highly regulated markets.

As noted above, options on the S&P 500 are among the most liquid options in the world and derive their value from the actively traded S&P 500 Index components. The contracts are cash-settled with no delivery of stocks or ETFs, and trade in competitive auction markets with price and quote transparency. The Exchange believes the highly regulated options markets and the broad base and scope of the S&P 500 Index make securities that derive their value from the index less susceptible to market manipulation in view of market capitalization and liquidity of the S&P 500 components, price and quote transparency, and arbitrage opportunities.

The Exchange believes that the efficiency and liquidity of the markets for S&P 500 securities, options on the S&P 500, and other related derivatives are sufficiently great to deter fraudulent or manipulative acts associated with the Funds' Shares price. The Exchange also believes that such efficiency and liquidity are sufficient to support the creation and redemption mechanism. Coupled with the extensive surveillance programs of the SROs described above, the Exchange does not believe that trading in the Fund's Shares would present manipulation concerns.

The Exchange represents that, except as described above, the Funds will satisfy, on an initial and continued listing basis, all of the generic listing standards under BZX Rule 14.11(c)(3)(A)(i) and all other applicable requirements for Index Fund Shares under Rule 14.11(c). The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Fund. In addition, the Exchange represents that the Shares of the Funds will comply with all other requirements applicable to Index Fund Shares including, but not limited to, requirements relating to the dissemination of key information such as the Disclosed Portfolio, Net Asset Value, and the Intraday Indicative Value, rules governing the trading of equity securities, trading hours, trading halts, surveillance, and the information circular, as set forth in Exchange rules applicable to Index Fund Shares and the orders approving such rules. Moreover, all of the options contracts held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[18] All statements and representations made in this filing regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values, and the applicability of Exchange rules specified in this filing shall constitute continued listing requirements for the Fund. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of Index Fund Shares that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BatsBZX–2017–56 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsBZX–2017–56. This file number should be included on the subject line if email is used. To help the

14.11(c)(3)(A)(i)(a)–(e), as the Index consists of options on U.S. Component Stocks. The S&P 500 consists of U.S. Component Stocks and satisfies the requirements of Rule 14.11(c)(3)(A)(i)(a)–(e).

[16] In 2016, 1,023,623 options contracts on the S&P 500 were traded per day on CBOE, which is more than $200 billion in notional volume traded on a daily basis.

[17] The Exchange notes that CBOE is a member of the Option Price Regulatory Surveillance Authority, which was established in 2006, to provide efficiencies in looking for insider trading and serves as a central organization to facilitate collaboration in insider trading and investigations for the U.S. options exchanges. For more information, *see http://www.cboe.com/aboutcboe/legal/departments/orsareg.aspx.*

[18] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BatsBZX–2017–56 and should be submitted on or before September 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18660 Filed 9–1–17; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Wednesday, September 6, 2017 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Adjudicatory matters;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: August 30, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–18807 Filed 8–31–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81494; File No. SR–NYSE–2017–32]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend Section 202.06 of the NYSE Listed Company Manual To Prohibit Listed Companies From Issuing Material News After the Official Closing Time for the Exchange's Trading Session Until the Earlier of Publication of Such Company's Official Closing Price on the Exchange or Five Minutes After the Official Closing Time

August 29, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 17, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 202.06 of the NYSE Listed Company Manual (the ''Manual'') to limit the issuance of material news by listed companies in the period immediately after the official closing time for the Exchange's trading session. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section 202.06 of the Manual to limit the issuance of material news by listed companies in the period immediately after the official closing time for the Exchange's trading session.

Continuous trading on the Exchange ends at the Exchange's official closing time of 4:00 p.m. Eastern Time (except that on certain days the official closing time occurs early at 1:00 p.m. Eastern Time), which is when the Exchange stops accepting new orders, including orders designated for the closing auction, and requests to cancel orders.[4] The Designated Market Maker (''DMM'') registered in a security facilitates the close of trading after continuous trading ends at the official closing time of 4:00

[4] Pursuant to NYSE Rule 123C(2), orders designated for the close, including Market on Close (''MOC'') and Limit on Close (''LOC'') Orders can be entered after 3:45 p.m. to offset a published Mandatory MOC/LOC Imbalance Publication. Closing Offset (''CO'') Orders can be entered on both sides of the market up to 4:00 p.m. regardless of whether there is a published imbalance.

p.m.[5] Up to 4:00 p.m., the Exchange publishes Order Imbalance Information, which includes real-time order imbalance information and information indicating the price at which closing interest may be executed in full and the price at which Exchange Book and closing-only interest may be executed in full.[6]

The DMM-facilitated closing process is manual, however, a DMM can choose to automate the process.[7] Because of the manual nature of how the close is facilitated, the DMM cannot begin the process until order entry acceptance has ended, *i.e.,* after 4:00 p.m. A DMM therefore facilitates a closing auction based on an order imbalance established before 4:00 p.m., and on orders entered with information available before 4:00 p.m.

Because there is trading after 4:00 p.m. Eastern Time on other exchange and non-exchange venues, if a listed company releases material news immediately after 4:00 p.m., but before the closing auction on the NYSE is completed, there can be a significant price difference in nearly contemporaneous trades on other markets and the closing price on the Exchange.[8] As the discrepancy between the NYSE closing price and trading prices on other markets can cause confusion to investors, the Exchange previously added advisory text in Section 202.06 of the Manual requesting that listed companies intending to release material news after the close of trading on the Exchange wait until the earlier of the publication of their security's official closing price on the Exchange or 15 minutes after the scheduled closing time on the Exchange.

Notwithstanding this advisory text, the Exchange has continued to experience situations where material news released shortly after 4:00 p.m. has caused significant investor confusion. Specifically, when a listed company releases material news shortly after 4:00 p.m., but before the DMM has been able to complete the closing auction, the news release can cause the company's stock to trade on other markets at materially different prices than the price of the NYSE's closing auction.

The Exchange now proposes to amend Section 202.06 to prohibit listed companies from issuing material news after the official closing time for the Exchange's trading session until the earlier of publication of such company's official closing price on the Exchange or five minutes after the official closing time. In the Exchange's experience, DMMs are able to complete the closing auctions for the securities assigned to a DMM in almost all cases within five minutes of the Exchange's official closing time, so the proposed amendment utilizes that timeframe as it would make it unlikely that a listed company would ever issue material news between the official closing time and the completion of the closing auction.[9] This prohibition would mitigate the risk of market disruption and investor confusion associated with the occurrence of significant news-related price volatility on other markets during the brief period between the NYSE's official closing time and the completion of the closing auction. While the Exchange notes the importance of the requirement of Section 202.05 of the Manual that listed companies issue material news as quickly as possible, it believes that the brief delay mandated by the proposed amendment is desirable in light of the benefit of the reduced likelihood of the occurrence investor confusion associated with the issuance of material news prior to the completion of the closing auction.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[10] of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In particular, the proposed amendment is designed to promote just and equitable principles of trade by ensuring that participants in the closing auction at the Exchange do not have their trades executed at a price that is inconsistent with contemporaneous trading prices on other markets that reflect material news that was released after the NYSE's official closing time.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act. The purpose of the proposed amendment is not to affect competition, but rather to ensure that participants in the closing auction at the Exchange do not have their trades executed at a price that is inconsistent with contemporaneous trading prices on other markets that reflect material news that was released after the NYSE's official closing time. Therefore, the proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[5] Pursuant to NYSE Rule 104(a)(3), a DMM has a responsibility and duty to facilitate the close of trading for each of the securities in which the DMM is registered as required by Exchange rules, which may include supplying liquidity as needed.

[6] *See* NYSE Rule 123C(6) (describing the Order Imbalance Information Data Feed).

[7] *See* NYSE Rule 123C, which establishes the Exchange's Closing Procedures, including that closings may be effectuated manually or electronically by the DMM (Supplementary Material .10 to Rule 123C). In particular, *see* Rule 123C(7) for the order of execution on the close, including which orders are guaranteed to participate in the closing transaction, and in which order and Rule 123C(8) for how closing transactions are to be effectuated if there is an imbalance of shares to buy over shares to sell in MOC and/or marketable LOC orders, or vice versa.

[8] The price of the closing auction is based in large part on the order imbalance established before 4:00 p.m.; if material news is issued after 4:00 p.m., but before the closing auction, market participants can neither enter nor cancel orders intended for the close on the NYSE.

[9] To avoid market disruptions when the closing auction is delayed more than five minutes, the amended rule will continue to include advisory text asking companies to avoid issuing material news until the earlier of publication of the official closing price or 15 minutes after the NYSE's official closing time.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2017–32 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2017–32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2017–32 and should be submitted on or before September 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18659 Filed 9–1–17; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Delegation of Authority

AGENCY: U.S. Small Business Administration.

ACTION: Notice of delegation of authority.

SUMMARY: This document provides the public with notice of the delegation of authority for certain activities related to the licensing of small business investment companies by the Administrator of the Small Business Administration (SBA) to the Agency Licensing Committee.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Office of Investment and Innovation, U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416; (202) 205–7559 or *carol.fendler@sba.gov.*

SUPPLEMENTARY INFORMATION: This document provides the public with notice of the Administrator's delegation of authority to the Agency Licensing Committee to review and recommend to the Administrator for approval applications for licenses to operate as a small business investment company under the Small Business Investment Act of 1958, as amended.

This delegation of authority reads as follows:

Pursuant to the authority vested in me pursuant to section 301 of the Small Business Investment Act of 1958, as amended, the authority to take any and all actions necessary to review applications for licensing under section 301 of the Small Business Investment Act of 1958, as amended, and to recommend to the Administrator which such applications should be approved is delegated to the Agency Licensing Committee.

The Agency Licensing Committee shall be composed of the following members:

Deputy Administrator, Chair
Associate Administrator for Capital Access
Associate Administrator for Investment and Innovation
General Counsel
Deputy General Counsel
Chief Financial Officer

This authority revokes all other authorities granted by the Administrator to recommend and approve applications for a license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended. This authority may not be re-delegated; however, in the event that the person serving in one of the positions listed as a member of the Agency Licensing Committee is absent from the office, as defined in SBA Standard Operating Procedure 00 01 2, Chapter 3, paragraph 2, or is unable to perform the functions and duties of his or her position, the individual serving in an acting capacity, pursuant to a written and established line of succession, may serve on the Committee during such absence or inability. In addition, if one of the positions listed as a member of the Agency Licensing Committee is vacant, the individual serving in that position in an acting capacity shall serve on the Agency Licensing Committee. This authority will remain in effect until revoked in writing by the Administrator or by operation of law.

Dated: August 24, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–18665 Filed 9–1–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 10106]

60-Day Notice of Proposed Information Collection: Electronic Medical Examination for Visa or Applicant

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to November 6, 2017.

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

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering

''Docket Number: DOS–2017–0035 in the Search field. Then click the ''Comment Now'' button and complete the comment form.

• *Email: PRA_BurdenComments@state.gov.*

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents to Sydney Taylor, who may be reached at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Electronic Medical Examination for Visa Applicant.

• *OMB Control Number:* None.

• *Type of Request:* New Collection.

• *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO/L/R).

• *Form Number:* No form.

• *Respondents:* Visa applicants.

• *Estimated Number of Respondents:* 684,589.

• *Estimated Number of Responses:* 684,589.

• *Average Time per Response:* 1 hour.

• *Total Estimated Burden Time:* 684,589 annual hours.

• *Frequency:* Once per respondent.

• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This electronic collection records medical information necessary to determine whether visa applicants have medical conditions affecting the applicant's eligibility for a visa.

Methodology

Approved panel physicians will be granted access to an eMedical system by the Department of State, to conduct medical examinations for visa eligibility determinations. During the initial rollout, some immigrant visa applicants with a completed and submitted DS–260, Application for Immigrant Visa and Alien Registration will have their medical exam results submitted to the Department via the eMedical system. The panel physician will input the exam information into the eMedical portal and it will be transmitted to the Department for visa adjudication and retained in the Department's systems. The Department anticipates a full rollout of the electronic medical report by the end of 2018. During the transition to eMedical, some applicants' medical exams will be completed via paper forms.

Edward Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2017–18704 Filed 9–1–17; 8:45 am]

BILLING CODE 4710–06–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2017–0012]

Request for Comments and Notice of Public Hearing Concerning Russia's Implementation of Its WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments; correction.

SUMMARY: The Trade Policy Staff Committee (TPSC) published a document in the **Federal Register** of August 4, 2017, requesting comments and providing notice of a hearing that will assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to Congress on Russia's implementation of its obligations as a member of the World Trade Organization (WTO). The document contained an incorrect date for the hearing, which the TPSC will convene on October 10, 2017.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participating in the public hearing, contact Yvonne Jamison at (202) 395–3475. Direct all other questions regarding this notice to Betsy Hafner, Deputy Assistant United States Trade Representative for Russia and Eurasia, at (202) 395–9124.

Correction: In the **Federal Register** of August 4, 2017, in FR Doc. 2017–16389, 82 FR 36521–22, on page 36521, in the second column, correct the **DATES** caption to read:

DATES: September 22, 2017: Deadline for filing a summary of testimony and requests to appear at the October 10, 2017 public hearing, and for submitting public comments. October 10, 2017: The TPSC will convene a public hearing on Russia's implementation of its obligations as a member of the WTO at 9:30 a.m. in Rooms 1 & 2, 1724 F Street NW., Washington, DC 20508.

Edward Gresser,

Chair, Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2017–18653 Filed 9–1–17; 8:45 am]

BILLING CODE 3290–F7–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Community Reinvestment Act Regulations

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the 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 OCC is soliciting comment concerning the renewal of its information collection titled ''Community Reinvestment Act Regulations.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before October 5, 2017.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by

email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0160, 400 7th Street SW., Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* 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.

All 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.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0160, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The OCC is requesting that OMB extend its approval of the following collection:

Title: Community Reinvestment Act Regulations.

OMB Control No.: 1557–0160.

Description: The Community Reinvestment Act (CRA) requires the federal banking agencies [1] (Agencies) to assess the record of regulated financial institutions (institutions) in helping to meet the credit needs of their entire communities, including low- and moderate-income neighborhoods, consistent with safe and sound operations. The CRA further requires the Agencies to take this record into account in evaluating applications for mergers, branches, and certain other corporate activities.[2] The CRA statute requires the Agencies to issue regulations to carry out its purposes.[3]

Each agency must provide written CRA performance evaluations (CRA PE) of the institutions they supervise. The CRA PEs are disclosed to the public. The public portion of each written CRA PE must present the agency's conclusions with respect to the CRA performance standards identified in its regulations; including the facts and data supporting those conclusions; and contain the institution's CRA rating and the basis for that rating.

The reporting, recordkeeping, and disclosure requirements in the CRA regulations are necessary, as they provide the Agencies with the information they need to examine, assess, and assign ratings reflecting institutions' CRA performance and to prepare the public section of the CRA PE.

The OCC's CRA regulation, 12 CFR 25, applies to national banks, including federal branches, as those are defined in 12 CFR 28, with federally insured deposits, except as provided in 12 CFR 25.11, (collectively, banks). Similarly, the OCC's CRA regulation, 12 CFR 195, applies to savings associations, except as provided in 12 CFR 195.11.

12 CFR 25.25(b) and 195.25(b) provide that requests for designation as a wholesale or limited purpose bank or savings association must be made in writing with the OCC at least three months prior to the proposed effective date of the designation.

12 CFR 25.27 and 195.27 provide for optional submission of strategic plans to the OCC for approval. If the requirements of 12 CFR 25.27(a) or 195.27(a), respectively, are met, institutions' records of helping to meet the credit needs of their assessment areas will be assessed under their approved strategic plans.

12 CFR 25.42(a) and 195.42(a) require that large banks and savings associations [4] shall collect and maintain certain small business/small farm loan data in a machine-readable form and report it annually pursuant to 12 CFR 25.42(b)(1) and 195.42(b)(1).

12 CFR 25.42(b)(2) and 195.42(b)(2) require that large banks and savings associations report annually in machine readable form the aggregate number and aggregate amount of community development loans originated or purchased.

12 CFR 25.42(b)(3) and 195.42(b)(3) require that large banks and savings associations, if subject to reporting under 12 CFR 1003 (Home Mortgage Disclosure (Regulation C)), must report the location of each home mortgage loan application, origination, or purchase outside the metropolitan statistical area(s) in which the bank or savings association has a home/branch office, and the location of each home mortgage loan application, origination, or purchase outside any metropolitan statistical area, in accordance with the requirements of Regulation C.

12 CFR 25.42(c)(1) and 195.42(c)(1) provide that all banks and savings associations may collect and maintain in machine readable form certain data for consumer loans originated or purchased by a bank or savings association for consideration under the lending test. Under 12 CFR 25.42(c)(2) and 195.42(c)(2), all banks and saving associations may include other information concerning their lending performance, including additional loan distribution data.

12 CFR 25.42(d) and 195.42(d) provide that banks and savings associations that elect to have the OCC consider loans by an affiliate, for purposes of the lending or community development test or an approved strategic plan, shall collect, maintain, and report the data that the bank or savings association would have collected, maintained, and reported pursuant to 12 CFR 25.42(a)–(c) or 195.42(a)–(c), respectively, had the loans been originated or purchased by the bank or savings association. For home mortgage loans, the bank or savings association must also be prepared to identify the home mortgage loans reported under HMDA by the affiliate.

12 CFR 25.42(e) and 195.42(e) provide that banks and savings associations that elect to have the OCC consider community development loans by a consortium or a third party, for purposes of the lending or community development tests or an approved strategic plan, must report for those loans the data that the bank or savings association would have reported under 12 CFR 25.42(b)(2) or 195.42(b)(2), respectively, had the loans been

[1] OCC, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation.

[2] 12 U.S.C. 2903.

[3] 12 U.S.C. 2905.

[4] Large banks and large savings associations are banks and savings associations that are not small banks or small savings associations defined in 12 CFR 25.12(u) or 195.12(u), respectively.

originated or purchased by the bank or savings association.

12 CFR 25.42(g) and 195.42(g) require that banks and savings associations, except those that were a small bank or small savings association [5] during the prior calendar year, collect and report to the OCC a list for each assessment area showing the geographies within the area.

12 CFR 25.43 and 195.43 generally require that all banks and savings associations maintain a public file that contains: All written comments and responses; a copy of the public section of the bank's or savings association's most recent CRA performance evaluation; a list of the bank's or savings association's branches; a list of the branches opened or closed; a list of services offered; and a map of each assessment area delineated by the bank or savings association under 12 CFR 25.41 or 195.41, respectively. Certain banks and savings associations must include: A copy of their approved strategic plan and a description of the current efforts to improve their performance in helping to meet the credit needs of its entire community. Certain large banks and savings associations must include in their public files (for prior two years): Consumer loan data; CRA Disclosure Statements; and Home Mortgage Disclosure Act (HMDA) Disclosure Statements. Small banks and savings associations must include their loan-to-deposit ratio for each quarter of the prior calendar year and, at their option, additional data on its loan-to-deposit ratio.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,234.

Estimated Total Annual Burden: 113,351 hours.

The OCC issued a notice for 60 days of comment regarding this collection on June 5, 2017, 82 FR 25911. One comment was received from an institution.

The commenter focused its comments on 12 CFR 25.43 and 195.43, which require that all banks and savings associations maintain a public file. The commenter believed that removing the requirements for a copy of the public section of the most recent CRA evaluation and CRA and Home Mortgage Disclosure Act (HMDA) Disclosure Statements would enhance the quality, utility, and clarity of the information to be collected and minimize the burden of the collection on respondents. The commenter stated that CRA Performance Evaluations are readily available through the Web sites of the respective regulators completing the evaluations and CRA and HMDA Disclosure Statements (often thousands of pages) are available to both regulators and consumers through the Federal Financial Institutions Examination Council's (FFIEC) Web site. The commenter supported the remaining Public File requirements.

In response to these comments, the OCC notes that the Federal banking agencies have opined that a bank or savings association may keep all or a part of CRA public file information, including the public section of its CRA evaluation and CRA and HMDA Disclosure Statements, on an intranet or the Internet provided that all of the required information set forth in 12 CFR 25.43 is made available in either in paper or electronic form. *See* Community Reinvestment Act; Interagency Questions and Answers Regarding Community Reinvestment; Guidance § ___.43(c)—2 (81 FR 48555, July 25, 2016). By making CRA public file items available via an intranet or the Internet, a bank or savings association can decrease the volume of paper maintained in a public file, which should help increase the clarity of information that a bank or savings association elects to maintain in a paper-based public file and decrease information collection burden.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 28, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2017–18654 Filed 9–1–17; 8:45 am]

BILLING CODE 4810–33–P

[5] *See* 12 CFR 25.12(u) and 195.12(u), respectively.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Disclosure Requirements Associated With Supplementary Leverage Ratio

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the 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 OCC is soliciting comment concerning the renewal of its information collection titled ''Disclosure Requirements Associated with Supplementary Leverage Ratio.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before October 5, 2017.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0322, 400 7th Street SW., Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* 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.

All 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.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0322, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The OCC is requesting that OMB extend its approval of the following information collection:

Title: Disclosure Requirements Associated with Supplementary Leverage Ratio.

OMB Control No.: 1557–0322.

Description: All banking organizations that are subject to the agencies' advanced approaches risk-based capital rules (advanced approaches banking organizations), as defined in the 2013 revised capital rule,[1] are required to disclose their supplementary leverage ratios.[2] Advanced approaches banking organizations must report their supplementary leverage ratios on the applicable regulatory reports. These disclosures enhance the transparency and consistency of reporting requirements for the supplementary leverage ratio by all internationally active organizations.

Type of Review: Regular review.

Affected Public: National banks and federal savings associations that are subject to the OCC's advanced approaches risk-based capital rules.

Frequency of Response: Quarterly.

Estimated Number of Respondents: 15.

Total estimated Annual Burden: 300 hours.

The OCC issued a notice for 60 days of comment regarding this collection on June 5, 2017, 82 FR 25916. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 28, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2017–18652 Filed 9–1–17; 8:45 am]

BILLING CODE 4810–33–P

[1] 12 CFR 3.100(b)(1).

[2] 12 CFR 3.10(c), 3.172(d), and 3.173.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Fair Housing Home Loan Data System Regulation

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC 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 OCC is soliciting comment concerning the renewal of its information collection titled ''Fair Housing Home Loan Data System Regulation.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received on or before October 5, 2017.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0159, 400 7th Street SW., Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* 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.

All 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.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0159, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The OCC is requesting that OMB extend its approval of the following information collection:

Title: Fair Housing Home Loan Data System Regulation.

OMB Control No.: 1557–0159.

Description: The Fair Housing Act (42 U.S.C. 3605) prohibits discrimination in the financing of housing on the basis of race, color, religion, sex, or national

origin. The Equal Credit Opportunity Act (ECOA) (15 U.S.C. 1691 *et seq.*) prohibits discrimination in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of income from public assistance, or exercise of any right under the Consumer Credit Protection Act (CCPA) (15 U.S.C. 1601 *et seq.*). The OCC is responsible for ensuring that national banks and federal savings associations comply with those laws. This information collection is needed to promote compliance and for the OCC to fulfill its statutory responsibilities.

The OCC uses the data to determine whether an institution treated applicants consistently and made credit decisions commensurate with the applicants' qualifications and in compliance with ECOA and CCPA.

The information collection requirements are as follows:

• 12 CFR 27.3(a) requires national banks that are required to collect data on home loans under 12 CFR part 203 [1] to present the data on Form FR HMDA–LAR,[2] or in automated format in accordance with the HMDA–LAR instructions, and to include one additional item (the reason for denial) on the HMDA–LAR. Section 27.3(a) also lists exceptions to the HMDA–LAR recordkeeping requirements. Federal savings associations report this information to the OCC pursuant to 12 CFR 128.6 and the CFPB's Regulation C, 12 CFR part 1003.

• 12 CFR 27.3(b) lists the information national banks shall attempt to obtain from an applicant as part of a home loan application and sets forth the information that banks must disclose to an applicant.

• 12 CFR 27.3(c) sets forth additional information national banks must maintain in the loan file.

• 12 CFR 27.4 states that the OCC may require a national bank to maintain a Fair Housing Inquiry/Application Log found in Appendix III to part 27 if there is reason to believe that the bank is engaging in discriminatory practices or if analysis of the data compiled by the bank under the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*) and 12 CFR part 203 indicates a pattern of significant variation in the number of home loans between census tracts with similar incomes and home ownership levels differentiated only by race or national origin. Section 27.4(a)(2) also requires a log if complaints filed with the Comptroller or letters in the Community Reinvestment Act file are found to be substantive in nature, indicating that the bank's home lending practices are, or may be, discriminatory.

• 12 CFR 27.5 requires a national bank to maintain the information required by § 27.3 for 25 months after the bank notifies the applicant of action taken on an application or after withdrawal of an application.

• 12 CFR 27.7 requires a national bank to submit the information required by §§ 27.3(a) and 27.4 to the OCC upon its request prior to a scheduled examination using the Monthly Home Loan Activity Format form in Appendix I to part 27 and the Home Loan Data Form in Appendix IV to part 27. Section 27.7(c)(3) states that a bank with fewer than 75 home loan applications in the preceding year will not be required to submit such forms unless the home loan activity is concentrated in the few months preceding the request for data, indicating the likelihood of increased activity over the subsequent year or there is cause to believe that a bank is not in compliance with the fair housing laws based on prior examinations and/or complaints, among other factors.

• Section 27.7(d) provides that if there is cause to believe that a bank is in noncompliance with fair housing laws, the Comptroller may require submission of additional Home Loan Data Submission Forms. The Comptroller may also require submission of the information maintained under § 27.3(a) and Home Loan Data Submission Forms at more frequent intervals.

OCC-regulated institutions now have access to a CFPB-developed web-based data submission and edit-check system (the HMDA Platform) that may be used to process HMDA data. Some institutions, typically those with small volumes of reported loans or those who do not use a vendor or other software to prepare their HMDA data for submission, will still need a software solution for integrating HMDA data from paper records or electronic systems. Therefore, the CFPB created a prototype ''LAR Formatting Tool'' which will allow financial institutions with small volumes of reported loans, or those who do not use a vendor or other software to prepare their HMDA data for submission, to enter HMDA data and to create a pipe delimited text file to upload to the HMDA Platform. The institution can then proceed through the interactive Web pages of the HMDA Platform to process HMDA data.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,927.

Estimated Total Annual Burden: 31,704 hours.

The OCC issued a notice for 60 days of comment regarding this collection on June 5, 2017, 82 FR 25917. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 28, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2017–18639 Filed 9–1–17; 8:45 am]

BILLING CODE 4810–33–P

[1] This regulation has been transferred to the Consumer Financial Protection Bureau (CFPB) (12 CFR part 1003).

[2] Loan Application Register, *http://www.ffiec.gov/hmda/pdf/hmdalar2011.pdf.*

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Information Collection Renewal; Submission for OMB Review; Basel II Interagency Supervisory Guidance for the Supervisory Review Process (Pillar 2)

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

The OCC 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 OCC is soliciting comment concerning the renewal of its information collection titled ''Basel II Interagency Supervisory Guidance for the Supervisory Review Process (Pillar 2).'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by October 5, 2017.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0242, 400 7th Street SW., Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* 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.

All 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.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0242, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by email to *oira submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The OCC is requesting that OMB extend its approval of this collection.

Title of Information Collection: Basel II Interagency Supervisory Guidance for the Supervisory Review Process (Pillar 2).

OMB Control No.: 1557–0242.

Frequency of Response: Event-generated.

Affected Public: National banks.

Abstract: In 2008, the agencies [1] issued a supervisory guidance document for implementing the supervisory review process (Pillar 2).[2] Sections 37, 41, 43, and 46 of the guidance contain information collections. Section 37 provides that banks should state clearly the definition of capital used in any aspect of its internal capital adequacy assessment process (ICAAP) and document any changes in the internal definition of capital. Section 41 provides that banks should maintain thorough documentation of ICAAP. Section 43 specifies that the board of directors should approve the bank's ICAAP, review it on a regular basis, and approve any changes. Boards of directors, under section 46, should periodically review the assessment of overall capital adequacy and to analyze how measures of internal capital adequacy compare with other capital measures (such as regulatory or accounting).

Estimated Burden:

Number of Respondents: 23.

Estimated Burden per Respondent: 140 hours.

Total Estimated Annual Burden: 3,220 hours.

The OCC issued a notice for 60 days of comment on June 7, 2017, 82 FR 26569. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's burden estimates, 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 28, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2017–18692 Filed 9–1–17; 8:45 am]

BILLING CODE 4810–33–P

[1] OCC, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation.

[2] 73 FR 44620 (July 31, 2008).

FEDERAL REGISTER

Vol. 82 Tuesday,

No. 170 September 5, 2017

Part II

The President

Proclamation 9632—National Preparedness Month, 2017

Federal Register
Vol. 82, No. 170
Tuesday, September 5, 2017

Presidential Documents

Title 3—

The President

Proclamation 9632 of August 30, 2017

National Preparedness Month, 2017

By the President of the United States of America

A Proclamation

During National Preparedness Month, we bring attention to the importance of readying ourselves for disasters, both natural and man-made. We also take this time to extend our sincerest gratitude to first responders, who selflessly run toward danger to keep our Nation and its people safe. We vow to support them and provide the tools they need to save lives.

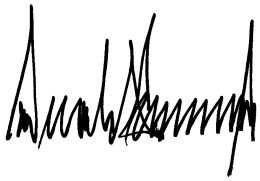
This year marks the 5-year anniversary of Hurricane Sandy, which ravaged the Northeast; the 10-year anniversary of the Enhanced Fujita (EF) level-5 tornado that leveled 95 percent of the Greensburg, Kansas, community; and the 25-year anniversary of Hurricane Andrew, the most destructive hurricane in Florida's history. And, this week we are especially mindful of those affected by the catastrophic Hurricane Harvey, which brought historic floods to Texas. While these tragedies underscore our vulnerabilities, they also remind us of our Nation's great resilience. In the responses to each of these unexpected disasters, we have seen the character of the American spirit—courageousness, determination, and generosity.

This month we recognize that by educating the Nation on how to prepare and respond to emergencies, we can save countless lives. Unfortunately, fewer than half of American families report having an emergency response plan. While we never know when the next disaster will strike, it is incumbent upon every American to be prepared.

Americans can start today to improve our readiness for the next disaster. The first steps include making and practicing a family emergency response plan, creating an emergency supply kit, and signing up for emergency alerts. The Federal Emergency Management Agency's *Ready* campaign outlines additional important and low-cost measures Americans can take right now to protect their family, pets, and property before a major disaster. Together, we will create a stronger and safer Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2017 as National Preparedness Month. I encourage all Americans, including Federal, State, and local officials, to take action to be prepared for disaster or emergency by making and practicing their plans. Each step we take to become better prepared will make a real difference in how our families and communities will respond and persevere when faced with the unexpected.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2017–18951
Filed 9–1–17; 11:15 am]
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