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U.S. GOVERNMENT
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FEDERAL REGISTER

Vol. 82 Monday,

No. 174 September 11, 2017

Pages 42579–42726

OFFICE OF THE FEDERAL REGISTER

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0808; Product Identifier 2017–NM–102–AD; Amendment 39–19027; AD 2017–18–18]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A350–941 airplanes. This AD requires repetitive on-ground power cycles to reset the internal timer. This AD was prompted by the in-service loss of communication between some avionics systems and the avionics network. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 26, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 26, 2017.

We must receive comments on this AD by October 26, 2017.

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

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

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 *continued-airworthiness.a350@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0808.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0808; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2889; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0129, dated July 25, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A350–941 airplanes. The MCAI states:

Prompted by in-service events where a loss of communication occurred between some avionics systems and avionics network, analysis has shown that this may occur after 149 hours of continuous aeroplane power-up. Depending on the affected aeroplane systems or equipment, different consequences have been observed and reported by operators, from redundancy loss to complete loss on a specific function hosted on common remote data concentrator and core processing input/output modules.

This condition, if not corrected, could lead to partial or total loss of some avionics systems or functions, possibly resulting in an unsafe condition.

To address this potential unsafe condition, Airbus issued Alert Operators Transmission (AOT) A42P001–17 * * * to provide instructions to reset the internal timer.

For the reasons described above, this [EASA] AD requires repetitive on ground power cycles (resets).

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

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0808.

Related Service Information Under 1 CFR Part 51

Airbus has issued Alert Operators Transmission (AOT) A42P001–17, dated June 30, 2017, which describes procedures for repetitive on-ground power cycles to reset the internal timer. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of these same type designs.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this

AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because a loss of communication between some avionics systems and the avionics network could lead to partial or total loss of some avionics systems or functions. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0808; Product Identifier 2017–NM–102–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

We estimate that this AD affects 2 airplanes of U.S. registry.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $170, or $85 per product.

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):

2017–18–18 Airbus: Amendment 39–19027; Docket No. FAA–2017–0808; Product Identifier 2017–NM–102–AD.

(a) Effective Date

This AD becomes effective September 26, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A350–941 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 42, Integrated Modular Avionics.

(e) Reason

This AD was prompted by the in-service loss of communication between some avionics systems and the avionics network. We are issuing this AD to prevent a loss of communication between some avionics systems and the avionics network, which could lead to partial or total loss of some avionics systems or functions.

(f) Compliance

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

(g) Repetitive Power Cycles (Resets)

Within 30 days after the effective date of this AD, do an on-ground power cycle to reset the internal timer, in accordance with Airbus Alert Operators Transmission (AOT) A42P001–17, dated June 30, 2017. Repeat the power cycle thereafter at intervals not to exceed 149 hours of continuous power-up.

(h) Reporting Provisions

Where Airbus AOT A42P001–17, dated June 30, 2017, specifies informing Airbus when the aircraft electrical power shutdown process is in place, this AD does not require that operators submit this information.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved

by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0129, dated July 25, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0808.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2889; fax 425–227–1149.

(k) Material Incorporated by Reference

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

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

(i) Airbus Alert Operators Transmission (AOT) A42P001–17, dated June 30, 2017.

(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 *continued-airworthiness.a350@airbus.com;* Internet *http://www.airbus.com.*

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

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

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

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–18966 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–7270; Product Identifier 2015–NM–116–AD; Amendment 39–19025; AD 2017–18–16]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–700 and –700C series airplanes. This AD was prompted by a report that, for certain airplanes, the nose-up pitch trim limit and associated warning will allow the horizontal stabilizer position to be set outside acceptable limits for a mis-trimmed takeoff condition. This AD requires, depending on airplane configuration, replacing certain pitch trim light plates, relocating certain position warning horn switches, revising certain software, removing a certain placard, and doing related investigative and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 16, 2017.

ADDRESSES: For Aviation Partners Boeing service information identified in this final rule, contact Aviation Partners Boeing, 2811 South 102nd Street, Suite 200, Seattle, WA 98168; phone: 206–830–7699; fax: 206–767–3355; email: *leng@aviationpartners.com;* Internet: *http://www.aviationpartnersboeing.com.*

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

You may view this 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–2016–7270.

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–2016–7270; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Fnu Winarto, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6659; fax: 425–917–6590; email: *fnu.winarto@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–700 and –700C series airplanes. The NPRM published in the **Federal Register** on June 28, 2016 (81 FR 41894). The NPRM was prompted by a report that, for airplanes with blended winglets, the nose-up pitch trim limit and associated warning for the horizontal stabilizer control system will allow the stabilizer position to be set outside acceptable limits for a mis-trimmed takeoff condition. The NPRM proposed to require, depending on airplane configuration, replacing the pitch trim light plates on the flight deck control stand, relocating the position warning horn switches of the horizontal stabilizer, revising the software, removing the placard, and doing related investigative and corrective actions if necessary. We are issuing this AD to prevent a stabilizer position set outside acceptable limits for a mis-trimmed takeoff condition. Settings outside of the appropriate pitch trim limits could result in loss of controllability of the airplane during takeoff.

Comments

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

Support for the NPRM

Air Line Pilots Association, International (ALPA) stated its support for the NPRM. United Airlines stated that it has no technical objections with the NPRM.

Request To Use the Latest Service Information

Aviation Partners Boeing requested that the NPRM be updated to include the latest service information, which is Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 3, dated July 19, 2016.

We agree with the commenter's request. Since the NPRM was issued, we have reviewed Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017, which provides minor changes. We have updated this AD to refer to Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017. We have also added credit for Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 3, dated July 19, 2016.

Request To Revise Boeing Service Information

Southwest Airlines (SWA) requested that Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015, be revised to reference revised Aviation Partners Boeing service information. SWA stated that Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015, specifies concurrent accomplishment of Aviation Partners Boeing Service Bulletin AP737–27–002, March 31, 2015. SWA stated that this concurrent requirement should call for the use of Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016, as stated throughout the NPRM.

We acknowledge the commenter's request. After we issued the NPRM, Boeing published Boeing Alert Service Bulletin 737–27A1306, Revision 1, dated December 14, 2016, which identifies Aviation Partners Boeing Service Bulletins ''AP737–27–002, Original Issue, Revision 1, Revision 2, or Revision 3,'' as concurrent requirements. Aviation Partners Boeing has since published Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017. We have revised paragraph (g)(2) of this AD to refer to Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015, as revised by Boeing Alert Service Bulletin 737–27A1306, Revision 1, dated December 14, 2016. As we stated previously, Aviation Partners Boeing has published Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017. Paragraphs (g)(1) and (g)(2) of this AD also refer to Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017.

Request To Make Service Information Available or Revise the Applicability

Delta Air Lines (DAL) requested that we either make Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015, available to all operators or revise paragraph (c)(3) of the applicability in the proposed AD to identify specifically affected airplanes. DAL stated that, during its review of the NPRM, it was not able to obtain a copy of Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015. DAL commented that it requested Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015, from Boeing and was advised that the Aviation Partners Boeing service information was not applicable to DAL airplanes, and, therefore, the service information would not be made available to DAL. DAL stated that, as a result, it was unable to independently verify that there are no DAL airplanes identified in Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015. DAL commented that paragraph 1.A.1., ''Aircraft Affected,'' of Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016, does identify airplanes having line numbers 384 and 3128 as affected by Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015. DAL stated that, however, paragraph (c)(3) of the proposed AD does not mention Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016, as a method to identify airplanes.

DAL commented that it would prefer that Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015, be available to all operators so that each operator can determine whether or not their airplanes are affected. DAL also stated that if the manufacturer cannot support this, DAL suggested that paragraph (c)(3) in the AD should indicate that Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015, is only applicable to airplanes having line numbers 384 and 3128.

We partially agree with the commenter's request. We disagree with revising the applicability of this AD. However, the service information specified in paragraphs (c), (g), and (h) of this AD is incorporated by reference in this AD, and it should be available to all operators, as well as the general public, after the AD is published. We have provided availability information for the required service information in both the preamble and regulatory text of this AD.

We have also clarified the actions for the airplane having line number 3128. Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015, as specified in paragraph (c)(2) of this AD, also references line number 3128. Paragraph (g)(2) of this AD refers to Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015, for accomplishing actions. Paragraph (h) of this AD refers to Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015, for accomplishing actions. For line number 3128, the actions in paragraph (h) of this AD should be done instead of paragraph (g)(2) of this AD. We have revised paragraph (g)(2) of this AD to exclude line number 3128.

In addition, we have clarified the actions for airplanes identified in paragraph (c)(2) of this AD by excluding those airplanes from paragraph (g)(1) of this AD. Paragraph (g)(1) of this AD specifies actions for airplanes identified in paragraph (c)(1) of this AD, which includes airplanes that are identified in paragraph (c)(2) of this AD. However, for airplanes identified in paragraph (c)(2) of this AD, the actions specified in paragraph (g)(2) of this AD must be done.

Request To Exclude Certain Airplanes From the Applicability

SWA requested that any airplane modified per Supplemental Type Certificate (STC) ST00830SE, Amendment dated April 21, 2015, dated August 26, 2015, or subsequent be excluded from the applicability of the proposed AD. SWA stated that it has recently incorporated STC ST00830SE (Amendment dated April 21, 2015) on airplanes that have not previously had blended winglets installed. SWA commented that the Amendment dated April 21, 2015, of the STC incorporates the intent of Aviation Partners Boeing Service Bulletin AP737–27–002. SWA stated that it is currently incorporating STC ST00830SE, Amendment dated August 26, 2015, on airplanes that have not previously had blended winglets installed.

We partially agree with the commenter's request. We concur with the assertion that installation of STC ST00830SE at Amendment dated April 21, 2015, fulfills the equivalent actions specified in Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017. In

addition, there are later amendments that apply to Model 737–700 series airplanes that fulfill the actions specified in Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017. We have revised paragraph (c) of this AD to exclude airplanes on which winglets are installed as specified in STC ST00830SE, Amendment dated on or after April 21, 2015.

Request To Include Certain Line Numbers in the Applicability

SWA requested that we include certain line numbers in the applicability of the proposed AD. SWA stated that paragraph 1.A.1., ''Aircraft Affected,'' of Aviation Partners Boeing Service Bulletin AP737–27–002 defines the effectivity of Group 2 airplanes as ''. . . manufacturing line number 3100 and on . . . .'' SWA commented that it is unclear if this modification is being incorporated on the Boeing production line. SWA stated that, if this modification is being incorporated on the Boeing production line, then the manufacturing line number should be identified as the upper end of the effectivity of Aviation Partners Boeing Service Bulletin AP737–27–002 and in the upper end of the proposed applicability.

We agree that operators need to know which airplanes are affected. However, we disagree with including line numbers in the applicability of this AD, because the Aviation Partners Boeing kit configuration identified in section 1.A.1., ''Aircraft Affected,'' of Aviation Partners Boeing Service Bulletin AP737–27–002 clearly identifies the airplanes that need the modification. Airplanes delivered from Boeing with other kit configuration numbers are outside the effectivity, and therefore, do not require the accomplishment of Aviation Partners Boeing Service Bulletin AP737–27–002. We have not changed this AD in this regard.

Request To Revise the Description of the Unsafe Condition

Boeing requested that we revise the unsafe condition statement throughout the NPRM, so that it is more consistent with the description specified in the service information. Boeing clarified that accomplishing the proposed requirements will not prevent takeoffs with incorrect trim settings, but rather allows for acceptable takeoff limits at specific airplane configurations in which the stabilizer trim has been set at a maximum mis-trim, as specified in 14 CFR part 25.

We agree to revise the unsafe condition statement as suggested by Boeing for the reason provided. We have revised this final rule accordingly.

Request To Revise the Proposed Compliance Time

ALPA requested that we reduce the proposed compliance time from ''72 months after the effective date of this AD'' to ''36 months after the effective date of this AD.'' ALPA commented that it is of the upmost importance to ensure the airplane is taking off in the correct trim setting and the associated warning system has to work properly in order to alert the flight crew of a possible misconfiguration before takeoff.

We do not agree to reduce the compliance time for the requirements of this AD. We agree that it is important to have the correct configuration of the airplane for takeoff, because of the potential unsafe conditions that incorrect configurations might pose. However, this AD does not address that safety concern. After considering the available information, we have determined that the compliance time, as proposed, represents an appropriate interval of time in which the required actions can be performed in a timely manner within the affected fleet, while still maintaining an adequate level of safety. In developing an appropriate compliance time, we considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the modifications. Further, we arrived at the proposed compliance time with the manufacturer's concurrence. To reduce the proposed compliance time would necessitate (under the provisions of the Administrative Procedure Act) reissuing the notice, reopening the period for public comment, considering additional comments subsequently received, and eventually issuing a final rule. In light of this, and in consideration of the amount of time that has already elapsed since issuance of the original notice, we have determined that further delay of this final rule is not appropriate. However, if additional data are presented that would justify a shorter compliance time, we may consider further rulemaking on this issue. We have not changed this AD in this regard.

Request To Clarify Certain Acceptable Operator-Supplied Parts

DAL requested that we clarify the NPRM to specify whether certain alternative lockwire part numbers (P/Ns) are acceptable alternatives to those specified in Aviation Partners Boeing Service Bulletin AP737–27–002. DAL stated that table 3 of Aviation Partners Boeing Service Bulletin AP737–27–002 calls for the use of lockwire having P/N MS20995NC20 and P/N MS20995NC32. DAL stated that review of parts available on MyBoeingFleet Part Page shows that those part numbers are no longer available. DAL commented that the Part Page provides substitute P/Ns M000200850 and P/N M000320850, respectively. DAL stated that Aviation Partners Boeing Service Bulletin AP737–27–002 includes a note in the Accomplishment Instructions, which refers operators to chapter 51 of the Boeing 737 Structural Repair Manual (SRM) for use of approved fastener and process material substitutions. DAL commented that this SRM reference does not detail any substitutes for the lockwire. DAL stated that, lacking an approval source other than the Boeing Part Page, an alternative method of compliance (AMOC) would be required to use lockwire having P/N M000200850 and P/N M000320850. DAL commented that specifying these would facilitate operator procurement efforts and minimize potential AMOC requests.

We agree to clarify. Part Number M000200850 and P/N M000320850 are the Boeing stock numbers, which meet the MS20995 lockwire specifications in Aviation Partners Boeing Service Bulletin AP737–27–002. In addition, specific lockwire part numbers are not included in the Required for Compliance (RC) steps of Aviation Partners Boeing Service Bulletin AP737–27–002. Therefore, we find that it is not necessary to revise this AD to address this issue, and we have not changed this AD in this regard.

Request To Clarify Recordkeeping Requirements

DAL requested that we exclude the explicit instruction in Note 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016, that specifies making a recordkeeping entry in the airplane records once the service information is completed. DAL requested that, if the exclusion of Note 3 cannot be granted in the AD, the final rule provide an allowance for operators to use their existing recordkeeping procedures to record completion of Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016.

DAL commented that its recordkeeping process would track compliance with a specific engineering document number used to embody a specified service bulletin on the airplane. DAL stated that it would not typically record service bulletin accomplishment using a phrase similar

to that given in Note 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016. DAL commented that the requirement to show compliance with the subject service information does not require such explicit requirements. DAL stated that recording the service information exactly as detailed in the note does not improve airplane safety, and therefore, latitude should be given to operators regarding their method for recording compliance with Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016. DAL stated that this will prevent the need for future AMOC requests.

We agree that operators may use their existing recordkeeping processes to document maintenance actions performed using Aviation Partners Boeing Service Bulletin AP737–27–002. For this AD, recordkeeping is not a critical step that addresses the unsafe condition. As DAL pointed out, the actions specified in Note 3 are not called out in an RC step in the Accomplishment Instructions. We have added paragraph (j)(2) to this AD to clarify that recordkeeping is not required by this AD.

Request To Clarify the Requirements for the Onboard Performance Tool (OPT)

DAL requested that we clarify the requirements for incorporating the OPT. DAL stated that Aviation Partners Boeing Service Bulletin AP737–27–002 specifies concurrent actions recommending that users of the OPT contact Boeing for an updated database and instructions on how to incorporate this database into the OPT. DAL commented that it does not use the OPT and that the proposed AD does not give any guidance with respect to this concurrent requirement. DAL commented that the concurrent requirement is actually written as a recommendation, which would imply that it is not a mandatory action and that compliance is optional.

We agree to provide clarification regarding the OPT. We infer that DAL meant to refer to Aviation Partners Boeing Service Bulletin AP737–34–005, as there are no concurrent actions specified in Aviation Partners Boeing Service Bulletin AP737–27–002. The usage of the OPT, as specified in the concurrent requirements section of Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015, is optional and is not a requirement of this AD. We have not changed this AD in this regard.

Request To Use Later-Approved Software Versions

SWA requested that the proposed AD allow for the installation of later-approved versions of the Flight Management Computer (FMC) Model Engine Database (MEDB) and/or FMC Operational Program Software (OPS). SWA stated that Part 4 of Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016, specifies the installation of FMC MEDB software having P/N BCG–01T–A0 with compatible FMC OPS Versions U10.8A, U11, or U12. SWA commented that if any later versions of FMC MEDB or FMC OPS are installed at a future date an AMOC would be needed to stay in compliance with the AD.

We disagree with the commenter's request. This AD requires, for certain airplanes, the actions specified in Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017, which identifies specific software that must be installed. That software must be installed to address the identified unsafe condition. However, under the provisions of paragraph (k) of this AD, we will consider requests for approval of new software if sufficient data are submitted to substantiate that the new software would provide an acceptable level of safety. We have not changed the final rule in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed the following Aviation Partners Boeing service information.

- Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017. This service information describes procedures for replacing the pitch trim light plates on the flight deck control stand, relocating the horizontal stabilizer position warning horn switches, and updating the software for the MEDB of the FMC.
- Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015. This service information describes procedures for updating the software in the MEDB for the FMC and removing a certain placard on the control stand.

We also reviewed the following Boeing service information.

- Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015. This service information describes procedures for replacing the pitch trim light plates on the flight deck control stand, relocating the position warning horn switches of the horizontal stabilizer, and installing new software for the MEDB for the FMC.
- Boeing Alert Service Bulletin 737–27A1306, Revision 1, dated December 14, 2016. This service information is a short form revision that specifies changes to the concurrent requirements and the affected publications identified in Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015.

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 569 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
Relocation	Up to 4 work-hours × $85 per hour = $340	$0	Up to $340	Up to $193,460.
Replacement	Up to 3 work-hours × $85 per hour = $255	1,973	Up to $2,228	Up to $1,267,732.
Software installation	2 work-hours × $85 per hour = $170	0	$170	$96,730.

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Placard removal (2 airplanes)	1 work-hour × $85 per hour = $85	0	$85	$170.

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

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–18–16 The Boeing Company: Amendment 39–19025; Docket No. FAA–2016–7270; Product Identifier 2015–NM–116–AD.

(a) Effective Date

This AD is effective October 16, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–700 and –700C series airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category, except for airplanes on which winglets are installed as specified in Supplemental Type Certificate (STC) ST00830SE, Amendment dated on or after April 21, 2015.

(1) Airplanes having STC ST00830SE installed (Aviation Partners Boeing blended winglets), as identified in Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017.

(2) Airplanes identified in Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015, as revised by Boeing Alert Service Bulletin 737–27A1306, Revision 1, dated December 14, 2016.

(3) Airplanes identified in Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls; Code 34, Navigation.

(e) Unsafe Condition

This AD was prompted by a report that for airplanes with blended winglets, the nose-up pitch trim limit and associated warning for the horizontal stabilizer control system will allow the stabilizer position to be set outside acceptable limits for a mis-trimmed takeoff condition. We are issuing this AD to prevent takeoff with a stabilizer position set outside acceptable limits for a mis-trimmed takeoff condition. Settings outside of the appropriate pitch trim limits could result in loss of controllability of the airplane during takeoff.

(f) Compliance

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

(g) Replacement, Relocation, and Applicable Related Investigative and Corrective Actions

(1) For airplanes identified in paragraph (c)(1) of this AD, except for airplanes also identified in paragraph (c)(2) of this AD: Within 72 months after the effective date of this AD, relocate the position warning horn switches of the horizontal stabilizer, replace the pitch trim light plates on the flight deck control stand, revise the software, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017, except as specified in paragraph (j) of this AD. Do all applicable related investigative and corrective actions before further flight.

(2) For airplanes identified in paragraph (c)(2) of this AD, except for the airplane having line number 3128: Within 72 months after the effective date of this AD, relocate the position warning horn switches of the horizontal stabilizer, replace the pitch trim light plates on the flight deck control stand, revise the software, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015, as revised by Boeing Alert Service Bulletin 737–27A1306, Revision 1, dated December 14, 2016; and Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017; except as specified in paragraph (j) of this AD. Do all applicable

related investigative and corrective actions before further flight.

(h) Software Revision and Placard Removal

For airplanes identified in paragraph (c)(3) of this AD: Within 72 months after the effective date of this AD, revise the software and remove the placard, in accordance with the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015.

(i) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraphs (g)(1) and (g)(2) of this AD for Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017, if those actions were performed before the effective date of this AD using the service information specified in paragraph (i)(1)(i), (i)(1)(ii), (i)(1)(iii), or (i)(1)(iv) of this AD.

(i) Aviation Partners Boeing Service Bulletin AP737–27–002, dated March 31, 2015.

(ii) Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 1, dated August 6, 2015.

(iii) Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 2, dated March 1, 2016.

(iv) Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 3, dated July 19, 2016.

(2) This paragraph provides credit for the actions specified in paragraph (g)(2) of this AD for Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015, as revised by Boeing Alert Service Bulletin 737–27A1306, Revision 1, dated December 14, 2016, if those actions were performed before the effective date of this AD using the service information specified in Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015.

(j) Exceptions to the Service Information

(1) Where Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017, specifies to contact Boeing for appropriate action, and specifies that action as Required for Compliance (RC): Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(2) Although Note 3 of paragraph 3.A., ''General,'' Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017, specifies to make an entry into the airplane's records, that action is not required by this AD.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

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

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(l) Related Information

(1) For more information about this AD, contact Fnu Winarto, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6659; fax: 425–917–6590; email: *fnu.winarto@faa.gov.*

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

(m) Material Incorporated by Reference

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

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

(i) Aviation Partners Boeing Service Bulletin AP737–27–002, Revision 4, dated April 24, 2017.

(ii) Aviation Partners Boeing Service Bulletin AP737–34–005, dated July 17, 2015.

(iii) Boeing Alert Service Bulletin 737–27A1306, dated September 10, 2015.

(iv) Boeing Alert Service Bulletin 737–27A1306, Revision 1, dated December 14, 2016.

(3) For Aviation Partners Boeing service information identified in this AD, contact Aviation Partners Boeing, 2811 South 102nd Street, Suite 200, Seattle, WA 98168; phone: 206–830–7699; fax: 206–767–3355; email: *leng@aviationpartners.com;* Internet: *http://www.aviationpartnersboeing.com.*

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

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

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

Issued in Renton, Washington, on August 30, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–19039 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0608; Product Identifier 2017–CE–017–AD; Amendment 39–19020; AD 2017–18–11]

RIN 2120–AA64

Airworthiness Directives; Textron Aviation Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Textron Aviation Inc. Model 390 airplanes (type certificate previously held by Beechcraft Corporation). This AD was prompted by reports of hydraulic fluid loss from the engine driven pumps (EDPs) on three different airplanes. This AD requires an inspection to determine if an affected EDP is installed with replacement as necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 16, 2017.

ADDRESSES: For service information identified in this final rule, contact

Textron Aviation Inc., Textron Aviation Customer Service, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; email: *premier@txtav.com;* Internet: *www.txtavsupport.com.* For information on the availability of this material at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0608.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0608; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Paul C. DeVore, Aerospace Engineer, Wichita ACO Branch, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4142; fax: (316) 946–4107, email: *paul.devore@faa.gov* or *Wichita-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Textron Aviation Inc. Model 390 airplanes (type certificate previously held by Beechcraft Corporation). The NPRM published in the **Federal Register** on June 20, 2017 (82 FR 28026). The NPRM was prompted by reports of hydraulic fluid loss from the engine driven pumps (EDPs) on three different Textron Aviation Inc. Model 390 airplanes. In one incident, the airplane exited the runway at a high speed, resulting in extensive damage to the airplane. One manufacturing lot of EDPs has excessive pitting in the aluminum port caps that could cause multiple-origin fatigue cracking of the port caps. Flammable hydraulic fluid could leak into the engine compartment, and the leaking could also cause loss of all normal hydraulic functions, including normal anti-skid braking, ground spoilers, speedbrakes, and normal landing gear extension. The NPRM proposed to require an inspection to determine if an affected EDP is installed with replacement as necessary. We are issuing this AD to correct the unsafe condition on these products.

Comments

We gave the public the opportunity to participate in developing this final rule. 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 final rule as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed Parker Service Bulletin 66179–29–486, dated August 4, 2016, which identifies the affected serial number EDPs. We also reviewed Beechcraft Mandatory Service Bulletin SB 29–4161, dated November 18, 2016, which describes procedures for determining if an affected serial number EDP is installed and procedures for replacing the EDP if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 179 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 to determine if affected serial number EDP is installed.	.5 work-hour × $85 per hour = $42.50	Not applicable	$42.50	$7,607.50

We estimate the following costs to do any necessary replacement that would be required based on the results of the inspection. We estimate the affected manufacturer lot of EDPs as 28 EDPs. If an airplane has two of the affected EDPs installed, both EDPs must be replaced. However, no more than a total of 28 EDPs will require replacing for the U.S. fleet:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of the EDP	3 work-hours × $85 per hour = $255	$17,388	$17,643

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

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of

the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–18–11 Textron Aviation Inc.: Amendment 39–19020; Docket No. FAA–2017–0608; Product Identifier 2017–C E–017–AD.

(a) Effective Date

This AD is effective October 16, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Textron Aviation Inc. (type certificate previously held by Beechcraft Corporation) Model 390 airplanes; serial numbers RB–4 through RB–295; certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Unsafe Condition

This AD was prompted by reports of hydraulic fluid loss from the engine driven pumps (EDPs) on three different airplanes. We are issuing this AD to prevent cracking of the EDP that could cause leakage of hydraulic fluid and possibly lead to loss of normal hydraulic functions, which could lead to a high-speed runway overrun and/or an in-flight fire.

(f) Compliance

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

(g) Inspection

Within 100 hours time-in service (TIS) after October 16, 2017 (the effective date of this AD), inspect the airplane to determine if any affected serial number EDP, part number (P/N) 66179–01 (Beechcraft/Textron P/N 390–389022–0003), is installed on the airplane following the Accomplishment Instructions in Beechcraft Mandatory Service Bulletin SB 29–4161, dated November 18, 2016. Use table 1 in Parker Service Bulletin 66179–29–486, dated August 4, 2016, to identify the affected serial numbers of EDP, P/N 66179–01 (Beechcraft/Textron P/N 390–389022–0003).

(h) Replacement

If any affected serial number EDP was found during the inspection required in paragraph (g) of this AD, within 100 hours TIS after October 16, 2017 (the effective date of this AD), replace any affected serial number EDP, P/N 66179–01 (Beechcraft/Textron P/N 390–389022–0003), with a serviceable serial number EDP, P/N 66179–01 (Beechcraft/Textron P/N 390–389022–0003) that is either not listed in table 1 of Parker Service Bulletin 66179–29–486, dated August 4, 2016, or has been reworked following Parker Service Bulletin 66179–29–486, dated August 4, 2016. Use the Accomplishment Instructions in Beechcraft Mandatory Service Bulletin SB 29–4161, dated November 18, 2016, to do the replacement actions.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO Branch, send it to the attention of the person identified in paragraph (j) of this AD.

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

(j) Related Information

For more information about this AD, contact Paul C. DeVore, Aerospace Engineer, Wichita ACO Branch, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4142; fax: (316) 946–4107, email: *paul.devore@faa.gov* or *Wichita-COS@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Beechcraft Mandatory Service Bulletin SB 29–4161, dated November 18, 2016.

(ii) Parker Service Bulletin 66179–29–486, dated August 4, 2016.

(3) For service information identified in this AD, contact Textron Aviation Inc., Textron Aviation Customer Service, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; email: *premier@txtav.com;* Internet: *www.txtavsupport.com;* Internet: *www.txtav.com.*

(4) You may view this service information at FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on August 29, 2017.

Melvin Johnson,

Deputy Director, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2017–18908 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0439; Product Identifier 2017–CE–010–AD; Amendment 39–19021; AD 2017–18–12]

RIN 2120–AA64

Airworthiness Directives; B/E Aerospace Protective Breathing Equipment Part Number 119003–11 and Part Number 119003–21

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2016–11–20 for certain B/E Aerospace protective breathing equipment (PBE) that is installed on airplanes. AD 2016–11–20 required replacing part number (P/N) 119003–11 PBE units. Since we issued AD 2016–11–20, we received a report that PBE units, P/N 119003–21, within a certain serial number range are made with candle tube material determined to have a low yield strength and may be volatile upon use or disposal. This AD retains the actions required in AD 2016–11–20 and requires inspecting and replacing P/N 119003–11 and 119003–21 PBE units. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 16, 2017.

The Director of the Federal Register approved the incorporation by reference of certain other publication listed in this AD as of July 15, 2016 (81 FR 37492, June 10, 2016).

ADDRESSES: For service information identified in this final rule, contact B/E Aerospace, Inc., Commercial Aircraft Products Group, 10800 Pflumm Road, Lenexa, Kansas 66215; phone: (913) 338–9800; fax: (913) 338–8419; Internet: *www.beaerospace.com.* You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0439.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0439; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Enns, Aerospace Engineer, Wichita ACO Branch, FAA, 1801 S. Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4147; fax: (316) 946–4107; email: *david.enns@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016–11–20, Amendment 39–18547 (81 FR 37492, June 10, 2016), (''AD 2016–11–20''), for B/E Aerospace protective breathing equipment (PBE), part number (P/N) 119003–11, that is installed on airplanes. The NPRM published in the **Federal Register** on May 26, 2017 (82 FR 24260). The NPRM was prompted by a report that PBE units, P/N 119003–21, within a certain serial number range are made with candle tube material determined to have a low yield strength and may be volatile upon use or disposal. The NPRM proposed to retain the actions required in AD 2016–11–20 and would require inspecting and replacing P/N 119003–11 and 119003–21 PBE units. We are issuing this AD to correct the unsafe condition on these products.

Comments

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

Request To Include Additional Compliance Method for Paragraph (i) of This AD

David White, of NetJets Aviation, requested that the action required in paragraph (i) of this AD for determining the serial number of the installed PBE, P/N 119003–21, also include a maintenance records review.

The commenter stated that if the maintenance records are available and the determination can positively be made, this review will save the owners/operators time and money.

We agree with the commenter and have changed this AD based on this comment.

Request for Clarification of Compliance Time for Paragraph (j) of This AD

David White, of NetJets Aviation, requested that the compliance time in paragraph (j) of this AD to be clarified.

The commenter stated that paragraph (j) of this AD requires replacement of an affected mask before further flight or following existing minimum equipment list (MEL) procedures, but it does not identify if compliance is required at the earlier or the later of the two thresholds.

We do not agree with commenter. The MEL is a document and method airplane operators use to obtain relief from Federal Aviation Regulations that requires all equipment installed on the airplane be operative at the time of flight. It is airplane-specific and spells out which pieces of equipment may be inoperable along with any procedures that are required for an airplane to operate under specific conditions while maintaining airworthiness. The reference to MEL is a reminder that, depending on the airplane and its MEL, it may be acceptable to remove the affected units and continue to operate with a reduced number of PBEs as stated in the specific MEL. The affected units must be removed upon discovery.

We have changed this AD based on this comment to make this more clear.

Request To Change the Compliance Time in Paragraph (j) of This AD

David White, of NetJets Aviation, requested we change the replacement compliance time in paragraph (j) of this AD to match the compliance time in paragraph (i) of this AD, which would allow six months to replace the affected PBE after it is identified by inspection or maintenance records review.

The commenter stated that if the request to allow a records review for paragraph (i) of this AD is accepted, then the maintenance records review could be accomplished without access to the airplane and could result in

unnecessarily grounding the airplane if a discrepant mask is found during the records review. However, if the compliance time for replacing the affected PBE matches the compliance time for the inspection/maintenance records review, the operators will have flexibility for compliance with paragraph (j).

We do not agree with the commenter. Once an airplane has been identified to have an affected PBE installed, it must be removed and replaced before further flight. Once a discrepant PBE has been identified during an inspection or review of records, the unit must be removed before further flight. However, continued operation with fewer than required PBE is permissible if allowed by your MEL.

We have not changed this AD based on this comment.

Request To Include Revised Service Bulletin

B/E Aerospace, Inc. requested that Service Bulletin (SB) 119003–35–013, Rev. 002, dated July 19, 2017, be incorporated into this AD.

The commenter stated that the only change in the B/E Aerospace SB 119003–35–013, Rev. 002, dated July 19, 2017, is the addition of warranty credit. All other information and instructions are the same as those contained in B/E Aerospace SB 119003–35–013, Rev. 001, dated February 24, 2017.

We agree with the commenter and have changed this AD based on this comment.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed B/E Aerospace SB No. 119003–35–011, Rev. 000, dated February 4, 2015; SB 119003–35–009, Rev. 001, dated April 12, 2016; and SB No. 119003–35–013, Rev. 002, dated July 19, 2017. B/E Aerospace SB No. 119003–35–011, Rev. 000, dated February 4, 2015, describes procedures for inspecting PBE, P/N 119003–11, to determine if the vacuum seal of the pouch containing the PBE is compromised; B/E Aerospace SB No. 119003–35–009, Rev. 001, dated April 12, 2016, describes procedures for replacing PBE, P/N 119003–11 with P/N 119003–21; and B/E Aerospace SB No. 119003–35–013, Rev. 002, dated July 19, 2017, describes procedures for inspecting PBE P/N 119003–21 to determine the serial number and replacing any within the specified serial number range. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the Service Information

We are not requiring the disposal of the PBE as specified in the related service information because we have determined that owner/operators use various methods for disposal, which includes returning the PBE to the manufacturer. Therefore, we have not required the use of only one method of disposal. However, given the potential concern with activation of certain PBE units during disposal, we encourage coordination with the manufacturer and awareness of the disposal methods.

Costs of Compliance

We estimate that this AD affects 9,000 products installed on 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
Inspecting the pouch containing the PBE for proper vacuum seal.	.5 work-hour × $85 per hour = $42.50.	Not applicable	$42.50	$382,500
Replace PBE P/N 119003–11 with PBE P/N 119003–21.	.5 work-hour × $85 per hour = $42.50.	1,510	1,552.50	13,972,500
Inspecting the PBE to determine whether an affected PBE P/N 119003–21 is installed.	.5 work-hour × $85 per hour = $42.50.	Not applicable	42.50	382,500
Maintenance records review to determine whether an affected PBE P/N 119003–21 is installed.	.5 work-hour × $85 per hour = $42.50.	Not applicable	42.50	382,500

We estimate the following costs to replace any affected PBE P/N 119003–21 units that fall within the affected serial number range. We have no way of determining the number of aircraft that might need these repairs/replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of PBE P/N 119003–21	.5 work-hour × $85 per hour = $42.50	$1,510	$1,552.50

The cost difference between AD 2016–11–20 and this AD is the cost of inspecting for serial number determination and replacing the affected serial numbers. This part of the AD could potentially affect 2,070 PBE units.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–11–20, Amendment 39–18547 (81 FR 37492, June 10, 2016), and adding the following new AD:

2017–18–12 B/E Aerospace: Amendment 39–19021; Docket No. FAA–2017–0439; Product Identifier 2017–CE–010–AD.

(a) Effective Date

This AD is effective October 16, 2017.

(b) Affected ADs

This AD replaces AD 2016–11–20, Amendment 39–18547 (81 FR 37492, June 10, 2016), (''AD 2016–11–20'').

(c) Applicability

This AD applies to B/E Aerospace Protective Breathing Equipment (PBE), part numbers (P/N) 119003–11 and 119003–21, that are installed on airplanes.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 35; Oxygen.

(e) Unsafe Condition

AD 2016–11–20 was prompted by a report of a PBE unit, P/N 119003–11, catching fire upon activation by a crewmember. This AD was prompted by a report that PBE units, P/N 119003–21, within a certain serial number range are made with candle tube material determined to have a low yield strength and may be volatile upon use or disposal. We are issuing this AD to correct the unsafe condition on these products.

(f) Compliance

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

(g) Inspection Retained From AD 2016–11–20 for Airplanes With PBE, P/N 119003–11, Installed

Within 3 months after July 15, 2016 (the effective date of AD 2016–11–20), while still in the stowage box, physically inspect the PBE pouch to determine if it has an intact vacuum seal. Do this inspection following paragraph III.A.(1) of the Accomplishment Instructions in B/E Aerospace Service Bulletin (SB) No. 119003–35–011, Rev. 000, dated February 4, 2015.

(h) Replacement Retained From AD 2016–11–20 for Airplanes With PBE, P/N 119003–11, Installed

(1) During the inspection required in paragraph (g) of this AD, if a PBE pouch is found that does not have an intact vacuum seal, before further flight, replace the PBE with a PBE unit, P/N 119003–21 that is not within the serial number (S/N) range 004–14768M through 004–21093M or 004–02393M through 004–03033M, following paragraphs III.C., III.D.(4), III.D.(6), and III.D.(7) of the Accomplishment Instructions in B/E Aerospace SB No. 119003–35–009, Rev. 001, dated April 12, 2016, or replace it with another FAA-approved PBE installation.

(2) During the inspection required in paragraph (g) of this AD, if a PBE pouch is found where the vacuum seal is intact, within 18 months after July 15, 2016 (the effective date of AD 2016–11–20), remove PBE, P/N 119003–11, and replace it with a PBE, P/N 119003–21 that is not within the S/N range 004–14768M through 004–21093M or 004–02393M through 004–03033M, following paragraphs III.C., III.D.(4), III.D.(6), and III.D.(7) of the Accomplishment Instructions in B/E Aerospace SB No. 119003–35–009, Rev. 001, dated April 12, 2016, or replace it with another FAA-approved PBE installation.

(3) Once a discrepant PBE has been identified during an inspection or review of records, the unit must be removed before further flight. However, continued operation with fewer than required PBE is permissible if allowed by your MEL.

(i) New Inspection for Airplanes With PBE, P/N 119003–21, Installed

Within 6 months after October 16, 2017 (the effective date of this AD), inspect to determine if the S/N of the installed PBE, P/N 119003–21, is within the range of 004–14768M through 004–21093M or 004–02393M through 004–03033M. Do the inspection following paragraph III.A of the Accomplishment Instructions in B/E Aerospace SB No. 119003–35–013, Rev. 002, dated July 19, 2017.

(1) Instead of the inspection, you may do a maintenance records review, to determine the S/N of the installed PBE, P/N 119003–21.

(2) If you choose to do the maintenance records review and you can positively determine that the S/N of the installed PBE, P/N 119003–21, is within the range of 004–14768M through 004–21093M or 004–02393M through 004–03033M, continue to the replacement requirement in paragraph (j) of this AD.

(3) If you choose to do the maintenance records review and you cannot positively determine that the S/N of the installed PBE, P/N 119003–21, is within the range of 004–14768M through 004–21093M or 004–02393M through 004–03033M, then you must either go back and do the inspection specified in paragraph (i) of this AD to determine if the replacement in paragraph (j) of this AD is necessary or do the replacement in paragraph (j) of this AD.

(j) New Replacement for Airplanes With PBE, P/N 119003–21, Installed

During the inspection or the maintenance records review required in paragraph (i) of

this AD, if it is found that the PBE, P/N 119003–21, is within the S/N range specified in paragraph (i) of this AD, before further flight, remove the PBE and replace it with a PBE, P/N 119003–21, that does not have a S/N 004–14768M through 004–21093M or 004–02393M through 004–03033M. Do this replacement following paragraphs III.C., III.D.(4), III.D.(6), and III.D.(7) of the Accomplishment Instructions in B/E Aerospace SB No. 119003–35–013, Rev. 002, dated July 19, 2017, or replace it with another FAA-approved PBE installation. Once a discrepant PBE has been identified during an inspection or review of records, the unit must be removed before further flight. However, continued operation with fewer than required PBE is permissible if allowed by your MEL.

(k) Prohibited Installation

As of October 16, 2017 (the effective date of this AD), do not install a PBE, P/N 119003–21, that has a S/N within the range of 004–14768M through 004–21093M or 004–02393M through 004–03033M.

(l) Credit for Actions Done Following Previous Service Information

If you performed the inspection and replacement action required in paragraphs (i) and (j) of this AD before October 16, 2017 (the effective date of this AD) using B/E Aerospace SB No. 119003–35–013, Rev. 000, dated January 9, 2017, or B/E Aerospace SB No. 119003–35–013, Rev. 001, dated February 24, 2017, you have met the requirements of those paragraphs of this AD.

(m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (n)(1) of this AD.

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

(n) Related Information

For more information about this AD, contact David Enns, Aerospace Engineer, Wichita ACO Branch, FAA, 1801 S. Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4147; fax: (316) 946–4107; email: *david.enns@faa.gov.*

(o) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on October 16, 2017.

(i) B/E Aerospace Service Bulletin No. 119003–35–013, Rev. 002, dated July 19, 2017.

(ii) Reserved

(4) The following service information was approved for IBR on July 15, 2016 (81 FR 37492, June 10, 2016).

(i) B/E Aerospace Service Bulletin No. 119003–35–009, Rev. 001, dated April 12, 2016.

(ii) B/E Aerospace Service Bulletin No. 119003–35–011, Rev. 000, dated February 4, 2015.

(5) For service information identified in this AD, contact B/E Aerospace, Inc. service information identified in this AD, contact B/E Aerospace, Inc., 10800 Pflumm Road, Commercial Aircraft Products Group, Lenexa, Kansas 66215; phone: (913) 338–9800; fax: (913) 338–8419; Internet: *www.beaerospace.com.*

(6) You may view this service information at FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0439.

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

Issued in Kansas City, Missouri, on August 30, 2017.

Melvin Johnson,

Deputy Director, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2017–18855 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2017–0768; Amdt. No. 91–348A]

RIN 2120–AL07

Prohibition Against Certain Flights in the Damascus (OSTT) Flight Information Region (FIR); Correction

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

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting a final rule published on August 29, 2017. In that final rule, which became effective on the date of publication, the FAA reissued a prohibition of certain flight operations in the Damascus (OSTT) Flight Information Region (FIR) by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except such persons operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator is a foreign air carrier. The FAA inadvertently failed to include an Amendment Number for that final rule. This document corrects that error.

DATES: This final rule is effective on September 11, 2017.

FOR FURTHER INFORMATION CONTACT: Michael Filippell or Will Gonzalez, Air Transportation Division, AFS–220, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8166; email: *michael.e.filippell@faa.gov* or *will.gonzalez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2017, the FAA published a final rule entitled, ''Prohibition Against Certain Flights in the Damascus (OSTT) Flight Information Region (FIR).'' In that final rule, which became effective August 29, 2017, the FAA amended 14 CFR part 91. The FAA inadvertently failed to include an amendment number for part 91 in the heading information of the final rule. The correct amendment number is 91–348.

Correction

In the final rule, FR Doc No: 2017–18322, published on August 29, 2017, at 82 FR 40944 make the following correction:

1. On page 40944 in the heading of the final rule, revise ''Amdt. No. 91–?'' to read as ''Amdt. No. 91–348''.

Issued in Washington, DC, under the authority provided by 49 U.S.C. 106(f), on August 29, 2017.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2017–19165 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31150; Amdt. No. 3761]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 11, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 11, 2017.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION:

This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC on August 11, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure

Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 14 September 2017

Colorado City, AZ, Colorado City Muni, NDB–A, Amdt 1
Colorado City, AZ, Colorado City Muni, RNAV (GPS) RWY 11, Orig
Colorado City, AZ, Colorado City Muni, RNAV (GPS) RWY 29, Orig
Phoenix, AZ, Phoenix-Mesa Gateway, RNAV (RNP) Z RWY 30C, Orig-B
Colusa, CA, Colusa County, GPS RWY 13, Orig-A, CANCELED
Colusa, CA, Colusa County, RNAV (GPS) RWY 31, Amdt 1
Colusa, CA, Colusa County, RNAV (GPS)-B, Orig
Colusa, CA, Colusa County, VOR–A, Amdt 5
Livermore, CA, Livermore Muni, ILS RWY 25R, Amdt 8
Livermore, CA, Livermore Muni, LOC RWY 25R, Orig
Ontario, CA, Ontario Intl, RNAV (GPS) Y RWY 26L, Amdt 2A
Vacaville, CA, Nut Tree, RNAV (GPS) RWY 20, Amdt 1
Monte Vista, CO, Monte Vista Muni, GPS RWY 20, Orig-A, CANCELED
Monte Vista, CO, Monte Vista Muni, RNAV (GPS) RWY 20, Orig
Monte Vista, CO, Monte Vista Muni, RNAV (GPS)-B, Amdt 1
Anderson, IN, Anderson Muni-Darlington Field, NDB RWY 30, Amdt 8
Kentland, IN, Kentland Muni, RNAV (GPS) RWY 27, Orig
Kentland, IN, Kentland Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Grand Rapids, MI, Gerald R Ford Intl, ILS OR LOC RWY 8R, Amdt 6B
Grand Rapids, MI, Gerald R Ford Intl, ILS OR LOC RWY 26L, Amdt 21B
Grand Rapids, MI, Gerald R Ford Intl, ILS OR LOC RWY 35, ILS RWY 35 (SA CAT I), ILS RWY 35 (SA CAT II), Amdt 2
Grand Rapids, MI, Gerald R Ford Intl, RNAV (GPS) RWY 8L, Amdt 1A
Grand Rapids, MI, Gerald R Ford Intl, RNAV (GPS) RWY 8R, Amdt 1A
Grand Rapids, MI, Gerald R Ford Intl, RNAV (GPS) RWY 17, Amdt 1B
Grand Rapids, MI, Gerald R Ford Intl, RNAV (GPS) RWY 26L, Amdt 1A
Grand Rapids, MI, Gerald R Ford Intl, RNAV (GPS) RWY 26R, Amdt 1A
Grand Rapids, MI, Gerald R Ford Intl, RNAV (GPS) RWY 35, Amdt 1A
Staples, MN, Staples Muni, RNAV (GPS) RWY 14, Amdt 1
Staples, MN, Staples Muni, RNAV (GPS) RWY 32, Amdt 1
Hawthorne, NV, Hawthorne Industrial, RNAV (GPS) RWY 28, Orig
Hawthorne, NV, Hawthorne Industrial, Takeoff Minimums and Obstacle DP, Orig
Las Vegas, NV, Mc Carran Intl, RNAV (GPS) RWY 1R, Amdt 2
Lovelock, NV, Derby Field, RNAV (GPS) RWY 2, Amdt 1
Lovelock, NV, Derby Field, RNAV (GPS) RWY 20, Orig
Lovelock, NV, Derby Field, VOR–A, Amdt 1
Caldwell, OH, Noble County, RNAV (GPS) RWY 23, Amdt 1
Baker City, OR, Baker City Muni, RNAV (GPS) RWY 13, Amdt 2
Columbia, SC, Columbia Metropolitan, ILS OR LOC RWY 5, Amdt 1D
Columbia, SC, Columbia Metropolitan, ILS OR LOC RWY 29, Amdt 3H
Columbia, SC, Columbia Metropolitan, RNAV (GPS) RWY 5, Amdt 2A
Columbia, SC, Columbia Metropolitan, RNAV (GPS) RWY 11, Amdt 1B
Columbia, SC, Columbia Metropolitan, RNAV (GPS) RWY 23, Amdt 2A
Columbia, SC, Columbia Metropolitan, RNAV (GPS) RWY 29, Amdt 1B
Watertown, SD, Watertown Rgnl, ILS OR LOC RWY 35, Amdt 11
Watertown, SD, Watertown Rgnl, LOC BC RWY 17, Amdt 11
Watertown, SD, Watertown Rgnl, RNAV (GPS) RWY 35, Amdt 1
Salt Lake City, UT, South Valley Rgnl, RNAV (GPS) RWY 34, Amdt 1
Salt Lake City, UT, South Valley Rgnl, RNAV (GPS) Z RWY 34, Orig-A, CANCELED
Tooele, UT, Bolinder Field-Tooele Valley, ILS OR LOC RWY 17, Amdt 3
Tooele, UT, Bolinder Field-Tooele Valley, RNAV (GPS) RWY 17, Amdt 4
Seattle, WA, Boeing Field/King County Intl, RNAV (RNP) Z RWY 14R, Amdt 1
Seattle, WA, Boeing Field/King County Intl, Takeoff Minimums and Obstacle DP, Amdt 8

Effective 12 October 2017

Coldfoot, AK, Coldfoot, BETTLES TWO, Graphic DP
Coldfoot, AK, Coldfoot, RNAV (GPS) RWY 2, Amdt 2
Coldfoot, AK, Coldfoot, RNAV (GPS)-A, Amdt 1
Mekoryuk, AK, Mekoryuk, RNAV (GPS) RWY 23, Orig-A
Arcata/Eureka, CA, California Redwood Coast-Humboldt County, ILS OR LOC RWY 32, Amdt 3
Arcata/Eureka, CA, California Redwood Coast-Humboldt County, ILS Z RWY 32, Amdt 30B, CANCELED
Arcata/Eureka, CA, California Redwood Coast-Humboldt County, RNAV (GPS) RWY 1, Amdt 2
Arcata/Eureka, CA, California Redwood Coast-Humboldt County, RNAV (GPS) RWY 14, Amdt 1B
Arcata/Eureka, CA, California Redwood Coast-Humboldt County, RNAV (GPS) RWY 32, Amdt 2
Arcata/Eureka, CA, California Redwood Coast-Humboldt County, Takeoff Minimums and Obstacle DP, Amdt 8
Arcata/Eureka, CA, California Redwood Coast-Humboldt County, VOR RWY 14, Amdt 1C
San Andreas, CA, Calaveras Co-Maury Rasmussen Field, RNAV (GPS) RWY 31, Amdt 1
Cedar Rapids, IA, The Eastern Iowa, RNAV (GPS) RWY 27, Amdt 1A
Cedar Rapids, IA, The Eastern Iowa, RNAV (GPS) RWY 31, Amdt 1B
Iowa City, IA, Iowa City Muni, Takeoff Minimums and Obstacle DP, Amdt 3B
Boise, ID, Boise Air Terminal/Gowen Fld, GOWEN THREE, Graphic DP
Nampa, ID, Nampa Muni, ADEXE ONE, Graphic DP
Nampa, ID, Nampa Muni, CADKI ONE, Graphic DP
Nampa, ID, Nampa Muni, NDB–A, Amdt 1A, CANCELED
Nampa, ID, Nampa Muni, RNAV (GPS) RWY 11, Amdt 2B
Nampa, ID, Nampa Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Carrabassett, ME, Sugarloaf Rgnl, RNAV (GPS)-A, Orig
Carrabassett, ME, Sugarloaf Rgnl, Takeoff Minimums and Obstacle DP, Orig
Jackson, MS, Jackson-Medgar Wiley Evers Intl, ILS OR LOC RWY 16L, ILS RWY 16L (SA CAT I), ILS RWY 16L (CAT II), ILS RWY 16L (CAT III), Amdt 8B
Jackson, MS, Jackson-Medgar Wiley Evers Intl, ILS OR LOC RWY 34L, Amdt 6C
Jackson, MS, Jackson-Medgar Wiley Evers Intl, RNAV (GPS) RWY 16L, Amdt 2B
Jackson, MS, Jackson-Medgar Wiley Evers Intl, RNAV (GPS) RWY 16R, Amdt 2B
Jackson, MS, Jackson-Medgar Wiley Evers Intl, RNAV (GPS) RWY 34L, Amdt 3B
Jackson, MS, Jackson-Medgar Wiley Evers Intl, RNAV (GPS) RWY 34R, Amdt 2B
Lebanon, NH, Lebanon Muni, RNAV (GPS) RWY 7, Orig-E
Lebanon, NH, Lebanon Muni, RNAV (GPS) RWY 25, Orig-C
Lebanon, NH, Lebanon Muni, RNAV (GPS) RWY 36, Orig-C
Millville, NJ, Millville Muni, RNAV (GPS) RWY 14, Orig-E
Millville, NJ, Millville Muni, RNAV (GPS) RWY 28, Orig-B
Millville, NJ, Millville Muni, RNAV (GPS) RWY 32, Orig-C
Woodbine, NJ, Woodbine Muni, RNAV (GPS) RWY 19, Orig-B
Woodbine, NJ, Woodbine Muni, VOR–A, Amdt 1B
Jamestown, NY, Chautauqua County/Jamestown, ILS OR LOC RWY 25, Amdt 8
Oklahoma City, OK, Sundance, RNAV (GPS) RWY 18, Amdt 1D
Oklahoma City, OK, Sundance, RNAV (GPS) RWY 36, Amdt 1C
Oklahoma City, OK, Sundance, Takeoff Minimums and Obstacle DP, Amdt 2
Heber, UT, Heber City Muni—Russ McDonald Field, RNAV (GPS)-A, Amdt 3
Heber, UT, Heber City Muni—Russ McDonald Field, Takeoff Minimums and Obstacle DP, Amdt 4
Seattle, WA, Seattle-Tacoma Intl, Takeoff Minimums and Obstacle DP, Amdt 4A
Parkersburg, WV, Mid-Ohio Valley Rgnl, RNAV (GPS) RWY 3, Amdt 2B
Parkersburg, WV, Mid-Ohio Valley Rgnl, RNAV (GPS) RWY 21, Amdt 2C
Dixon, WY, Dixon, CARBON ONE, Graphic DP

Dixon, WY, Dixon, DIXON ONE, Graphic DP
Dixon, WY, Dixon, RNAV (GPS) RWY 24, Orig
Dixon, WY, Dixon, Takeoff Minimums and Obstacle DP, Orig
Greybull, WY, South Big Horn County, NDB RWY 34, Amdt 4
Greybull, WY, South Big Horn County, RNAV (GPS) RWY 8, Amdt 1
Greybull, WY, South Big Horn County, RNAV (GPS) RWY 34, Amdt 2
Greybull, WY, South Big Horn County, Takeoff Minimums and Obstacle DP, Amdt 2

Rescinded: On August 2, 2017 (82 FR 35896), the FAA published an Amendment in Docket No. 31143, Amdt No. 3755 to Part 97 of the Federal Aviation Regulations under section 97.20, 97.23, and 97.37. The following entries for Arcata/Eureka, CA, Immokalee, FL, and Mc Call, ID effective August 17, 2017, and are hereby rescinded in their entirety:

Arcata/Eureka, CA, California Redwood Coast—Humboldt County, Takeoff Minimums and Obstacle DP, Amdt 8
Immokalee, FL, Immokalee Rgnl, VOR RWY 18, Amdt 7
Mc Call, ID, Mc Call Muni, PEPUC TWO, Graphic DP

[FR Doc. 2017–19073 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31151; Amdt. No. 3762]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 11, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 11, 2017.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION:

This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good

cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on August 11, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
12–Oct–17	AL	Haleyville	Posey Field	7/0337	8/1/17	RNAV (GPS) RWY 36, Orig-B.
12–Oct–17	AL	Oneonta	Robbins Field	7/0338	8/1/17	RNAV (GPS) RWY 5, Orig-A.
12–Oct–17	AL	Aliceville	George Downer	7/0341	8/1/17	RNAV (GPS) RWY 6, Orig-B.
12–Oct–17	AL	Tuscaloosa	Tuscaloosa Rgnl	7/0342	8/1/17	RNAV (GPS) RWY 12, Orig-A.
12–Oct–17	AL	Troy	Troy Muni Airport At N Kenneth Campbell Field.	7/0343	8/1/17	RNAV (GPS) RWY 32, Amdt 1A.
12–Oct–17	AL	Troy	Troy Muni Airport At N Kenneth Campbell Field.	7/0344	8/1/17	RNAV (GPS) RWY 14, Amdt 1A.
12–Oct–17	CT	Meriden	Meriden Markham Muni	7/0346	8/1/17	RNAV (GPS) RWY 36, Orig-C.
12–Oct–17	FL	Milton	Peter Prince Field	7/0347	8/1/17	RNAV (GPS) RWY 36, Amdt 1A.
12–Oct–17	FL	Ormond Beach	Ormond Beach Muni	7/0349	8/1/17	RNAV (GPS) RWY 26, Amdt 1A.
12–Oct–17	FL	St Petersburg	Albert Whitted	7/0350	8/1/17	VOR RWY 18, Amdt 9A.
12–Oct–17	FL	Umatilla	Umatilla Muni	7/0351	8/1/17	RNAV (GPS) RWY 1, Orig-A.
12–Oct–17	GA	Quitman	Quitman Brooks County	7/0352	8/1/17	RNAV (GPS) RWY 10, Amdt 1A.
12–Oct–17	GA	Quitman	Quitman Brooks County	7/0353	8/1/17	RNAV (GPS) RWY 28, Amdt 1A.
12–Oct–17	GA	Calhoun	Tom B David Fld	7/0354	8/1/17	RNAV (GPS) RWY 35, Amdt 1A.
12–Oct–17	KY	Cynthiana	Cynthiana-Harrison County	7/0355	8/1/17	RNAV (GPS) RWY 11, Orig.
12–Oct–17	KY	Cynthiana	Cynthiana-Harrison County	7/0356	8/1/17	RNAV (GPS) RWY 29, Orig.
12–Oct–17	KY	Pine Knot	Mc Creary County	7/0357	8/1/17	RNAV (GPS) RWY 22, Orig-A.
12–Oct–17	KY	Pine Knot	Mc Creary County	7/0358	8/1/17	RNAV (GPS) RWY 4, Orig.
12–Oct–17	KY	Mount Sterling	Mount Sterling-Montgomery County.	7/0359	8/1/17	RNAV (GPS) RWY 3, Orig-B.
12–Oct–17	MA	Great Barrington	Walter J Koladza	7/0360	8/1/17	RNAV (GPS) RWY 11, Orig-B.
12–Oct–17	ME	Oxford	Oxford County Rgnl	7/0361	8/1/17	RNAV (GPS) RWY 15, Orig-B.
12–Oct–17	ME	Oxford	Oxford County Rgnl	7/0362	8/1/17	RNAV (GPS) RWY 33, Orig-B.
12–Oct–17	ME	Houlton	Houlton Intl	7/0368	8/1/17	RNAV (GPS) RWY 5, Orig-C.
12–Oct–17	ME	Norridgewock	Central Maine Arpt Of Norridgewock.	7/0369	8/1/17	RNAV (GPS) RWY 3, Orig.
12–Oct–17	MS	Grenada	Grenada Muni	7/0372	8/1/17	RNAV (GPS) RWY 4, Amdt 1A.
12–Oct–17	MS	Grenada	Grenada Muni	7/0373	8/1/17	RNAV (GPS) RWY 22, Amdt 1A.
12–Oct–17	MS	Marks	Selfs	7/0384	8/1/17	RNAV (GPS) RWY 20, Amdt 1A.
12–Oct–17	NC	Mocksville	Twin Lakes	7/0386	8/1/17	RNAV (GPS) RWY 9, Amdt 1.
12–Oct–17	NC	Elkin	Elkin Muni	7/0388	8/1/17	RNAV (GPS) RWY 25, Orig.
12–Oct–17	NJ	Blairstown	Blairstown	7/0390	8/1/17	RNAV (GPS) RWY 7, Orig-A.
12–Oct–17	NJ	Blairstown	Blairstown	7/0393	8/1/17	RNAV (GPS) RWY 25, Amdt 2A.
12–Oct–17	NJ	West Creek	Eagles Nest	7/0395	8/1/17	RNAV (GPS)-A, Orig.
12–Oct–17	NJ	Sussex	Sussex	7/0400	8/1/17	RNAV (GPS) RWY 3, Orig-A.
12–Oct–17	NY	Kingston	Kingston-Ulster	7/0402	8/1/17	RNAV (GPS) RWY 15, Amdt 1.
12–Oct–17	NY	Akron	Akron	7/0405	8/1/17	RNAV (GPS) RWY 7, Amdt 2B.
12–Oct–17	NY	Akron	Akron	7/0410	8/1/17	RNAV (GPS) RWY 25, Amdt 2B.
12–Oct–17	NY	Hornell	Hornell Muni	7/0412	8/1/17	RNAV (GPS) RWY 18, Orig-A.
12–Oct–17	NY	Norwich	Lt Warren Eaton	7/0414	8/1/17	RNAV (GPS) RWY 1, Amdt 1.
12–Oct–17	PA	Sterling	Spring Hill	7/0421	8/1/17	RNAV (GPS)-A, Amdt 1.
12–Oct–17	PA	Washington	Washington County	7/0424	8/1/17	RNAV (GPS) RWY 9, Amdt 1D.
12–Oct–17	PA	Bellefonte	Bellefonte	7/0426	8/1/17	RNAV (GPS) RWY 7, Orig-A.
12–Oct–17	SC	Union	Union County, Troy Shelton Field.	7/0427	8/1/17	RNAV (GPS) RWY 23, Orig-A.
12–Oct–17	TN	Livingston	Livingston Muni	7/0430	8/1/17	RNAV (GPS) RWY 3, Amdt 1B.
12–Oct–17	TN	Pulaski	Abernathy Field	7/0432	8/1/17	RNAV (GPS) RWY 16, Amdt 2B.
12–Oct–17	TN	Jacksboro	Campbell County	7/0433	8/1/17	RNAV (GPS) RWY 23, Amdt 1A.
12–Oct–17	VA	Gordonsville	Gordonsville Muni	7/0434	8/1/17	RNAV (GPS)-B, Orig.
12–Oct–17	VA	Gordonsville	Gordonsville Muni	7/0436	8/1/17	RNAV (GPS)-A, Orig.
12–Oct–17	VA	Norfolk	Norfolk Intl	7/0437	8/1/17	RNAV (GPS) RWY 32, Orig-D.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
12–Oct–17	VA	Quinton	New Kent County	7/0441	8/1/17	RNAV (GPS) RWY 11, Amdt 2A.
12–Oct–17	VA	Quinton	New Kent County	7/0443	8/1/17	RNAV (GPS) RWY 29, Amdt 2A.
12–Oct–17	VT	Barre/Montpelier	Edward F Knapp State	7/0446	8/1/17	RNAV (GPS) RWY 35, Amdt 1.
12–Oct–17	MI	Battle Creek	W K Kellogg	7/0799	8/2/17	RNAV (GPS) RWY 23R, Amdt 1A.
12–Oct–17	ID	Pocatello	Pocatello Rgnl	7/1022	8/2/17	RNAV (GPS) RWY 21, Amdt 1A.
12–Oct–17	NJ	West Creek	Eagles Nest	7/1519	8/1/17	RNAV (GPS)-B, Orig.
12–Oct–17	GA	Augusta	Augusta Rgnl At Bush Field	7/2525	8/2/17	RNAV (GPS) RWY 17, Amdt 2A.
12–Oct–17	NJ	Newark	Newark Liberty Intl	7/2703	8/2/17	RNAV (GPS) RWY 4L, Amdt 2B.
12–Oct–17	IN	Fort Wayne	Fort Wayne Intl	7/2713	8/2/17	RNAV (GPS) RWY 5, Amdt 1A.
12–Oct–17	CT	Windsor Locks	Bradley Intl	7/2727	8/2/17	RNAV (GPS) Y RWY 6, Amdt 2A.
12–Oct–17	CT	Windsor Locks	Bradley Intl	7/2729	8/2/17	RNAV (GPS) Y RWY 24, Amdt 3B.
12–Oct–17	OH	Mansfield	Mansfield Lahm Rgnl	7/5241	8/2/17	RNAV (GPS) RWY 32, Orig-D.
12–Oct–17	OR	Salem	Mcnary Fld	7/5259	8/2/17	RNAV (GPS) RWY 31, Amdt 3.
12–Oct–17	FL	West Palm Beach	Palm Beach Intl	7/5263	8/2/17	RNAV (GPS) Y RWY 10L, Amdt 3A.
12–Oct–17	WI	Oshkosh	Wittman Rgnl	7/5265	8/2/17	RNAV (GPS) RWY 36, Amdt 2A.
12–Oct–17	OR	Portland	Portland-Hillsboro	7/6049	8/2/17	RNAV (GPS) RWY 13R, Amdt 2.
12–Oct–17	CA	Bakersfield	Meadows Field	7/6052	8/2/17	RNAV (GPS) RWY 30R, Amdt 2.
12–Oct–17	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	7/6075	8/2/17	RNAV (GPS) Y RWY 10, Amdt 3A.
12–Oct–17	NY	Elmira/Corning	Elmira/Corning Rgnl	7/6084	8/2/17	RNAV (GPS) RWY 24, Amdt 2A.
12–Oct–17	MN	Duluth	Duluth Intl	7/6116	8/2/17	RNAV (GPS) RWY 9, Amdt 1B.
12–Oct–17	NY	Syracuse	Syracuse Hancock Intl	7/6593	8/2/17	RNAV (GPS) Z RWY 10, Amdt 2C.
12–Oct–17	AK	Kenai	Kenai Muni	7/6828	8/2/17	RNAV (GPS) RWY 20R, Amdt 3A.
12–Oct–17	PA	Allentown	Lehigh Valley Intl	7/6829	8/2/17	RNAV (GPS) RWY 6, Amdt 1A.
12–Oct–17	SC	Charleston	Charleston AFB/Intl	7/6830	8/2/17	RNAV (GPS) Y RWY 33, Amdt 3B.
12–Oct–17	PA	Wilkes-Barre/Scranton	Wilkes-Barre/Scranton Intl	7/6831	8/2/17	RNAV (GPS) RWY 4, Amdt 1A.
12–Oct–17	MN	Rochester	Rochester Intl	7/8437	8/2/17	RNAV (GPS) RWY 31, Amdt 1A.
12–Oct–17	TX	Lubbock	Lubbock Preston Smith Intl	7/9346	8/2/17	RNAV (GPS) Y RWY 17R, Amdt 2A.
12–Oct–17	GA	Savannah	Savannah/Hilton Head Intl	7/9349	8/2/17	RNAV (GPS) RWY 10, Amdt 2.
12–Oct–17	IA	Dubuque	Dubuque Rgnl	7/9350	8/2/17	RNAV (GPS) RWY 36, Orig.
12–Oct–17	FL	Tampa	Tampa Intl	7/9375	8/2/17	RNAV (GPS) Z RWY 19L, Amdt 2D.
12–Oct–17	IL	Chicago	Chicago O'Hare Intl	7/9450	8/2/17	RNAV (GPS) Z RWY 28L, Orig-A.
12–Oct–17	IL	Chicago	Chicago O'Hare Intl	7/9451	8/2/17	RNAV (GPS) RWY 4R, Amdt 1A.
12–Oct–17	IL	Chicago	Chicago O'Hare Intl	7/9452	8/2/17	RNAV (GPS) RWY 9L, Amdt 3.
12–Oct–17	IL	Chicago	Chicago O'Hare Intl	7/9456	8/2/17	RNAV (GPS) RWY 9R, Amdt 4.
12–Oct–17	IL	Chicago	Chicago O'Hare Intl	7/9457	8/2/17	RNAV (GPS) RWY 10C, Amdt 1.
12–Oct–17	IL	Chicago	Chicago O'Hare Intl	7/9459	8/2/17	RNAV (GPS) RWY 10L, Amdt 5.
12–Oct–17	IL	Chicago	Chicago O'Hare Intl	7/9460	8/2/17	RNAV (GPS) RWY 22L, Amdt 2.
12–Oct–17	IL	Chicago	Chicago O'Hare Intl	7/9462	8/2/17	RNAV (GPS) Z RWY 10R, Orig.
12–Oct–17	TX	Brownsville	Brownsville/South Padre Island Intl.	7/9465	8/2/17	RNAV (GPS) RWY 13, Orig.
12–Oct–17	TX	Midland	Midland Intl Air And Space Port.	7/9490	8/2/17	RNAV (GPS) RWY 10, Amdt 2B.
12–Oct–17	TX	Dallas	Dallas Love Field	7/9494	8/2/17	RNAV (GPS) Y RWY 31R, Amdt 2.
12–Oct–17	IL	Chicago/Rockford	Chicago/Rockford Intl	7/9497	8/2/17	RNAV (GPS) RWY 1, Amdt 1A.
12–Oct–17	NE	Omaha	Eppley Airfield	7/9733	8/2/17	RNAV (GPS) Y RWY 18, Amdt 3.
12–Oct–17	MO	St Louis	Spirit Of St Louis	7/9740	8/2/17	RNAV (GPS) RWY 8R, Orig-A.
12–Oct–17	TX	Fort Worth	Fort Worth Alliance	7/9868	8/2/17	RNAV (GPS) RWY 34R, Amdt 2B.
12–Oct–17	MI	Pontiac	Oakland County Intl	7/9870	8/2/17	RNAV (GPS) RWY 9R, Orig.
12–Oct–17	GA	Atlanta	Hartsfield—Jackson Atlanta Intl.	7/9872	8/2/17	RNAV (GPS) PRM RWY 9L (SIMULTANEOUS CLOSE PARALLEL), ORIG–A.
12–Oct–17	MO	St Louis	Spirit Of St Louis	7/9875	8/2/17	RNAV (GPS) RWY 26L, Orig-B.
12–Oct–17	NC	Charlotte	Charlotte/Douglas Intl	7/9878	8/2/17	RNAV (GPS) Y RWY 5, Amdt 3A.
12–Oct–17	NC	Charlotte	Charlotte/Douglas Intl	7/9879	8/2/17	RNAV (GPS) Y RWY 18C, Amdt 3C.
12–Oct–17	NC	Charlotte	Charlotte/Douglas Intl	7/9880	8/2/17	RNAV (GPS) Y RWY 18R, Amdt 1.

[FR Doc. 2017–19074 Filed 9–8–17; 8:45 a.m.]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 210

RIN 1510–AA14

Federal Government Participation in the Automated Clearing House

AGENCY: Bureau of the Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury, Bureau of the Fiscal Service (Fiscal Service) is amending its regulation governing the use of the Automated Clearing House (ACH) Network by Federal agencies. Our regulation adopts, with some exceptions, the NACHA Operating Rules developed by NACHA—The Electronic Payments Association (NACHA) as the rules governing the use of the ACH Network by Federal agencies. We are issuing this rule to address changes that NACHA has made to the NACHA Operating Rules since the publication of the 2013 NACHA Operating Rules & Guidelines book. These changes include amendments set forth in the 2014, 2015, and 2016 NACHA Operating Rules & Guidelines books.

DATES: *Effective date:* September 11, 2017.

Applicability date: The amendment to § 210.5 is applicable beginning on April 1, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 11, 2017.

FOR FURTHER INFORMATION CONTACT: Matt Helfrich, Senior Program Analyst, at 215–516–8022 or *Matthew.Helfrich@fiscal.treasury.gov;* or Natalie H. Diana, Senior Counsel, at (202) 874–6680 or *natalie.diana@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

I. Proposed Rulemaking and Comments Received

A. Background

We published a Notice of Proposed Rulemaking (NPRM) on November 30, 2016, requesting comment on a number of proposed amendments to title 31 CFR part 210 (part 210). 81 FR 86302. Part 210 governs the use of the ACH Network by Federal agencies. The ACH Network is a nationwide electronic fund transfer (EFT) system that provides for the inter-bank clearing of electronic credit and debit transactions and for the exchange of payment-related information among participating financial institutions. Part 210 incorporates the NACHA Operating Rules, with certain exceptions. From time to time the Fiscal Service amends part 210 in order to address changes that NACHA periodically makes to the NACHA Operating Rules or to revise the regulation as otherwise appropriate.

Currently, part 210 incorporates the NACHA Operating Rules as set forth in the 2013 NACHA Operating Rules & Guidelines book. NACHA has adopted a number of changes to the NACHA Operating Rules since the publication of the 2013 NACHA Operating Rules & Guidelines book. We proposed to incorporate in part 210 most, but not all, of these changes. We also proposed two changes to part 210, related to reversals and prepaid cards, that do not stem from a change to the NACHA Operating Rules.

We received three comment letters on the NPRM. Two of the commenters were industry trade associations and the third was NACHA. Commenters were generally pleased that Fiscal Service proposed to adopt most of the 2014, 2015 and 2016 amendments to the NACHA Operating Rules, but commented that three of the exceptions to the NACHA Operating Rules proposed in the NPRM are inappropriate and should not be adopted. Commenters also stated that Fiscal Service's approach to adopting Same Day ACH should be modified. Finally, commenters urged Fiscal Service to be more timely in addressing NACHA Rule changes.

B. Summary of Comments

Unauthorized Entry Fee

In the 2015 amendments to the NACHA Operating Rules, NACHA added a new Section 1.11 to provide for the payment of an ''Unauthorized Entry Fee.'' Under this section, when an originating depository financial institution (''ODFI'') originates a debit Entry to a receiving depository financial institution (''RDFI'') to transfer funds from the account of a Receiver to an account of an Originator, and the Entry is returned on the basis that it is unauthorized, the ODFI agrees to pay an Unauthorized Entry Fee to the RDFI. In the NPRM, we proposed not to adopt the Unauthorized Entry Fee provisions of the NACHA Operating Rules because part 210 does not incorporate the provisions of the NACHA Operating Rules dealing with enforcement for noncompliance, and the government does not as a general matter subject itself to fines for violations of the NACHA Operating Rules.

Two of the commenters opposed Fiscal's Service's proposal to exempt the government from paying Unauthorized Entry Fees, arguing that the fees are not fines or penalties but service fees intended to compensate RDFIs for costs incurred by the RDFI in handling unauthorized Entries. NACHA commented that unlike a fine imposed for noncompliance, the fee is not imposed as a result of an enforcement process by NACHA, is not paid to NACHA (Fines and penalties imposed by NACHA pursuant to its enforcement process are paid by the participant that violated the NACHA Operating Rules directly to NACHA. *See* NACHA Operating Rules, App. Ten, Subpart 10.4.7.1.) and is not set at a level that is punitive in nature. Rather, it is based upon a NACHA cost study that assessed the burden that unauthorized entries place on RDFIs. According to NACHA, this allocation of cost to the party in the best position to mitigate the cost (*i.e.,* through improvements to origination practices) provides an incentive to improve the quality of the network by reducing the number of unauthorized Entries that are initiated. NACHA also pointed out that the Unauthorized Entry Fee is specifically set at a level below actual RDFI cost in order to avoid creating a disincentive to ODFI participation in the network, and that nothing in the materials accompanying the development, balloting and adoption of the Unauthorized Entry Fee in any way characterized the fee as a fine or penalty. In short, NACHA asserts that the Unauthorized Entry Fee is no different from any other fees that the government would pay for services in which it participates and accordingly that the exclusion of the Unauthorized Entry Fees may amount to an improper taking of property without just compensation, in violation of the Takings Clause of the Fifth Amendment to the U.S. Constitution.

Based on this analysis we agree with the conclusion that the Unauthorized Entry Fee is in the nature of a fee for services rather than a fine or penalty and that it is appropriate for the government to pay the fee when it is the Originator of an Unauthorized Entry. Accordingly, we are accepting the Unauthorized Entry Fee provisions for government ACH transactions.

Return Rate Levels

In 2015, the NACHA Operating Rules were amended to establish an inquiry process as a starting point to evaluate the origination activity of Originators and Third-Party Senders that reach the new administrative return and overall debit return rate levels. The identification of an Originator or Third-Party Sender with a return rate that is higher than the respective return rate level may trigger a review of the Originator's or Third-Party Sender's ACH origination procedures. At the conclusion of the inquiry, NACHA may determine that no further action is required, or it may take the next step and recommend to the ACH Rules Enforcement Panel that the ODFI be required to reduce the Originator's or Third-Party Sender's overall or administrative return rate below the established level.

As discussed above, Fiscal Service generally takes the position that it will not be subject to the enforcement provisions of the NACHA Operating Rules for noncompliance, including fines for violations of the provisions of the NACHA Operating Rules. Because the return rate level reporting provisions of the NACHA Rules are a basis for enforcement, Fiscal Service proposed not to adopt the return rate level reporting provisions. NACHA commented that Fiscal Service's concern with reporting return rate levels is misplaced because Section 2.17 is not an enforcement rule and that the provisions for enforcement of Section 2.17 are set forth at Appendix 10 to the NACHA Operating Rules, which is separately exempted from part 210.

Because the Federal government is the largest single participant in the ACH Network, NACHA indicated that information concerning the Federal government's return rate levels could be invaluable in connection with analyzing elevated return rates. NACHA asserted that this benefit far outweighs the minimal additional burden to the government of complying with the return rate reporting requirements and therefore requested that Fiscal Service modify the Proposed Rule to delete from part 210 the exclusion of Section 2.17 of the NACHA Operating Rules or, in the alternative, to limit the exclusion to Sections 2.17.2.2 through 2.17.2.6 of the amended NACHA Operating Rules.

In light of the value of the government's return rate levels for the ACH Network, Fiscal Service is accepting in the final rule the reporting requirement of Section 2.17 and limiting the exclusion to Sections 2.17.2.2 through 2.17.2.6.

Notification of Reversals

In the NPRM we proposed to amend part 210 to address a requirement in the ACH Rules (NACHA Operating Rule 2.9.1) that requires that the Originator of a Reversing Entry make a reasonable attempt to notify the Receiver of the Reversing Entry and the reason for the Reversing Entry no later than the settlement date of the Entry. Fiscal Service has had experience with this requirement, which is not new, and has found that in attempting to contact Receivers regarding the reversal of a duplicate or erroneous Entry on behalf of federal agencies, efforts to reach Receivers, typically through the RDFI, are often unsuccessful. Adhering to the notification requirement impedes the timeliness and efficiency of originating reversals, which is disadvantageous both for Fiscal Service and for Receivers. Accordingly, we proposed to exclude this requirement from incorporation in part 210.

All of the commenters urged Fiscal Service to reconsider the proposed exclusion. Commenters noted that the purpose of the requirement is to ensure that, in the case of a credit Entry, the Receiver does not remove the funds received as a result of the Erroneous Entry before it can be reversed, and in the case of a debit Entry, the Receiver is notified quickly that funds were removed from their account in error and that the error will be reversed. Commenters pointed out that Section 2.9.1 does not impose an absolute requirement that an Originator notify the Receiver of the Reversing Entry, but only requires that the Originator make a ''reasonable attempt'' to do so. The commenters argued that the fact that Fiscal Service may find that despite its reasonable efforts it frequently is unable to reach the applicable Receiver does not undermine the importance and value of making the effort, because of the benefit that results in those instances where reasonable efforts are successful.

NACHA also observed that the obligation to make reasonable efforts to notify the Receiver should have no effect on the timeliness or efficiency of originating Reversing Entries because notice to the Receiver is not a prerequisite for initiating a Reversing Entry. Thus, the obligation to make a reasonable attempt to notify the Receiver should not prevent the initiation of a Reversing Entry.

In view of the fact that only a reasonable effort to notify the Receiver is required, and because Fiscal Service recognizes the value of notifying consumers of reversals when possible, Fiscal Service is not adopting the proposal to opt out of the reversal notification requirement.

Same Day ACH

In 2016 NACHA adopted an amendment that allows for same-day processing of ACH payments. Previously, the standard settlement period for ACH transactions was one or two business days after processing. The Same-Day ACH amendment enables Originators that desire same-day processing have the option to send Same Day ACH Entries to accounts at any RDFI. All RDFIs are required to receive Same-Day ACH Entries, which gives ODFIs and Originators the certainty of being able to send same day ACH Entries to accounts at all RDFIs in the ACH Network. The amendment includes a ''Same-Day Entry fee'' on each Same-Day ACH transaction to help mitigate RDFI costs for supporting Same-Day ACH.

The amendment has a phased implementation period, spreading from 2016 to 2018, with the following effective dates:

- *Phase 1—September 23, 2016:* ACH credits became eligible to be processed during two new Same-Day ACH windows with submission deadlines at 10:30 a.m. ET and 2:45 p.m. ET, with settlement occurring at 1:00 p.m. ET and 5:00 p.m. ET, respectively. RDFIs are required to provide funds availability by the end of the RDFI's processing day. Applicable to ACH credits only and non-monetary Entries, with funds availability due at the end of the RDFI's processing day.
- *Phase 2—September 15, 2017:* ACH debits will become eligible for same-day processing during the two new Same-Day windows.
- *Phase 3—March 16, 2018:* RDFIs will be required to provide funds availability for same day credits no later than 5:00 p.m. at the RDFI's local time.

In the NPRM we proposed to accept NACHA's 2016 Same-Day amendments but with delayed implementation until August 30, 2017 of NACHA's Phase 1 implementation date where the government is receiving Same-Day credit Entries. The delayed implementation date reflects coding and reporting changes and testing that must be undertaken to enable the processing of incoming Same-Day credit Entries by Fiscal Service's ACH credit processing systems. We did not propose to delay the government's implementation of the NACHA Same-Day ACH amendment's Phase 2 or Phase 3 implementation dates.

NACHA commented that it would be inequitable for the Fiscal Service to reserve the right to require RDFIs to process Same Day Entries originated by the government, but refuse to process Same Day Entries that are received by the government. By doing so, the government would receive the benefit of the new rules, without having to accept any of the obligations with which all other Participating DFIs must comply. For this reason, NACHA recommended that the NPRM be revised to provide that the government will not originate Same Day Entries until it is ready to receive Same Day Entries, regardless of the effective date of a final rule on part 210.

Second, NACHA requested that the final rule provide a date certain by which the government will begin receiving Same Day Entries, stating that the NPRM preamble indicated only that the government will implement Phase 1 for purposes of receiving Same Day Entries ''no earlier than'' August 30, 2017.

In the final rule we are providing a date certain of September 15, 2017 for implementation, and applying that date to both the origination and receipt of Same Day entries, as requested.

Fiscal Service's Review Process

With respect to Fiscal Service's rulemaking process to review ACH Rules generally, NACHA commented that by waiting in some cases until after a rules change has been implemented, the current process can be disruptive to other participants and may cause them to incur additional and unnecessary costs. NACHA urged Fiscal Service to establish a process to review amendments to the NACHA Operating Rules on at least an annual basis, arguing that because Fiscal Service actively participates in the NACHA rulemaking process, the government has ample opportunity to understand and evaluate NACHA rule proposals well in advance of their respective effective dates.

We understand that the delay in the government's review and adoption of ACH rule changes may inconvenience ACH network participants. However, Fiscal Service cannot address ACH rule changes other than through the notice-and-comment rulemaking process required under the Administrative Procedure Act. The rulemaking process is inherently cumbersome and time-consuming, typically taking a year to

move through the process of developing and publishing a proposed rule, ultimately followed by a final rule. Fiscal Service will work toward addressing ACH rule changes on as timely a basis as possible in light of regulatory and resource limitations.

II. Final Rule

In the Final Rule we are adopting all of the amendments to part 210 that were proposed in the NPRM, as follows:

A. 2014 NACHA Operating Rules & Guidelines Book Changes

The 2014 edition of the NACHA Operating Rules & Guidelines contains changes related to the following amendments:

- Person-to-Person Payments via ACH;
- IAT Modifications; Proof of Authorization for Non-Consumer Entries;
- Proof of Authorization for Non-Consumer Entries;
- Dishonored Returns and Contested Dishonored Returns Related to an Unintended Credit to a Receiver;
- Reclamation Entries—Corrections to Rules Governing Authorizations;
- Incomplete Transaction Clarification;
- Use of Tilde as Data Segment Terminator;
- Editorial Clarification—Non-Consumer Receiver's Obligation to Credit Originator's Account;
- Prenotification Entries—Reduction in Waiting Period for Live Entries;
- Notification of Change (NOC)—Removal of Change Code C04 (Incorrect Individual Name/Receiving Company Name); and
- ACH Operator Edit for Returns.

We are incorporating in part 210 all of the foregoing amendments, which are summarized below, except the amendment relating to reclamation entries.

1. Person-to-Person Payments via ACH

This amendment standardized the use of the ACH Network for Person-to-Person (P2P) Entries by expanding the Internet-Initiated/Mobile (WEB) SEC Code to accommodate credit Entries transmitted between consumers (P2P transactions). A P2P Entry is defined as ''a credit Entry initiated by or on behalf of a holder of a Consumer Account that is intended for a Consumer Account of a Receiver.'' The amendment also modified the definition of a Customer Initiated Entry (CIE) to ''a credit Entry initiated by or on behalf of the holder of a Consumer Account to the Non-Consumer Account of a Receiver.'' These definitional changes ensure there is a clear differentiation between WEB credit and CIE—*i.e.,* CIE for a bill payment from a consumer to a business, and WEB credit for a P2P transaction from one consumer to another or between consumer accounts belonging to the same person. In addition, this amendment clarified the treatment of NOCs related to credit WEB Entries and CIE Entries.

We are accepting this amendment.

2. IAT Modifications

This amendment revised the NACHA Operating Rules to update the rules and formatting of the International ACH Transaction (IAT) in order to facilitate more accurate screening and compliance with OFAC sanctions policies. This modification requires a Gateway to identify within an Inbound IAT Entry (1) the ultimate foreign beneficiary of the funds transfer when the proceeds from a debit Inbound IAT Entry are for further credit to an ultimate foreign beneficiary that is a party other than the Originator of the debit IAT Entry, or (2) the foreign party ultimately funding a credit Inbound IAT Entry when that party is not the Originator of the credit IAT Entry. This amendment revised the description of the Payment Related Information Field as it relates to the IAT Remittance Addenda Record to establish specific formatting requirements for inclusion of the ultimate foreign beneficiary's/payer's name, street address, city, state/province, postal code, and ISO Country Code. The amendment also requires an Originator, Third-Party Sender, ODFI, or Gateway transmitting an IAT Entry to identify any country named within the IAT Entry by that country's 2-digit alphabetic ISO Country Code, as defined by the International Organization for Standardization's (ISO) 3166–1–alpha–2 code list.

We are accepting this amendment.

3. Proof of Authorization for Non-Consumer Entries

This amendment established a minimum standard for proof of authorization for Non-Consumer Entries to aid in the resolution of unauthorized or fraudulent debits to businesses, particularly those where no trading partner relationship/agreement exists between the Originator and Receiver. This change permits an RDFI to request proof of a Non-Consumer Receiver's authorization for a CCD, CTX, or an Inbound IAT Entry to a Non-Consumer Account. The ODFI must provide the required information to the RDFI at no charge within ten banking days of receiving a written request for such information from the RDFI. The amendment also requires the Originator to provide such proof of authorization to the ODFI for its use or for use by the RDFI.

The amendment provides two methods by which an ODFI can comply with the RDFI's request for proof of authorization. The first is to provide an accurate record of the authorization. The second is to provide the Originator's contact information that can be used for inquiries about authorization of Entries. At a minimum, this contact information must include (1) the Originator's name, and (2) the Originator's phone number or email address for inquiries regarding authorization of Entries.

We are accepting this amendment.

4. Dishonored Returns and Contested Dishonored Returns Related to an Unintended Credit to a Receiver

This amendment established the right of an ODFI to dishonor the Return of a debit Erroneous Entry if the Return Entry results in an unintended credit to the Receiver because (1) the Return Entry relates to a debit Erroneous Entry, (2) the ODFI has already originated a credit Reversing Entry to correct the Erroneous Entry, and (3) the ODFI has not received a Return of that credit Reversing Entry.

Similarly, under this amendment an ODFI may dishonor the Return of a debit Reversing Entry if the Return Entry results in an unintended credit to the Receiver because (1) the Return Entry relates to a debit Reversing Entry that was intended to correct a credit Erroneous Entry, and (2) the ODFI has not received a Return of that credit Erroneous Entry. The amendment requires an ODFI dishonoring a debit Return Entry under either of these conditions to warrant that it originated a Reversal in an effort to correct the original erroneous transaction and therefore is dishonoring the Return of the debit Erroneous Entry or the debit Reversing Entry, either of which causes an unintended credit to the Receiver. The amendment also establishes the right of an RDFI to contest this type of dishonored Return if either of the following conditions exists: (1) The RDFI returned both the Erroneous Entry and the related Reversal; or (2) the RDFI is unable to recover the funds from the Receiver.

We are accepting this amendment.

5. Reclamation Entries—Corrections to Rules Governing Authorization

This amendment made several corrections to the rules governing the authorization of Reclamation Entries. These changes address technical and

drafting discrepancies between Reversing Entries and Reclamation Entries in the NACHA Operating Rules and make the rules related to Reclamation Entries consistent with those for Reversing Entries to the extent possible.

We are not incorporating this amendment in part 210. Part 210 generally excludes all NACHA Operating Rules relating to the reclamation of benefit payments because part 210 contains specific provisions on the reclamation of Federal benefit payments. No revision to the text of part 210 is required to exclude this amendment from part 210 because the amendment modifies Section 2.10 of the NACHA Operating Rules, which is already inapplicable to the government under § 210.2(d)(2).

6. Incomplete Transaction Clarifications

The Incomplete Transaction Clarifications amendment recognizes certain ARC, BOC, and POP Entries to Non-Consumer Accounts as eligible for return under the Incomplete Transaction Rule. This change streamlines RDFIs' processing of ARC, BOC, and POP returns and improves their ability to comply with the NACHA Operating Rules by eliminating different processing requirements for unauthorized/improper consumer and non-consumer ARC, BOC, and POP Entries, which share the same Standard Entry Class Code. The change restores the RDFI's ability to rely solely on the Standard Entry Class Code when determining handling requirements for specific types of Entries. This amendment also added specific references to ''consumer'' Receivers, where appropriate, to add clarity regarding the scope of the Incomplete Transaction Rules.

This amendment modifies Article Three, Subsection 3.12.3 (Incomplete Transaction) to add the word ''consumer'' to clarify that the Receiver of an Incomplete Transaction is generally the owner of a consumer account, with one specific exception. The amendment also adds language to this subsection to state that an ARC, BOC, or POP Entry may also be considered an Incomplete Transaction regardless of whether the account that is debited is a Consumer Account or a Non-Consumer Account. The amendment made corresponding changes to the definition of an Incomplete Transaction in Article Eight, Section 8.50 and clarified that a Written Statement of Unauthorized Debit must be accepted for any Incomplete Transaction involving any ARC, BOC, or POP Entry.

We are accepting this amendment.

7. Use of Tilde as Data Segment Terminator

This amendment corrected two IAT field descriptions, ''Originator City and State/Province'' and ''Receiver City and State/Province,'' to clarify that the tilde (''~'') is a valid data segment terminator.

We are accepting this amendment.

8. Editorial Clarification—Non-Consumer Receiver's Obligation to Credit Originator's Account

This amendment revised the text and title of Article Three, Subsection 3.3.1.3 (Non-Consumer Receiver Must Credit Originator's Account) to make the section's intent clearer and easier to understand for ACH Network participants. This change was editorial in nature only.

We are accepting this amendment.

9. Prenotification Entries—Reduction in Waiting Period for Live Entries

This amendment reduced the six banking-day waiting period between initiation of a Prenotification and ''live'' Entries for Originators choosing to originate Prenotes. This amendment also modified the NACHA Operating Rules related to Notifications of Change to clarify the Originator's obligations with respect to an NOC received in response to a Prenote. This change permits an Originator that has originated a Prenotification Entry to a Receiver's account to initiate subsequent Entries to the Receiver's account as soon as the third Banking Day following the Settlement Date of the Prenotification Entry, provided that the ODFI has not received a return or NOC related to the Prenotification.

We are accepting this amendment.

10. Notification of Change—Removal of Change Code C04 (Incorrect Individual Name/Receiving Company Name)

This amendment removed the Notification of Change Code—C04 (Incorrect Individual Name/Receiving Company Name) from the NACHA Operating Rules. Change Code C04 (Incorrect Individual Name/Receiving Company Name) had been used by RDFIs to request a correction to the name of the Receiver indicated in an ACH Entry. As with any Notification of Change, the RDFI that transmitted an NOC with this change code warranted the accuracy of the corrected data (in this case, the Receiver's name). The Originator was then obligated to make the requested change within six banking days or prior to initiating a subsequent Entry, whichever is later.

In certain scenarios, the use of C04 created compliance and liability challenges for the Originator, ODFI, and RDFI. Generally speaking, an ACH transaction involves a mutual customer of both the Originator and the RDFI. In the event that the Receiver's name on a debit Entry was different from the name on the account, most RDFIs would either post the Entry based solely on the account number or return the transaction using Return Reason Code R03 (No Account/Unable to Locate Account). In some cases, RDFIs transmitted NOCs using Change Code C04 to instruct the Originator to change the Receiver's name on future Entries. The use of C04 presented additional risk to the RDFI and the ODFI and/or the Originator because the RDFI was warranting that the name change is accurate, but it did not always reflect the party with whom the Originator has the relationship. As a result, Originators were typically unable or unwilling to make the changes in accordance with their obligations under the NACHA Operating Rules. An Originator continuing to debit its customer without making the change warranted by the RDFI did so in violation of the current Rules, creating challenges and conflict for all parties. Eliminating Change Code C04 (Incorrect Individual Name/Receiving Company Name) removed the challenges and potential rules violations that Originators faced when they receive a request for a name change that they were unable to make. Under the amendment, an Originator can rely on its own contracts and records to properly identify the name of the Receiver being credited or debited without being in violation of the NACHA Operating Rules because of the failure to respond to an NOC.

Eliminating Change Code C04 (Incorrect Individual Name/Receiving Company Name) lessens the risk to the RDFI as it warrants that information contained in an NOC is correct. A change as significant as a name change should be accomplished through communication of the Receiver with the Originator so that the authorization held by the Originator is accurate. The RDFI that identifies a name mismatch can post the Entry based solely on the account number, return the Entry as R03, or choose to assist its Receiver by communicating directly with the ODFI/Originator. Any of these options should cause the Originator and the Receiver to communicate relating to needed changes while relieving the RDFI of the warranty that the information is correct.

We are accepting this amendment.

11. ACH Operator Edit for Returns

This amendment incorporated an additional ACH Operator edit within the listing of ACH Operator file/batch reject edit criteria specified within Appendix Two of the NACHA Operating Rules. Specifically, this edit requires ACH Operators to reject any batch of Return Entries in which RDFI returns and ACH Operator returns are commingled. By definition, different parties are responsible for generating each type of return, and each must be separately identified within the Company/Batch Header Record as the sender of the batch. This ACH Operator edit codifies this fact within the NACHA Operating Rules and ensures consistent processing of return batches by all ACH Operators.

We are accepting this amendment.

B. 2015 NACHA Operating Rules & Guidelines Book Changes

The 2015 edition of the NACHA Operating Rules contains changes related to the following amendments: [1]

- ACH Network Risk and Enforcement;
- Improving ACH Network Quality—Unauthorized Entry Fee;
- Clarification on Company Identification for P2P WEB Credit Entries;
- Point-of-Sale Entries—Clarification of General Rule;
- Return Fee Entry Formatting Requirements;
- Entry Detail Record for Returns—Clarification Regarding POP Entries;
- Clarification of RDFI's Obligation to Recredit Receiver;
- Clarification on Prenotification Entries and Addenda Records; and
- ACH Operator Edit for Returns.

We are incorporating in part 210 all of the foregoing amendments, which are summarized below, other than some provisions of the amendment relating to ACH Network Risk and Enforcement.

1. ACH Network Risk and Enforcement

This amendment expanded existing rules regarding ODFIs' and Third-Party Senders' requirements for risk management and origination practices, such as return rate levels. It also expanded NACHA's authority to initiate enforcement proceedings for a potential violation of the NACHA Operating Rules related to unauthorized Entries.

Return Rate Levels

The amendment reduced the threshold for unauthorized debit Entries (Return Reason Codes R05, R07, R10, R29, and R51) from 1.0 percent to 0.5 percent and also established two new return rate levels for other types of returns. First, a return rate level of 3.0 percent will apply to debit entries returned due to administrative or account data errors (Return Reason Codes R02—Account Closed; R03—No Account/Unable to Locate Account; and R04—Invalid Account Number Structure). Second, a return rate level of 15.0 percent will apply to all debit entries (excluding RCK entries) that are returned for any reason.

The amendment also established an inquiry process, which is separate and distinct from an enforcement proceeding, as a starting point to evaluate the origination activity of Originators and Third-Party Senders that reach the new administrative return and overall debit return rate levels. The identification of an Originator or Third-Party Sender with a return rate that is higher than the respective return rate level may trigger a review of the Originator's or Third-Party Sender's ACH origination procedures. At the conclusion of the inquiry, NACHA may determine that no further action is required, or it may take the next step and recommend to the ACH Rules Enforcement Panel that the ODFI be required to reduce the Originator's or Third-Party Sender's overall or administrative return rate below the established level.

In this new role, the ACH Rules Enforcement Panel will be the final authority in deciding, after the completion of the inquiry, whether the ODFI should be required to reduce the Originator's or Third-Party Sender's overall or administrative return rate. After reviewing NACHA's recommendation, the Panel can decide either to take no action, at which point the case would be closed, or to have NACHA send a written directive to the ODFI, which would require the reduction of the Originator's or Third-Party Sender's administrative or overall return rate.

We are incorporating in part 210 the provisions of the amendment relating to return rate level reporting at section 2.17. We are not accepting the provisions for enforcement of Section 2.17 that are set forth at Appendix 10 to the NACHA Operating Rules, which is separately exempted from part 210. The exclusion from Section 2.17 in the regulation text is limited to Sections 2.17.2.2 through 2.17.2.6.

Reinitiation of Entries

This amendment explicitly prohibited the reinitiation of Entries outside of the express limited circumstances under which they are permitted under the NACHA Operating Rules. The amendment also added a specific prohibition against reinitiating a transaction that was returned as unauthorized. The amendment further included an anti-evasion provision, specifying that any other Entry that NACHA reasonably believes represents an attempted evasion of the defined limitations will be treated as an improper reinitiation. The ACH Rules Enforcement Panel will have final authority in deciding whether a specific case involves an attempted evasion of the limitations on reinitiation.

To avoid unintended consequences from these clarifications, the amendment included two categories of Entries that will not be considered reinitiations. First, the amendment clarified that a debit Entry in a series of preauthorized recurring debit Entries will not be treated as a reinitiated Entry, even if the subsequent debit Entry follows a returned debit Entry, as long as the subsequent Entry is not contingent upon whether an earlier debit Entry in the series has been returned. Second, the amendment expressly stated that a debit Entry will not be considered a ''reinitiation'' if the Originator obtains a new authorization for the debit Entry after the receipt of the Return.

The amendment requires a reinitiated Entry to contain identical content in the following fields: Company Name, Company ID, and Amount. Further, the amendment permits modification to other fields only to the extent necessary to correct an error or facilitate processing of an Entry. This change allows reinitiations to correct administrative errors, but prohibits reinitiation of Entries that may be attempts to evade the limitation on the reinitiation of returned Entries by varying the content of the Entry. Finally, the amendment addressed certain technical issues associated with the reinitiation requirements.

We are accepting the reinitiation provisions of the amendment.

Third-Party Sender Issues

The amendment added a direct obligation on Third-Party Senders to monitor, assess and enforce limitations on their customer's origination and return activities in the same manner the NACHA Operating Rules require of ODFIs. Prior to this amendment, the NACHA Operating Rules required

[1] The 2015 Rules & Guidelines book also included two amendments addressed in the 2014 Rules & Guidelines book that had effective dates in 2015: (1) Dishonored Returns and Contested Dishonored Returns Related to an Unintended Credit to a Receiver and (2) Notification of Change—Removal of Change Code C04. Because those amendments are addressed in Section A above, we are not including them in Section B.

ODFIs to establish, implement, periodically review and enforce exposure limits for their Originators and Third-Party Senders. The ODFI was required to monitor each Originator's and Third-Party Sender's origination and return activity across multiple Settlement Dates, enforce restrictions on the types of Entries that may be originated and enforce the exposure limit. If an ODFI enters into a relationship with a Third-Party Sender that processes Entries such that the ODFI itself cannot or does not perform these monitoring and enforcement tasks with respect to the Originators serviced by the Third-Party Sender, the Third-Party Sender must do so. The amendment added a specific statement of this obligation.

We are accepting the Third-Party Sender provisions of the amendment.

NACHA's Enforcement Authority

The amendment provided NACHA with the express authority to bring an enforcement action based on the origination of unauthorized entries. To ensure the judicious use of the expanded authority, the amendment requires the ACH Rules Enforcement Panel to validate the materiality of this type of enforcement case before NACHA can initiate any such proceeding. In addition, the amendment encourages RDFIs to voluntarily provide to NACHA information, such as return data, that may be indicative of a potential rules violation for improper authorization practices by other ACH Network participants, even if the RDFI is not interested in itself initiating a rules enforcement proceeding. Such early sharing of information regarding unusual return rates or unauthorized transactions can help eliminate improper activities more quickly.

We are not incorporating in part 210 the provisions of the amendment that relate to NACHA's enforcement authority. Part 210 excludes the government from the risk investigation and enforcement provisions of the NACHA Operating Rules. Fiscal Service tracks unauthorized return rates for Federal agencies and will use the new unauthorized return limits and reinitiation limitations in overseeing agency ACH origination activity. No change to the text of part 210 is required to exclude these provisions because part 210 already excludes Appendix Ten of the NACHA Operating Rules, which governs rules enforcement.

2. Improving ACH Network Quality—Unauthorized Entry Fee

This amendment requires an ODFI to pay a fee to the RDFI for each ACH debit that is returned as unauthorized (Return Reason Codes R05, R07, R10, R29 and R51). RDFIs will be compensated for a portion of the costs they bear for handling unauthorized transactions, and will experience reduced costs due to a reduction in unauthorized transactions over time. The amendment provides that ODFIs and RDFIs authorize debits and credits to their accounts for the collection and distribution of the fees. IAT transactions are not covered by the fee, but could be included in the future. The amendment defines a methodology by which NACHA staff will set and review every three years the amount of the Unauthorized Entry Fee. In setting the amount of the fee, NACHA staff will apply several stated principles, including the review of RDFI cost surveys. Based on the results of the current data collection on RDFIs' costs for handling unauthorized transactions, NACHA has estimated that the fee amount will be in the range of $3.50–$5.50 per return.

We are accepting the Unauthorized Entry Fee provisions of the amendment.

3. Clarification of Company Identification for Person-to-Person WEB Credit Entries

This amendment added language to the Company Identification field description to clarify content requirements for Person-to-Person (P2P) WEB credit Entries.

For P2P WEB credit Entries, the Company/Batch Header Record identifies the P2P service provider (*i.e.,* the consumer Originator's own financial institution or a third-party service provider) rather than the consumer Originator. Prior to the amendment, the NACHA Operating Rules specifically defined service provider content requirements for the Company Name field, but omitted the same clarification for the Company Identification, which is a related field. The purpose of the amendment was to eliminate any potential confusion over proper formatting of this field.

We are accepting this amendment.

4. Point-of-Sale (POS) Entries—Clarification of General Rule

This amendment re-aligned the general rule for POS Entries with the definition of POS Entries in Article Eight. A POS Entry is generally considered to be a debit Entry initiated at an electronic terminal by a consumer to pay an obligation incurred in a point-of-sale transaction. However, a POS Entry can also be an adjusting or other credit Entry related to the debit Entry, transfer of funds, or obligation (for example, a credit to refund a previous point-of-sale transaction). Prior to the amendment, the definition of POS within the NACHA Operating Rules recognized these Entries as both debits and credits, but the general rule for POS identified POS Entries only as debits. This amendment corrected the discrepancy.

We are accepting this amendment.

5. Return Fee Entry Formatting Requirements

This amendment modified the description of the Individual Name Field in a PPD Return Fee Entry related to a returned ARC, BOC, or POP Entry to require that it contain the same information identified within the original ARC, BOC, or POP Entry. The Individual Name Field is optional for ARC, BOC, and POP; therefore, this field (1) may include the Receiver's name, (2) may include a reference number, identification number, or code that the merchant needs to identify the particular transaction or customer, or (3) may be blank.

The name of the Receiver must be included in all PPD Entries. With ARC, BOC, or POP Entries, where a reading device must be used to capture the Receiver's routing number, account number, and check serial number, it is difficult for the Originator to capture the Receiver's name in an automated fashion. For this reason, the NACHA Operating Rules do not require Originators to include the Receiver's name in the ARC, BOC, or POP Entry Detail Record. Originators are permitted the choice of including either the Receiver's name, or a reference number, identification number, or code necessary to identify the transaction, or the field may be left blank. Because information contained within the returned ARC, BOC, or POP Entry is typically used to create a related Return Fee Entry, the Receiver's name is likely not readily available to the Originator for use in the Return Fee Entry, especially when the Receiver's authorization for the Return Fee Entry was obtained by notice. This amendment established consistent formatting requirements with respect to the Receiver's name for check conversion entries and related return fees.

We are accepting this amendment.

6. Entry Detail Record for Returns—Clarification Regarding POP Entries

This amendment added a footnote to the Entry Detail Record for Return Entries to clarify the specific use of positions 40–54 with respect to the return of a POP Entry. On a forward POP Entry, positions 40–54 represent

three separate fields to convey (1) the check serial number (positions 40–48); (2) the truncated name or abbreviation of the city or town in which the electronic terminal is located (positions 49–52); and (3) the state in which the electronic terminal is located (positions 53–54). However, these three fields are not explicitly identified in the Entry Detail Record for Return Entries, which caused some confusion among users as to how to map such information from the original forward Entry into the Return Entry format.

We are accepting this amendment.

7. Clarification of RDFI's Obligation To Recredit Receiver

This amendment clarified that an RDFI's obligation to recredit a Receiver for an unauthorized or improper debit Entry is generally limited to Consumer Accounts, with certain exceptions for check conversion and international transactions. Prior to the NACHA Operating Rules simplification initiative in 2010, the rules governing a Receiver's right to recredit for unauthorized debit entries clearly limited this provision to debit Entries affecting Consumer Accounts, except as expressly provided for ARC, BOC, IAT, and POP Entries (which can affect both consumer and business accounts). However, when rules language was combined and revised during the simplification process into a general discussion on recredit, some of this clarity was lost, resulting in language that was somewhat ambiguous and the cause of confusion for some ACH participants. This change more clearly defines the intent of the rule requirement for an RDFI to recredit a Receiver.

We are accepting this amendment.

8. Clarification of Prenotification Entries and Addenda Records

This amendment revised the NACHA Operating Rules to clarify that, with the exception of IAT Entries, a prenotification Entry is not required to include addenda records that are associated with a subsequent live Entry. Generally speaking, the format of a Prenotification Entry must be the same as the format of a live dollar Entry. There are, however, some differences between Prenotes and live Entries to which the Prenotes relate:

- The dollar amount of a Prenotification Entry must be zero;
- a Prenotification Entry is identified by a unique transaction code; and
- addenda records associated with a live Entry are not required with Prenotes (unless the Prenote relates to an IAT Entry).

While the first two formatting criteria above for Prenotification Entries are clearly defined within the technical standards and are commonly understood by industry participants, the issue of whether Prenotification Entries require addenda records was somewhat ambiguous. The amendment eliminated that ambiguity.

We are accepting this amendment.

9. ACH Operator Edit for Returns

This amendment incorporated an additional ACH Operator edit within the listing of ACH Operator file/batch reject edit criteria specified within Appendix Two of the NACHA Operating Rules. Specifically, this edit requires ACH Operators to reject any batch of Return Entries in which RDFI returns and ACH Operator returns are commingled. By definition, different parties are responsible for generating each type of return, and each must be separately identified within the Company/Batch Header Record as the sender of the batch. This ACH Operator edit codifies this fact and ensures consistent processing of return batches by all ACH Operators.

We are accepting this amendment.

C. 2016 NACHA Operating Rules & Guidelines Book Changes

The 2016 edition of the *NACHA Operating Rules & Guidelines* contains changes related to the following amendments: [2]

- Same-Day ACH: Moving Payments Faster;
- Disclosure Requirements for POS Entries;
- Recrediting Receiver—Removal of Fifteen Calendar Day Notification Time Frame;
- Clarification of RDFI Warranties for Notifications of Change; and
- Minor Rules Topics.

We are incorporating in part 210 all of the foregoing amendments except that we are delaying our implementation of Same-Day ACH as discussed below.

1. Same-Day ACH: Moving Payments Faster

This amendment allows for same-day processing of ACH payments. Previously, the standard settlement period for ACH transactions is one or two business days after processing. The Same-Day ACH amendment enables the option for same-day processing and settlement of ACH payments through new ACH Network functionality without affecting existing ACH schedules and capabilities. Originators that desire same-day processing have the option to send Same Day ACH Entries to accounts at any RDFI. All RDFIs are required to receive Same-Day ACH Entries, which gives ODFIs and Originators the certainty of being able to send same day ACH Entries to accounts at all RDFIs in the ACH Network. The amendment includes a ''Same-Day Entry fee'' on each Same-Day ACH transaction to help mitigate RDFI costs for supporting Same-Day ACH.

The amendment has a phased implementation period, spreading from 2016 to 2018, with the following effective dates:

- *Phase 1—September 23, 2016:* ACH credits became eligible to be processed during two new Same-Day ACH windows with submission deadlines at 10:30 a.m. ET and 2:45 p.m. ET, with settlement occurring at 1:00 p.m. ET and 5:00 p.m. ET, respectively. RDFIs are required to provide funds availability by the end of the RDFI's processing day. Applicable to ACH credits only and non-monetary Entries, with funds availability due at the end of the RDFI's processing day.
- *Phase 2—September 15, 2017:* ACH debits will become eligible for same-day processing during the two new Same-Day windows.
- *Phase 3—March 16, 2018:* RDFIs will be required to provide funds availability for same day credits no later than 5:00 p.m. at the RDFI's local time.

The existing next-day ACH settlement window of 8:30 a.m. ET will not change. With the addition of the new Same-Day ACH processing windows, the ACH Network will provide three opportunities for ACH settlement each day.

Payment Eligibility

Virtually all types of ACH payments will be eligible for same-day processing by the end of the implementation period. The only ACH transactions ineligible for same-day processing will be IAT transactions and individual transactions over $25,000. In addition to credits and debits, the ACH Network supports a number of transaction types that do not transfer a dollar value. Non-monetary transactions include Prenotifications; Notifications of Change (NOCs); Zero Dollar Entries that convey remittance information using CCDs and CTXs; and Death Notification Entries. With the exception of Prenotifications for future debit Entries, these non-monetary transactions are eligible for same-day processing from the outset. Automated Enrollment Entries (ENRs) do not use Effective Entry Dates. Since

[2] The 2016 Rule Book also codified changes related to the rule NACHA adopted in 2015 on Improving ACH Network Quality (Unauthorized Entry Fee), which is addressed above in Section B—2015 NACHA Operating Rule Book Changes.

there will not be a way to distinguish same day ENR Entries from next-day Entries, ENRs will not be processed as same day transactions.

Identification of Same-Day Transactions via the Effective Entry Date

Same-Day ACH transactions are identified by the ODFI and its Originator by using the current day's date in the Effective Entry Date field of the Company/Batch Header Record. (Note: The NACHA Operating Rules define the Effective Entry Date as ''the date specified by the Originator on which it intends a batch of Entries to be settled.'') In addition, transactions intended for same-day processing that carry a current day Effective Entry Date must meet an ACH Operator's submission deadline for same-day processing. For example, transactions originated on Tuesday, October 10, 2017 that are intended for same-day processing must have an Effective Entry Date of ''171010'' in the Company/Batch Header Record and be submitted to an ACH Operator no later than the 2:45 p.m. ET deadline to ensure same-day settlement. Any Entry carrying the current day's date in the Effective Entry Date field that is submitted prior to an ACH Operator's same-day processing submission deadline will be handled as a Same-Day ACH transaction and assessed the Same-Day Entry fee.

Stale or Invalid Effective Entry Dates

ACH transactions submitted to an ACH Operator with stale or invalid Effective Entry Dates will be settled at the earliest opportunity, which could be the same day. If the transactions are submitted prior to the close of the second same-day processing window at 2:45 p.m. ET, the Entries will be settled the same day and the Same-Day Entry fee will apply. If the transactions are submitted to the ACH Operator after 2:45 p.m. ET, the Entries will be settled the next day and the Same-Day Entry fee will not apply.

Return Entry Processing

The amendment allows same-day processing of return Entries at the discretion of the RDFI, whether or not the forward Entry was a Same-Day ACH transaction. Any return Entry is eligible for settlement on a same-day basis; the $25,000 per transaction limit and IAT restriction will not apply. Because returns are initiated and flow from RDFI to ODFI, return Entries processed on a same-day basis will not be subject to the Same-Day Entry fee.

RDFIs are not required to process returns on the same day that the forward Entry is received. The return Entry must be processed in such time that it is made available to the ODFI no later than the opening of business on the second banking day following the Settlement Date of the original Entry. RDFIs have the option of using any of the available settlement windows for returns, as long as the existing return time frame is met.

Same-Day Entry Fee

In order to ensure universal reach to any account at any RDFI, all RDFIs must implement Same-Day ACH. To assist RDFIs in recovering costs associated with enabling same-day transactions, the amendment includes a fee paid from the ODFI to the RDFI for each Same-Day ACH Entry. The fee provides a mechanism to help RDFIs mitigate investment and operating expenses and provide a fair return on their required investments. The initial Same-Day Entry fee is set at 5.2 cents per Same Day Entry. The fee is assessed and collected by the ACH Operators through their established monthly billing. The amendment includes a methodology to measure the effectiveness of the Same-Day Entry fee at five, eight and ten full years after implementation. After each review, the Same-Day Entry fee could be maintained or lowered, but not increased.

We are accepting the Same-Day amendment but with delayed implementation of NACHA's Phase 1 implementation date until September 15, 2017. Fiscal Service plans to enable agencies to originate Same-Day Entries in appropriate situations and is working with agencies to develop and publish guidance outlining the criteria and procedures to be used for originating Same-Day Entries. Fiscal Service believes that Same-Day credit Entries may be useful to agencies that need to make certain emergency or time-sensitive payments, including payments not exceeding $25,000 that are currently made by Fedwire. We believe that the majority of ACH credit Entries originated by the government are not suitable for same-day processing in light of the fee payable for Same-Day Entries, and therefore we anticipate that the government's origination of Same-Day Entries will be limited. We plan to publish guidance for agencies that will set forth both the criteria and the procedure for certifying a Same-Day ACH transaction. That guidance will indicate whether agencies should indicate their intent for same-day processing and settlement solely by utilizing the Effective Entry Date, or may also utilize the optional standardized content in the Company Descriptive Date field as a same-day transaction indicator.

The delayed implementation date reflects coding and reporting changes and testing that are underway to enable the processing of incoming Same-Day credit Entries by Fiscal Service's ACH credit processing systems. The U.S. government will not originate Same-Day entries prior to September 15, 2017 and any ACH Entry received by the government prior to that date will not be eligible for same-day settlement and will continue to settle on a future date (typically the next banking day) regardless of submission date and time. We are not delaying the government's implementation of the NACHA Same-Day ACH amendment's Phase 2 or Phase 3 implementation dates.

The 2016 NACHA Operating Rules incorporate in the rule text only those provisions of the Same-Day ACH amendment that have effective dates in 2016. However, in order to provide advance notice of the impact of the Phase 2 and 3 implementations, the 2016 Rules Book sets forth the sections of the NACHA Operating Rules affected by the Same-Day ACH amendment as they will read upon implementation in 2017 and 2018.

We are incorporating in part 210 the future changes relating to the Same-Day ACH amendment's Phase 2 and 3 implementation provisions scheduled for 2017 and 2018 as they appear in the 2016 NACHA Operating Rules & Guidelines book.

2. Disclosure Requirements for POS Entries

This amendment established an Originator/Third-Party Service Provider obligation to provide consumer Receivers with certain disclosures when providing those consumers with cards used to initiate ACH Point of Sale (POS) Entries. The amendment requires Originators or Third-Party Service Providers that issue ACH cards (or their virtual, non-card equivalent, collectively referred to as ''ACH Cards'') to make the following disclosures in written or electronic, retainable form to a consumer prior to activation:

- The ACH Card is not issued by the consumer's Depository Financial Institution.
- POS Entries made with the ACH Card that exceed the balance in the consumer's financial institution account may result in overdrafts and associated fees, regardless of whether the consumer has opted to allow overdrafts with respect to debit cards issued by the Depository Financial Institution that holds the consumer's account.
- Benefits and protections for transactions made using the ACH Card may vary from those available through

debit cards issued by the consumer's Depository Financial Institution.

The amendment included sample language for Originators or Third-Party Service Providers to consider in designing an ACH Card disclosure for purposes of compliance with the NACHA Operating Rules. This amendment will not affect Agencies because they do not issue ACH Cards.

We are accepting this amendment.

3. Recrediting Receiver—Removal of Fifteen Calendar Day Notification Time Frame

This amendment removed the fifteen calendar day notification period associated with an RDFI's obligation to promptly recredit a consumer account for an unauthorized debit Entry, and aligned the RDFI's recredit obligation with its ability to transmit an Extended Return Entry. Because of the extended return window for unauthorized consumer debits under the NACHA Operating Rules, prior to the amendment many RDFIs found the reference to the fifteen calendar day timing to be a source of confusion and misunderstanding. The amendment revised the NACHA Operating Rules to align the provision for prompt recredit with the RDFI's receipt of a Written Statement of Unauthorized Debit from the consumer and the RDFI's ability to transmit an Extended Return Entry (*i.e.,* transmitted to the ACH Operator so that the Extended Return Entry is made available to the ODFI no later than opening of business on the banking day following the sixtieth calendar day following the settlement date of the original Entry). This change applies to unauthorized/improper entries bearing Standard Entry Class Codes (SECs) that are classified as consumer entries, as well as those that can be both consumer and non-consumer entries (ARC, BOC, POP, and IAT debit entries).

We are accepting this amendment.

4. Clarification of RDFI Warranties for Notifications of Change

This amendment modified the NACHA Operating Rules with respect to Notifications of Change (NOCs) to clarify aspects of: (1) The RDFI's warranties made with respect to its transmission of a Notification of Change or Corrected Notification of Change; and (2) the ODFI's warranties made with respect to usage of the corrected data within subsequent transactions. Specifically, the amendment clarified that the RDFI's warranty for information contained in a Notification of Change or Corrected Notification of Change is applicable only to the corrected information supplied by the RDFI.

This modification removed from the RDFI's warranty on NOCs the specific statement that the Receiver has authorized the change identified in the NOC, if the Receiver's authorization is required. This subsection has been misinterpreted to mean that it supersedes the ODFI's warranty that a subsequent Entry is properly authorized by the Receiver. The RDFI does not warrant that the Entry itself has been properly authorized by the Receiver, but only that the data supplied in the Corrected Data field is accurate. The warranty that any Entry (including a subsequent Entry that uses corrected data from an NOC) is properly authorized still lies with the ODFI per Article Two, Subsection 2.4.1.1 (The Entry is Authorized by the Originator and Receiver).

We are accepting this amendment.

5. Minor Rules Topics

These amendments changed four areas of the NACHA Operating Rules to address minor topics. Minor changes to the NACHA Operating Rules have little-to-no impact on ACH participants and no significant economic impact.

i. Clarification of ODFI Periodic Statement Requirements for CIE and WEB Credits

This amendment made minor, editorial clarifications to the language within Article Two, Subsections 2.5.4.2 (ODFI to Satisfy Periodic Statement Requirement) and 2.5.17.6 (ODFI to Satisfy Periodic Statement Requirement for Credit WEB Entries) to clarify the intent of language governing an ODFI's periodic statement obligations with respect to the origination of CIE and credit WEB Entries by consumers.

Periodic statement requirements typically are an obligation of the RDFI for the receipt of Entries to a consumer account. For CIE and WEB credits, however, the Originator of the ACH credit also is a consumer, thus putting periodic statement requirements on the ODFI as well for these entries. These clarifications do not affect the substance of the ODFI's obligation to identify on the consumer Originator's periodic statement the date, amount, and description of a transaction involving the consumer's account; rather, they simply recognize that the debiting of the consumer's account to provide funds for the CIE or WEB credit could be accomplished by something other than an ACH debit.

We are accepting this amendment.

ii. Clarifying the Commercially Reasonable Encryption Standard

The NACHA Operating Rules require ACH participants to utilize a commercially reasonable standard of encryption technology when transmitting any banking information related to an Entry via an Unsecured Electronic Network. This amendment removed the reference to 128-bit encryption technology as the minimum acceptable commercially reasonable standard, but retained the general reference to using a commercially reasonable level of encryption. The amendment also clarified that a commercially reasonable level of security must comply with current, applicable regulatory guidelines, which already impose more rigorous encryption obligations.

Prior to the amendment the NACHA Operating Rules established a minimum for this commercially reasonable encryption standard at the 128-bit RC4 encryption technology level. A task force of NACHA's former Internet Council, comprised of technology expert members, recommended that the specific reference to 128-bit RC4 encryption be removed, on the grounds that it is now out of date as a commercially reasonable standard.

We are accepting this amendment.

iii. Definition of Zero-Dollar Entry

This amendment reintroduced the definition of a Zero-Dollar Entry within Article Eight (Definitions of Terms Used in These Rules) to correspond to unique technical references in the Appendices of the NACHA Operating Rules. Zero Dollar Entries are unique in that, although their dollar amount is zero, they bear remittance data that must be provided to the Receiver in an identical manner as ''live'' entries that transfer funds. The definition was removed in 2010 when the definition of a ''Non-Monetary Entry'' was introduced into the NACHA Operating Rules.

We are accepting this amendment.

iv. Expansion of Permissible Criteria for ODFI Requests for Return

In addition to being able to request the return of an Erroneous Entry, as permitted by the NACHA Operating Rules, this amendment revised the NACHA Operating Rules to permit an ODFI to request that an RDFI return any Entry that the ODFI claims was originated without the authorization of the Originator. This amendment also expanded the description of Return Reason Code R06 (Returned per ODFI's Request) to include Entries returned by the RDFI for this reason. This newly

permissible circumstance reflects actual current industry practice with regard to the recovery of funds related to unauthorized credit origination.

Use of the ODFI Request for Return process is always optional on the part of both ODFIs and RDFIs. An RDFI will continue to be able to make its own business decision about whether to agree to return an Entry that the ODFI claims was originated without the authorization of the Originator. An RDFI responding to a request for the return of such an Entry will be indemnified under the NACHA Operating Rules against loss or liability by the ODFI.

We are accepting this amendment.

D. Notification of Reversals

NACHA Operating Rule 2.9.1 requires that the Originator of a Reversing Entry make a reasonable attempt to notify the Receiver of the Reversing Entry and the reason for the Reversing Entry no later than the settlement date of the Entry. For the reasons discussed in Section I above, we are accepting this amendment.

E. Prepaid Cards

In 2010, Fiscal Service amended part 210 to establish requirements that prepaid accounts receiving Federal payments must meet. 75 FR 80335. To be eligible to receive Federal payments, a card accessing a prepaid account must meet four conditions: (1) The card account must be held at an insured financial institution; (2) the account be set up to meet the requirements for pass through deposit or share insurance under 12 CFR part 330 or 12 CFR part 745; (3) the account may not be attached to a line of credit or loan agreement under which repayment from the card account is triggered by delivery of the Federal payment; and (4) the issuer of the card must comply with all of the requirements, and provide the Federal payment recipient with the same consumer protections, that apply to a payroll card under regulations implementing the Electronic Fund Transfer Act, 15 U.S.C. 1693a(1). See 31 CFR 210.5(b)(5)(i).

We required that issuers of prepaid cards provide Regulation E payroll card protections because when our prepaid rule was issued in 2010, Regulation E did not cover any prepaid cards other than payroll cards. However, on November 22, 2016, the Consumer Financial Protection Bureau (CFPB) published its final rule to amend Regulation E to cover prepaid accounts. 81 FR 83934. We are therefore amending our prepaid rule to replace the reference in § 210.5(b)(5)(i)(D) to ''payroll card'' with a reference to ''prepaid account'' so that issuers of prepaid accounts are required to provide the holder of an account with all of the consumer protections that apply to a prepaid account under the rules implementing the Electronic Fund Transfer Act. We are also conforming the references to use the CFPB's terminology of ''prepaid account'' rather than ''prepaid card.'' These changes are effective on April 1, 2018, the effective date of the CFPB's final rule.

III. Section-by-Section Analysis

In order to incorporate in part 210 the NACHA Operating Rule changes that we are accepting, we are replacing references to the 2013 NACHA Operating Rules & Guidelines book with references to the 2016 NACHA Operating Rules & Guidelines book. Several of the NACHA Operating Rule amendments that we are not incorporating are modifications to provisions of the NACHA Operating Rules that are already excluded under part 210. Other than replacing the references to the 2013 NACHA Operating Rules & Guidelines book, no change to part 210 is necessary to exclude those amendments.

§ 210.2

We are amending the definition of ''applicable ACH Rules'' at § 210.2(d) to reference the rules published in NACHA's 2016 Rules & Guidelines book rather than the rules published in NACHA's 2013 Rules & Guidelines book. The definition has been updated to reflect the reorganization and renumbering of the NACHA Operating Rules. The reference in § 210.2(d)(5) to Section 2.17 has been revised to read Section 2.17.2.2–2.17.2.6 in order to carve out the return rate level reporting obligation. The reference in § 210.2(d)(6) to the NACHA Operating Rule governing International ACH Transactions section has been updated by replacing an obsolete reference to ACH Rule 2.11 with the correct reference to Section 2.5.8. A new paragraph (7) is added to exclude from part 210, until September 15, 2017, the provisions of Subsection 3.3.1.1, Section 8.99 and Appendix Three (definition of Effective Entry Date) relating to Same-Day Entries.

§ 210.3(b)

We are amending § 210.3(b) by replacing the references to the ACH Rules as published in the 2013 Rules & Guidelines book with references to the ACH Rules as published in the 2016 NACHA Operating Rules & Guidelines book. We are revising § 210.3(b) by consolidating former paragraphs (b)(1) and (b)(2) into a single paragraph. Previously, paragraph (b)(2) stated that any amendment to the applicable ACH Rules approved by NACHA after publication of the edition of the NACHA Operating Rules & Guidelines that are incorporated by reference do not apply to Government entries unless Fiscal Service expressly accepts the amendments by publishing notice of acceptance of the amendment in the **Federal Register**. We have replaced paragraph (b)(2) with a sentence that states that, to enforce an edition other than that specified in § 210.3(b), Fiscal Service must publish a document in the **Federal Register** and the material must be available to the public. The replacement wording is the standard sentence recommended by the **Federal Register**, and is not substantively different from the former paragraph (b)(2).

§ 210.5

We are amending § 210.5(b)(5)(i)(D) to replace the references to ''payroll card'' with references to ''prepaid account'' in order to require issuers of prepaid accounts to which Federal payments are delivered to provide account holders with all of the consumer protections that will apply to a prepaid account under the rules adopted by the CFPB to implement the Electronic Fund Transfer Act and the Truth in Lending Act. These changes are effective on April 1, 2018, the effective date of the CFPB's final rule.

§ 210.6

In § 210.6 we are replacing the reference to ACH Rule 2.4.4 with a reference to ACH Rule 2.4.5 to reflect the re-numbering of ACH Rule 2.4.4. This change is not substantive.

§ 210.8

In § 210.8(b) we are replacing the reference to ACH Rule 2.4.4 with a reference to ACH Rule 2.4.5 to reflect the re-numbering of ACH Rule 2.4.4. This change is not substantive.

IV. Incorporation by Reference

In this rule, Fiscal Service is incorporating by reference the 2016 NACHA Operating Rules & Guidelines book. The Office of Federal Register (OFR) regulations require that agencies discuss in the preamble of a final rule ways that the materials the agency proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties. In addition, the preamble of the rule must summarize the material. 1 CFR 51.5(a). In

accordance with OFR's requirements, the discussion in the **SUPPLEMENTARY INFORMATION** section summarizes the 2016 NACHA Operating Rules. Financial institutions utilizing the ACH Network are bound by the NACHA Operating Rules and have access to the NACHA Operating Rules in the course of their everyday business. The NACHA Operating Rules are available as a bound book or in online form from NACHA—The Electronic Payments Association, 2550 Wasser Terrace, Suite 400, Herndon, Virginia 20171, tel. 703–561–1100, *info@nacha.org.*

V. Procedural Analysis

Regulatory Planning and Review

The rule does not meet the criteria for a ''significant regulatory action'' as defined in Executive Order 12866. Therefore, the regulatory review procedures contained therein do not apply.

Congressional Review Act (CRA)

This rule is not a major rule pursuant to the CRA, 5 U.S.C. 801 *et seq.* It is not expected to lead to any of the results listed in 5 U.S.C. 804(2). This rule will take effect upon publication in the **Federal Register**. The amendment to § 210.5 is applicable on April 1, 2018.

Administrative Procedure Act

Except for the amendments to § 210.5, this final rule is effective on September 11, 2017. Under the Administrative Procedure Act, a final rule may be published less than 30 days before its effective date ''for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). The purpose of a delayed effective date is to permit regulated entities to adjust their behavior before the final rule takes effect. As discussed above, this rule adopts, with some exceptions, the NACHA Operating Rules developed by NACHA—The Electronic Payments Association (NACHA) as the rules governing the use of the ACH Network by Federal agencies. The affected industry is already prepared for Federal agencies to implement this rule. Therefore, the Department of the Treasury finds good cause to dispense with a delayed effective date.

Regulatory Flexibility Act Analysis

It is hereby certified that the rule will not have a significant economic impact on a substantial number of small entities. The rule imposes on the Federal government a number of changes that NACHA—The Electronic Payments Association, has already adopted and imposed on private sector entities that utilize the ACH Network. The rule does not impose any additional burdens, costs or impacts on any private sector entities, including any small entities. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)* is not required.

Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532 (Unfunded Mandates Act), requires that the agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. We have determined that the rule will not result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, we have not prepared a budgetary impact statement or specifically addressed any regulatory alternatives.

List of Subjects in 31 CFR Part 210

Automated clearing house, Electronic funds transfer, Financial institutions, Fraud, Incorporation by reference.

Words of Issuance

For the reasons set out in the preamble, 31 CFR part 210 is amended as follows:

PART 210—FEDERAL GOVERNMENT PARTICIPATION IN THE AUTOMATED CLEARING HOUSE

■ 1. The authority citation for part 210 continues to read as follows:

Authority: 5 U.S.C. 5525; 12 U.S.C. 391; 31 U.S.C. 321, 3301, 3302, 3321, 3332, 3335, and 3720.

■ 2. Section 210.2 is amended by revising paragraph (d) to read as follows:

§ 210.2 Definitions.

* * * * *

(d) *Applicable ACH Rules* means the ACH Rules with an effective date on or before March 16, 2018, as published in ''2016 NACHA Operating Rules & Guidelines: A Complete Guide to Rules Governing the ACH Network'' (incorporated by reference, see § 210.3(b)) except:

(1) Subsections 1.2.2, 1.2.3, 1.2.4, 1.2.5 and 1.2.6; Appendix Seven; Appendix Eight; Appendix Nine and Appendix Ten (governing the enforcement of the ACH Rules, including self-audit requirements, and claims for compensation);

(2) Section 2.10 and Section 3.6 (governing the reclamation of benefit payments);

(3) The requirement in Appendix Three that the Effective Entry Date of a credit entry be no more than two Banking Days following the date of processing by the Originating ACH Operator (see definition of ''Effective Entry Date'' in Appendix Three);

(4) Section 2.2 (setting forth ODFI obligations to enter into agreements with, and perform risk management relating to, Originators and Third-Party Senders) and Section 1.6 (Security Requirements);

(5) Section 2.17.2.2–2.17.2.6 (requiring reduction of high rates of entries returned as unauthorized);

(6) The requirements of Section 2.5.8 (International ACH Transactions) shall not apply to entries representing the payment of a Federal tax obligation by a taxpayer; and

(7) Until September 15, 2017, the provisions of Subsection 3.3.1.1, Section 8.99 and Appendix Three (definition of Effective Entry Date) relating to Same-Day Entries.

* * * * *

■ 3. Section 210.3 is amended by revising paragraph (b) to read as follows:

§ 210.3 Governing law.

* * * * *

(b) *Incorporation by reference.* Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section the Service must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Bureau of the Fiscal Service, 401 14th Street SW., Room 400A, Washington, DC 20227, 202–874–6680, and is available from the sources listed below. It is also available for inspection 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 *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(1) NACHA—The Electronic Payments Association, 2550 Wasser Terrace, Suite 400, Herndon, Virginia 20171, tel. 703–561–1100, *info@nacha.org.*

(i) ''2016 NACHA Operating Rules & Guidelines: A Complete Guide to Rules

Governing the ACH Network,'' copyright 2016.

(ii) [Reserved]

(2) [Reserved]

* * * * *

■ 4. Section 210.5 is amended by revising paragraph (b)(5) to read as follows:

§ 210.5 Account requirements for Federal payments.

* * * * *

(b) * * *

(5)(i) Where a Federal payment is to be deposited to a prepaid account that meets the following requirements:

(A) The account is held at an insured financial institution;

(B) The account is set up to meet the requirements for pass-through deposit or share insurance such that the funds accessible through the card are insured for the benefit of the recipient by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund in accordance with applicable law (12 CFR part 330 or 12 CFR part 745);

(C) The account is not attached to a line of credit or loan agreement under which repayment from the account is triggered upon delivery of the Federal payments; and

(D) The issuer of the account complies with all of the requirements, and provides the holder of the account with all of the consumer protections, that apply to a prepaid account under the rules implementing the Electronic Fund Transfer Act and the Truth in Lending Act.

(ii) No person or entity may issue a prepaid account that receives Federal payments in violation of this paragraph (b)(5), and no financial institution may maintain a prepaid account that receives Federal payments if the issuer violates this paragraph (b)(5).

(iii) For the purposes of this paragraph (b)(5), the term—

(A) ''Prepaid account'' means a prepaid account as defined for purposes of regulations implementing the Electronic Fund Transfer Act, as amended; and

(B) ''Issuer'' means a person or entity that issues a prepaid account.

* * * * *

■ 5. Section 210.6 is revised to read as follows:

§ 210.6 Agencies.

Notwithstanding any provision of the ACH Rules, including Subsections 2.4.5, 2.8.4, 4.3.5, 2.9.2, 3.2.2, and 3.13.3, agencies shall be subject to the obligations and liabilities set forth in this section in connection with Government entries.

(a) *Receiving entries.* An agency may receive ACH debit or credit entries only with the prior written authorization of the Service.

(b) *Liability to a recipient.* An agency will be liable to the recipient for any loss sustained by the recipient as a result of the agency's failure to originate a credit or debit entry in accordance with this part. The agency's liability shall be limited to the amount of the entry(ies).

(c) *Liability to an originator.* An agency will be liable to an Originator or an ODFI for any loss sustained by the originator or ODFI as a result of the agency's failure to credit an ACH entry to the agency's account in accordance with this part. The agency's liability shall be limited to the amount of the entry(ies).

(d) *Liability to an RDFI or ACH association.* Except as otherwise provided in this part, an agency will be liable to an RDFI for losses sustained in processing duplicate or erroneous credit and debit entries originated by the agency. An agency's liability shall be limited to the amount of the entry(ies), and shall be reduced by the amount of the loss resulting from the failure of the RDFI to exercise due diligence and follow standard commercial practices in processing the entry(ies). This section does not apply to credits received by an RDFI after the death or legal incapacity of a recipient of benefit payments or the death of a beneficiary as governed by subpart B of this part. An agency shall not be liable to any ACH association.

(e) *Acquittance of the agency.* The final crediting of the amount of an entry to a recipient's account shall constitute full acquittance of the Federal Government.

(f) *Reversals.* An agency may reverse any duplicate or erroneous entry, and the Federal Government may reverse any duplicate or erroneous file. In initiating a reversal, an agency shall certify to the Service that the reversal complies with applicable law related to the recovery of the underlying payment. An agency that reverses an entry shall indemnify the RDFI as provided in the applicable ACH Rules, but the agency's liability shall be limited to the amount of the entry. If the Federal Government reverses a file, the Federal Government shall indemnify the RDFI as provided in the applicable ACH Rules, but the extent of such liability shall be limited to the amount of the entries comprising the duplicate or erroneous file. Reversals under this section shall comply with the time limitations set forth in the applicable ACH Rules.

(g) *Point-of-purchase debit entries.* An agency may originate a Point-of-Purchase (POP) entry using a check drawn on a consumer or business account and presented at a point-of-purchase. The requirements of the 2016 NACHA Operating Rules & Guidelines, incorporated by reference, see § 210.3(b)(2), shall be met for such an entry if the Receiver presents the check at a location where the agency has posted the notice required by the ACH Rules and has provided the Receiver with a copy of the notice.

(h) *Return Fee Entry.* An agency that has authority to collect returned item service fees may do so by originating a Return Fee Entry if the agency provides notice to the Receiver in accordance with the ACH Rules.

■ 6. Section 210.8 is amended by revising paragraphs (a) and (b) to read as follows:

§ 210.8 Financial institutions.

(a) *Status as a Treasury depositary.* The origination or receipt of an entry subject to this part does not render a financial institution a Treasury depositary. A financial institution shall not advertise itself as a Treasury depositary on such basis.

(b) *Liability.* Notwithstanding ACH Rules Subsections 2.4.5, 2.8.4, 4.3.5, 2.9.2, 3.2.2, and 3.13.3, if the Federal Government sustains a loss as a result of a financial institution's failure to handle an entry in accordance with this part, the financial institution shall be liable to the Federal Government for the loss, up to the amount of the entry, except as otherwise provided in this section. A financial institution shall not be liable to any third party for any loss or damage resulting directly or indirectly from an agency's error or omission in originating an entry. Nothing in this section shall affect any obligation or liability of a financial institution under Regulation E, 12 CFR part 1005, or the Electronic Funds Transfer Act, 12 U.S.C. 1693 *et seq.*

* * * * *

Dated: September 5, 2017.

David Lebryk,

Fiscal Assistant Secretary.

[FR Doc. 2017–19135 Filed 9–7–17; 4:15 pm]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140902739–5224–02]

RIN 0648–XF672

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fishery; 2017 Illex Squid Quota Harvested

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

ACTION: Temporary rule; reduction of possession limit.

SUMMARY: NMFS announces a 10,000 lb (4.535 kg) trip limit that may not be landed more than once per day for the *Illex* squid fishery beginning September 1, 2017. This prohibition is required by regulation because NMFS projects that 95 percent of the 2017 annual catch limit will have been caught by the effective date. This action is intended to prevent over harvest of *Illex* squid for the fishing year.

DATES: Effective 0001 hr local time, September 1, 2017, through December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Alyson Pitts, Fishery Management Specialist, (978) 281–9352.

SUPPLEMENTARY INFORMATION: Regulations governing the *Illex* squid fishery are at 50 CFR part 648. The regulations require specifications for maximum sustainable yield, initial optimum yield, allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing, joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). The procedures for setting the annual initial specifications are described in § 648.22.

The regulations at § 648.24(a)(2) require that when the NMFS Administrator of the Greater Atlantic Region (Regional Administrator) projects *Illex* squid catch will reach 95 percent of the DAH quota designated in the FMP, NMFS must prohibit Federal *Illex* squid vessel permit holders from fishing for, catching, possessing, transferring, or landing more than 10,000 lb (4,535 kg) of *Illex* squid per trip and landing no squid more than 10,000 lb (4,535 kg) once per calendar day for the remainder of the prohibition period. This type of prohibition effectively closes the directed *Illex* squid fishery. The Regional Administrator monitors the *Illex* squid fishery catch annually based on dealer reports, state data, and other available information. When 95 percent of the DAH has been reached, NMFS must provide at least 72 hours of notice to the public that this determination has been made. NMFS must also publish the date that the catch is projected to reach 95 percent of the quota, and the date when prohibitions on catch and landings for the remainder of the fishing year become effective.

The Regional Administrator has determined, based on dealer reports and other available information, that the *Illex* squid fleet will catch 95 percent of the total *Illex* squid DAH quota for the 2017 season through December 31, 2017, by September 1, 2017. Therefore, effective 0001 hr local time, September 1, 2017, federally permitted vessels may not fish for, catch, possess, transfer, or land more than 10,000 lb (4,535 kg) of *Illex* squid per trip and may not land more than 10,000 lb (4,535 kg) once per calendar day. In addition, vessels that have entered port before 0001 hr on September 1, 2017, may offload and sell more than 10,000 lb (4,535 kg) of *Illex* squid from that trip. Also, federally permitted dealers may not receive *Illex* squid from federally permitted *Illex* squid vessels that harvest more than 10,000 lb (4,535 kg) of *Illex* squid through 2400 hr local time, December 31, 2017, unless it is from a trip landed by a vessel that entered port before 0001 hr on September 1, 2017.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. The *Illex* squid fishery opened for the 2017 fishing year on January 1, 2017. Data and other information indicating the *Illex* squid fleet will have landed at least 95 percent of the 2017 DAH quota have only recently become available. Landings data is updated on a weekly basis, and NMFS monitors catch data on a daily basis as catch increases toward the limit. Further, high-volume catch and landings in this fishery increases total catch relative to the quota quickly. The regulations at § 648.24(a)(2) require such action to ensure that *Illex* squid vessels do not exceed the 2017 DAH quota. If implementation of this action is delayed to solicit prior public comment, the quota for the 2017 fishing year may be exceeded, thereby undermining the conservation objectives of the FMP. Also, the public had prior notice and full opportunity to comment on this process when these provisions were put in place. Based on these considerations, NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: September 6, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–19208 Filed 9–6–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Doc. No. 170113076–7772–02]

RIN 0648–BG60

Omnibus Framework Adjustment Requiring Electronic Vessel Trip Reporting for Federally-Permitted Party and Charter Vessel Operators in the Mid-Atlantic Region

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

ACTION: Final rule.

SUMMARY: This action approves and implements regulations submitted by the Mid-Atlantic Fishery Management Council in an Omnibus Framework Adjustment to all of its fishery management plans. The Electronic Vessel Trip Report Framework implements a requirement for charter and party vessels that hold a permit to fish for Atlantic bluefish, black sea bass, scup, summer flounder, tilefish, squid, Atlantic mackerel, and/or butterfish, while on a trip carrying passengers for hire, to submit required vessel trip reports by electronic means. This action is intended to increase the timeliness, accuracy, and quality of fisheries data submitted to NMFS while also reducing the burden on the charter and party fishing fleets.

DATES: This rule is effective March 12, 2018.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Framework Adjustment with

Regulatory Impact Review (RIR) is available from: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. The Framework/RIR is accessible via the Internet at *http://www.greateratlantic.fisheries.noaa.gov.* These documents are also accessible via the Federal eRulemaking Portal: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Daniel Luers, Fishery Management Specialist, (978) 282–8457, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

For the past 25 years, NMFS has mandated reporting of catch, landings, and trip information through vessel trip reports (VTR). Between 1992 and 1996, NMFS implemented this requirement for most vessels holding Federal fishing permits in Northeast Atlantic fisheries. In 2004, mandatory electronic reporting by federally permitted dealers was implemented for almost all federally-managed species. Requirements for weekly submissions of VTRs were implemented in 2010 for fisheries under catch shares, with weekly reporting later expanded to herring, mackerel, and surf clam/ocean quahog individual fishing quota fisheries. In July 2011, the NMFS Greater Atlantic Regional Fisheries Office (GARFO) approved the use of electronic reporting of VTRs on a limited and voluntary basis for a segment of the groundfish fleet, and, in 2013, NMFS made electronic vessel trip reports (eVTR) available as an alternative to submitting handwritten hardcopies for all fishery management plans (FMP) in the region.

Owners and operators of vessels possessing permits for fisheries managed by Mid-Atlantic Fishery Management Council (MAFMC) FMPs are required to submit a VTR for every commercial, party, or charter trip taken, regardless of where they fish (state or Federal waters) or what they catch. MAFMC-managed species that include a for-hire VTR requirement include black sea bass, bluefish, scup, summer flounder, tilefish, Atlantic mackerel, squid, and butterfish.

Current regulations require vessel owners or operators with permits for MAFMC-managed species to submit VTRs monthly to GARFO by the 15th day of the month following the month in which the trip occurred. The Atlantic Mackerel, Squid, and Butterfish FMP requires weekly VTR reporting. If a trip encompasses multiple NMFS statistical areas, a separate VTR must be submitted for each statistical area where fishing activity takes place. A separate VTR is also required for each reporting period. If a vessel does not land any fish on a trip, all trip information must be completed and ''No Catch'' entered in as the species code name. A VTR is required regardless of where fishing occurs, meaning that a vessel subject to these requirements in the Greater Atlantic must report even if they fish in the Southeast or any other region (does not apply to vessels holding only an American lobster permit). Because VTRs are in addition to any other reports which may be required by other Regions, states, or plans, multiple reports may be required. VTRs, and any records upon which the reports were based, must be kept on board the vessel for at least one year and retained by the owner/operator for a total of three years after the date of the last entry on the report.

Approved Measures

The Omnibus eVTR Framework requires charter and party vessels that hold a permit for species managed by MAFMC FMPs, while on a trip carrying passengers for hire, to submit VTRs by electronic means. These vessels are required to submit these eVTRs through a NOAA-approved software application within 48 hours following the completion of a fishing trip. Federally permitted vessel owners and operators on commercial fishing trips will maintain the option to submit VTRs through hardcopy by mail or through electronic means.

Comments and Responses on Measures Proposed in the eVTR Omnibus Framework

We received six comments on the proposed rule (May 24, 2017, 82 FR 23770): Five from fishing industry members and one from a company that specializes in marine electronic reporting technology. All comments supported adopting this framework. We consolidated responses to similar comments and our responses are below.

Comment 1: All six commenters suggested that this action would improve the timeliness and accuracy of data used for management of the affected fisheries, and supported the implementation of this framework.

Response: We agree. This Framework was designed to result in more accurate and more timely data for use in better management of the fisheries affected by this action.

Comment 2: Four commenters suggested that eVTRs are more accurate and timely than the Marine Recreational Information Program (MRIP), which is the primary recreational data collection program.

Response: NMFS is mandated to use the best available science in making management decisions. Since 2005, Northeast VTR data has been incorporated into the effort estimate for the for-hire fleet at the end of the year. Recently, MRIP began incorporating VTR effort data into the preliminary in-season estimates. This framework will further increase the timeliness and accuracy of data used in future management decisions.

Comment 3: Two commenters suggested that some members of the charter/party fleet may have difficulty with electronic reporting due to lack of technological knowledge. They suggested that these industry members may need training in the use of this technology, and also suggested a delayed implementation of this rule to allow these industry members time to acclimate to the new requirements before the rule went into effect.

Response: We have incorporated a delay in implementation into this action, such that it will not take effect until six months after this rule is published. This is to allow the industry adequate time to update software and/or receive the training necessary to fulfill the requirements of this action. In addition, we will work with MAFMC and approved contractors to provide training sessions for vessel operators on creating and submitting eVTRs, which will provide the industry with the knowledge and ability to meet the reporting requirements of this Framework.

Comment 4: One commenter suggested that similar actions making eVTRs mandatory should be adopted in Southern Atlantic and Gulf of Mexico fisheries.

Response: Although we cannot modify another region's regulations, we are aware that the Gulf of Mexico Fishery Management Council is currently working with NMFS on a similar regulation for charter vessels and headboats in the Gulf of Mexico and Atlantic Region. We encourage providing such comments to the South Atlantic Fishery Management Council (1–(866)–SAFMC–10, *cameron.rhodes@safmc.net*), the Gulf of Mexico Fishery Management Council (1–(888)–833–1844, *gulfcouncil@gulfcouncil.org*), and/or the NOAA Southeast Regional Office (1–(727)–824–5301).

Changes From the Proposed Rule

The final rule for the eVTR Omnibus Framework contains a minor clarification to the proposed rule. Specifically, NMFS revised

§ 648.7(b)(1)(iii) of the proposed rule to include the stipulation that vessels must submit eVTR reports through a NOAA-approved software application. This clarification was necessary to match the MAFMC's intent for this action.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Mackerel, Squid, and Butterfish FMP; the Bluefish FMP; the Summer Flounder, Scup, and Black Sea Bass FMP; the Tilefish FMP; other provisions of the Magnuson-Stevens Act; and other applicable law.

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

This action contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) that have been approved by the Office of Management and Budget (OMB) under Control Number 0648–0212.

Public reporting burden for the new eVTR requirement is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. NMFS estimates that this action will reduce time and cost burdens from what was previously approved. Specifically, NMFS estimates that this action will result in a 2-minute reduction from the previous time burden of 5 minutes per response for paper VTRs submitted by mail. Thus, the sum of the total burden on vessels impacted by this rule would be reduced by 642 hr to 10,866 annually. Additionally, the sum of reporting costs for impacted vessels would be reduced by $9,000 to $52,000 annually. Send comments regarding these burden estimates or any other aspects of the collection of information, including suggestions for reducing the burden, to the Regional Administrator (see **ADDRESSES**), and email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–5806.

Notwithstanding any other provisions of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No public comments were received on the proposed rule regarding the certification, and NMFS has not received any new information that would affect its determination. As a result, a final regulatory flexibility analysis was not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: September 6, 2017.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.7, paragraphs (b)(1)(iii) and (f)(2)(iii) are added to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

* * * * *

(b) * * *

(1) * * *

(iii) *Charter/Party vessel permit owners and operators.* The owner or operator of any fishing vessel that holds a Federal charter/party (for-hire) permit to fish for Atlantic bluefish, black sea bass, scup, summer flounder, tilefish, Atlantic mackerel, squid, and/or butterfish, when on a trip carrying passengers for hire, must submit the required Vessel Trip Report by electronic means. This report must be submitted through a software application approved by NMFS, and must contain all applicable information outlined in paragraph (b)(1)(i) of this section.

* * * * *

(f) * * *

(2) * * *

(iii) Charter/Party vessel electronic log reports, required by paragraph (b)(1)(iii) of this section, must be submitted within 48 hours after entering port at the conclusion of a trip.

* * * * *

[FR Doc. 2017–19137 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 174
Monday, September 11, 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.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Parts 1600, 1601, 1603, 1605, 1650, and 1690

Blended Retirement System

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Proposed rule.

SUMMARY: The Federal Retirement Thrift Investment Board (''FRTIB'') is proposing to amend its regulations to implement changes to the uniformed services' retirement system that are mandated by the National Defense Authorization Act for Fiscal Year 2016.

DATES: Comments must be received on or before November 13, 2017.

ADDRESSES: You may submit comments using one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* at Docket ID number FRTIB–2017–0006. Follow the Web site instructions for submitting comments.
- *Facsimile:* 202–942–1676.
- *Mail or Hand Deliver/Courier:* Office of General Counsel, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Brandon Ford, Attorney-Advisor, Federal Retirement Thrift Investment Board, Office of General Counsel, 77 K Street NE., Suite 1000, Washington, DC 20002, 202–864–8734, *Brandon.Ford@tsp.gov.*

SUPPLEMENTARY INFORMATION: The FRTIB administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

The National Defense Authorization Act for Fiscal Year 2016 (NDAA), Public Law 114–92, signed into law November 25, 2015, changed the uniformed services' retirement plan from one that relied primarily on a cliff-vested defined benefit to one that blends a reduced defined benefit with enhanced TSP benefits, continuation pay, and lump-sum options. The new retirement system is known as the Blended Retirement System (BRS). This proposed rule implements the enhanced TSP benefits provided by the NDAA.

The BRS includes four major changes to the TSP portion of a service member's military retirement package:

(1) Employing services will contribute an amount that equals 1% of each service member's monthly pay to the service member's TSP account. These contributions are additional compensation; they are not deducted from service members' basic pay. They are referred to as ''automatic'' contributions because the services must make them whether or not the service member also makes contributions from his/her basic pay.

(2) Service members will be auto-enrolled to contribute 3% of their basic pay, and re-enrolled again annually if they stop making contributions.

(3) Employing services will match service members' TSP contributions dollar for dollar on the first three percent of basic pay and 50 cents on the dollar for the next two percent of basic pay that the member contributes.

(4) Unless the service member elects otherwise, contributions will be invested in an age appropriate lifecycle fund instead of the Government securities fund.

BRS Eligibility

BRS covers service members who first enter a uniformed service on or after January 1, 2018. It also covers service members who (1) have completed fewer than 12 years of service (or, if in the reserve component, have fewer than 4,320 retirement points) as of December 31, 2017, and (2) elect, within a certain timeframe, to transfer from the legacy retirement system to BRS (this process is also known as electing to ''opt-in'' to BRS). The employing services are responsible for making BRS eligibility determinations and reporting each service member's retirement coverage status to the TSP.

Service Automatic (1%) Contributions

Timing Restrictions

The NDAA placed timing restrictions on the receipt of Service Automatic 1% Contributions to a service member's TSP account. Service members who first enter duty on or after January 1, 2018, cannot receive any Service Automatic (1%) Contributions until the first full pay period following the date that is 60 days after the member's Pay Entry Base Date (PEBD).[1] For members who elect to transfer to the BRS, Service Automatic (1%) Contributions will begin the first full pay period following their election to transfer.

Service Automatic (1%) Contributions must stop the first full pay period that is 26 years after the service member's PEBD. This rule applies to all BRS participants whether they entered duty on or after January 1, 2018, or they elected to transfer to BRS. For example, a member who has served six years before electing to transfer to BRS can receive matching contributions for only 20 years.

Vesting

The NDAA requires each BRS participant to complete 2 years of military service before they are vested in their Service Automatic (1%) Contributions. A service member's civil service will not count toward the completion of that two years. Therefore, the FRTIB proposes to amend section 1603.1 to have separate definitions for civilian service and military service. The definition for civilian service will remain the same as it is today. Military service will be defined as service that is creditable under 37 U.S.C. 205, which is the provision that defines years of service for purposes of computing basic pay. For service members who elect to transfer to BRS, all military service completed prior to the election will count towards the vesting requirement. For example, if a service member has completed 3 years of service prior to transferring to BRS, that member will be

[1] PEBD is the date that denotes how much service a member has for the purpose of determining longevity pay rates. The Navy and Marine Corps refer to this as the pay entry base date, while the Air Force calls it simply the pay date. DoD refers to it as the basic pay date. The services are responsible for determining each member's PEBD and providing each member's PEBD to the TSP.

immediately vested in the Service Automatic (1%) Contributions made to his or her TSP account.

Enrollment and Member Contributions

Automatic Enrollment

NDAA requires employing services to automatically enroll all uniformed service members who first enter service on or after January 1, 2018. Employing services must also automatically enroll all BRS participants (whether they entered duty on or after January 1, 2018, or transferred to BRS) who separate from service and later re-enter service.

The FRTIB proposes to defer automatic enrollment for BRS participants until the first full pay period following the date that is 60 days after the member's PEBD because the member would not be eligible for Service Automatic (1%) Contributions until that date. Additionally, the attrition rate is high in the first 60 days of service and to require automatic enrollment during that period would result in a large number of automatic cash-outs, resulting in increased operational costs which are then passed along to all TSP participants.

The Executive Director has the statutory authority to select a default contribution percentage rate for automatically enrolled participants that is no less than 2% and no more than 5%. The FRTIB proposes to set the default percentage rate for BRS participants at 3%. This is the same contribution rate at which civilian participants are automatically enrolled. A participant who is automatically enrolled may change the amount that he or she is contributing by filing a contribution election with his or her payroll office.

Service members who elect to transfer to BRS will continue to make contributions at the rate that they were making contributions prior to their election to transfer. They will not be automatically enrolled. However, if a member who transfers to BRS separates from service and later re-enters service, that member will be automatically enrolled to contribute 3% of his or her basic pay beginning the first full pay period following the date that is 60 days after the member's PEBD.

Service members who are not covered by BRS will not be automatically enrolled even if they separate from service and later re-enter service.

Annual Automatic Re-Enrollment

NDAA requires employing services to automatically re-enroll, on January 1st of each year, BRS participants who have declined automatic enrollment for a year. Accordingly, service members subject to automatic enrollment who terminate their contributions at any point during the year and do not elect to resume them by the last full pay period of the year will be automatically re-enrolled at a contribution rate of 3% as of January 1st of the following year. The employing services are responsible for determining which BRS participants are not making contributions in the last full pay period of the year.

Automatic Enrollment Refunds

Service members who are automatically enrolled in the TSP may request a refund of the automatic enrollment contributions deducted from their basic pay (including associated earnings) within the first 90 days of the member's first automatic enrollment contribution. Members who stop making contributions are not eligible for refunds of contributions deducted when they are automatically re-enrolled on January 1st because, under rules mandated by the Internal Revenue Service, a new 90-day refund period is not allowed unless one full calendar year (January through December) has passed since the member's last automatic enrollment contribution.

There are very few participants who will go an entire plan year without any default employee contributions because they will be subject to automatic re-enrollment for each plan year. There are significant programming limitations to track the small number of members who will go an entire plan year without any default employee contributions. For these reasons, the Board has decided to disallow refunds of contributions associated with automatic re-enrollment.

Hardship Withdrawals and Automatic Enrollment

Under existing IRS rules, a participant who obtains a financial hardship in-service withdrawal may not contribute to the TSP for a period of six months after the withdrawal is processed. This proposed regulation provides that no BRS participant will be automatically enrolled or re-enrolled during a six month non-contribution period. For example, a service member who is in a non-contribution period at the end of the year will not be reenrolled in January. However, if the member does not resume contributions after the end of the six month non-contribution period and consequently is not making contributions during the last full pay period of the year, the member's employing service must automatically enroll the member on January 1st of the subsequent year.

Affirmative Member Contribution Elections

The TSP will not accept service member contributions from members who are covered by BRS until 60 days after the member's PEBD for the same reasons that the FRTIB proposes to defer automatic enrollment until 60 days after the member's PEBD.

Service Matching Contributions

Timing Restrictions

Service Matching Contributions begin the first full pay period that is 2 years after the service member's PEBD. For members who elect to transfer to the BRS, Service Matching Contributions begin the first full pay period following their election to transfer. For example, a member who has served 1 year before electing to transfer to BRS will receive Service Matching Contributions beginning the first full pay period following their election even though 2 years have not passed since their PEBD.

Service Matching Contributions must stop at the same time Service Automatic (1%) Contributions stop, which is the first full pay period that is 26 years after the service member's PEBD. This is true regardless of how the service member became covered by BRS.

Vesting

All BRS participants will immediately vest in their Service Matching Contributions.

Repeal of Existing Matching Program for Critical Specialties

The NDAA repeals the service matching program described in 37 U.S.C. 211(d) as of January 1, 2018. There are no service members currently participating in the program. Therefore, the FRTIB proposes to delete all references to 37 U.S.C. 211(d).

Default Investment Fund

A member who first enters service on or after January 1, 2018, will have his or her contributions invested in an age-appropriate L Fund by default until the member makes an affirmative contribution allocation that directs incoming contributions into a different fund or combination of funds. Likewise, if a service member who elects to transfer to BRS has not made either an affirmative contribution allocation or an interfund transfer, then any contributions made after becoming covered by BRS will be invested in an age-appropriate L Fund.

If a service member who elects to transfer to BRS has made an interfund transfer in the past but not a contribution allocation, then any

contributions made after becoming covered by BRS will be invested in the G Fund. If a service member who elects to transfer to BRS has made an affirmative contribution allocation in the past, then any contributions made after becoming covered by BRS will be invested in accordance with the member's contribution allocation. However, if a member elects to transfer to BRS and has a zero account balance, contributions will be invested in an age-appropriate L Fund regardless of any past contribution allocation or interfund transfer. The investment of contributions made prior to becoming covered by BRS will remain unchanged. Uniformed service members who are not covered by BRS will continue to have their contributions defaulted into the G Fund.

When an employing agency automatically re-enrolls a participant because they were not making contributions in the last full pay period of the year, the participant's contributions will be invested in the same manner as they were prior to re-enrollment (regardless of whether it was an affirmative contribution allocation or a default investment). Likewise, contributions of a rehired service member will also be invested in the fund(s) to which they were being invested prior to being rehired (regardless of whether the fund(s) were an affirmative contribution allocation or a default investment and regardless of how much time has passed since the rehired service member separated from service). However, if a re-enrolled or re-hired service member has a zero account balance, future contributions will be defaulted to an age-appropriate L Fund.

The first time a BRS participant's employing agency automatically enrolls them or when he or she first transfers to BRS, or as soon as practicable thereafter, the TSP will provide each BRS participant who is subject to default investment in an age-appropriate L Fund with a notification concerning the risk of investing.

Correction of Administrative Errors

BRS introduces new potential errors that are not currently addressed in regulations. Specifically, employing services may classify members of the uniformed services in the wrong retirement system (*i.e.,* legacy instead of BRS and vice versa). If this error occurs, it is possible that service members will not be automatically enrolled and not receive service contributions. Additionally, if this error were to occur, service member contributions may be invested in the wrong default investment fund which would require breakage calculations. Therefore, the FRTIB proposes to amend Part 1605 to provide the necessary mechanisms to correct errors related to BRS.

If a BRS participant is misclassified by an employing agency as a non-BRS participant, when the misclassification is corrected, the participant may, under the rules of § 1605.11, elect to make up contributions that he or she would have been eligible to make as a BRS participant during the period of misclassification. In addition, the employing service must, under the rules of § 1605.11, make up Service Automatic (1%) Contributions and Service Matching Contributions on employee contributions.

If a non-BRS participant is misclassified by an employing service as a BRS participant, employee contributions may remain in the participant's account when the misclassification is corrected. If the participant requests a refund of employee contributions, the employing service must submit a negative adjustment record to remove the funds under the procedure described in § 1605.12. The TSP will forfeit all service contributions that were made to a non-BRS participant's account, except that an employing service may submit a negative adjustment record to request the return of an erroneous contribution that has been in the participant's account for less than one year.

The TSP will charge the employing service for any positive breakage that results from an incorrect default investment. To initiate a breakage calculation for the uniformed service member, the employing service must notify the TSP that the participant is entitled to breakage. Notification from the employing service to the TSP that the participant has been misclassified will not itself trigger the TSP to take corrective action other than to update the participant's retirement system coverage.

Finally, the FRTIB proposes to amend Section 1605.31 to reduce makeup civilian agency contributions by any Service Automatic (1%) Contributions the participant receives while in military service. Currently, USERRA requires civilian agencies to makeup automatic (1%) and matching contributions missed while a member was separated or in a non-pay status for military service. The regulations currently reduce the agency makeup matching contributions by any matching contributions received while performing military service. The proposed amendments will extend that reduction to include Service Automatic (1%) Contributions received while performing military service. The proposed amendments also provide that breakage on agency or service contributions will be based on the contribution allocation(s) on file for the participant during the period of military service.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees and members of the uniformed services who participate in the TSP.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under 2 U.S.C. 1532 is not required.

List of Subjects

5 CFR Part 1600

Government employees, Pensions, Retirement.

5 CFR Part 1601

Government employees, Pensions, Retirement.

5 CFR Part 1603

Government employees, Pensions, Retirement.

5 CFR Part 1605

Claims, Government employees, Pensions, Retirement.

5 CFR Part 1650

Alimony, Claims, Government employees, Pensions, Retirement.

5 CFR Part 1690

Government employees, Pensions, Retirement.

Ravindra Deo,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the FRTIB proposes to amend 5 CFR Chapter VI as follows:

PART 1600—EMPLOYEE CONTRIBUTION ELECTIONS, CONTRIBUTION ALLOCATIONS, AND AUTOMATIC ENROLLMENT PROGRAM

■ 1. The authority citation for part 1600 is revised to read as follows:

Authority: 5 U.S.C. 8351, 8432(a), 8432(b), 8432(c), 8432(j), 8432d, 8474(b)(5) and (c)(1), and 8440e.

■ 2. Amend § 1600.12 to revise paragraph (d) to read as follows:

§ 1600.12 Contribution elections.

* * * * *

(d) A contribution election will take effect in accordance with the rules set forth in this section.

(1) Except as provided in paragraph (d)(2) of this section, a contribution election will become effective no later than the first full pay period after it is received by the employing agency.

(2) In the case of a uniformed service member who entered service on or after January 1, 2018, and who has not yet served 60 days, a contribution election will become effective the first full pay period following the date that is 60 days after the member's PEBD.

* * * * *

■ 3. Add § 1600.14 to subpart B to read as follows:

§ 1600.14 Effect of election to be covered by BRS.

(a) If a uniformed service member elects to be covered by BRS, the member may make a contribution election at any time.

(b) Eligibility to make employee contributions, and therefore to have Agency Matching Contributions made on the member's behalf, is subject to the restrictions on making employee contributions after receipt of a financial hardship in-service withdrawal described at 5 CFR part 1650.

(c) If the member had elected to make TSP contributions while not covered by BRS, the election remains effective until the member makes a new election.

(d) Agency Automatic (1%) Contributions for all members covered under this section and, if applicable, Agency Matching Contributions attributable to employee contributions must begin the first full pay period that the transfer to BRS becomes effective.

■ 3. Amend § 1600.19 to revise paragraphs (a), (b)(1) introductory text, (b)(2) and (c) to read as follows:

§ 1600.19 Employing agency contributions.

(a) *Agency Automatic (1%) Contributions.* Each pay period, subject to the limitations in paragraph (d) of this section, any agency that employs an individual covered by FERS or BRS must make a contribution to that employee's tax-deferred balance for the benefit of the individual equal to 1% of the basic pay paid to such employee for service performed during that pay period. The employing agency must make Agency Automatic (1%) Contributions without regard to whether the employee elects to make employee contributions.

(b) *Agency Matching Contributions.* (1) Subject to the limitations in paragraph (d) of this section, any agency that employs an individual covered by FERS or BRS must make a contribution to the employee's tax-deferred balance for the benefit of the employee equal to the sum of:

* * * * *

(2) A uniformed service member is not entitled to matching contributions for contributions deducted from special or incentive pay (including bonuses).

(c) Timing of employing agency contributions. (1) An employee appointed or reappointed to a position covered by FERS is immediately eligible to receive employing agency contributions.

(2) A uniformed service member covered by BRS will be eligible to receive employing agency contributions pursuant to the following rules:

(i) A uniformed service member who first entered service on or after January 1, 2018 is entitled to:

(A) Agency Automatic (1%) Contributions beginning in the first full pay period following the date that is 60 days after the uniformed service member's PEBD and ending in the first full pay period following the date that is 26 years after the uniformed service member's PEBD.

(B) Agency Matching Contributions beginning in the first full pay period following the date that is 2 years after the uniformed service member's PEBD and ending in the first full pay period following the date that is 26 years after the uniformed service member's PEBD.

(ii) A uniformed service member who elects to enroll in BRS is entitled to:

(A) Agency Automatic (1%) Contributions beginning in the first full pay period following the date the uniformed service member enrolled in BRS and ending in the first full pay period following the date that is 26 years after the Uniformed service member's PEBD.

(B) Agency Matching Contributions beginning in the first full pay period following the date the uniformed service member enrolled in BRS and ending in the first full pay period following the date that is 26 years after the uniformed service member's PEBD.

■ 4. Revise § 1600.34 to read as follows:

§ 1600.34 Automatic enrollment program.

(a) All newly hired civilian employees who are eligible to participate in the Thrift Savings Plan and those civilian employees who are rehired after a separation in service of 31 or more calendar days and who are eligible to participate in the TSP will automatically have 3% of their basic pay contributed to the employee's traditional TSP balance (default employee contribution) unless, by the end of the employee's first pay period (subject to the agency's processing time frames), they elect:

(1) To not contribute;

(2) To contribute at some other level; or

(3) To make Roth contributions in addition to, or in lieu of, traditional contributions.

(b) All uniformed service members who either enter service on or after January 1, 2018 or re-enter service after a separation in service of 31 or more calendar days after having been covered by BRS at the time of separation will automatically have 3% of their basic pay contributed to the member's traditional TSP balance (default employee contribution) beginning the first full pay period following the date that is 60 days after the member's PEBD unless they elect by the end of that 60 day period:

(1) To not contribute;

(2) To contribute at some other level; or

(3) To make Roth contributions in addition to, or in lieu of, traditional contributions.

(c) If, for any calendar year, a uniformed service member described in paragraph (b) of this section does not make a contribution in the final full pay period of such calendar year due to the member's election to terminate contributions prior to the final full pay period, then that member will automatically have 3% of his or her basic pay contributed to his or her traditional TSP balance beginning the first full pay period of the following calendar year unless he or she makes a subsequent election by December 31st:

(1) To not contribute;

(2) To contribute at some other level;

(3) To make Roth contributions in addition to, or in lieu of, traditional contributions.

■ 5. Amend § 1600.35 by revising the first sentence of paragraph (a) and adding paragraph (f) to read as follows:

§ 1600.35 Refunds of default employee contributions.

(a) Subject to the limitations in paragraph (f) of this section, a participant may request a refund of any default employee contributions made on his or her behalf (*i.e.,* the contributions made while under the automatic enrollment program) provided the request is received within 90 days after the date that the first default employee contribution was processed. * * *

* * * * *

(f) A participant may not receive a refund of default employee contributions made pursuant to 5 CFR 1600.34(c).

■ 6. Amend § 1600.37 by revising the introductory text and paragraph (d) to read as follows:

§ 1600.37 Notice.

The Board shall furnish all new employees and all rehired employees covered by the automatic enrollment program, and all employees described in paragraph (c) of 5 CFR 1600.34, covered by the automatic enrollment program a notice that accurately describes:

* * * * *

(d) The employee's ability (or inability) to request a refund of any default employee contributions (adjusted for allocable gains and losses) and the procedure to request such a refund; and

* * * * *

PART 1601—PARTICIPANTS' CHOICES OF TSP FUNDS

■ 7. The authority citation for part 1601 continues to read as follows:

Authority: 5 U.S.C. 8351, 8432d, 8438, 8474(b)(5) and (c)(1).

■ 8. Revise § 1601.13 to read as follows:

§ 1601.13 Elections.

(a) *Contribution allocation.* Each participant may indicate his or her choice of TSP Funds for the allocation of future deposits by using the TSP Web site or the ThriftLine, or by completing and filing the appropriate paper TSP form with the TSP record keeper in accordance with the form's instructions. The following rules apply to contribution allocations:

(1) Contribution allocations must be made in one percent increments. The sum of the percentages elected for all of the TSP Funds must equal 100 percent;

(2) The percentage elected by a participant for investment of future deposits in a TSP Fund will be applied to all sources of contributions and transfers (or rollovers) from traditional IRAs and eligible employer plans. A participant may not make different percentage elections for different sources of contributions;

(3) The following default investment rules shall apply to civilian participants:

(i) All deposits made on behalf of a civilian participant enrolled prior to September 5, 2015 who does not have a contribution allocation in effect will be invested in the G Fund. A civilian participant who is enrolled prior to September 5, 2015 and subsequently rehired on or after September 5, 2015 and has a positive account balance will be considered enrolled prior to September 5, 2015 for purposes of this paragraph; and

(ii) All deposits made on behalf of a civilian participant first enrolled on or after September 5, 2015 who does not have a contribution allocation in effect will be invested in the age-appropriate TSP Lifecycle Fund;

(iii) A civilian participant enrolled prior to September 5, 2015 who elects for the first time to invest in a TSP Fund other than the G Fund must execute an acknowledgement of risk in accordance with § 1601.33;

(4) The following default investment rules shall apply to uniformed services participants:

(i) All deposits made on behalf of a uniformed services participant who first entered service prior to January 1, 2018, has not elected to be covered by BRS, and does not have a contribution allocation in effect will be invested in the G Fund;

(ii) All deposits made on behalf of a uniformed services participant who first entered service on or after January 1, 2018 and who does not have a contribution allocation in effect will be invested in the age-appropriate TSP Lifecycle Fund;

(iii) If a uniformed services participant makes an election to be covered by BRS as described in 5 CFR 1600.14 and does not have a contribution allocation in effect at the time of the election, then all deposits made after the date of such election will be invested in the age-appropriate TSP Lifecycle Fund. Deposits made prior to the date of the election will remain invested in the G Fund.

(iv) A uniformed services participant who first entered service prior to January 1, 2018 and has not made an election to be covered by the BRS who elects for the first time to invest in a TSP Fund other than the G Fund must execute an acknowledgement of risk in accordance with § 1601.33;

(5) Once a contribution allocation becomes effective, it remains in effect until it is superseded by a subsequent contribution allocation or the participant's account balance is reduced to zero. If a rehired participant has a positive account balance and a contribution allocation in effect, then the participant's contribution allocation will remain in effect until a new allocation is made. If, however, the participant (other than a participant described in paragraph (a)(4)(i) of this section) has a zero account balance, then the participant's contributions will be allocated to the age-appropriate TSP Lifecycle Fund until a new allocation is made.

(b) *Effect of rejection of contribution allocation.* If a participant does not correctly complete a contribution allocation, the attempted allocation will have no effect. The TSP will provide the participant with a written statement of the reason the transaction was rejected.

(c) *Contribution elections.* A participant may designate the amount or type of employee contributions he or she wishes to make to the TSP or may stop contributions only in accordance with 5 CFR part 1600.

■ 9. Amend § 1601.33 by revising the first sentence of paragraph (a) to read as follows:

§ 1601.33 Acknowledgment of risk.

(a) Uniformed services participants who first entered service prior to January 1, 2018 and who have not elected to be covered by BRS and civilian participants who enrolled prior to September 5, 2015 must execute an acknowledgement of risk in order to invest in a TSP Fund other than the G Fund. * * *

* * * * *

PART 1603—VESTING

■ 10. The authority citation for part 1603 continues to read as follows:

Authority: 5 U.S.C. 8432(g), 8432b(h)(1), 8474(b)(5) and (c)(1).

■ 11. Amend paragraph (b) of § 1603.1 as follows:

■ a. Amend the definition of ''Service'' by removing ''Service'' and adding in its place ''Civilian service''.

■ b. Add ''Military service means service that is creditable under 37 U.S.C. 205'' in alphabetical order.

■ 12. Revise § 1603.2 to read as follows:

§ 1603.2 Basic vesting rules.

(a) All amounts in a CSRS employee's individual account are immediately vested.

(b) Except as provided in paragraph (c) of this section, all amounts in a FERS employee's or uniformed service member's individual account (including all first conversion contributions) are immediately vested.

(c) Except as provided in paragraph (d) of this section, upon separation from Government service without meeting the applicable service requirements of § 1603.3, a FERS employee's or a BRS uniformed service member's Agency Automatic (1%) Contributions and attributable earnings will be forfeited.

(d) If a FERS employee or uniformed service member dies (or died) after January 7, 1988, without meeting the applicable service requirements set forth in § 1603.3, the Agency Automatic (1%) Contributions and attributable earnings in his or her individual account are deemed vested and shall not be forfeited. If a FERS employee died on or before January 7, 1988, without meeting those service requirements, his or her Agency Automatic (1%) Contributions and attributable earnings are forfeited to the Thrift Savings Plan.

■ 13. Amend § 1603.3 to revise paragraph (a) and the introductory text in paragraph (b), and to add a new paragraph (c) to read as follows:

§ 1603.3 Service requirements.

(a) Except as provided under paragraph (b) of this section, FERS employees will be vested in their Agency Automatic (1%) Contributions and attributable earnings upon separating from Government only if, as of their separation date, they have completed three years of civilian service.

(b) FERS employees will be vested in their Agency Automatic (1%) Contributions and attributable earnings upon separating from Government service if, as of their separation date, they have completed two years of civilian service and they are serving in one of the following positions:

* * * * *

(c) Uniformed service members who are covered by BRS will be vested in their Agency Automatic (1%) Contributions and attributable earnings upon separation from the uniformed services only if, as of their separation date, they have completed two years of military service.

PART 1605—CORRECTION OF ADMINISTRATIVE ERRORS

■ 14. The authority citation for part 1605 continues to read as follows:

Authority: 5 U.S.C. 8351, 8432a, 8432d, 8474(b)(5) and (c)(1). Subpart B also issued under section 1043(b) of Public Law 104–106, 110 Stat. 186 and § 7202(m)(2) of Public Law 101–508, 104 Stat. 1388.

■ 15. Amend paragraph (b) of § 1605.1 by adding in alphabetical order as follows:

■ a. ''BRS participant means any member of the Uniformed Services described in 5 U.S.C. 8440e(e)(1).''

■ b. ''Non-BRS participant means any member of the Uniformed Services not described in 5 U.S.C. 8440e(e)(1).''

■ 16. Amend § 1605.3 to add paragraph (c) to read as follows:

§ 1605.3 Calculating, posting, and charging breakage on errors involving investment in the wrong fund.

* * * * *

(c) If a uniformed services participant's retirement system is misclassified and the error results in default investment in the wrong fund, when the error is corrected pursuant to 5 CFR 1605.14(f)–(g), the TSP will charge the employing agency for any positive breakage that results from the incorrect default investment. The retirement misclassification correction received from an employing agency will not trigger corrective action other than to update the participant's retirement system coverage. To initiate a breakage calculation for the uniformed service member, the employing agency must notify the TSP that the participant is entitled to breakage.

■ 17. Amend § 1605.11 by revising the introductory text of paragraph (b) to read as follows:

§ 1605.11 Makeup of missed or insufficient contributions.

* * * * *

(b) *Employer makeup contributions.* If an employing agency has failed to make Agency Automatic (1%) Contributions that are required under 5 U.S.C. 8432(c)(1)(A) and 5 U.S.C. 8440e(e)(3)(A), or Agency Matching Contributions that are required under section 8432(c)(2) and 5 U.S.C. 8440e(e)(3)(B), the following rules apply:

* * * * *

■ 18. Amend § 1605.14 by adding paragraphs (f) and (g) to read as follows:

§ 1605.14 Misclassified retirement system coverage.

* * * * *

(f) If a BRS participant is misclassified by an employing agency as a non-BRS participant, when the misclassification is corrected:

(1) The participant may not elect to have the contributions made while classified as non-BRS removed from his or her account;

(2) The participant may, under the rules of § 1605.11, elect to make up contributions that he or she would have been eligible to make as a BRS participant during the period of misclassification;

(3) The employing agency must, under the rules of § 1605.11, make Agency Automatic (1%) Contributions and Agency Matching Contributions on employee contributions that were made while the participant was misclassified; and

(4) The employing agency must submit makeup employee contributions on current payment records and service makeup contributions may be submitted on either current or late payment records.

(g) If a non-BRS participant is misclassified by an employing agency as a BRS participant, when the misclassification is corrected:

(1) Employee contributions may remain in the participant's account. If the participant requests a refund of employee contributions, the employing agency must submit a negative adjustment record to remove these funds under the procedure described in § 1605.12.

(2) The TSP will forfeit all agency contributions that were made to a non-BRS participant's account. An employing service may submit a negative adjustment record to request the return of an erroneous contribution that has been in the participant's account for less than one year.

■ 19. Amend § 1605.31 by revising paragraphs (c)(1) and (d), and by adding paragraph (c)(5) to read as follows:

§ 1605.31 Contributions missed as a result of military service.

* * * * *

(c) * * *

(1) The employee is entitled to receive the Agency Automatic (1%) Contributions that he or she would have received had he or she remained in civilian service or pay status. Within 60 days of the employee's reemployment or restoration to pay status, the employing agency must calculate the Agency Automatic (1%) makeup contributions and report those contributions to the record keeper, subject to any reduction in Automatic (1%) Contributions required by paragraph (c)(5) of this section.

* * * * *

(5) If the employee received uniformed services Automatic (1%) Contributions, the Agency Automatic (1%) Contributions will be reduced by the amount of the uniformed services Automatic (1%) Contributions.

* * * * *

(d) Breakage. The employee is entitled to breakage on agency contributions made under paragraph (c) of this section. Breakage will be calculated based on the contribution allocation(s)

on file for the participant during the period of military service.

PART 1650—METHODS OF WITHDRAWING FUNDS FROM THE THRIFT SAVINGS PLAN

■ 20. The authority citation for part 1650 continues to read as follows:

Authority: 5 U.S.C. 8351, 8432d, 8433, 8434, 8435, 8474(b)(5) and 8474(c)(1).

■ 21. Amend § 1650.33 to revise the second sentence of paragraph (b) to read as follows:

§ 1650.33 Contributing to the TSP after an in-service withdrawal.

* * * * *

(b) * * * Therefore, the participant's employing agency will discontinue his or her contributions (and any applicable Agency Matching Contributions) for six months after the agency is notified by the TSP; in the case of a FERS or BRS participant, Agency Automatic (1%) Contributions will continue. * * *

PART 1690—THRIFT SAVINGS PLAN

■ 22. The authority citation for part 1690 continues to read as follows:

Authority: 5 U.S.C. 8474.

■ 23. Amend § 1690.1 as follows:

■ a. Revise the definitions of *Agency Automatic (1%) Contributions, Agency Matching Contributions, Bonus contribution, Civilian employee, Employer contributions, Employing agency, Uniformed service member,* and *Uniformed services.*

■ b. Add definitions for *BRS, BRS participant, Employee* and *PEBD* in alphabetical order.

§ 1690.1 Definitions.

* * * * *

Agency Automatic (1%) Contributions means any contributions made under 5 U.S.C. 8432(c)(1) and (c)(3). It also includes service automatic (1%) contributions made under 5 U.S.C. 8440e(e)(3)(A).

Agency Matching Contributions means any contributions made under 5 U.S.C. 8432(c)(2). It also includes service matching contributions under 5 U.S.C. 8440e(e)(3)(B).

* * * * *

Bonus contributions means contributions made by a participant from any part of any special or incentive pay that the participant receives under chapter 5 of title 37.

* * * * *

BRS means the blended retirement system as established by the National Defense Authorization Act for FY 2016, Public Law 114–92, §§ 631–635 (2015).

BRS participant means a TSP participant covered by BRS.

* * * * *

Civilian employee or civilian participant means a TSP participant covered by the Federal Employees' Retirement System, the Civil Service Retirement System, or equivalent retirement plan.

* * * * *

Employer contributions means Agency Automatic (1%) Contributions under 5 U.S.C. 8432(c)(1), 8432(c)(3), or 5 U.S.C. 8440e(e)(3)(A) and Agency Matching Contributions under 5 U.S.C. 8432(c)(2) or 5 U.S.C. 8440e(e)(3)(B).

Employing agency means the organization (or the payroll office that services the organization) that employs an individual eligible to contribute to the TSP and that has authority to make personnel compensation decisions for the individual. It includes the employing service for members of the uniformed services.

* * * * *

PEBD means the pay entry base date (or pay entry basic date for some services), which is determined by each uniformed service and is used to calculate how much time in service a member has for the purpose of determining longevity pay rates.

* * * * *

Uniformed service member or uniformed services participant means a TSP participant who is a member of the uniformed services on active duty or a member of the Ready Reserve in any pay status.

* * * * *

Uniformed services means the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

[FR Doc. 2017–18838 Filed 9–8–17; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 12 and 151

[Docket ID OCC–2017–0013]

RIN 1557–AE24

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 344

RIN 3064–AE64

Securities Transaction Settlement Cycle

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking.

SUMMARY: The OCC and the FDIC (''Agencies'') are proposing to shorten the standard settlement cycle for securities purchased or sold by national banks, federal savings associations, and FDIC-supervised institutions. The Agencies' proposal is consistent with an industry-wide transition to a two-business-day settlement cycle, which is designed to reduce settlement exposure and align settlement practices across all market participants.

DATES: You must submit comments by October 11, 2017.

ADDRESSES: Interested parties are encouraged to submit written comments jointly to both of the Agencies. Commenters are encouraged to use the title ''Securities Transaction Settlement Cycle'' to facilitate the organization and distribution of comments among the Agencies.

OCC

You may submit comments to the OCC by any of the methods set forth below. Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''Regulations.gov'':* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2017–0013'' in the Search Box and click ''Search.'' Click on ''Comment Now'' to submit public comments.
- Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for submitting public comments.

• *Email: regs.comments@occ.treas.gov.*

• *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

• *Hand Delivery/Courier:* 400 7th Street SW., Suite 3E–218, Washington, DC 20219.

• *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2017–0013'' in your comment. In general, the OCC will enter all comments received into the docket and publish them on the *Regulations.gov* Web site without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

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

• *Viewing Comments Electronically:* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2017–0013'' in the Search box and click ''Search.'' Click on ''Open Docket Folder'' on the right side of the screen. Comments and supporting materials can be filtered by clicking on ''View all documents and comments in this docket'' and then using the filtering tools on the left side of the screen.

• Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov.* The docket may be viewed after the close of the comment period in the same manner as during the comment period.

• *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC. 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.

FDIC

You may submit comments, identified by RIN number, by any of the following methods:

• *Agency Web site: https://www.fdic.gov/regulations/laws/publiccomments/.* Follow instructions for submitting comments on the Agency Web site.

• *Email: Comments@fdic.gov.* Include the RIN number 3064–AE64 on the subject line of the message.

• *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

• *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

• *Public Inspection:* All comments received must include the agency name and RIN 3064–AE64 for this rulemaking. All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/publiccomments/,* including any personal information provided. Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–I002, Arlington, VA 22226 by telephone at 1 (877) 275–3342 or 1 (703) 562–2200.

FOR FURTHER INFORMATION CONTACT:

OCC: David Stankiewicz, Special Counsel, Securities and Corporate Practices Division, (202) 649–5510; Daniel Perez, Attorney, Legislative and Regulatory Activities Division, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597; or Patricia Dalton, Technical Expert, Asset Management Group, Market Risk, at (202) 649–6360.

FDIC: Thomas F. Lyons, Chief, Policy & Program Development, (202) 898–6850; Michael W. Orange, Senior Trust Examination Specialist, Policy & Program Development, (678) 916–2289, Risk Management Policy Branch, Division of Risk Management Supervision; Annmarie H. Boyd, Counsel, Bank Activities Unit, (202) 898–3714; Benjamin J. Klein, Counsel, Bank Activities Unit, (202) 898–7027, Supervision and Legislation Branch, Legal Division.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to 12 CFR 12.9 and 151.130, a national bank or federal savings association (''FSA'') (collectively, ''OCC-supervised institutions'') generally may not effect or enter into a contract for the purchase or sale of a security that provides for payment of funds and delivery of securities later than the third business day after the date of the contract, unless otherwise expressly agreed to by the parties at the time of the transaction. Similarly, pursuant to 12 CFR 344.7, an FDIC-supervised institution [1] (together with OCC-supervised institutions, ''banks'') generally may not effect or enter into a contract for the purchase or sale of a security that provides for payment of funds and delivery of securities later than the third business day after the date of the contract, unless otherwise expressly agreed to by the parties at the time of the transaction.[2] The three-day settlement cycle, which is the current standard for the securities industry in the United States, is known as ''T+3''—shorthand for ''trade date plus three days.'' The Agencies are proposing to amend 12 CFR 12.9, 151.130, and 344.7 by shortening the settlement cycle from three days to two (*i.e.,* a ''T+2'' settlement cycle). By shortening the settlement cycle, the proposed change will directly reduce banks' exposure to their trade counterparties during the settlement period and thus mitigate banks' operational and systemic risk.

The Agencies' proposal is part of a larger, industry-wide shift to a T+2 settlement cycle that includes a multi-year securities industry initiative and rule changes being implemented by other financial regulators and securities self-regulatory organizations. The industry's compliance date for this initiative is September 5, 2017, consistent with the compliance date for the Securities and Exchange Commission's (''SEC'') T+2 rule.[3] The self-regulatory organizations overseeing transactions in securities for their respective registrants that would be covered by the T+2 standard, including the Financial Industry Regulatory Authority (''FINRA'') and the Municipal Securities Rulemaking Board (''MSRB''), have finalized or will finalize rule changes necessary to implement the

[1] ''FDIC-supervised institution'' means any insured depository institution for which the FDIC is the appropriate Federal banking agency pursuant to section 3(q) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(q). 12 CFR 344.3(h). Pursuant to section 3(q), the FDIC is the appropriate Federal banking agency with respect to: (1) Any State nonmember insured bank; (2) any foreign bank having an insured branch; and (3) any State savings association. 12 U.S.C. 1813(q)(2).

[2] Sections 12.9, 151.130, and 344.7 also include special provisions for settlement in connection with a firm commitment underwriting and exceptions for certain securities and contracts.

[3] On March 29, 2017, the SEC published an amendment to its securities transaction settlement cycle rule. The amendment shortens the standard settlement cycle from T+3 to T+2 for many U.S. securities, including equities, corporate bonds, and unit investment trusts, and financial instruments composed of these products, when these securities are traded on the secondary market. Refer to SEC Rule 15c6–1(a) under the Securities Exchange Act of 1934. 17 CFR 240.15c6–1. Also refer to 82 FR 15564, ''Securities Transaction Settlement Cycle,'' March 29, 2017.

new settlement cycle and related processes.[4] On June 9, 2017, the OCC issued Bulletin 2017–22, which notified OCC-supervised institutions that they should comply with the T+2 settlement standard as of the SEC's compliance date. The FDIC issued similar guidance applicable to FDIC-supervised institutions through Financial Institution Letter 32–2017 on July 26, 2017. The Agencies expect that as of the compliance date, September 5, 2017, OCC- and FDIC-supervised institutions will adhere to industry standards and applicable securities and self-regulatory organizations' rules for T+2 securities clearance and settlement.

The Agencies expect that most banks have already made substantial progress toward compliance with the T+2 settlement cycle. By aligning their settlement practices with those of their securities counterparties, banks' transition to the T+2 settlement cycle will help mitigate operational risk and promote safety and soundness. Altogether, the Agencies expect that the proposed rule change, in conjunction with the industry-wide movement to the T+2 settlement cycle, will produce safety and soundness benefits by reducing banks' counterparty settlement risks, reducing the procyclical margin and liquidity demands associated with securities clearing and settlement, and by improving banks' overall financial condition during periods of heightened market volatility or activity.

II. Description of the Proposed Rule

Regulations governing recordkeeping and confirmation requirements for the securities transactions of national banks and FSAs, both for the bank's own account and for customers, are set out in parts 12 and 151 of the OCC's regulations, respectively. Regulations governing the same for FDIC-supervised institutions are set out in part 344 of the FDIC's regulations. As noted above, §§ 12.9, 151.130, and 344.7 require that banks generally not effect or enter into a contract for the purchase or sale of a security that provides for payment of funds and delivery of securities later than the third business day after the date of the contract, unless otherwise expressly agreed to by the parties at the time of the transaction. Section 12.9 applies to national banks, § 151.130 applies to FSAs, and § 344.7 applies to FDIC-supervised institutions.[5]

The Agencies propose to amend the general requirement that banks must settle their securities transactions no later than the third business day after the date of the contract by shortening the permissible settlement period from three business days to two. The proposal does not otherwise affect the regulatory requirements, exceptions, and conditions provided in §§ 12.9, 151.130, or 344.7.

The Agencies may consider, as an alternative to the approach described above, implementing the two-business-day settlement requirement by cross-reference to the standard settlement cycle provided under SEC Rule 15c6–1(a) (17 CFR 240.15c6–1(a)). Under this alternative approach, securities transactions would generally be required to settle ''within the number of business days in the standard settlement cycle for the security followed by registered broker dealers in the United States,'' unless otherwise agreed to by the parties at the time of the transaction. ''Standard settlement cycle'' would be defined by reference to SEC Rule 15c6–1(a). The Agencies invite comment on this alternative approach. The Agencies also invite comment on the use and definition of the term ''standard settlement cycle.''

III. Request for Comment

The Agencies invite comment on all aspects of this proposal, including the alternative approach described in part II of this **SUPPLEMENTARY INFORMATION**.

IV. Regulatory Analysis

Paperwork Reduction Act

Under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501–3520, the Agencies may not conduct or sponsor, and a person is not required to respond to, an information collection unless the information collection displays a valid Office of Management and Budget (''OMB'') control number. This proposal does not introduce or change any collections of information; therefore, it does not require a submission to OMB. Nonetheless, the Agencies invite comment on their PRA determination.

Regulatory Flexibility Act

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

FDIC: The RFA generally requires that, in connection with a notice of proposed rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis describing the impact of the proposed rule on small entities.[6] A regulatory flexibility analysis is not required, however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The SBA has defined ''small entities'' to include banking organizations with total assets less than or equal to $550 million.[7] For the reasons described below and pursuant to section 605(b) of the RFA, the FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

The FDIC supervises 3,171 depository institutions,[8] of which 2,990 are defined as small banking entities by the terms of the RFA.[9] The proposed rule will reduce by one day the settlement time of transactions for equities, corporate bonds, municipal bonds, unit investment trusts, mutual funds, exchange-traded funds, exchange-traded products, American depository receipts, options, rights, and warrants. According to recent Call Report data, 2,742 FDIC-supervised small entities reported holding some volume of equities that are likely to be affected by the new securities settlement cycle, provide custodial banking services, or possess a subsidiary classified as a securities dealer.[10] The effects on small entities will vary according to the degree of participation in securities transactions. According to recent Call Report data one small entity identified itself as providing custodial banking services, while seven small entities have a

[4] For example, refer to MSRB Regulatory Notice 2017–07, ''MSRB Announces Date of Transition to a Two-Day Settlement Cycle for Municipal Securities Transactions''; FINRA Regulatory Notice 17–19, ''Shortening the Securities Settlement Cycle for Securities to T+2'' (May 2017); and SEC, Self-Regulatory Organization, Release No. 34–80020 (February 10, 2017) (granting approval to a rule change for the New York Stock Exchange).

[5] FDIC-supervised institutions include State nonmember insured banks, foreign banks having insured branches, and State savings associations. *See supra* note 1. In addition to stating the general settlement period requirement, §§ 12.9, 151.130, and 344.7 include special provisions for settlement in connection with a firm commitment underwriting and exceptions to the general requirement for certain securities and contracts.

[6] 5 U.S.C. 601 *et seq.*

[7] 13 CFR 121.201 (as amended, effective December 2, 2014).

[8] FDIC-supervised institutions are set forth in 12 U.S.C. 1813(q)(2).

[9] FDIC Call Report, June 30, 2017.

[10] *Id.*

subsidiary classified as a securities dealer according to data from the Federal Reserve's National Information Center (NIC).

Costs

The proposed rule is likely to pose some small costs for custodian banks whose role is administering assets for a corporation or an individual. Banks engaged in custodial activities will likely incur costs to increase infrastructure capabilities and efficiencies, as well as standardizing data formats and communication protocols. These changes are in addition to any documentation and process changes. The 2012 DTCC study estimated that a large custodian bank will have to invest $4 million in order to conform to the two-day settlement cycle.[11] Therefore, the one FDIC-supervised small institution that is engaged in custodial activities is conservatively estimated to incur a total of $4 million in costs associated with the industry-led effort to adopt a shorter settlement cycle. However, given that the industry's planned commencement date for the shorter settlement cycle will take place before the effective date of the proposed rule, the FDIC assumes that little or none of these costs will result from actions taken by covered institutions to comply with the proposed rule.

The proposed rule is likely to pose some small costs for covered institutions that possess a subsidiary that is a securities broker-dealer. Banks that possess a securities broker subsidiary will likely have to incur analysis and testing costs for any associated changes to their transaction platform necessary to comply with the shorter settlement cycle, as well as improvements in the management of securities inventories. These changes are in addition to any documentation and process changes. The 2012 DTCC study estimated that broker-dealers will likely have to invest $4 million in order to conform to the 2-day settlement cycle.[12] Therefore, the seven FDIC-supervised small institutions that operate a subsidiary classified as a securities broker are estimated to incur a total of $28 million in costs associated in the industry-led effort to adopt a shorter settlement cycle. However, given that the industry's planned commencement date for the shorter settlement cycle will take place before the effective date of the proposed rule, the FDIC assumes that little or none of these costs will result from actions taken by covered institutions to comply with the proposed rule.

The proposed rule is likely to pose little or no costs for covered institutions that do not provide custodial banking services or possess a broker-dealer subsidiary. Covered institutions that transact securities but do not manage securities transactions could incur some costs related to documentation changes. However, the FDIC assumes that most of these institutions rely on third-party security transaction platforms or broker-dealers to complete their transactions, and therefore will incur little to no cost in adopting the shorter settlement cycle.

Benefits

Banks offering custodial services for securities and banks with broker-dealer subsidiaries are likely to incur some small benefits associated with the proposed rule. The infrastructure investments and process improvements necessary to complete the adoption of the industry's goal of a two-day settlement cycle should result in a reduction in operational costs. Additionally, the shorter settlement cycle should reduce the duration of unsecured, uninsured settlement cycle funding provided by broker-dealers. This, in turn, should reduce counterparty risk associated with the settlement process. The shorter settlement cycle should also improve the efficiency of capital utilization for broker-dealers and custodian banks by reducing pro-cyclical margin demands, especially during episodes of heightened market volatility. The 2012 DTCC study estimated that broker-dealers and custodian banks will realize $55 million and $40 million, respectively, in costs savings over three years resulting from risk reduction, capital optimization, and improvements in operational efficiency.[13] However, given that the industry-planned commencement date for the shorter settlement cycle will take place before the effective date of the proposed rule, the FDIC assumes that little or none of these benefits will result from actions taken by covered institutions to comply with the proposed rule.

Improved operational efficiency of transaction settlement, particularly the reduction in the exchange of physical securities, may benefit some covered institutions that do not provide custodial banking services or possess a broker-dealer subsidiary. The 2012 DTCC study estimated that covered institutions who transact securities but do not manage securities transactions could realize $30 million in costs savings over three years.[14] However, the cost savings for smaller market participants is likely to be much lower, and given that the industry-planned commencement date for the shorter settlement cycle will take place before the effective date of the proposed rule, the FDIC assumes that little or none of these benefits will result from actions taken by covered institutions to comply with the proposed rule.

Although the new settlement cycle does affect a significant number of small FDIC-supervised institutions, the economic effects that directly result from the proposed rule are likely to be very small. This rule is being proposed in concert with an industry-led effort to reduce the securities settlement cycle. The planning and adoption of infrastructure and procedural improvements necessary to meet the commencement date of September 5, 2017, established by the industry pre-dates this proposed rulemaking. Therefore, very little or none of the compliance costs or operational benefits that result from adopting a shorter securities settlement cycle are a direct result of the proposed rule.

OCC: As of December 31, 2016, the OCC supervised approximately 956 small entities.[15] Because the proposed rule does not contain any new recordkeeping, reporting, or compliance requirements, the OCC anticipates that it will not impose costs on any OCC-supervised institutions. Thus, the proposed rule will not have a substantial impact on any OCC-supervised small entities. Therefore, the OCC certifies that the proposed rule would not have a significant economic impact on a substantial number of OCC-supervised small entities.

Unfunded Mandates Reform Act of 1995 Determination

The OCC analyzed the proposed rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532). Under this analysis, the

[11] ''Cost benefit analysis of shortening the settlement cycle,'' Prepared by the Boston Consulting Group—Commissioned by the Depository Trust and Clearing Corporation (DTCC), October 2012.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] The OCC calculated the number of small entities using the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which are $550 million and $38.5 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining whether to classify a national bank or federal savings association as a small entity. The OCC used December 31, 2016, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' See footnote 8 of the SBA's *Table of Size Standards.*

OCC considered whether the proposed rule includes a federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted annually for inflation).

The proposed rule does not impose new mandates. Therefore, the OCC concludes that implementation of the proposed rule will not result in an expenditure of $100 million or more annually by state, local, and tribal governments, or by the private sector.

Riegle Community Development and Regulatory Improvement Act

The Riegle Community Development and Regulatory Improvement Act (''RCDRIA'') requires that the Agencies, in determining the effective date and administrative compliance requirements of new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions (''IDIs''), consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. 12 U.S.C. 4802. In addition, in order to provide an adequate transition period, new regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally must take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.

The proposed rule includes no additional reporting or disclosure requirements on IDIs, including small depository institutions, nor on the customers of depository institutions. Nonetheless, in connection with determining an effective date for the proposed rule, the Agencies invite comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions, and customers of depository institutions.

Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the Agencies to use plain language in all proposed and final rules published after January 1, 2000. The Agencies invite comment on how to make this proposed rule easier to understand.

For example:

- Have the Agencies organized the material to inform your needs? If not, how could the Agencies present the proposed rule more clearly?
- Are the requirements in the proposed rule clearly stated? If not, how could the proposal be more clearly stated?
- Does the proposed regulation contain technical language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the proposed regulation easier to understand? If so, what changes would achieve that?
- Is this section format adequate? If not, which of the sections should be changed and how?
- What other changes can the agencies incorporate to make the proposed regulation easier to understand?

List of Subjects

12 CFR Parts 12 and 151

Banks, Banking, Federal savings associations, National banks, Reporting and recordkeeping requirements, Securities.

12 CFR Part 344

Banks, Banking, Reporting and recordkeeping requirements, Savings associations.

OCC proposes to amend 12 CFR parts 12 and 151 and FDIC proposes to amend 12 CFR part 344 as follows:

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

PART 12—RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

■ 1. The authority citation for part 12 continues to read as follows:

Authority: 12 U.S.C. 24, 92a, and 93a.

■ 2. Section 12.9 is amended by revising paragraph (a) to read as follows:

§ 12.9 Settlement of securities transactions.

(a) A national bank shall not effect or enter into a contract for the purchase or sale of a security (other than an exempted security as defined in 15 U.S.C. 78c(a)(12), government security, municipal security, commercial paper, bankers' acceptances, or commercial bills) that provides for payment of funds and delivery of securities later than the second business day after the date of the contract, unless otherwise expressly agreed to by the parties at the time of the transaction.

* * * * *

PART 151—RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

■ 3. The authority citation for part 151 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 5412(b)(2)(B).

■ 4. Section 151.130 is amended by republishing paragraph (a) introductory text and revising the first sentence of paragraph (a)(1) to read as follows:

§ 151.130 When must I settle a securities transaction?

(a) You may not effect or enter into a contract for the purchase or sale of a security that provides for payment of funds and delivery of securities later than the latest of:

(1) The second business day after the date of the contract. * * *

* * * * *

FEDERAL DEPOSIT INSURANCE CORPORATION

PART 344—RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

■ 5. The authority citation for part 344 continues to read as follows:

Authority: 12 U.S.C. 1817, 1818, 1819, and 5412.

■ 6. Section 344.7 is amended by revising paragraph (a) to read as follows:

(a) An FDIC-supervised institution shall not effect or enter into a contract for the purchase or sale of a security (other than an exempted security as defined in 15 U.S.C. 78c(a)(12), government security, municipal security, commercial paper, bankers' acceptances, or commercial bills) that provides for payment of funds and delivery of securities later than the second business day after the date of the contract, unless otherwise expressly agreed to by the parties at the time of the transaction.

* * * * *

Dated: August 29, 2017.

Keith A. Noreika,

Acting Comptroller of the Currency.

Dated at Washington, DC this 31st of August 2017.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–19008 Filed 9–8–17; 8:45 am]

BILLING CODE 4810–33–P 6714–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–472]

Schedules of Controlled Substances: Temporary Placement of FUB-AMB Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Proposed amendment; notice of intent.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing this notice of intent to publish a temporary order to schedule the synthetic cannabinoid, Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate [FUB-AMB, MMB-FUBINACA, AMB-FUBINACA], into Schedule I. This action is based on a finding by the Administrator that the placement of this synthetic cannabinoid into Schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard to the public safety. When it is issued, the temporary scheduling order will impose the administrative, civil, and criminal sanctions and regulatory controls applicable to Schedule I controlled substances under the Controlled Substances Act on the manufacture, distribution, possession, importation, exportation of, and research and conduct with, instructional activities of this synthetic cannabinoid.

DATES: September 11, 2017.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: This notice of intent contained in this document is issued pursuant to the temporary schedule provisions of 21 U.S.C. 811(h). The Drug Enforcement Administration (DEA) intends to issue a temporary scheduling order (in the form of a temporary amendment) to add FUB-AMB to Schedule I under the Controlled Substances Act.[1] The temporary scheduling order will be published in the **Federal Register**, but will not be issued before October 11, 2017.

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this notice of intent adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

Legal Authority

Section 201 of the Controlled Substances Act (CSA), 21 U.S.C. 811, provides the Attorney General with the authority to temporarily place a substance into Schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b) if he finds that such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h)(1). In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1), the Attorney General may extend the temporary scheduling for up to one year. 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 355. 21 U.S.C. 811(h)(1); 21 CFR part 1308. The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

Background

Section 201(h)(4) of the CSA 21 U.S.C. 811(h)(4), requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of his intention to temporarily place a substance into Schedule I of the CSA.[2] The Acting Administrator transmitted notice of his intent to place FUB-AMB in Schedule I on a temporary basis to the Assistant Secretary for Health by letter dated May 19, 2017. The Assistant Secretary responded to this notice of intent by letter dated June 9, 2017, and advised that based on a review by the Food and Drug Administration (FDA), there were no approved new drug applications or active investigational new drug applications for FUB-AMB. The Assistant Secretary also stated that the HHS has no objection to the temporary placement of FUB-AMB into Schedule I of the CSA. FUB-AMB is not currently listed in any schedule under the CSA, and no exemptions or approvals are in effect for FUB-AMB under section 505 of the FDCA, 21 U.S.C. 355. The DEA has found that the control of FUB-AMB in Schedule I on a temporary basis is necessary to avoid imminent hazard to the public safety.

To find that placing a substance temporarily into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in 21 U.S.C. 811(c): The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3).

A substance meeting the statutory requirements for temporary scheduling may only be placed in Schedule I. 21 U.S.C. 811(h)(1). Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1).

FUB-AMB

The illicit use of the synthetic cannabinoid (SC) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Street names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA) has dramatically increased over the past 12 months posing an imminent threat to public safety. Available data and information for FUB-AMB, summarized below, indicates that this SC has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. The DEA's three factor analysis is available in its entirety under ''Supporting and Related Material'' of the public docket for this action at *www.regulations.gov* under Docket Number DEA–372.

Synthetic Cannabinoids

SCs are substances synthesized in laboratories that mimic the biological effects of delta-9-tetrahydrocannabinol (THC), the main psychoactive ingredient in marijuana. It is believed that SCs were first introduced on the designer drug market in several European countries as ''herbal incense'' before the initial encounter in the United States by U.S. Customs and Border Protection (CBP) in November 2008. From 2009 to the present, misuse and abuse of SCs has increased in the United States with law enforcement encounters describing

[2] As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

SCs applied onto plant material and in designer drug products intended for human consumption. It has been demonstrated that the substances and the associated designer drug products are abused for their psychoactive properties. With many generations of SCs having been encountered since 2009, FUB-AMB is one of the latest, and the abuse of these substances is negatively impacting communities.

As observed by the DEA and CBP, SCs originate from foreign sources, such as China. Bulk powder substances are smuggled via common carrier into the United States and find their way to clandestine designer drug product manufacturing operations located in residential neighborhoods, garages, warehouses, and other similar destinations throughout the country. According to online discussion boards and law enforcement encounters, applying by spraying or mixing the SCs with plant material provides a vehicle for the most common route of administration—smoking (using a pipe, a water pipe, or rolling the drug-laced plant material in cigarette papers).

FUB-AMB has no accepted medical use in the United States. Use of this specific SC has been reported (see factor 6) to result in adverse effects in humans. Use of other SCs has resulted in signs of addiction and withdrawal and based on the similar pharmacological profile of FUB-AMB, it is believed that there will be similar observed adverse effects.

FUB-AMB is a SC that has pharmacological effects similar to the Schedule I hallucinogen THC and other temporarily and permanently controlled Schedule I synthetic cannabinoid substances. In addition, the misuse of FUB-AMB has been associated with multiple overdoses requiring emergency medical intervention (see factor 6). With no approved medical use and limited safety or toxicological information, FUB-AMB has emerged on the designer drug market, and the abuse of this substance for its psychoactive properties is concerning.

Factor 4. History and Current Pattern of Abuse

Synthetic cannabinoids have been developed by researchers over the last 30 years as tools for investigating the endocannabinoid system, (*e.g.* determining CB1 and CB2 receptor activity). The first encounter of SCs within the United States occurred in November 2008 by CBP. Since then, the popularity of SCs in general and their associated products has increased as evidenced by law enforcement seizures, public health information, and media reports. FUB-AMB was originally encountered in 2014, but has since seen a large increase in its illicit use. The misuse of FUB-AMB has been associated with multiple overdoses requiring emergency medical intervention.

Research and clinical reports have demonstrated that SCs are applied onto plant material so that the material may be smoked as users attempt to obtain a euphoric and psychoactive ''high,'' believed to be similar to marijuana. Data gathered from a published study, and supplemented by discussions on Internet Web sites, demonstrate that these products are being abused mainly by smoking for their psychoactive properties. The adulterated products are marketed as ''legal'' alternatives to marijuana. In recent cases of overdoses, FUB-AMB has been encountered in the form of herbal products, similar to the SCs that have been previously available.

The powder form of SCs is typically dissolved in solvents (*e.g.,* acetone) before being applied to plant material or dissolved in a propellant intended for use in electronic cigarette devices. Law enforcement personnel have encountered various application methods including buckets or cement mixers in which plant material and one or more SCs are mixed together, as well as large areas where the plant material is spread out so that a dissolved SC mixture can be applied directly. Once mixed, the SC plant material is then allowed to dry before manufacturer's package the product for distribution, ignoring any control mechanisms to prevent contamination or to ensure a consistent, uniform concentration of the substance in each package. Adverse health consequences may also occur from directly ingesting the drug during the manufacturing process. FUB-AMB, similar to other SCs, has been encountered in the form of dried leave or herbal blends.

The designer drug products laced with SCs, including FUB-AMB, are often sold under the guise of ''herbal incense'' or ''potpourri,'' use various product names, and are routinely labeled ''not for human consumption.'' Additionally, these products are marketed as a ''legal high'' or ''legal alternative to marijuana'' and are readily available over the Internet, in head shops, or sold in convenience stores. There is an incorrect assumption that these products are safe, that they are a synthetic form of marijuana, and that labeling these products as ''not for human consumption'' is a legal defense to criminal prosecution under the Controlled Substances Analogue Enforcement Act.

It is believed most abusers of SCs or SC-related products are smoking the product following application to plant material. Law enforcement has also begun to encounter new variations of SCs in liquid form. It is believed abusers have been applying the liquid to hookahs or ''e-cigarettes,'' which allows the user to administer a vaporized liquid that can be inhaled.

Factor 5. Scope, Duration and Significance of Abuse

SCs including FUB-AMB continue to be encountered on the illicit market regardless of scheduling actions that attempt to safeguard the public from the adverse effects and safety issues associated with these substances. Novel substances are encountered each month, differing only by small modifications intended to avoid prosecution while maintaining the pharmacological effects. Law enforcement and health care professionals continue to report the abuse of these substances and their associated products.

As described by the National Institute on Drug Abuse (NIDA), many substances being encountered in the illicit market, specifically SCs, have been available for years but have reentered the marketplace due to a renewed popularity. The threat of serious injury to the individual following the ingestion of FUB-AMB and other SCs persists.

The following information details information obtained through NFLIS [3] (queried on May 16, 2017), including dates of first encounter, exhibits/reports, and locations.

FUB-AMB: NFLIS—6,522 reports, first encountered in June 2014, locations include: Arkansas, Arizona, California, Colorado, Florida, Georgia, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Minnesota, Missouri, Mississippi, North Dakota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming.

Factor 6. What, if Any, Risk There Is to the Public Health

FUB-AMB has been identified in overdose cases attributed to its abuse. Adverse health effects reported from these incidents involving FUB-AMB have included: Nausea, persistent vomiting, agitation, altered mental

[3] The National Forensic Laboratory Information System (NFLIS) is a national drug forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by state and local forensic laboratories in the United States.

status, seizures, convulsions, loss of consciousness, and cardiotoxicity. By sharing pharmacological similarities with Schedule I substances (Δ9-THC, JWH-018 and other temporarily and permanently controlled schedule I SCs), SCs pose a risk to the abuser. While these adverse effects have been shown by a variety of SCs, similar concerns remain regarding the welfare of the user as it relates to abuse of products laced with FUB-AMB. The risk of adverse health effects is further increased by the fact that similar products vary in the composition and concentration of SCs applied on the plant material.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the continued uncontrolled manufacture, distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of FUB-AMB poses an imminent hazard to the public safety. The DEA is not aware of any currently accepted medical uses for FUB-AMB in the United States. A substance meeting the statutory requirements for temporary scheduling, 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for FUB-AMB indicate that this SC has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. As required by section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), the Administrator, through a letter dated May 19, 2017, notified the Assistant Secretary of the DEA's intention to temporarily place FUB-AMB in Schedule I.

Conclusion

This notice of intent initiates a temporary scheduling action and provides the 30-day notice pursuant to section 201(h) of the CSA, 21 U.S.C. 811(h), of the DEA's intent to issue a temporary scheduling order. In accordance with the provisions of section 201(h) of the CSA, 21 U.S.C. 811(h), the Administrator considered available data and information, herein sets forth the grounds for his determination that it is necessary to temporarily schedule methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate [FUB-AMB, MMB-FUBINACA, AMB-FUBINACA] in Schedule I of the CSA, and finds that the placement of FUB-AMB into Schedule I of the CSA on a temporary basis is necessary to avoid an imminent hazard to the public safety.

The temporary placement of FUB-AMB into Schedule I of the CSA will take effect pursuant to a temporary scheduling order, which will not be issued before October 11, 2017. Because the Administrator hereby finds that it is necessary to temporarily place FUB-AMB into Schedule I to avoid an imminent hazard to the public safety, the temporary order scheduling this substance will be effective on the date that order is published in the **Federal Register**, and will be in effect for a period of two years, with a possible extension of one additional year, pending completion of the regular (permanent) scheduling process. 21 U.S.C. 811(h)(1) and (2). It is the intention of the Administrator to issue a temporary scheduling order as soon as possible after the expiration of 30 days from the date of publication of this document. Upon publication of the temporary order, FUB-AMB will then be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importation, exportation, research, conduct of instructional activities, and chemical analysis and possession of a Schedule I controlled substance.

The CSA sets forth specific criteria for scheduling a drug or other substance. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557. 21 U.S.C. 811. The regular scheduling process of formal rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review. 21 U.S.C. 877. Temporary scheduling orders are not subject to judicial review. 21 U.S.C. 811(h)(6).

Regulatory Matters

Section 201(h) of the CSA, 21 U.S.C. 811(h), provides for an expedited temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. As provided in this subsection, the Attorney General may, by order, schedule a substance in Schedule I on a temporary basis. Such an order may not be issued before the expiration of 30 days from (1) the publication of a notice in the **Federal Register** of the intention to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary. 21 U.S.C. 811(h)(1).

Inasmuch as section 201(h) of the CSA directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this notice of intent. In the alternative, even assuming that this notice of intent might be subject to section 553 of the APA, the Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for issuance of temporary scheduling orders would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety.

Although the DEA believes this notice of intent to issue a temporary scheduling order is not subject to the notice and comment requirements of section 553 of the APA, the DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator will take into consideration any comments submitted by the Assistant Secretary with regard to the proposed temporary scheduling order.

Further, the DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget.

This action 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 Executive Order 13132

(Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. In § 1308.11, add paragraph (h)(18) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(h) * * *

(18) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA)	(7021)

Dated: August 14, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–17639 Filed 9–8–17; 8:45 am]

BILLING CODE 4410–09–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0189; FRL–9966–97–Region 6]

Approval and Promulgation of Implementation Plans; Arkansas; Approval of Regional Haze State Implementation Plan Revision and Withdrawal of Federal Implementation Plan for NO_X for Electric Generating Units in Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve a proposed revision to the Arkansas Regional Haze State Implementation Plan (SIP) submitted for parallel processing on July 12, 2017, by the State of Arkansas through the Arkansas Department of Environmental Quality (ADEQ). Specifically, the EPA is proposing to approve the State's proposed SIP revision, which addresses nitrogen oxide (NO_X) requirements for the Arkansas Electric Cooperative Corporation (AECC) Bailey Plant Unit 1; AECC McClellan Plant Unit 1; the American Electric Power/Southwestern Electric Power Company (AEP/SWEPCO) Flint Creek Plant Boiler No. 1; Entergy Arkansas, Inc. (Entergy) Lake Catherine Plant Unit 4; Entergy White Bluff Plant Units 1 and 2 and the Auxiliary Boiler; and Entergy Independence Plant Units 1 and 2. In conjunction with this proposed approval, we are proposing to withdraw federal implementation plan (FIP) emission limits for NO_X that would otherwise apply to the nine aforementioned units.

DATES: Written comments must be received on or before October 11, 2017.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2015–0189, at *http://www.regulations.gov* or via email to *R6AIR_ARHaze@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Dayana Medina, *medina.dayana@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Dayana Medina, 214–665–7241, *medina.dayana@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Dayana Medina or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

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I. Background

A. The Regional Haze Program

Regional haze is visibility impairment that is produced by a multitude of sources and activities that are located across a broad geographic area and emit fine particulates ($PM_{2.5}$) (*e.g.,* sulfates, nitrates, organic carbon (OC), elemental carbon (EC), and soil dust), and their precursors (*e.g.,* sulfur dioxide (SO_2), NO_X, and in some cases, ammonia (NH_3) and volatile organic compounds (VOCs)). Fine particle precursors react in the atmosphere to form $PM_{2.5}$, which impairs visibility by scattering and absorbing light. Visibility impairment reduces the clarity, color, and visible distance that can be seen. $PM_{2.5}$ can also cause serious adverse health effects and mortality in humans; it also contributes to environmental effects such as acid deposition and eutrophication.

Section 169A of the CAA directs states to evaluate the use of retrofit controls at certain larger, often under-controlled, older stationary sources in order to address visibility impacts from

these sources. Specifically, section 169A(b)(2)(A) of the CAA requires states to revise their SIPs to contain such measures as may be necessary to make reasonable progress toward the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate the ''Best Available Retrofit Technology'' (BART). Larger ''fossil-fuel fired steam electric plants'' are one of these source categories. Under the Regional Haze Rule, states are directed to conduct BART determinations for ''BART-eligible'' sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. Section 169A(g)(2) of the CAA establishes that in determining BART, states must take into consideration the following five factors: (1) Costs of compliance, (2) the energy and nonair quality environmental impacts of compliance, (3) any existing pollution control technology in use at the source, (4) the remaining useful life of the source, and (5) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. The evaluation of BART for electric generating units (EGUs) that are located at fossil-fuel fired power plants having a generating capacity in excess of 750 megawatts must follow the ''Guidelines for BART Determinations Under the Regional Haze Rule'' at appendix Y to 40 CFR part 51 (hereinafter referred to as the ''BART Guidelines''). Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides for greater progress towards improving visibility than BART.

The vehicle for ensuring continuing progress towards achieving the natural visibility goal is the submission of a series of regional haze SIPs that contain long-term strategies to make reasonable progress towards natural visibility conditions and establish reasonable progress goals (RPGs) for every Class I area within the state. States have significant discretion in establishing RPGs,[1] but are required to consider the following factors established in section 169A of the CAA: (1) The costs of compliance; (2) the time necessary for compliance; (3) the energy and non-air quality environmental impacts of compliance; and (4) the remaining useful life of any potentially affected sources. States must determine whether additional control measures beyond BART and other ''on the books'' controls are reasonable based on a consideration of the four reasonable progress factors. States must demonstrate in their SIPs how these factors are considered when selecting the RPGs for each applicable Class I area. We commonly refer to this as the ''reasonable progress analysis'' or ''four factor analysis.''

Additional information about the Regional Haze program can be found in the background sections of our previous proposed rulemakings on Arkansas regional haze.[2]

B. Our Previous Actions on Arkansas Regional Haze

Arkansas submitted a SIP on September 9, 2008, to address the first regional haze implementation period. On August 3, 2010, Arkansas submitted a SIP revision with non-substantive revisions to the APCEC Regulation 19, Chapter 15; this Chapter identified the BART-eligible and subject-to-BART sources in Arkansas and established the BART emission limits for subject-to-BART sources. On September 27, 2011, the State submitted supplemental information to address the regional haze requirements. We are hereafter referring to these regional haze submittals collectively as the ''2008 Arkansas Regional Haze SIP.'' On March 12, 2012, we partially approved and partially disapproved the 2008 Arkansas Regional Haze SIP.[3] On September 27, 2016, we published a FIP addressing the deficiencies identified in the disapproved portions of the 2008 Arkansas Regional Haze SIP (the Arkansas Regional Haze FIP).[4] Among other things, the FIP established NO_X emission limits under the BART requirements for Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; and White Bluff Units 1 and 2 and the Auxiliary Boiler. The FIP also established NO_X emission limits under the reasonable progress requirements for Independence Units 1 and 2.

In response to petitions submitted by the State of Arkansas and industry parties seeking reconsideration and an administrative stay of the final Arkansas Regional Haze FIP,[5] in a letter dated April 14, 2017, we announced the convening of a proceeding to reconsider several elements of the FIP, including the appropriate compliance dates for the NO_X emission limits for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2.[6] EPA also published a notice in the **Federal Register** on April 25, 2017, administratively staying the effectiveness of the 18-month NO_X compliance dates in the FIP for these units for a period of 90 days.[7] On July 13, 2017, the EPA published a proposed rule that would extend the NO_X compliance dates for Flint Creek Unit 1, White Bluff Units 1 and 2, and Independence Units 1 and 2, by 21 months to January 27, 2020.[8]

C. CSAPR as an Alternative to Source-Specific NO_X BART

In 2005, the EPA published the Clean Air Interstate Rule (CAIR), which required 27 states and the District of Columbia to reduce emissions of SO_2 and NO_X that significantly contribute to or interfere with maintenance of the 1997 national ambient air quality standards (NAAQS) for fine particulates and/or 8-hour ozone in any downwind state.[9] EPA demonstrated that CAIR would achieve greater reasonable progress toward the national visibility goal than would BART; therefore, states could rely on CAIR as an alternative to EGU BART for SO_2 and NO_X.[10] Although Arkansas was subject to certain of the NO_X requirements of CAIR, including the state-wide ozone season NO_X budget but not the annual NO_X budget, and although this would have been sufficient for Arkansas to rely on CAIR to satisfy NO_X BART, it elected not to rely on CAIR in its 2008 Regional Haze SIP to satisfy the NO_X BART requirement for its EGUs.

On July 11, 2008, the D.C. Circuit found CAIR was fatally flawed and on December 23, 2008, the Court remanded CAIR to EPA without vacatur to ''preserve the environmental benefits

[1] *Guidance for Setting Reasonable Progress Goals under the Regional Haze Program,* June 1, 2007, memorandum from William L. Wehrum, Acting Assistant Administrator for Air and Radiation, to EPA Regional Administrators, EPA Regions 1–10 (pp. 4–2, 5–1).

[2] See 76 FR 64186 and 80 FR 18944.

[3] 77 FR 14604.

[4] 81 FR 66332; *see also* 81 FR 68319 (October 4, 2016) (correction).

[5] See the docket associated with this proposed rulemaking for a copy of the petitions for reconsideration and administrative stay submitted by the State of Arkansas; Entergy Arkansas Inc., Entergy Mississippi Inc., and Entergy Power LLC (collectively ''Entergy''); AECC; and the Energy and Environmental Alliance of Arkansas (EEAA).

[6] See letter dated April 14, 2017, regarding ''Convening a Proceeding for Reconsideration of Final Rule, 'Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan,' published September 7, 2016. 81 FR 66332.'' A copy of this letter is included in the docket, Docket No. EPA–R06–OAR–2015–0189.

[7] 82 FR 18994.

[8] 82 FR 32284.

[9] 70 FR 25161 (May 12, 2005).

[10] 70 FR 39104, 39139 (July 6, 2005).

provided by CAIR''.[11] In 2011, acting on the D.C. Circuit's remand, we promulgated the Cross-State Air Pollution Rule (CSAPR) to replace CAIR and issued FIPs to implement the rule in CSAPR-subject states.[12] Arkansas EGUs are covered under CSAPR for ozone season NO_X.[13]

In 2012, we issued a limited disapproval of several states' regional haze SIPs because of reliance on CAIR as an alternative to EGU BART for SO_2 and/or NO_X.[14] We also determined that CSAPR would provide for greater reasonable progress than BART and amended the Regional Haze Rule to allow for CSAPR participation as an alternative to source-specific SO_2 and/or NO_X BART for EGUs, on a pollutant-specific basis.[15] As Arkansas did not rely on CAIR to satisfy the NO_X BART requirements in the 2008 Regional Haze SIP, Arkansas was not included in the EPA's limited disapproval of regional haze SIPs that relied on CAIR to satisfy certain regional haze requirements.[16] As noted above, in the 2012 rulemaking in which we promulgated those limited disapprovals, the EPA also promulgated FIPs to replace reliance on CAIR with reliance on CSAPR in many of those regional haze SIPs; however, Arkansas was likewise not included in that FIP action.

CSAPR has been subject to extensive litigation, and on July 28, 2015, the D.C. Circuit issued a decision generally upholding CSAPR but remanding without vacating the CSAPR emissions budgets for a number of states.[17] We are in the process of responding to the remand of these CSAPR budgets. On October 26, 2016, we finalized an update to the CSAPR rule that addresses the 1997 ozone NAAQS portion of the remand and also addresses the CAA requirements regarding interstate transport for the 2008 ozone NAAQS.[18] Additionally, three states, Alabama, Georgia, and South Carolina, have adopted or committed to adopt SIPs to replace the remanded FIPs and will continue the states' participation in the CSAPR program with the same budgets. On November 10, 2016, we proposed a rule intended to address the remainder of the Court's remand.[19] This separate proposed rule includes a sensitivity analysis showing that the set of actions EPA has taken or expects to take in response to the D.C. Circuit's decision would not adversely impact the analytic demonstration for our 2012 determination that CSAPR participation meets the criteria to qualify as an alternative to BART. Based on that assessment, the EPA proposed that states may continue to rely on CSAPR as being better than BART on a pollutant-specific basis. As of the date of this proposed action, EPA has not yet finalized that proposed rulemaking. EPA can approve regional haze SIP submissions that rely on participation in CSAPR as an alternative to BART only after finalizing the November 2016 proposed rule or otherwise determining that participation in CSAPR remains a viable BART alternative.

II. Our Evaluation of Arkansas' Proposed Regional Haze SIP Revision

On July 12, 2017, Arkansas submitted a proposed SIP revision with a request for parallel processing, addressing the NO_X requirements for Bailey Unit 1, McClellan Unit 1, Flint Creek Boiler No. 1, Lake Catherine Unit 4, White Bluff Units 1 and 2 and the Auxiliary Boiler, and Independence Units 1 and 2 (July 2017 Arkansas Regional Haze SIP). This proposed SIP revision is the subject of this proposed action, in conjunction with our proposed withdrawal of the emission limits for NO_X that we promulgated in our September 27, 2016 FIP for the same EGUs addressed in the proposed SIP revision. The EPA is proposing action on the SIP revision at the same time that ADEQ is completing the corresponding public comment and rulemaking process at the state level. The July 2017 SIP revision request will not be complete and will not meet all the SIP approvability criteria until the state completes the public process and submits the final, adopted SIP revision with a letter from the Governor or Governor's designee to EPA. The EPA is proposing to approve the SIP revision request after completion of the state public process and final submittal.

Arkansas' July 2017 Regional Haze SIP revision proposal addresses certain portions of the 2008 Regional Haze SIP that were partially disapproved by EPA on March 12, 2012.[20] The 2008 Regional Haze SIP included source-by-source NO_X BART determinations for subject-to-BART EGUs in Arkansas. EPA's March 12, 2012 final action on the 2008 Regional Haze SIP included disapproval of the State's source-by-source NO_X BART determinations for these EGUs. These EGUs are Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; White Bluff Units 1 and 2 and its auxiliary boiler. EPA's March 12, 2012 final action on the 2008 Regional Haze SIP also included a determination that the State did not satisfy the statutory and associated regulatory requirements for the reasonable progress analysis. We promulgated a FIP on September 27, 2016, that established source specific NO_X BART emission limits for these seven EGUs and NO_X emission limits under reasonable progress for Independence Units 1 and 2 to address the disapproved portions of the 2008 Regional Haze SIP submittal.

Arkansas' July 2017 Regional Haze SIP revision addresses the NO_X BART requirements for Arkansas' EGUs by relying on CSAPR as an alternative to BART. The July 2017 Regional Haze SIP revision proposal also makes the determination that no additional NO_X emission controls for Arkansas sources, beyond participation in CSAPR's ozone season NO_X trading program, are required for achieving reasonable progress in Arkansas. As noted above, the July 2017 Regional Haze SIP revision addresses NO_X requirements for the same EGUs for which we established source-specific NO_X emission limits in our September 27, 2016 FIP.

A. Reliance on CSAPR To Satisfy NO_X BART

Arkansas' 2017 Regional Haze SIP revision proposal relies on EPA's determination that CSAPR provides for greater reasonable progress than BART to address the NO_X BART requirements for its EGUs. Consistent with 40 CFR 51.308(e)(4), Arkansas makes the determination that since the Arkansas EGUs are currently subject to the CSAPR requirements for ozone-season NO_X, the State need not require subject-to-BART EGUs to install, operate, and maintain BART for NO_X. We are proposing to find that it is appropriate for Arkansas to rely on participation in the CSAPR ozone season NO_X trading program to satisfy the NO_X BART requirements for Arkansas EGUs. EPA's 2012 determination and our November 2016 proposed determination that implementation of CSAPR meets the criteria for a BART alternative are based on an analytic demonstration that implementation of CSAPR across all states subject to CSAPR would result in

[11] *North Carolina* v. *EPA,* 531 F.3d 896, 901 (D.C. Cir. 2008), *modified,* 550 F.3d 1176, 1178 (D.C. Cir. 2008).

[12] 76 FR 48207 (August 8, 2011).

[13] 76 FR 82219 (December 30, 2011).

[14] The limited disapproval triggered the EPA's obligation to issue a FIP or approve a SIP revision to correct the relevant deficiencies within 2 years of the final limited disapproval action. CAA section 110(c)(1); 77 FR 33642, at 33654 (June 7, 2012).

[15] See 40 CFR 51.308(e)(4).

[16] *See* 77 FR 33642, at 33654.

[17] Arkansas' ozone season NO_X budget was not included in the remand. *EME Homer City Generation* v. *EPA,* 795 F.3d 118, 138 (D.C. Cir. 2015).

[18] 81 FR74504 (October 26, 2016).

[19] 81 FR 78954 (November 10, 2016).

[20] 77 FR 14604.

greater reasonable progress than BART toward restoring natural visibility conditions in relevant locations.[21] Our proposed approval of Arkansas' 2017 Regional Haze SIP revision is dependent upon our November 10, 2016 proposed determination,[22] which is based in part on the analysis we conducted for our 2012 determination that CSAPR is better than BART,[23] but with updates to reflect the changes to CSAPR to address the Court's remand.

We are proposing to find that the NO_X BART requirements for EGUs in Arkansas will be satisfied by participation in CSAPR's ozone season NO_X program. Finalization of today's proposed SIP approval is dependent upon finalization of the November 10, 2016 proposed finding that CSAPR continues to be better than BART or EPA otherwise determining that participation in CSAPR remains a viable alternative to source-specific BART.[24]

B. Reasonable Progress Analysis for NO_X

In determining whether additional controls are necessary under the reasonable progress requirements and in establishing RPGs, a state must consider four statutory factors in section 169A(g)(1) of the CAA: (1) The costs of compliance, (2) the time necessary for compliance, (3) the energy and nonair quality environmental impacts of compliance, and (4) the remaining useful life of any existing source subject to such requirements.

Arkansas' 2017 Regional Haze SIP revision includes a discussion of the key pollutants and source categories that contribute to visibility impairment in Arkansas Class I areas. In this SIP revision, Arkansas refers back to the 2008 Arkansas Regional Haze SIP, which included air quality modeling performed by the Central Regional Air Planning Association (CENRAP) in support of SIP development in the central states region.[25] The CENRAP modeling included PSAT with CAMx version 4.4, which was used to provide source apportionment by geographic regions and major source categories for pollutants that contribute to visibility impairment at each of the Class I areas in the central states region. Arkansas' 2017 Regional Haze SIP revision provides a discussion of region-wide PSAT results and also provides a discussion of Arkansas PSAT data. The conclusion that Arkansas' 2017 Regional Haze SIP revision draws from this re-presentation of the CENRAP modeling results is that sulfate (SO_4) from point sources is the primary contributor to total light extinction at Arkansas Class I areas on the 20% worst days, whether looking at all regional sources or only Arkansas sources. In contrast, nitrate (NO_3) is responsible for a much smaller proportion of total light extinction at Arkansas Class I areas. With regard to light extinction due to NO_3, the PSAT results show that when looking at only Arkansas sources, the majority of the light extinction due to NO_3 is clearly attributed to on-road mobile sources whereas looking at all region-wide sources the light extinction due to NO_3 is nearly equally attributed to on-road mobile and point sources on the 20% worst days in 2002. In particular, NO_3 from Arkansas point sources contribute 0.36 inverse megameters (Mm^{-1}) out of a total light extinction of approximately 115.87 Mm^{-1} at Caney Creek on the 20% worst days in 2002. NO_3 from Arkansas point sources also contribute 0.18 Mm^{-1} out of a total light extinction of approximately 115 Mm^{-1} at Upper Buffalo on the 20% worst days in 2002. In terms of percent contribution, NO_3 from Arkansas point sources contribute approximately 0.31% of the total light extinction at Caney Creek and 0.16% of the total light extinction at Upper Buffalo on the 20% worst days in 2002. NO_3 from Arkansas area sources had an even smaller contribution to light extinction on the 20% worst days in 2002, contributing approximately 0.18 Mm^{-1} out of a total light extinction of approximately 115.87 Mm^{-1} at Caney Creek and 0.11 Mm^{-1} out of a total light extinction of approximately 115 Mm^{-1} at Upper Buffalo. In terms of percent contribution, NO_3 from Arkansas area sources contribute approximately 0.16% of the total light extinction at Caney Creek and 0.1% of the total light extinction at Upper Buffalo on the 20% worst days in 2002. Based on its evaluation of the CENRAP modeling results, Arkansas concludes that given the small amount of visibility impairment due to NO_3 from Arkansas point sources, it does not expect that additional NO_X controls on Arkansas point sources would yield meaningful visibility improvements at Arkansas Class I areas. Taking this into consideration and given that Arkansas EGUs are required to participate in the CSAPR ozone season NO_X trading program, the state determines it is appropriate to screen out point sources in Arkansas from further evaluation of NO_X controls under reasonable progress.

1. Regional Particulate Source Apportionment Tool (PSAT) Data for Caney Creek and Upper Buffalo

Arkansas' 2017 Regional Haze SIP revision explains that the region-wide PSAT results show that on the 20% worst days in 2002, point sources are the primary contributor to total light extinction at Arkansas' Class I areas. Arkansas explains that point sources are responsible for approximately 60% of the total light extinction at each Arkansas Class I area on the 20% worst days in 2002.[26] Area sources are the next largest contributor to total light extinction at Arkansas Class I areas, contributing approximately 13% and 16% of light extinction at Caney Creek and Upper Buffalo, respectively.[27] The remaining source categories each contribute between 2% and 6% of total light extinction at Arkansas' Class I areas.

Looking at the modeled relative contribution to light extinction from each species on the 20% worst days in 2002, the PSAT results show that SO_4 contributes approximately 87.05 Mm^{-1} to the total light extinction at Caney Creek and 83.18 Mm^{-1} to the total light extinction at Upper Buffalo, or approximately 72% and 69% of the total modeled light extinction at each Class I area, respectively. SO_4 due to point sources (including point sources both in and outside Arkansas) contributes 75.1 Mm^{-1} to the total light extinction at Caney Creek and 72.17 Mm^{-1} at Upper Buffalo, or approximately 62% and 60% of the total light extinction at each Class I area on the 20% worst days in 2002, respectively. SO_4 due to point sources is responsible for approximately 86% and 87% of the light extinction due to SO_4 at Caney Creek and Upper Buffalo, respectively. The other source categories (*i.e.,* natural, on-road, non-road, and area sources) each contribute much smaller proportions of light extinction due to SO_4. By comparison, NO_3 contributes approximately 13.78 Mm^{-1} to the total light extinction at Caney Creek and 13.3 Mm^{-1} at Upper Buffalo, or approximately 11% of the total light extinction at each Class I area, respectively. Primary organic aerosols

[21] 77 FR 33642.

[22] 81 FR 78954.

[23] 77 FR 33642.

[24] 81 FR 78954.

[25] The central states region includes Texas, Oklahoma, Louisiana, Arkansas, Kansas, Missouri, Nebraska, Iowa, Minnesota, and the tribal governments within these states.

[26] Point sources (considering sources both in and outside Arkansas) are responsible for approximately 81.04 Mm^{-1} out of a total light extinction of 115.87 Mm^{-1} at Caney Creek and 77.8 Mm^{-1} out of a total light extinction of 115 Mm^{-1} at Upper Buffalo on the 20% worst days in 2002. See Table 1 of the 2017 Arkansas Regional Haze SIP revision, page 10.

[27] Area sources (considering sources both in and outside Arkansas) are responsible for approximately 17.81 Mm^{-1} out of a total light extinction of 115.87 Mm^{-1} at Caney Creek and 20.46 Mm^{-1} out of a total light extinction of 115 Mm^{-1} at Upper Buffalo on the 20% worst days in 2002. See Table 1 of the 2017 Arkansas Regional Haze SIP revision, page 10.

(POA) contribute approximately 8%, elemental carbon (EC) contributes approximately 4%, soil contributes approximately 1%, and crustal material (CM) contributes approximately 3 to 5% of the total modeled visibility extinction at each Arkansas Class I area on the 20% worst days in 2002. NO_3 due to on-road sources contributes 4.7 Mm^{-1} and NO_3 due to point sources contributes 4.06 Mm^{-1} at Caney Creek, or approximately one-third of the light extinction due to NO_3 at the Class I area. NO_3 due to point sources contributes 3.93 Mm^{-1} and NO_3 due to on-road sources contributes 4.14 Mm^{-1} at Upper Buffalo, or approximately 30% to 31% of the light extinction due to NO_3 at the Class I area. Area sources are the primary driver of light extinction attributed to POA, soil, and CM. Non-road and area sources are the primary drivers of light extinction attributed to EC.

The PSAT results also show that point sources are projected to remain the primary contributor to light extinction at Arkansas' Class I areas on the 20% worst days in 2018, contributing approximately 45.27 Mm^{-1} at Caney Creek and 43.02 Mm^{-1} at Upper Buffalo, or approximately 65% of total light extinction at Caney Creek and 61% of total light extinction at Upper Buffalo. Area sources are projected to continue being the second largest contributor to light extinction on the 20% worst days in 2018, contributing approximately 16.96 Mm^{-1} at Caney Creek and 19.71 Mm^{-1} at Upper Buffalo, or approximately 24% of total light extinction at Caney Creek and 28% of total light extinction at Upper Buffalo. The PSAT results show that natural, on-road, and non-road sources are projected to continue to contribute a very small portion of total light extinction at Arkansas' Class I areas on the 20% worst days in 2018.

Arkansas explains that the PSAT results show that the light extinction attributed to SO_4 is projected to decrease by approximately 44% at Caney Creek and 45% at Upper Buffalo on the 20% worst days in 2018. However, SO_4 is projected to continue being the primary driver of total light extinction at Arkansas Class I areas on the 20% worst days in 2018, and point sources are projected to continue being the primary source of light extinction due to SO_4. SO_4 due to point sources is projected to contribute approximately 39.83 Mm^{-1} at Caney Creek and 37.09 Mm^{-1} at Upper Buffalo, or approximately 53% and 49% of total light extinction on the 20% worst days in 2018 at each Class I area, respectively. The other species (*i.e.,* NO_3, POA, EC, soil, and CM) are also projected to have reductions in their contribution to total light extinction at Caney Creek and Upper Buffalo in 2018. These species' relative contributions to total light extinction in 2018 are projected to remain much smaller than that of SO_4. For example, NO_3 is projected to contribute approximately 7.57 Mm^{-1} at Caney Creek and 9.22 Mm^{-1} at Upper Buffalo on the 20% worst days in 2018, or approximately 10 to 12% of the total light extinction at each Class I area.

2. Arkansas Source PSAT Data for Caney Creek and Upper Buffalo

In its 2017 Regional Haze SIP submittal, Arkansas explains that species attributed to Arkansas sources in particular contribute approximately 10% of total light extinction on the 20% worst days in 2002 at Arkansas Class I areas,[28] and are projected to contribute approximately 13% to 14% of total light extinction on the 20% worst days in 2018.[29]

When considering only Arkansas sources, area sources are responsible for a greater portion of the visibility extinction than point sources on the 20% worst days in 2002 at Arkansas Class I areas. For example, Arkansas area sources contribute 5.03 Mm^{-1}, or approximately 37% of the light extinction attributed to Arkansas sources at Caney Creek, and approximately 4% of total light extinction at the Class I area on the 20% worst days in 2002. Arkansas area sources also contribute 6.72 Mm^{-1}, or approximately 50% of light extinction attributed to Arkansas sources at Upper Buffalo, and approximately 6% of the total light extinction at the Class I area on the 20% worst days in 2002. By comparison, Arkansas point sources contribute 3.85 Mm^{-1}, or approximately 28% of the light extinction attributed to Arkansas sources at Caney Creek, and approximately 3% of the total light extinction at the Class I area on the 20% worst days in 2002. Arkansas point sources also contribute 3.25 Mm^{-1}, or approximately 24% of light extinction attributed to Arkansas sources at Upper Buffalo, and approximately 3% of the total light extinction at the Class I area on the 20% worst days in 2002. The other source categories in Arkansas each contribute between 7% and 14% to light extinction attributed to Arkansas sources at Caney Creek and Upper Buffalo.

Looking at each species and their modeled relative contributions to light extinction at Arkansas Class I areas, SO_4 from all Arkansas sources contributes 4.14 Mm^{-1} at Caney Creek and 3.97 Mm^{-1} at Upper Buffalo, or approximately 3% of the total modeled light extinction at each Class I area on the 20% worst days in 2002. SO_4 due to Arkansas point sources contributes 2.94 Mm^{-1} at Caney Creek and 2.62 Mm^{-1} at Upper Buffalo, or approximately two-thirds of the light extinction attributed to SO_4 from all Arkansas sources at each Class I area. POA from Arkansas sources contributes approximately 3% and 2% of the total light extinction on the 20% worst days in 2002 at Caney Creek and Upper Buffalo, respectively. NO_3 from all Arkansas sources contributes 2.11 Mm^{-1} at Caney Creek and 1.07 Mm^{-1} at Upper Buffalo, or approximately 2% and 1% of the total light extinction on the 20% worst days in 2002 at each Class I area, respectively. NO_3 due to Arkansas on-road sources contributes 1.09 Mm^{-1} at Caney Creek and 0.54 Mm^{-1} at Upper Buffalo, or approximately 50% of the light extinction attributed to NO_3 from Arkansas sources at Arkansas Class I areas on the 20% worst days in 2002. NO_3 due to Arkansas point sources contributes 0.36 Mm^{-1} at Caney Creek and 0.18 Mm^{-1} at Upper Buffalo, or approximately 17% of the light extinction attributed to NO_3 from all Arkansas sources at each Class I area. EC from Arkansas sources contributes approximately 1% and soil from Arkansas sources contributes approximately 0.2% to the total light extinction at Caney Creek and Upper Buffalo on the 20% worst days in 2002. CM from Arkansas sources, primarily area sources, contribute approximately 1 and 2% of total light extinction at Caney Creek and Upper Buffalo, respectively.

The PSAT results show that area sources are projected to continue having a larger impact on visibility extinction than point sources at Caney Creek and Upper Buffalo when only considering sources located in Arkansas on the 20% worst days in 2018. For example, Arkansas area sources are projected to contribute 4.84 Mm^{-1} at Caney Creek, or approximately 43% of the light extinction attributed to Arkansas sources at Caney Creek, and

[28] Arkansas sources contribute approximately 13.58 Mm^{-1} out of a total light extinction of 115.87 Mm^{-1} at Caney Creek on the 20% worst days in 2002, and 13.46 Mm^{-1} out of a total light extinction of 115 Mm^{-1} at Upper Buffalo. See Tables 1 and 3 of the 2017 Arkansas Regional Haze SIP revision, pages 10 and 16.

[29] Arkansas sources contribute approximately 11.24 Mm^{-1} out of a total light extinction of 69.55 Mm^{-1} at Caney Creek on the 20% worst days in 2018, and 12.02 Mm^{-1} out of a total light extinction of 70.79 Mm^{-1} at Upper Buffalo. See Tables 2 and 4 of the 2017 Arkansas Regional Haze SIP revision, pages 13 and 19.

approximately 6% of the total light extinction at that Class I area on the 20% worst days in 2018. Arkansas area sources are also projected to contribute 6.52 Mm^{-1} at Upper Buffalo, or approximately 54% of the light extinction attributed to Arkansas sources at Upper Buffalo, and approximately 8% of the total light extinction at that Class I area on the 20% worst days in 2018. By comparison, Arkansas point sources are projected to contribute 4.05 Mm^{-1} at Caney Creek and 3.63 Mm^{-1} at Upper Buffalo, or approximately 36% of the light extinction attributed to Arkansas sources at Caney Creek and approximately 30% of the light extinction attributed to Arkansas sources at Upper Buffalo. Other source categories in Arkansas are projected to contribute between 2% and 9% each to light extinction from Arkansas sources at Arkansas Class I areas on the 20% worst days in 2018.

The PSAT results also show that light extinction attributed to Arkansas NO_3 sources is projected to decrease by 62% at Caney Creek and 41% at Upper Buffalo on the 20% worst days in 2018, largely due to a decrease in light extinction attributed to NO_3 from Arkansas on-road sources. Overall light extinction due to SO_4 from Arkansas sources (all source categories combined) is projected to decrease at Arkansas Class I areas. However, light extinction due to SO_4 from point sources located in Arkansas is projected to increase by 4% at Caney Creek and 5% at Upper Buffalo on the 20% worst days in 2018. Arkansas' 2017 Regional Haze SIP revision states that even so, the contribution to total light extinction of SO_4 from Arkansas point sources remains relatively small—3% of total light extinction at each Arkansas Class I area.

3. Arkansas' Conclusions Regarding Key Pollutants and Source Category Contributions

Arkansas asserts that when only sources located in Arkansas are considered, light extinction due to area sources (all pollutant species considered) is greater compared to point sources for both Caney Creek and Upper Buffalo on the 20% worst days both in 2002 and in 2018. Even though area sources contribute a larger proportion of the total light extinction compared to other source categories when only Arkansas sources are considered, Arkansas asserts that the cost-effectiveness of controlling many individual small area sources is difficult to quantify. Therefore, Arkansas did not evaluate area sources for controls under reasonable progress.

Arkansas also asserts that the region-wide PSAT data indicate that the relative regional contribution of SO_4 to light extinction at Arkansas Class I areas is much higher than that of other pollutants on the 20% worst days. However, the PSAT results for Arkansas sources show that the relative contribution to light extinction of the various species due to Arkansas sources is not as weighted toward SO_4 compared to the region-wide contribution results. Nevertheless, SO_4 is still the species with the largest contribution to light extinction at Caney Creek and Upper Buffalo on the 20% worst days in both the regional contribution results and the Arkansas source contribution results. After examination of both region-wide PSAT data and data for Arkansas sources, Arkansas identifies SO_4 as the key species contributing to light extinction at Caney Creek and Upper Buffalo. Since the primary driver of SO_4 formation is emissions of SO_2 from point sources when looking at both the regional PSAT data and the data for Arkansas sources, Arkansas states it will evaluate in a subsequent SIP revision large sources of SO_2 to determine whether their emissions and proximity to Arkansas Class I areas warrant further analysis using the four statutory factors.

Arkansas also asserts that only a very small proportion of total light extinction is due to NO_3 from Arkansas sources and that this proportion has historically been driven by on-road sources, which are regulated by national vehicle emission standards. Arkansas points out that the PSAT data show that NO_3 from Arkansas point sources contributes less than 0.5% of the total light extinction at Caney Creek and Upper Buffalo on the 20% worst days in 2002, and that this contribution is expected to decrease on the 20% worst days in 2018. Arkansas asserts that the level of visibility impairment due to NO_3 from Arkansas point sources is miniscule, and that the state therefore does not anticipate that additional NO_X controls on Arkansas point sources would yield meaningful visibility improvements at Arkansas Class I areas. Additionally, Arkansas points out that Arkansas EGUs with a nameplate capacity of 25 megawatts (MW) or greater participate in the CSAPR ozone season NO_X emissions trading program. Arkansas notes that the Independence facility's EGUs participate in CSAPR for ozone season NO_X and also that the EPA promulgated NO_X controls for this facility in the Arkansas Regional Haze FIP to ensure reasonable progress toward improving visibility. Arkansas makes the determination that because of the small impact at Arkansas Class I areas due to NO_3 from Arkansas sources, participation of Arkansas EGUs in CSAPR for ozone season NO_X satisfies the reasonable progress requirements for NO_X for sources in Arkansas.

Further, Arkansas states that the 2018 CSAPR trading program ozone season allocations for Arkansas EGUs add up to 3,708 NO_X tons less than the 2016 ozone season NO_X emissions from Arkansas EGUs.[30] Arkansas also states that it anticipates that some EGUs will choose to install combustion controls to comply with CSAPR that would achieve emissions reductions year-round, not just in the ozone season. Therefore, Arkansas anticipates that the total annual NO_X reductions associated with compliance with the 2018 CSAPR ozone season trading program would be greater than 3,708 NO_X tons.

4. Our Evaluation of Arkansas' Analysis

We agree with Arkansas' assertion that when only sources located in Arkansas are considered, light extinction due to area sources (all pollutant species considered) is greater compared to that of point sources for both Caney Creek and Upper Buffalo on the 20% worst days in 2002. In particular, light extinction due to Arkansas areas sources (all pollutant species considered) was 5.03 Mm^{-1} out of total light extinction of 115.87 Mm^{-1} at Caney Creek and 6.72 Mm^{-1} out of total light extinction of 115 Mm^{-1} at Upper Buffalo. By comparison, light extinction due to Arkansas point sources (all pollutant species considered) was 3.85 Mm^{-1} out of total light extinction of 115.87 Mm^{-1} at Caney Creek and 3.25 Mm^{-1} out of total light extinction of 115 Mm^{-1} at Upper Buffalo. We also agree that the cost of controlling many individual small area sources may be difficult to quantify, and we are therefore proposing to find that it is acceptable for Arkansas to choose not to evaluate area sources for controls under reasonable progress in this implementation period. This is consistent with EPA's decision not to conduct a four factor analysis of area sources under reasonable progress in this implementation period in the Arkansas Regional Haze FIP.[31]

[30] See Appendix A of Arkansas' 2017 Regional Haze SIP submittal, which can be found in the docket associated with this proposed rulemaking.

[31] In the FIP we explained that the CENRAP CAMx modeling with PSAT showed that point sources are responsible for a majority of the light extinction at Arkansas Class I areas on the 20% worst days in 2002 (this is taking into account all pollutant species and sources both in and outside Arkansas). We reasoned that since other source types (*i.e.,* natural, on-road, non-road, and area)

We agree with Arkansas that the PSAT results for Arkansas sources show that the relative contribution to light extinction of SO_4 on the 20% worst days at Arkansas Class I areas is not as great compared to the regional contribution results. However, SO_4 is still the species with the largest contribution to light extinction at Caney Creek and Upper Buffalo on the 20% worst days in both the regional data and the Arkansas source data. Therefore, we agree with Arkansas' identification of SO_4 as the key species contributing to light extinction at Caney Creek and Upper Buffalo on the 20% worst days. This is consistent with our finding in the Arkansas Regional Haze FIP that the CENRAP's CAMx modeling shows that SO_4 from point sources is the driver of regional haze at Caney Creek and Upper Buffalo on the 20% worst days in both 2002 and 2018.[32]

With regard to NO_X, we also accept Arkansas' assertion that a very small proportion of total light extinction is due to NO_3 from Arkansas sources and that this is driven by on-road sources. Because on-road sources are primarily regulated by national vehicle emission standards. we are proposing to find that it is reasonable for Arkansas to choose not to evaluate on-road sources for additional NO_X control measures to address visibility impairment in this implementation period. This is consistent with EPA's decision not to conduct a four factor analysis of on-road mobile sources under reasonable progress in this implementation period in the Arkansas Regional Haze FIP.[33]

Arkansas points out that the PSAT data show that NO_3 from Arkansas point sources contributes less than 0.5% of the total light extinction at Caney Creek and Upper Buffalo on the 20% worst days in 2002, and that this contribution is expected to decrease on the 20% worst days in 2018. NO_3 from Arkansas point sources contributes 0.36 Mm^{-1} out of a total light extinction of 115.87 Mm^{-1} at Caney Creek and 0.18 Mm^{-1} out of a total light extinction of 115 Mm^{-1} at Upper Buffalo on the 20% worst days in 2002. Arkansas considers this level of visibility impairment due to NO_3 from Arkansas point sources to be miniscule. Although the 2017 Regional Haze SIP revision does not provide a discussion of data from the existing visibility monitoring network, the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, we looked at recent IMPROVE monitor data to determine the level of contribution from NO_3 to the monitored light extinction at Caney Creek and Upper Buffalo. The monitor data show that for the 20% most impaired days in 2013–2015, the average contribution of NO_3 to total extinction (including Rayleigh) was approximately 9.43 Mm^{-1} out of a total average light extinction of 69.13 Mm^{-1} at Caney Creek and 15.25 Mm^{-1} out of a total average light extinction of 66.37 Mm^{-1} at Upper Buffalo. In terms of percent contribution, the average contribution of NO_3 to total light extinction was approximately 14% at Caney Creek and 23% at Upper Buffalo.[34] This consists of NO_3 from all source categories (*i.e.,* point, area, on-road, non-road, and natural) and from all sources, rather than just Arkansas sources. By comparison, the monitor data show that the average contribution of SO_4 to total extinction was approximately 34.21 Mm^{-1} out of a total average light extinction of 69.13 Mm^{-1} at Caney Creek and 28.19 Mm^{-1} out of a total average light extinction of 66.37 Mm^{-1} at Upper Buffalo. In terms of percent contribution, the average contribution of SO_4 to total light extinction was approximately 50% at Caney Creek and 43% at Upper Buffalo on the 20% most impaired days in 2013–2015. Based on the CENRAP PSAT data discussed above, we expect that a large proportion of NO_3 from Arkansas sources is likely due to on-road sources and that the average percentage contribution of NO_3 from Arkansas point sources at Arkansas Class I areas is considerably smaller than 14% at Caney Creek and 23% at Upper Buffalo. Taking into consideration that states have significant discretion in determining what sources to analyze for controls under reasonable progress, we are proposing to find that it is reasonable for Arkansas to reach the conclusion that, for the first implementation period, additional NO_X controls for Arkansas point sources are not anticipated to yield meaningful visibility improvements at Arkansas Class I areas in view of the amount of visibility impairment attributed to these sources.

Arkansas' conclusions with regard to the percentage contribution to light extinction from NO_3 on the 20% worst days is generally consistent with the findings we made in the Arkansas Regional Haze FIP.[35] In the FIP, we made the finding that NO_3 from point sources is not considered a driver of regional haze at Caney Creek and Upper Buffalo on the 20% worst days, contributing only approximately 3% of the total light extinction, as projected by CENRAP's CAMx source apportionment modeling.[36] We also stated in the FIP proposal that because of the small contribution of NO_3 from point sources to the total light extinction at Caney Creek and Upper Buffalo on the most impaired days, we did not expect that NO_X controls under the reasonable progress requirements would offer as much improvement on the most impaired days compared to SO_2 controls.[37] However, in the FIP, we decided to look at 2011 National Emissions Inventory (NEI) data for NO_X for Arkansas point sources to determine if there are any large point sources that are reasonable candidates for evaluation under the four reasonable progress factors. Based on this assessment, we proceeded with an analysis of the four reasonable progress factors for NO_X controls for the Independence facility as we reasoned that it is the second largest point source of NO_X emissions in the state and potentially one of the largest single contributors to visibility impairment at Class I areas in Arkansas.[38] We also conducted CALPUFF modeling to determine the maximum 98th percentile visibility impacts from the Independence facility and the predicted visibility improvement due to NO_X controls at the facility. That analysis revealed that low NO_X burner controls would be very cost-effective and would result in an improvement of the 98th percentile visibility impacts from the Independence facility at Caney Creek and Upper Buffalo, and we finalized NO_X controls for the Independence facility under the reasonable progress requirements.[39]

In the July 2017 Regional Haze SIP revision, Arkansas takes a different, but nonetheless equally reasonable, approach to determine whether additional controls are necessary under reasonable progress. In its evaluation, Arkansas places greater emphasis on the

each contributed a much smaller proportion of the total light extinction at each Class I area, it was appropriate to focus only on point sources in our reasonable progress analysis for this implementation period. See 80 FR 18944 and 81 FR 66332 at 66336. See also the ''Arkansas Regional Haze FIP Response to Comments (RTC) Document,'' pages 71–99.

[32] 80 FR 18996.

[33] See 80 FR 18944 and 81 FR 66332 at 66336. See also the ''Arkansas Regional Haze FIP RTC Document,'' pages 71–99.

[34] See Excel spreadsheet titled ''Nitrate_percentage_extinction_CACR_UPBU.xlsx.'' This spreadsheet is found in the docket associated with this proposed rulemaking.

[35] 81 FR 66332; *see also* 81 FR 68319 (October 4, 2016) (correction).

[36] 80 FR 18996.

[37] 80 FR 18996.

[38] 80 FR 18995.

[39] 81 FR 66332.

relative contributions of sources within Arkansas to light extinction at Caney Creek and Upper Buffalo rather than the relative contributions of all sources both in and outside Arkansas. Arkansas also focuses its assessment on the CENRAP's CAMx source apportionment modeling rather than conducting or relying on CALPUFF modeling, and reaches the conclusion that, for the first implementation period, additional NO_X controls for Arkansas point sources are not anticipated to yield meaningful visibility improvements at Arkansas Class I areas on the 20% worst days in view of the amount of visibility impairment attributed to these sources. Additionally, Arkansas points out that the Independence facility and other EGUs in Arkansas with a nameplate capacity of 25 MW or greater are participating in CSAPR for ozone season NO_X.[40] Thus, NO_X emissions from Independence and other Arkansas sources will be addressed under reasonable progress through EGU participation in the CSAPR ozone season NO_X trading program. We believe that Arkansas is within its discretion to take the approach of focusing on the CENRAP's CAMx source apportionment modeling to help inform its decision regarding whether NO_X controls under reasonable progress are warranted. Given the relatively small level of visibility impairment due to NO_{X3} from Arkansas point sources at Caney Creek and Upper Buffalo on the 20% worst days and considering that Arkansas EGUs are participating in CSAPR for ozone season NO_X, we are proposing to find that Arkansas' decision to screen out Arkansas point sources from further evaluation of additional NO_X controls is reasonable and we are proposing to approve Arkansas' determination that Arkansas EGU participation in CSAPR for ozone season NO_X is sufficient to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period. We find that Arkansas has addressed our concerns presented in our final partial disapproval[41] of the 2008 Regional Haze SIP revision with respect to reasonable progress for NO_X by providing additional analysis that shows that NO_X emissions are not the driver of regional haze on the 20% worst days in Arkansas Class I areas and that further analysis of additional NO_X controls for Arkansas sources under reasonable progress is therefore not warranted for the first implementation period considering that NO_X emissions from Arkansas EGUs are addressed through participation in the CSAPR ozone season NO_X trading program.

C. Required Consultation

The Regional Haze Rule requires states to provide the designated Federal Land Managers (FLMs) with an opportunity for consultation at least 60 days prior to holding any public hearing on a SIP revision for regional haze for the first implementation period.[42] Arkansas sent letters to the FLMs on June 14, 2017, providing notification of the proposed SIP revision and providing electronic access to the draft SIP revision and related documents.[43] The Regional Haze Rule at section 51.308(d)(3)(i) also provides that if a state has emissions that are reasonably anticipated to contribute to visibility impairment in a Class I area located in another state, the state must consult with the other state(s) in order to develop coordinated emission management strategies. Since Missouri has two Class I areas impacted by Arkansas sources, Arkansas sent a letter to the Missouri Department of Natural Resources (MDNR) on June 14, 2017, providing notification of the proposed SIP revision and providing electronic access to the draft SIP revision and related documents.[44] Arkansas stated it will consider and respond to any comments received from the FLMs and from the MDNR on the proposed SIP revision before finalizing and submitting the final SIP revision to EPA.

We are proposing to find that Arkansas has provided an opportunity for consultation to the FLMs and to the MDNR on the proposed SIP revision, as required under section 51.308(i)(2) and 51.308(d)(3)(i). Our final determination with respect to Arkansas' satisfaction of the consultation requirements under the Regional Haze Rule will be contingent upon Arkansas' appropriate consideration and responses to comments from the FLMs and the MDNR in the final SIP submission.

III. Proposed Action

A. Arkansas' Proposed Regional Haze SIP Revision

The EPA has made the preliminary determination that the July 12, 2017 proposed revisions to the Arkansas Regional Haze SIP and the request by the State for parallel processing are in accordance with the CAA and consistent with the CAA and the EPA's rule on regional haze. Therefore, the EPA proposes to approve the following revisions to the Arkansas Regional Haze SIP that were proposed for adoption on July 8, 2017 and submitted for parallel processing on July 12, 2017: the NO_X BART requirements for Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; and White Bluff Units 1 and 2 and the Auxiliary Boiler, will be satisfied by participation in CSAPR. We cannot finalize today's proposed SIP approval until we finalize the November 10, 2016 proposed finding that CSAPR continues to be better than BART[45] or otherwise determine that participation in CSAPR remains a viable BART alternative because such a determination provides the basis for Arkansas to rely on CSAPR participation as an alternative to source specific EGU BART for NO_X. Given the relatively small level of visibility impairment due to NO_3 from Arkansas point sources at Caney Creek and Upper Buffalo and considering that Arkansas EGUs are participating in CSAPR for ozone season NO_X, we are proposing to find that Arkansas' decision not to conduct further analysis of additional NO_X controls for Arkansas sources is reasonable and we are proposing to approve Arkansas' determination that Arkansas EGU participation in CSAPR for ozone season NO_X is sufficient to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period.

The EPA is proposing this action in parallel with the state's rulemaking process. We cannot take a final action until the state completes its rulemaking process, adopts its final regulations, and submits these final adopted regulations as a revision to the Arkansas SIP. If during the response to comments process, the final SIP revision is changed significantly from the proposed SIP revision upon which the EPA proposed, the EPA may have to withdraw our initial proposed rule and re-propose based on the final SIP submittal.

[40] 81 FR 74504.

[41] 77 FR 14604.

[42] On January 10, 2017, the EPA revised the Regional Haze Rule, including the FLM consultation requirements at 40 CFR 51.308(i)(2). See 82 FR 3078. However, these revisions to the Regional Haze Rule are intended to address requirements for the second implementation period rather than the first implementation period; Arkansas' 2017 Regional Haze SIP revision addresses regional haze requirements for the first implementation period. For the first implementation period, the Regional Haze Rule required states to provide the FLMs with an opportunity for consultation, in person and at least 60 days prior to holding any public hearing on an implementation plan (or plan revision) for regional haze. See 64 FR 35714, at 35769.

[43] See Tab D of the 2017 Arkansas Regional Haze SIP revision, which can be found in the docket associated with this rulemaking.

[44] See Tab D of the 2017 Arkansas Regional Haze SIP revision, which can be found in the docket associated with this rulemaking.

[45] 81 FR 78954.

B. Partial FIP Withdrawal

We are proposing to withdraw those portions of the Arkansas Regional Haze FIP at 40 CFR 52.173 that impose NO_X requirements on Bailey Unit 1; McClellan Unit 1; Flint Creek Boiler No. 1; Lake Catherine Unit 4; White Bluff Units 1 and 2 and the Auxiliary Boiler; and Independence Units 1 and 2.[46] We are proposing that these portions of the FIP will be replaced by the July 2017 Regional Haze SIP revision that we are proposing to approve in this action.

C. Clean Air Act Section 110(l)

Section 110(l) of the CAA states that ''[t]he Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of this chapter.'' [47] EPA does not interpret section 110(l) to require a full attainment or maintenance demonstration before any changes to a SIP may be approved. Generally, a SIP revision may be approved under section 110(l) if EPA finds that it will at least preserve status quo air quality, particularly where the pollutants at issue are those for which an area has not been designated nonattainment.

We do not believe an approval of the 2017 Regional Haze SIP revision, as proposed, will interfere with CAA requirements for BART or reasonable progress because all areas in the state are designated as attainment for all NAAQS, and our proposal is supported by an evaluation that those CAA requirements are met. The SIP replaces federal determinations for source specific NO_X emission limits for BART EGUs in Arkansas. Following promulgation of the FIP, EPA finalized an update to the CSAPR rule on October 26, 2016, that addresses the 1997 ozone NAAQS portion of the remand and the CAA requirements addressing interstate transport for the 2008 ozone NAAQS.[48] On November 10, 2016, EPA proposed a rule intended to address the remainder of the court's remand, which also included an assessment of the impacts of the set of actions that the EPA has taken or expects to take in response to the D.C. Circuit's remand on our 2012 demonstration that participation in CSAPR provides for greater reasonable progress than BART.[49] Based on that assessment, the EPA proposed in the November 10, 2016 action that states may continue to rely on CSAPR as being better than BART on a pollutant-specific basis. As such, Arkansas now has the option to propose to rely on compliance with CSAPR to satisfy the NO_X BART requirement for EGUs. Finalization of EPA's November 10, 2016, proposed finding that CSAPR continues to be better than BART [50] or EPA otherwise determining that CSAPR remains a viable BART alternative will provide the basis for Arkansas to rely on CSAPR participation as an alternative to source specific EGU BART for NO_X.

With regard to reasonable progress, Arkansas has provided an analysis of anthropogenic sources of visibility impairment and arrived at the determination that Arkansas EGU participation in CSAPR for ozone season NO_X is sufficient to satisfy the reasonable progress requirements for NO_X in Arkansas for the first implementation period. The Independence facility, on which the FIP imposed NO_X controls under the reasonable progress requirements, is subject to CSAPR for ozone season NO_X. Even though we are withdrawing the source-specific NO_X controls in the FIP for the Independence facility, its NO_X emissions will still be addressed under the reasonable progress requirements through participation in the CSAPR ozone season NO_X emissions trading program.

We also believe that approval of the submitted SIP revision will not interfere with attainment and maintenance of the NAAQS within the state of Arkansas. No areas in Arkansas are currently designated nonattainment for any NAAQS pollutants. The SIP revision we are proposing to approve would allow Arkansas to rely on compliance with CSAPR to satisfy the NO_X BART requirement for Arkansas EGUs as well as the reasonable progress requirements for NO_X. Additionally, the CSAPR 2018 NO_X ozone season allocations for Arkansas sources are more stringent than the 2017 allocations. As all areas are attaining the NAAQS even with current emissions levels, reductions in those levels as a result of compliance with the 2018 NO_X ozone season allocations will not interfere with attainment. Therefore, we do not deem this to be an instance where a full attainment or maintenance demonstration is needed to bolster our determination that approval of the submitted SIP revision would not interfere with attainment and maintenance of the NAAQS. We are not aware of any basis for concluding or demonstrating that Arkansas' July 2017 Regional Haze SIP revision, when implemented, would interfere with the maintenance of the NAAQS in Arkansas.

IV. Statutory and Executive Order Reviews

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

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

[46] The proposed amendatory language for this proposed revision of the earlier promulgated FIP is set forth at the end of this proposal. If the action is finalized as proposed, the final action will also present additional amendatory language reflecting our approval of the submitted SIP revision.

[47] 42 U.S.C. 7410(l).

[48] 81 FR74504.

[49] 81 FR 78954.

[50] 81 FR 78954.

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

List of Subjects in 40 CFR Part 52

Air pollution control, Best available retrofit technology, Environmental protection, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Regional haze, Reporting and recordkeeping requirements, Visibility.

Dated: August 29, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

Title 40, chapter I, of the Code of Federal Regulations is proposed to be 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 E—Arkansas

■ 2. Section 52.173 is amended by:

■ a. Revising paragraphs (c)(3) through (10) and (c)(12)

■ b. Removing paragraphs (c)(13) and (14)

■ c. Redesignating paragraphs (c)(15) through (29) as paragraphs (c)(13) through (27) and

■ d. Revising redesignated paragraphs (c)(14), (15), (17), (18), (20), (21), (22), (23) and (24)

Revisions to read as follows:

§ 52.173 Visibility protection.

* * * * *

(c) * * *

(3) *Emissions limitations for AECC Bailey Unit 1 and AECC McClellan Unit 1.* The individual SO_2 and PM emission limits for each unit are as listed in the following table.

Unit	SO_2 emission limit	PM emission limit
AECC Bailey Unit 1	Use of fuel with a sulfur content limit of 0.5% by weight	Use of fuel with a sulfur content limit of 0.5% by weight.
AECC McClellan Unit 1	Use of fuel with a sulfur content limit of 0.5% by weight	Use of fuel with a sulfur content limit of 0.5% by weight.

(4) *Compliance dates for AECC Bailey Unit 1 and AECC McClellan Unit.* The owner or operator of each unit must comply with the SO_2 and PM requirements listed in paragraph (c)(3) of this section by October 27, 2021. As of October 27, 2016, the owner or operator of each unit shall not purchase fuel for combustion at the unit that does not meet the sulfur content limit in paragraph (c)(3) of this section. The owner or operator of each unit must comply with the requirement in paragraph (c)(3) of this section to burn only fuel with a sulfur content limit of 0.5% by weight by October 27, 2021.

(5) *Compliance determination and reporting and recordkeeping requirements for AECC Bailey Unit 1 and AECC McClellan Unit for SO_2 and PM.* To determine compliance with the SO_2 and PM requirements listed in paragraph (c)(3) of this section, the owner or operator shall sample and analyze each shipment of fuel to determine the sulfur content by weight, except for natural gas shipments. A ''shipment'' is considered delivery of the entire amount of each order of fuel purchased. Fuel sampling and analysis may be performed by the owner or operator of an affected unit, an outside laboratory, or a fuel supplier. All records pertaining to the sampling of each shipment of fuel as described above, including the results of the sulfur content analysis, must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives.

(6) *Emissions limitations for AEP Flint Creek Unit 1 and Entergy White Bluff Units 1 and 2.* The individual SO_2 emission limits for each unit are as listed in the following table, as specified in pounds per million British thermal units (lb/MMBtu). The SO_2 emission limits of 0.06 lb/MMBtu are on a rolling 30 boiler-operating-day averaging period.

Unit	SO_2 emission limit (lb/MMBtu)
AEP Flint Creek Unit 1	0.06
Entergy White Bluff Unit 1	0.06
Entergy White Bluff Unit 2	0.06

(7) *Compliance dates for AEP Flint Creek Unit 1 and Entergy White Bluff Units 1 and 2.* The owner or operator of AEP Flint Creek Unit 1 must comply with the SO_2 emission limit listed in paragraph (c)(6) of this section by April 27, 2018. The owner or operator of White Bluff Units 1 and 2 must comply with the SO_2 emission limit listed in paragraph (c)(6) of this section by October 27, 2021.

(8) *Compliance determination and reporting and recordkeeping requirements for AEP Flint Creek Unit 1 and Entergy White Bluff Units 1 and 2.* (i) For purposes of determining compliance with the SO_2 emission limit listed in paragraph (c)(6) of this section for AEP Flint Creek Unit 1 and with the SO_2 emission limits listed in paragraph (c)(6) of this section for White Bluff Units 1 and 2, the emissions for each boiler-operating-day for each unit shall be determined by summing the hourly emissions measured in pounds of SO_2. For each unit, heat input for each boiler-operating-day shall be determined by adding together all hourly heat inputs, in millions of BTU. Each boiler-operating-day of the 30-day rolling average for a unit shall be determined by adding together the pounds of SO_2 from that day and the preceding 29 boiler-operating-days and dividing the total pounds of SO_2 by the sum of the heat input during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/MMBtu emissions of SO_2. If a valid SO_2 pounds per hour or heat input is not available for any hour for a unit, that heat input and SO_2 pounds per hour shall not be used in the calculation of the 30 boiler-operating-day rolling average for SO_2. For each day, records of the total SO_2 emitted that day by each emission unit and the sum of the hourly heat inputs for that day must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling average for SO_2 for each unit as described above must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) The owner or operator shall continue to maintain and operate a CEMS for SO_2 on the units listed in paragraph (c)(6) of this section in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and appendix B of part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. Compliance with the emission

limits for SO_2 shall be determined by using data from a CEMS.

(iii) Continuous emissions monitoring shall apply during all periods of operation of the units listed in paragraph (c)(6) of this section, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2 and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid SO_2 pounds per hour emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in each 24-hour period and at least 22 out of 30 successive boiler operating days.

(9) *Emissions limitations for Entergy White Bluff Auxiliary Boiler.* The individual SO_2 and PM emission limits for the unit are as listed in the following table in pounds per hour (lb/hr).

Unit	SO_2 emission limit (lb/hr)	PM emission limit (lb/hr)
Entergy White Bluff Auxiliary Boiler	105.2	4.5

(10) *Compliance dates for Entergy White Bluff Auxiliary Boiler.* The owner or operator of the unit must comply with the SO_2 and PM emission limits listed in paragraph (c)(9) of this section by October 27, 2016.

* * * * *

(12) *Emissions limitations for Entergy Lake Catherine Unit 4.* The unit must not burn fuel oil until BART determinations are promulgated for the unit for SO_2 and PM for the fuel oil firing scenario through a FIP and/or through EPA action upon and approval of revised BART determinations submitted by the State as a SIP revision.

* * * * *

(14) *Compliance dates for Domtar Ashdown Mill Power Boiler No. 1.* The owner or operator of the boiler must comply with the SO_2 and NO_X emission limits listed in paragraph (c)(13) of this section by November 28, 2016.

(15) *Compliance determination and reporting and recordkeeping requirements for Domtar Ashdown Paper Mill Power Boiler No. 1.* (i)(A) SO_2 emissions resulting from combustion of fuel oil shall be determined by assuming that the SO_2 content of the fuel delivered to the fuel inlet of the combustion chamber is equal to the SO_2 being emitted at the stack. The owner or operator must maintain records of the sulfur content by weight of each fuel oil shipment, where a ''shipment'' is considered delivery of the entire amount of each order of fuel purchased. Fuel sampling and analysis may be performed by the owner or operator, an outside laboratory, or a fuel supplier. All records pertaining to the sampling of each shipment of fuel oil, including the results of the sulfur content analysis, must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. SO_2 emissions resulting from combustion of bark shall be determined by using the following site-specific curve equation, which accounts for the SO_2 scrubbing capabilities of bark combustion:

$$Y = 0.4005 * X - 0.2645$$

Where:

Y = pounds of sulfur emitted per ton of dry fuel feed to the boiler

X = pounds of sulfur input per ton of dry bark

(B) The owner or operator must confirm the site-specific curve equation through stack testing. By October 27, 2017, the owner or operator must provide a report to EPA showing confirmation of the site specific-curve equation accuracy. Records of the quantity of fuel input to the boiler for each fuel type for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of SO_2 from that boiler-operating-day and the preceding 29 boiler-operating-days and dividing the total pounds of SO_2 by the sum of the total number of boiler operating days (*i.e.,* 30). The result shall be the 30 boiler-operating-day rolling average in terms of lb/day emissions of SO_2. Records of the total SO_2 emitted for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling averages for SO_2 as described in this paragraph (c)(15)(i) must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) If the air permit is revised such that Power Boiler No. 1 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the SO_2 emission limit under paragraph (c)(13) of this section. The compliance determination requirements and the reporting and recordkeeping requirements under paragraph (c)(15)(i) of this section would not apply and confirmation of the accuracy of the site-specific curve equation under paragraph (c)(15)(i)(B) of this section through stack testing would not be required so long as Power Boiler No. 1 is only permitted to burn pipeline quality natural gas.

(iii) To demonstrate compliance with the NO_X emission limit under paragraph (c)(13) of this section, the owner or operator shall conduct stack testing using EPA Reference Method 7E once every 5 years, beginning 1 year from the effective date of our final rule. Records and reports pertaining to the stack testing must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives.

(iv) If the air permit is revised such that Power Boiler No. 1 is permitted to burn only pipeline quality natural gas, the owner or operator may demonstrate compliance with the NO_X emission limit under paragraph (c)(13) of this section by calculating NO_X emissions using fuel usage records and the applicable NO_X emission factor under

AP–42, Compilation of Air Pollutant Emission Factors, section 1.4, Table 1.4–1. Records of the quantity of natural gas input to the boiler for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the calculation of NO_X emissions for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of NO_X from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_X by the sum of the total number of hours during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_X. Records of the 30 boiler-operating-day rolling average for NO_X must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives. Under these circumstances, the compliance determination requirements and the reporting and recordkeeping requirements under paragraph (c)(15)(iii) of this section would not apply.

* * * * *

(17) *SO_2 and NO_X Compliance dates for Domtar Ashdown Mill Power Boiler No. 2.* The owner or operator of the boiler must comply with the SO_2 and NO_X emission limits listed in paragraph (c)(16) of this section by October 27, 2021.

(18) *SO_2 and NO_X Compliance determination and reporting and recordkeeping requirements for Domtar Ashdown Mill Power Boiler No. 2.* (i) NO_X and SO_2 emissions for each day shall be determined by summing the hourly emissions measured in pounds of NO_X or pounds of SO_2. Each boiler-operating-day of the 30-day rolling average for the boiler shall be determined by adding together the pounds of NO_X or SO_2 from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_X or SO_2 by the sum of the total number of hours during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_X or SO_2. If a valid NO_X pounds per hour or SO_2 pounds per hour is not available for any hour for the boiler, that NO_X pounds per hour shall not be used in the calculation of the 30 boiler-operating-day rolling average for NO_X. For each day, records of the total SO_2 and NO_X emitted for that day by the boiler must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling average for SO_2 and NO_X for the boiler as described above must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) The owner or operator shall continue to maintain and operate a CEMS for SO_2 and NO_X on the boiler listed in paragraph (c)(16) of this section in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and appendix B of part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR part 60. Compliance with the emission limits for SO_2 and NO_X shall be determined by using data from a CEMS.

(iii) Continuous emissions monitoring shall apply during all periods of operation of the boiler listed in paragraph (c)(16) of this section, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2 and NO_X and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid SO_2 or NO_X pounds per hour emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in each 24-hour period and at least 22 out of 30 successive boiler operating days.

(iv) If the air permit is revised such that Power Boiler No. 2 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the SO_2 emission limit under paragraph (c)(16) of this section. Under these circumstances, the compliance determination requirements under paragraphs (c)(18)(i) through (iii) of this section would not apply to the SO_2 emission limit listed in paragraph (c)(16) of this section.

(v) If the air permit is revised such that Power Boiler No. 2 is permitted to burn only pipeline quality natural gas and the operation of the CEMS is not required under other applicable requirements, the owner or operator may demonstrate compliance with the NO_X emission limit under paragraph (c)(16) of this section by calculating NO_X emissions using fuel usage records and the applicable NO_X emission factor under AP–42, Compilation of Air Pollutant Emission Factors, section 1.4, Table 1.4–1. Records of the quantity of natural gas input to the boiler for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the calculation of NO_X emissions for each day must be compiled no later than 15 days after the end of the month and must be maintained and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of NO_X from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_X by the sum of the total number of hours during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_X. Records of the 30 boiler-operating-day rolling average for NO_X must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives. Under these circumstances, the compliance determination requirements under paragraphs (c)(18)(i) through (iii) of this section would not apply to the NO_X emission limit.

* * * * *

(20) *PM compliance dates for Domtar Ashdown Mill Power Boiler No. 2.* The owner or operator of the boiler must comply with the PM BART requirement listed in paragraph (c)(19) of this section by November 28, 2016.

(21) Alternative *PM Compliance Determination for Domtar Ashdown Paper Mill Power Boiler No. 2.* If the air permit is revised such that Power Boiler

No. 2 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the PM BART requirement under paragraph (c)(19) of this section.

(22) *Emissions limitations for Entergy Independence Units 1 and 2.* The individual emission limits for each unit are as listed in the following table in pounds per million British thermal units (lb/MMBtu). The SO_2 emission limits listed in the table as lb/MMBtu are on a rolling 30 boiler-operating-day averaging period.

Unit	SO_2 emission limit (lb/MMBtu)
Entergy Independence Unit 1	0.06
Entergy Independence Unit 2	0.06

(23) *Compliance dates for Entergy Independence Units 1 and 2.* The owner or operator of each unit must comply with the SO_2 emission limits in paragraph (c)(22) of this section by October 27, 2021.

(24) *Compliance determination and reporting and recordkeeping requirements for Entergy Independence Units 1 and 2.* (i) For purposes of determining compliance with the SO_2 emissions limit listed in paragraph (c)(22) of this section for each unit, the SO_2 emissions for each boiler-operating-day shall be determined by summing the hourly emissions measured in pounds of SO_2. For each unit, heat input for each boiler-operating-day shall be determined by adding together all hourly heat inputs, in millions of BTU. Each boiler-operating-day of the thirty-day rolling average for a unit shall be determined by adding together the pounds of SO_2 from that day and the preceding 29 boiler-operating-days and dividing the total pounds of SO_2 by the sum of the heat input during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/MMBtu emissions of SO_2. If a valid SO_2 pounds per hour or heat input is not available for any hour for a unit, that heat input and SO_2 pounds per hour shall not be used in the calculation of the applicable 30 boiler-operating-days rolling average. For each day, records of the total SO_2 emitted that day by each emission unit and the sum of the hourly heat inputs for that day must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling average for each unit as described above must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) The owner or operator shall continue to maintain and operate a CEMS for SO_2 on the units listed in paragraph (c)(22) in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and appendix B of part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. Compliance with the emission limits for SO_2 shall be determined by using data from a CEMS.

(iii) Continuous emissions monitoring shall apply during all periods of operation of the units listed in paragraph (c)(22) of this section, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2 and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid SO_2 pounds per hour emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in each 24-hour period and at least 22 out of 30 successive boiler operating days.

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[FR Doc. 2017–18661 Filed 9–8–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 174
Monday, September 11, 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

[Docket No. 0508–New]

Notice of Request for Approval of a New Information Collection

AGENCY: Office of the Assistant Secretary for Civil Rights, Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Office of the Assistant Secretary for Civil Rights to request approval for a new information collection for the Equal Employment Opportunity Formal Complaint Form.

DATES: Comments on this notice must be received by November 13, 2017 to be assured of consideration.

ADDRESSES: Office of the Assistant Secretary for Civil Rights/Office of Compliance, Policy, and Training invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, 1400 Independence Avenue SW., Washington, DC 20250–3700, Mailstop 9401.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW., Washington, DC 20250–3700, Mailstop 9401.

Instructions: All items submitted by mail or electronic mail must include the Office of the Assistant Secretary for Civil Rights/Office of Compliance, Policy, and Training, Docket No. 0508–New, Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the Office of the Assistant Secretary for Civil Rights/Office of Compliance, Policy, and Training, Docket Room at 1400 Independence Avenue SW., Washington, DC 20250–3700, Mailstop 9401, between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Contact Anna G. Stroman, Deputy Director, Office of Compliance, Policy, and Training, Office of the Assistant Secretary for Civil Rights, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250, (202) 205–5953 or *Anna.Stroman@ascr.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Equal Employment Opportunity Formal Complaint Form.

OMB Number: 0508—New.

Expiration Date of Approval: Three years from approval date.

Type of Request: New information collection.

Abstract: This data collection is necessary to implement 29 CFR 1614.104(a). 29 CFR 1614 requires each agency subject to this part to adopt procedures for processing individual and class complaints of discrimination. Each complaint must contain a signed statement from the person claiming to be aggrieved or that person's attorney. This statement must be sufficiently precise to identify the aggrieved individual and the agency and to describe generally the action(s) or practice(s) that form the basis of the complaint. The complaint must also contain a telephone number and address where the complainant or the representative can be contacted. The collection of this information is the avenue by which the individual or his/her representative may file such a complaint. The requested information is necessary in order for the Office of the Assistant Secretary for Civil Rights to address the alleged discriminatory action.

Currently, USDA receives formal complaints from approximately 19 sub-agencies utilizing several different formats. The information collected on this form will make processing, and possible resolution of the complaint, more efficient and effective to meet statutory timeframes.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 20 minutes per response for applicants and contractors. Total public reporting burden for this collection of information is estimated to average 20 minutes per response.

Type of Respondents: Current and past Federal employees, Applicants for employment with USDA, and Contractors.

Estimated Number of Respondents: 46.

Estimated Number of Responses: 46.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 15.32 per year.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Anna G. Stroman, Deputy Director, Office of Compliance, Policy, and Training, Office of the Assistant Secretary for Civil Rights. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Winona Lake Scott,

Acting Deputy Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights.

[FR Doc. 2017–19180 Filed 9–8–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 6, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by October 11, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Advanced Biofuel Payment Program.

OMB Control Number: 0570–0063.

Summary of Collection: Section 9005 of Title IX of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) authorizes Rural Business-Cooperative Service (RBS) to enter into contracts to make payments to eligible entities to support and ensure an expanding production of advanced biofuels. To receive payments under the Program, eligible entities are producers of advanced biofuels that meet all of the requirements of the Program. Eligible entities can be an individual or legal entity, including a corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or non-profit that produces an advanced biofuel and that sells the advanced biofuel on the commercial market.

Need and Use of the Information: To participate in the program, advanced biofuel producers must enroll by submitting an application (Form RD–4288–1) which includes specific information about the producer and the producer's advanced biofuel bio-refineries. This information will be used to determine applicant eligibility and if the advanced biofuel being produced is eligible for payments under the Program. Once the producer is approved for participation in the Program, the producer and Agency will enter into a contract (Form RD 4288–2). After the contract is signed the producer will submit payment requests using (Form RD 4288–3) preferably on a quarterly basis.

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

Number of Respondents: 288.

Frequency of Responses: Reporting: Quarterly, Annually.

Total Burden Hours: 1,846.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–19182 Filed 9–8–17; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 6, 2017.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by October 11, 2017. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Child Nutrition Labeling Program.

OMB Control Number: 0581–0261

Summary of Collection: The Child Nutrition Labeling Program is a voluntary technical assistance program administered by the Agricultural Marketing Service (AMS). The program is designed to aid schools and institutions participating in the National School Lunch Program, the School Breakfast Program, the Child and Adult Care Food Program, and the Summer Food Service Program by, determining the contribution a commercial product makes towards the meal pattern requirements. Legislative authority for the programs is covered under The National School Lunch Act (NSLA); Public Law 90–302 enacted in 1968 amended the NSLA establishing the Special Food Service Program for Children. In 1975 Congress separated the Child Care Food Program and Summer Food Service components of the SFAPFC and provided each with legislative authorization.

The Child Nutrition Labeling Program is implemented in conjunction with existing label approval programs administered by the Food Safety and Inspection Service (FSIS), and the U.S. Department of Commerce (DoC). To participate in the CN Labeling Program, industry submits labels to AMS of products that are in conformance with the FSIS label approval program (for meat and poultry), and the DoC label approval program (for seafood products).

Need and Use of the Information: AMS uses the information collected to aid school food authorities and other institutions participating in child nutrition programs in determining the contribution a commercial product makes towards the established meal pattern requirements. AMS uses all of the collected information to give the submitted label an approval status that indicates if the label can be used as part of the CN Labeling Program. Without the information CN Labeling Program would have no basis on which to determine how or if a product meets the meal pattern requirements.

Description of Respondents: Business or other for-profit.

Number of Respondents: 185.

Frequency of Responses: Reporting: Other (as needed).

Total Burden Hours: 393.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–19122 Filed 9–8–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 6, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by October 11, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Electronic Import Inspection.

OMB Control Number: 0583–0159.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et. seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031). These statues mandate that FSIS protect the public by verifying that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged.

Need and Use of the Information: FSIS requires foreign governments to submit additional information when submitting both the foreign establishment certificate and the foreign inspection certificate to FSIS in order for foreign establishments to be permitted to import product to the United States. The information that is required with the Foreign Establishment Certificate includes: The type of operation(s) conducted at the establishment (*e.g.,* slaughter, processing, storage, exporting warehouse); the establishment's eligibility status (*e.g.,* new or relisted (if previously delisted)); and, slaughter and processing establishment certifications that address the species and type of product(s) produced at the establishment and the process category. Additional information that is required with the Foreign Inspection Certificate includes: The species used to produce the product and the source country and foreign establishment number; whether the source materials originate from a country other than the exporting country; the product's description, including the process category, the product category, and the product group; the address of the consignor; the address of the consignee; the name and address of the exporter; the name and address of the importer; and, any additional information the Administrator requests to determine whether the product is eligible to be imported into the U.S. FSIS also requires official import inspection establishments to develop, implement, and maintain written Sanitation Standard Operating Procedures (SSOPs), as provided in 9 CFR 416.11 through 416.17. The Import Inspection Application (FSIS Form 9540–1) is available to applicants that do not file this information electronically. To conduct the information collection less frequently would inhibit the ability of FSIS to ensure that imported products are safe, wholesome and not adulterated.

Description of Respondents: Business or other for-profit.

Number of Respondents: 108,290.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 27,578.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–19184 Filed 9–8–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Central Montana Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Central Montana Resource Advisory Committee (RAC) will meet in Stanford, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act.

RAC information can be found at the following Web site: *www.fs.usda.gov/helena/.*

DATES: The meeting will be held on September 26, 2017, at 6:30 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Judith Ranger District, 109 Central Avenue, Stanford, Montana.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Helena-Lewis and Clark National Forest Great Falls Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Dave Cunningham, RAC Coordinator, by phone at 406–791–7700 or via email at *dcunningham01@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and make recommendiations on proposed projects for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 10, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Dave Cunningham, RAC Coordinator, Helena-Lewis and Clark National Forest Great Falls Office, 1220 38th St. North, Great Falls, Montana 59405; by email to *dcunningham01@fs.fed.us* or via facsimile to 406–731–5302.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 3, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–19105 Filed 9–8–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wrangell-Petersburg Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Wrangell-Petersburg Resource Advisory Committee (RAC) will meet in Wrangell, Alaska and Petersburg, Alaska. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held from 8:00 a.m. to 5:00 p.m., or until business is concluded, on the following days:

- Friday, September 29, 2017, and
- Saturday, September 30, 2017.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Wrangell Ranger District, 525 Bennett Street, Wrangell, Alaska; and at the Petersburg Ranger District, 12 North Nordic Drive, Petersburg, Alaska. The two locations will be connected via videoteleconference. Interested persons may attend in person at either location or by teleconference. For anyone who would like to attend via teleconference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Petersburg Ranger District and/or the Wrangell Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: David Zimmerman, District Ranger, by phone at 907–772–3871 or via email at *dlzimmerman@fs.fed.us;* or Robert Dalrymple, District Ranger, by phone at 907–874–2323 or via email *rdalrymple@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review progress of previously funded projects;

2. Review new project proposals; and

3. Conclude any business that may be remaining concerning recommendations for allocation of Title II funding to projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 25, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to David Zimmerman, District Ranger, Petersburg Ranger District, Post Office Box 1328, Petersburg, Alaska 99833; or Robert Dalrymple, District Ranger, Wrangell Ranger District, Post Office Box 51, Wrangell, Alaska 99929; by email to *dlzimmerman@fs.fed.us* or via facsimile to 907–772–5995.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 11, 2017.

Glenn Casamassa,

Associate Deptuy Chief, National Forest System.

[FR Doc. 2017–19106 Filed 9–8–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Plumas County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Plumas County Resource Advisory Committee (RAC) will meet in Quincy, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held on September 30, 2017, at 9:30 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Plumas-Sierra County Fairgrounds Mineral Building, 204 Fairground Road, Quincy, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Plumas National Forest (NF) Headquarters. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lee Anne Schramel, RAC Coordinator, by phone at 530–283–7850 or via email at *easchramel@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and
2. Make project funding recommendations for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by one week prior to the meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Lee Anne Schramel, RAC Coordinator, Plumas NF Headquarters, 159 Lawrence Street, Quincy, California 95971; by email to *easchramel@fs.fed.us,* or via facsimile to 530–283–7746.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

All reasonable accommodation requests are managed on a case by case basis.

Dated: August 9, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–19104 Filed 9–8–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Olympic Peninsula Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Olympic Peninsula Resource Advisory Committee (RAC) will meet in Forks, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/olympic/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 28, 2017, from 9:00 a.m. to 5:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Rainforest Art Center, 35 North Forks Avenue, Forks, Washington.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Olympic National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Susan Piper, RAC Coordinator, by phone at 360–956–2435 or via email at *spiper@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: *The purpose of the meeting is to:*

1. Review project proposals; and

2. Make recommendations for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 18, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Susan Piper, RAC Coordinator, Olympic National Forest, 1835 Black Lake Boulevard Southwest, Olympia, Washington 98512; by email to *spiper@fs.fed.us,* or via facsimile to 360–956–2330.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 17, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–19108 Filed 9–8–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Secure Rural Schools Resource Advisory Committees

AGENCY: Forest Service, USDA.

ACTION: Call for nominations.

SUMMARY: The United States Department of Agriculture (USDA) is seeking nominations for Secure Rural School Resource Advisory Committees (SRS RACs) pursuant to the Secure Rural Schools and Community Self-Determination Act (the Act) and the Federal Advisory Committee Act (FACA). Additional information on SRS RACs can be found by visiting SRS RAC Web site at: *http://www.fs.usda.gov/pts/*.

DATES: Written nominations must be received by October 26, 2017. Nominations must contain a completed application packet that includes the nominee's name, resume, and completed Form AD–755 (Advisory Committee or Research and Promotion Background Information). The package must be sent to the address below.

ADDRESSES: See Nomination and Application Information under **SUPPLEMENTARY INFORMATION** for the address of the SRS RAC Regional Coordinators accepting nominations.

FOR FURTHER INFORMATION CONTACT: Cindy McArthur, National Partnership Coordinator, Forest Service Secure Rural Schools Program, by telephone at (808) 744–2792, or by email at *cmcarthur@fs.fed.us*. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 5 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the provisions of FACA, the Secretary of Agriculture is seeking nominations for the purpose of improving collaborative relationships among people who use and care for National Forests and provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The duties of SRS RACs include monitoring projects, advising the Secretary on progress and results of monitoring efforts, and making recommendations to the Forest Service for any appropriate changes or adjustments to the projects being monitored by the SRS RAC.

SRS RACs Membership

The SRS RACs will be comprised of 15 members approved by the Secretary of Agriculture. SRS RAC membership will be fairly balanced in terms of the points of view represented and functions to be performed. SRS RAC members will serve 4-year terms. The SRS RACs shall include representation from the following interest areas:

(1) Five persons who represent:

(a) Organized Labor or Non-Timber Forest Product Harvester Groups,

(b) Developed Outdoor Recreation, Off-Highway Vehicle Users, or Commercial Recreation Activities,

(c) Energy and Mineral Development, or Commercial or Recreational Fishing Groups,

(d) Commercial Timber Industry, and

(e) Federal Grazing Permit or Other Land Use Permit Holders, or Representative of Non-Industrial Private Forest Land Owners, within the area for which the committee is organized.

(2) Five persons who represent:

(a) Nationally or Regionally Recognized Environmental Organizations,

(b) Regionally or Locally Recognized Environmental Organizations,

(c) Dispersed Recreational Activities,

(d) Archaeology and History, and

(e) Nationally or Regionally Recognized Wild Horse and Burro Interest, Wildlife Hunting Organizaitons, or Watershed Associations.

(3) Five persons who represent:

(a) Hold State-Elected Office,

(b) Hold County- or Local-Elected Office,

(c) American Indian Tribes within or adjacent to the area for which the committee is organized,

(d) Area School Officials or Teachers, and

(e) Affected Public at Large.

In accordance with the Act, members of the SRS RAC shall serve without compensation. SRS RAC members and replacements may be allowed travel expenses and per diem for attendance at committee meetings, subject to approval of the Designated Federal Officer (DFO) responsible for administrative support to the SRS RAC.

Nomination and Application Information

The appointment of members to SRS RACs will be made by the Secretary of Agriculture. The public is invited to submit nominations for membership on the SRS RACs, either as a self-nomination or a nomination of any qualified and interested person. Any individual or organization may nominate one or more qualified persons to represent the interest areas listed above. To be considered for membership, nominees must:

1. Be a resident of the State in which the SRS RAC has jurisdiction,

2. Identify what interest group they would represent and how they are qualified to represent that interest group,

3. Provide a cover letter stating why they want to serve on the SRS RAC and what they can contribute,

4. Provide a resume showing their past experience in working successfully as part of a group working on forest management activities,

5. Complete Form AD–755, Advisory Committee or Research and Promotion Background Information. The Form AD–755 may be obtained from the Regional Coordinators listed below or from the following SRS RAC Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racs*. All nominations will be vetted by the Agency.

Nominations and completed applications for SRS RACs should be sent to the appropriate Forest Service Regional Offices listed below:

Northern Regional Office—Region 1

Central Montana RAC, Flathead RAC, Gallatin RAC, Idaho Panhandle RAC, Lincoln RAC, Mineral County RAC, Missoula RAC, Missouri River RAC, North Central Idaho RAC, Ravalli RAC, Sanders RAC, Southern Montana RAC, Southwest Montana RAC, Tri-County RAC

Jerry Drury, Northern Regional Coordinator (Montana), Forest Service, Federal Building, 26 Fort Missoula Road, Missoula, Montana 59804, (406) 329–3149.

Carol McKenzie, Northern Regional Coordinator, (Idaho), Forest Service, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815–8363, (406) 329–3608.

Rocky Mountain Regional Office—Region 2

Bighorn RAC, Black Hills RAC, Grand Mesa Uncompahgre Gunnison (GMUG) RAC, Medicine Bow-Routt RAC, Pike-San Isabel RAC, Saguache-Upper Rio Grande RAC, San Juan RAC, Shoshone RAC

Jace Ratzlaff, Rocky Mountain Regional Coordinator, Forest Service, 740 Simms Street, Golden, Colorado 80401, (303) 275–5357.

Southwestern Regional Office—Region 3

Coconino County RAC, Eastern Arizona RAC, Northern New Mexico RAC, Southern Arizona RAC, Southern New Mexico RAC, Yavapai RAC

Mark Chavez, Southwestern Regional Coordinator, Forest Service, 333 Boulevard Southeast, Albuquerque, New Mexico 87102, (505) 842–3393.

Intermountain Regional Office—Region 4

Ashley RAC, Bridger-Teton RAC, Central Idaho RAC, Dixie RAC, Eastern Idaho RAC, Elko RAC, Fishlake RAC, Humboldt (NV) RAC, Lyon-Mineral RAC, Manti-La Sal RAC, South Central Idaho RAC, Southwest Idaho RAC, Uinta-Wasatch Cache RAC, White Pine-Nye RAC

Andrew Brunelle, Intermountain Regional Coordinator (Idaho/Utah), Forest Service, Federal Building, 324 25th Street, Ogden, Utah 84401, (208) 344–1770.

Cheva Gabor, Intermountain Regional Coordinator (Nevada), Forest Service, 35 College Drive, South Lake Tahoe, California 96150, (775) 224–2777.

Pacific Southwest Regional Office—Region 5

Alpine County RAC, Amador County RAC, Butte County RAC, Del Norte County RAC, El Dorado County RAC, Fresno and Madera Counties RAC, Glenn and Colusa Counties RAC, Humboldt County RAC, Kern and Tulare Counties RAC, Lake County RAC, Lassen County RAC, Mendocino County RAC, Modoc County RAC, Nevada and Placer Counties RAC, Plumas County RAC, Shasta County RAC, Sierra County RAC, Siskiyou County RAC, Tehama RAC, Trinity County RAC, Tuolumne and Mariposa Counties RAC

Marty Dumpis, Pacific Southwest Regional Coordinator, Forest Service, 1323 Club Drive, Vallejo, California 94592, (909) 599–1267.

Pacific Northwest Regional Office—Region 6

Columbia County RAC, Colville RAC, Deschutes and Ochoco RAC, Fremont and Winema RAC, Hood and Willamette RAC, North Gifford Pinchot RAC, North Mt. Baker-Snoqualmie RAC, Northeast Oregon Forests RAC, Olympic Peninsula RAC, Rogue and Umpqua RAC, Siskiyou (OR) RAC, Siuslaw RAC, Snohomish-South Mt. Baker-Snoqualmie RAC, South Gifford Pinchot RAC, Southeast Washington Forest RAC, Wenatchee-Okanogan RAC

Shandra Terry, Regional Public Involvement Coordinator, Pacific Northwest Regional Office, Forest Service, 1220 Southwest 3rd Avenue, Portland, Oregon 97204, (503) 808–2242.

Maia Enzer, Planning and Public Engagement Specialist, Pacific Northwest Regional Office, Forest Service, 1220 Southwest 3rd Avenue, Portland, Oregon 97204, (503) 808–2320.

Emily Biesecker, Volunteer and Service Program Manager, Pacific Northwest Regional Office, Forest Service, 1220 Southwest 3rd Avenue, Portland, Oregon 97204, (503) 808–2816.

Nicholas Goldstein, Legislative Affairs Specialist, Pacific Northwest Regional Office, Forest Service, 1220 Southwest 3rd Avenue, Portland, Oregon 97204, (503) 808–2220.

Brenna White, Regional Conservation Education Partnership Specialist, Pacific Northwest Regional Office, Forest Service, 1220 Southwest 3rd Avenue, Portland, Oregon 97204, (503) 808–2246.

Southern Regional Office—Region 8

Alabama RAC, Cherokee RAC, Daniel Boone RAC, Davy Crockett-Sam Houston RAC, Delta-Bienville RAC, DeSoto RAC, Florida National Forests RAC, Francis Marion-Sumter RAC, Holly Springs-Tombigbee RAC, Kisatchie RAC, Ozark-Ouachita RAC, Sabine-Angelina RAC, Southwest Mississippi RAC, Virginia RAC

Michael Williams, Southern Regional Coordinator, Forest Service, 1720 Peachtree Road, Northwest, Atlanta, Georgia 30309, (404) 347–7632.

Eastern Regional Office—Region 9

Allegheny RAC, Chequamegon RAC, Chippewa National Forest RAC, Eleven Point RAC, Gogebic RAC, Hiawatha RAC, Huron-Manistee RAC, Nicolet RAC, Ontonagon RAC, Superior RAC, West Virginia RAC

David Scozzafave, Eastern Regional Coordinator, Forest Service, 626 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, (414) 297–3602.

Alaska Regional Office—Region 10

Juneau RAC, Kenai Peninsula-Anchorage Borough RAC, Ketchikan RAC, Lynn Canal-Icy Strait RAC, Prince of Wales Island RAC, Prince William Sound RAC, Sitka RAC, Wrangell-Petersburg RAC, Yakutat RAC

Brent W. Doutt, Alaska Regional Coordinator, Forest Service, 709 West 9th Street, Juneau, Alaska 99801–1807, (907) 586–9375.

George Schaaf, Alaska Regional Coordinator, Forest Service, 709 West 9th Street, Juneau, Alaska 99801–1807, (907) 586–7876.

Equal opportunity practices in accordance with USDA policies shall be followed in all appointments to the Panel. To ensure that the recommendations of the Panel have taken into account the needs of the diverse groups served by USDA, membership will, to the extent practicable, include individuals with demonstrated ability to represent all racial and ethnic groups, women and men, and persons with disabilities.

Dated: August 14, 2017.

Malcom Shorter,

Deputy Assistant Secretary for Administration.

[FR Doc. 2017–19103 Filed 9–8–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Olympic Peninsula Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Olympic Peninsula Resource Advisory Committee (RAC) will meet in Forks, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to

the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/olympic/workingtogether/advisorycommittees*.

DATES: The meeting will be held on September 27, 2017, from 9:00 a.m. to 5:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Rainforest Art Center, 35 North Forks Avenue, Forks, Washington.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Olympic National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Susan Piper, RAC Coordinator, by phone at 360–956–2435 or via email at *spiper@fs.fed.us*.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals; and
2. Make recommendations for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 17, 2017 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Susan Piper, RAC Coordinator, Olympic National Forest, 1835 Black Lake Boulevard Southwest, Olympia, Washington 98512; by email to *spiper@fs.fed.us,* or via facsimile to 360–956–2330.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 17, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–19109 Filed 9–8–17; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Michigan Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Michigan Advisory Committee (Committee) will hold a meeting on Friday, September 29, 2017, at 1 p.m. EST for the purpose discussing civil rights concerns in the state.

DATES: The meeting will be held on Friday, September 29, 2017, at 1 p.m. EST.

Public Call Information: Dial: 800–289–0498, Conference ID: 7875847.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 800–289–0489, conference ID: 7875847. Any interested member of the public may call this number and listen to the meeting.

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

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

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Michigan Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=255*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
Discussion: Civil Rights in Michigan
Public Comment
Future Plans and Actions
Adjournment

Dated: September 5, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–19094 Filed 9–8–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–56–2017]

Foreign-Trade Zone (FTZ) 122—Corpus Christi, Texas; Notification of Proposed Production Activity, voestalpine Texas, LLC, Subzone 122T (Hot Briquetted Iron and By-Products), Portland, Texas

The Port of Corpus Christi Authority, grantee of FTZ 122, submitted a notification of proposed production activity to the FTZ Board on behalf of voestalpine Texas, LLC (voestalpine), located in Portland, Texas. The

notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 18, 2017.

voestalpine already has authority to produce hot briquetted iron (HBI) and related by-products using certain foreign-status materials within Subzone 122T. voestalpine has a pending production notification requesting to expand its scope of authority (B–42–2017, 82 FR 30821, July 3, 2017). The current request would add a foreign-status material to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status material described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt voestalpine from customs duty payments on the foreign-status lump iron ore used in export production. On its domestic sales, for foreign-status lump iron ore (duty free), voestalpine would be able to choose the duty rates during customs entry procedures that apply to HBI and certain by-products: Iron sludge, recycled iron briquettes, direct reduction remet, iron fines, and HBI fines (for which voestalpine's request for authority is currently pending) (duty free). voestalpine would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 23, 2017.

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

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

Dated: September 5, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–19172 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–101–2017]

Approval of Expansion of Subzone 29F; Hitachi Automotive Systems Americas, Inc.; Berea, Kentucky

On June 29, 2017, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Louisville & Jefferson County Riverport Authority, grantee of FTZ 29, requesting an expansion of Subzone 29F subject to the existing activation limit of FTZ 29, on behalf of Hitachi Automotive Systems Americas, Inc., in Berea, Kentucky.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (82 FR 31044, July 5, 2017). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 29F was approved on August 25, 2017, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 29's 2,000-acre activation limit.

Dated: September 5, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–19171 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–839]

Carbazole Violet Pigment 23 From India: Rescission of Countervailing Duty Administrative Review; 2015

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the countervailing duty (CVD) order on carbazole violet pigment 23 (CVP–23) from India covering the period January 1, 2015, through December 31, 2015, based on the timely withdrawal of the request for review.

DATES: Applicable September 11, 2017.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2016, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the CVD order on CVP–23 from India for the period January 1, 2015, through December 31, 2015.[1] On December 7, 2016, the Department received a timely request for review from Pidilite Industries Limited (Pidilite), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), to conduct an administrative review of this CVD order.[2] Based upon this request, on February 13, 2017, the Department published in the **Federal Register** a notice of initiation of an administrative review of the CVD order on CVP–23 from India with respect to Pidilite.[3] No other party requested an administrative review. On March 28, 2017, Pidilite timely withdrew its request for an administrative review.[4]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, Pidilite timely withdrew its request for review within the 90-day deadline, and no other party requested an administrative review of this order. Therefore, we are rescinding the administrative review of the CVD order on CVP–23 from India covering the period January 1, 2015, through December 31, 2015.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 81 FR 86694 (December 1, 2016).

[2] *See* Letter from Pidilite, regarding ''Carbazole Violet Pigment 23 from India; Request for Administrative Review,'' dated December 7, 2016.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 10457 (February 13, 2017).

[4] *See* Letter from Pidilite, regarding ''Carbazole Violet Pigment 23 from India: Withdrawal of Administrative Review Request,'' dated March 28, 2017.

withdrawal from, for consumption, during the period January 1, 2015, through December 31, 2015, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**.

Notification Regarding Administrative Protection Order

This notice serves as a reminder to parties subject to 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(a)(3). Timely written notification of the return or destruction of APO materials or the conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 751 of the Act and 19 CFR 351.213(d)(4).

Dated: September 1, 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. 2017–19169 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–877, A–570–064]

Stainless Steel Flanges From India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations

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

DATES: Effective September 11, 2017.

FOR FURTHER INFORMATION CONTACT: Annathea Cook at (202) 482–0250 (India) and Kenneth Hawkins at (202) 482–6491 (the People's Republic of China), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On August 16, 2017, the U.S. Department of Commerce (the Department) received antidumping duty (AD) Petitions concerning imports of stainless steel flanges from India and the People's Republic of China (PRC), filed in proper form on behalf of the Coalition of American Flange Producers and its individual members, Core Pipe Products, Inc. and Maass Flange Corporation (collectively, the petitioners).[1] The AD Petitions were accompanied by countervailing duty (CVD) Petitions concerning imports of stainless steel flanges from India and the PRC. The petitioners are domestic producers of stainless steel flanges.[2]

On August 18 and 21, 2017, the Department requested supplemental information pertaining to certain areas of the Petitions.[3] The petitioners filed responses to these requests on August 22, 2017.[4] The petitioners filed revised scope language on August 30, 2017.[5]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of stainless steel flanges from India and the PRC are likely to be sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing stainless steel flanges in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

The Department finds that the petitioners filed these Petitions on behalf of the domestic industry because the petitioners are interested parties as defined in sections 771(9)(C) and (F) of the Act. The Department also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigations that the petitioners are requesting.[6]

Periods of Investigation

Because the Petitions were filed on August 16, 2017, the period of investigation (POI) for the investigation for India is July 1, 2016, through June 30, 2017. Because the PRC is a non-market economy (NME) country, the POI for this investigation is January 1, 2017, through June 30, 2017.

Scope of the Investigations

The products covered by these investigations are stainless steel flanges from India and the PRC. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in the Appendix to this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[7]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[8] The Department will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Monday, September 25, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Thursday, October 5, 2017, which is 10

[1] *See* Letter to the Secretary of Commerce re: ''Stainless Steel Flanges from the People's Republic of China and India: Petitions for the Imposition of Antidumping and Countervailing Duties'' (August 16, 2017) (the Petitions).

[2] *See* Volume I of the Petitions, at 2.

[3] *See* Letters from the Department, to the petitioners, dated August 18, 2017.

[4] *See* Letter from the petitioners, ''Re: Stainless Steel Flanges from the People's Republic of China and India: Supplement to the Petitions for the Imposition of Antidumping and Countervailing Duties—Response to the Department's Supplemental Questions, Volume I Relating to Common Issues and Injury;'' (August 22, 2017) (General Issues Supplement); *see also* Stainless Steel Flanges from the People's Republic of China and India: Supplement to the Petitions for the Imposition of Antidumping and Countervailing Duties—Response to the Department's Supplemental Questions, Volume IV Relating to India (India AD Supplemental Response); *and* Stainless Steel Flanges from the People's Republic of China and India: Supplement to the Petitions for the Imposition of Antidumping and Countervailing Duties—Response to the Department's Supplemental Questions, Volume II Relating to China (PRC AD Supplemental Response). All of these documents are dated August 22, 2017.

[5] *See* Letter from the petitioners, ''Stainless Steel Flanges from the People's Republic of China and India: Supplement to the Petitions for the Imposition of Antidumping and Countervailing Duties-Revision to Scope,'' dated August 30, 2017 (Scope Supplement).

[6] *See* the ''Determination of Industry Support for the Petitions'' section, below.

[7] *See* Attachment to the Scope Supplement.

[8] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

calendar days from the initial comments deadline.[10] [11]

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[12] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department will provide interested parties an opportunity to comment on the appropriate physical characteristics of stainless steel flanges to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe stainless steel flanges, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on September 25, 2017. Any rebuttal comments must be filed by 5:00 p.m. ET on October 5, 2017. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the records of India and the PRC less-than-fair-value investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that stainless steel flanges, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[15]

[10] *See* 19 CFR 351.303(b).

[11] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Antidumping Duty Investigation Initiation Checklist: Stainless Steel Flanges from India (India AD Initiation Checklist), at Attachment II, ''Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Stainless Steel Flanges from India and the People's Republic of China'' (Attachment II); *see also* Antidumping Duty Investigation Initiation Checklist: Stainless Steel Flanges from the People's Republic of China (PRC AD Initiation Checklist), at Attachment II. These checklists are dated

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the Appendix to this notice. The petitioners provided their own 2016 production of the domestic like product, and compared this to the estimated total production of the domestic like product for the entire domestic industry.[16] We relied on data the petitioners provided for purposes of measuring industry support.[17]

Our review of the data provided in the Petitions, General Issues Supplement, and other information readily available to the Department indicates that the petitioners have established industry support for the Petitions.[18] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[19] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[20] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[21] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that the petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (F) of the Act and they have demonstrated sufficient industry support with respect to the AD investigations that they are requesting that the Department initiate.[22]

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[23]

The petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; and declining financial performance.[24] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[25]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate AD investigations of imports of stainless steel flanges from India and the PRC. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For India, the petitioners based the U.S. price on export price (EP) using sales of stainless steel flanges produced in and exported from India to an unaffiliated U.S. customer.[26] For the PRC, the petitioners based U.S. price on EP using price quotes for sales of stainless steel flanges produced in and exported from the PRC to unaffiliated U.S. customers.[27] Where applicable, the petitioners made deductions from U.S. price for movement and other expenses, consistent with the terms of sale.[28]

Normal Value

For India, the petitioners provided home market price information for stainless steel flanges produced in, and sold or offered for sale in India.[29] The petitioners provided a declaration establishing the terms of sale.[30] Because the prices were provided on an ex-works basis, the petitioners did not make any deductions.[31]

With respect to the PRC, the petitioners stated that the Department has found this country to be a non-market economy (NME) country in prior administrative proceedings in which they were involved.[32] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department. The presumption of NME status for the PRC has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, NV in the PRC is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.[33] In the course of this investigation, all parties, and the public, will have the opportunity to provide relevant information related to the granting of separate rates to individual exporters.

The petitioners claim that Thailand is an appropriate surrogate country for the PRC, because it is a market economy country that is at a level of economic development comparable to that of the PRC, it is a significant producer of comparable merchandise, and public information from Thailand is available to value all material input factors.[34] Based on the information provided by the petitioners, we determine that it is appropriate to use Thailand as a surrogate country for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection

concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[16] *See* Volume I of the Petitions, at 2–3 and Exhibit I–3; *see also* General Issues Supplement, at 6–7.

[17] *Id.* For further discussion, *see* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

[18] *See* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

[19] *See* section 732(c)(4)(D) of the Act; *see also* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

[20] *See* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

[21] *Id.*

[22] *Id.*

[23] *See* Volume I of the Petitions, at 19–20 and Exhibit I–8.

[24] *See* Volume I of the Petitions, at 9–32 and Exhibits I–4, I–8, and I–10.

[25] *See* PRC AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Stainless Steel Flanges from the People's Republic of China and India (Attachment III); and India AD Initiation Checklist, at Attachment III.

[26] *See* India AD Initiation Checklist.

[27] *See* PRC AD Initiation Checklist.

[28] *See* PRC AD Initiation Checklist and India AD Initiation Checklist.

[29] *See* India AD Initiation Checklist.

[30] *Id.*

[31] *Id.*

[32] *See* Volume II of the Petitions, at 10–11.

[33] *See* PRC AD Initiation Checklist.

[34] *See* Volume II of the Petitions at 13–20 and Exhibit AD–CH–21.

and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs no later than 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by the PRC producers/exporters is not available, the petitioners relied on the production experience of a domestic producer of stainless steel flanges in the United States as an estimate of PRC manufacturers' FOPs.[35] The petitioners valued the estimated FOPs using surrogate values from Thailand.[36] Additionally, for the surrogate values denominated in Thai Baht, the petitioners converted Thai Baht prices into U.S. Dollars using the average exchange rate obtained from the Department.[37]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of stainless steel flanges from the PRC and India are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for stainless steel flanges for each of the countries covered by this initiation are as follows: (1) PRC—99.23 to 257.11 percent; [38] and (2) India—78.49 to 145.25 [39] percent.

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the AD Petitions, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of stainless steel flanges from the PRC and India are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD law were made.[40] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[41] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these AD investigations.[42]

Respondent Selection

The petitioners named 43 companies in India as producers/exporters of stainless steel flanges.[43] Following standard practice in AD investigations involving market economy countries, in the event the Department determines that the number of companies in India identified above is large, the Department intends to review U.S. Customs and Border Protection (CBP) data for U.S. imports of stainless steel flanges during the POI under the appropriate Harmonized Tariff Schedule of the United States subheadings, and if it determines that it cannot individually examine each company based upon the Department's resources, then the Department will select respondents based on that data.

On August 31, 2017, the Department released CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of this AD investigation.[44] The Department will not accept rebuttal comments regarding the CBP data or respondent selection. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.* Comments for this investigation must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. ET, by the date noted above. We intend to finalize our decision regarding respondent selection within 20 days of publication of this notice.

With respect to the PRC, the petitioners named 80 producers/exporters of stainless steel flanges from the PRC.[45] In accordance with our standard practice for respondent selection in AD cases involving NME countries, we intend to issue quantity and value (Q&V) questionnaires to producers/exporters of merchandise subject to this investigation and, if necessary, base respondent selection on the responses received. For this NME investigation, the Department will request Q&V information from known exporters and producers identified with complete contact information in the Petitions. In addition, the Department will post the Q&V questionnaires along with filing instructions on Enforcement and Compliance's Web site at *http://www.trade.gov/enforcement/news.asp.*

Producers/exporters of stainless steel flanges from the PRC that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Enforcement & Compliance's Web site. The Q&V response must be submitted by the relevant PRC exporters/producers no later than 5:00 p.m. ET on September 19, 2017. All Q&V responses must be filed electronically via ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[46] The specific requirements for submitting a separate-rate application in the PRC investigations

[35] *See* Volume II of the Petitions at 13–14 and Exhibit AD–CH–19.

[36] See Volume II of the Petitions at 1, 10 and Exhibit AD–CH–21.

[37] See Volume II of the Petitions at 17 and Exhibit AD–CH–20; *see also* PRC AD Supplemental Response, at 4–5 and Exhibits AD–CH–Supp–6, AD–CH–Supp–8, and AD–CH–Supp–9.

[38] *See* PRC AD Initiation Checklist.

[39] *See* India AD Initiation Checklist.

[40] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[41] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015).

[42] *Id.* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[43] *See* India AD Supplemental Response, at Exhibit I–Supp–2.

[44] *See* Memorandum, ''*Stainless Steel Flanges from India Antidumping Duty Petition:* Release of Customs Data from U.S. Customs and Border Protection,'' dated, August 31, 2017.

[45] Though the petitioners listed 84 ''known producers of stainless steel flanges from the PRC'' in Volume I of the Petition at Exhibit I–7, they clarified in the Supplement Response to Volume I of the Petitions at 1 and Exhibit I–Supp–2 that ''publicly available information {shows} that Vinox Manufacturing Co., Ltd and Yih Kuang Metal Corp. have manufacturing facilities in China. At this time, the petitioners do not have information indicating that the other Taiwanese entities are affiliated with producers or exporters in China. Accordingly, the petitioners have removed these entities from the revised list of foreign producers and exporters.''

[46] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

are outlined in detail in the application itself, which is available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[47] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they timely respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that companies from the PRC submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V response will not receive separate-rate consideration.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[48]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of the PRC and India *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of stainless steel flanges from the PRC and India, are materially injuring or threatening material injury to a U.S. industry.[49] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[50] Otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) Evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [51] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[52] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[53] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives.[54] Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided in 19 CFR 351.303(g). The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure

[47] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[48] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[49] *See* section 773(a) of the Act.

[50] *Id.*

[51] *See* 19 CFR 351.301(b).

[52] *See* 19 CFR 351.301(b)(2).

[53] *See* section 782(b) of the Act.

[54] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: September 5, 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

Scope of the Investigations

The products covered by these investigations are certain forged stainless steel flanges, whether unfinished, semi-finished, or finished (certain forged stainless steel flanges). Certain forged stainless steel flanges are generally manufactured to, but not limited to, the material specification of ASTM/ASME A/SA182 or comparable domestic or foreign specifications. Certain forged stainless steel flanges are made in various grades such as, but not limited to, 304, 304L, 316, and 316L (or combinations thereof). The term ''stainless steel'' used in this scope refers to an alloy steel containing, by actual weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements.

Unfinished stainless steel flanges possess the approximate shape of finished stainless steel flanges and have not yet been machined to final specification after the initial forging or like operations. These machining processes may include, but are not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing. Semi-finished stainless steel flanges are unfinished stainless steel flanges that have undergone some machining processes.

The scope includes six general types of flanges. They are: (1) Weld neck, generally used in butt-weld line connection; (2) threaded, generally used for threaded line connections; (3) slip-on, generally used to slide over pipe; (4) lap joint, generally used with stub-ends/butt-weld line connections; (5) socket weld, generally used to fit pipe into a machine recession; and (6) blind, generally used to seal off a line. The sizes and descriptions of the flanges within the scope include all pressure classes of ASME B16.5 and range from one-half inch to twenty-four inches nominal pipe size. Specifically excluded from the scope of these orders are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A351.

The country of origin for certain forged stainless steel flanges, whether unfinished, semi-finished, or finished is the country where the flange was forged. Subject merchandise includes stainless steel flanges as defined above that have been further processed in a third country. The processing includes, but is not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing, and/or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the stainless steel flanges.

Merchandise subject to the investigations is typically imported under headings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings and ASTM specifications are provided for convenience and customs purposes, the written description of the scope is dispositive.

[FR Doc. 2017–19294 Filed 9–8–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–878; C–570–065]

Stainless Steel Flanges From India and the People's Republic of China: Initiation of Countervailing Duty Investigations

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

DATES: Effective September 11, 2017.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta at (202) 482–2593; Carrie Bethea at (202) 482–1491 (the People's Republic of China); Ryan Mullen at (202) 482–5260 (India), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On August 16, 2017, the U.S. Department of Commerce (the Department) received countervailing duty (CVD) Petitions concerning imports of stainless steel flanges from India and the People's Republic of China (the PRC), filed in proper form on behalf of the Coalition of American Flange Producers and its individual members, Core Pipe Products, Inc., and Maass Flange Corporation (collectively ''the petitioners''). The CVD Petitions were accompanied by antidumping duty (AD) Petitions concerning imports of stainless steel flanges from both of the countries listed above.[1] The petitioners are domestic producers of stainless steel flanges.[2]

On August 18, 2017, the Department requested supplemental information pertaining to certain areas of the Petitions.[3] The petitioners filed responses to these requests on August 22, 2017.[4] The petitioners filed revised scope language on August 22, 2017.[5]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Governments of India and the PRC are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to imports of stainless steel flanges from India and the PRC, respectively, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing stainless steel flanges in the United States. Also, consistent with section 702(b)(1) of the Act, for those alleged programs on which we are initiating a CVD investigation, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

The Department finds that the petitioners filed these Petitions on behalf of the domestic industry because the petitioners are interested parties as defined in sections 771(9)(C) and (F) of the Act. The Department also finds that the petitioners demonstrated sufficient industry support with respect to the

[1] *See* Letter to the Secretary of Commerce from the petitioner re: ''Stainless Steel Flanges from the People's Republic of China and India: Petitions for the Imposition of Antidumping and Countervailing Duties'' (August 16, 2017) (the Petitions).

[2] *Id.,* Volume I of the Petitions, at 1 and Exhibit I–1.

[3] *See* Letter to the petitioners from the Department, ''Petition for the Imposition of Countervailing Duties on Imports of Stainless Steel Flanges from India: Supplemental Questions'' (August 18, 2017) (India CVD Supplemental Questionnaire); *see also* Letter from the Department, ''Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Stainless Steel Flanges from India and the People's Republic of China: Supplemental Questions'' (August 28, 2017) (General Issues Supplemental Questionnaire); *see also* Letter to the petitioners from the Department ''Petition for the Imposition of Countervailing Duties on Imports of Stainless Steel Flanges from the People's Republic of China: Supplemental Questions'' (August 18, 2017) (PRC CVD Supplemental Questionnaire).

[4] *See* Letter to the Secretary of Commerce from the petitioners, ''Stainless Steel Flanges from the People's Republic of China and India: Supplement to the Petitions for the Imposition of Antidumping and Countervailing Duties—Response to the Department's Supplemental Questions, Volume V Relating to India,'' (August 22, 2017) (India CVD Supplement); *see also* Letter to the Secretary of Commerce from the petitioners, ''Stainless Steel Flanges from the People's Republic of China and India: Supplement to the Petitions for the Imposition of Antidumping and Countervailing Duties—Response to the Department's Supplemental Questions, Volume I Relating to Common Issues and Injury (August 22, 2017) (General Issues Supplement); *see also* Letter to the Secretary of Commerce from the petitioners, ''Stainless Steel Flanges from the People's Republic of China and India: Supplement to the Petitions for the Imposition of Antidumping and Countervailing Duties—Response to the Department's Supplemental Questions, Volume III Relating to China,'' (August 22, 2017) (PRC CVD Supplement).

[5] *See* General Issues Supplement at Exhibit I-Supp-5.

initiation of the CVD investigations that the petitioners are requesting.[6]

Period of Investigation

Because the Petitions were filed on August 16, 2017, the period of investigation (POI) for both the investigation of India and the investigation of the PRC is January 1, 2016, through December 31, 2016.

Scope of the Investigations

The products covered by these investigations are stainless steel flanges from India and the PRC. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in the Appendix to this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[7]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[8] The Department will consider all comments received from interested parties and, if necessary, will consult with the interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on September 25, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on October 5, 2017, which is 10 calendar days from the initial comments deadline. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[10] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, the Department notified representatives of the Governments of India (GOI) and the PRC (GOC) of the receipt of the Petitions, and provided them the opportunity for consultations with respect to the CVD Petitions.[11]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers, as a whole, of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[12] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[13]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that stainless steel flanges, as defined in the

[6] *See* ''Determination of Industry Support for the Petition'' section, below.

[7] *See* General Issues Supplemental Questionnaire; *see also* General Issues Supplement.

[8] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[9] *See* 19 CFR 351.102(b)(21).

[10] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), *see also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[11] *See* Letter to the Embassy of India, ''Countervailing Duty Petition on Stainless Steel Flanges from India: Invitation for Consultations to Discuss the Countervailing Duty Petition'' (August 24, 2017); *see also* Letter to the Embassy of the People's Republic of China, ''Countervailing Duty Petition on Stainless Steel Flanges from the People's Republic of China: Invitation for Consultations to Discuss the Countervailing Duty Petition'' (August 24, 2017).

[12] *See* section 771(10) of the Act.

[13] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[14]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. The petitioners provided their own 2016 production of the domestic like product, and compared this to the estimated total production of the domestic like product for the entire domestic industry.[15] We relied on data the petitioners provided for purposes of measuring industry support.[16]

Our review of the data provided in the Petitions, General Issues Supplement, and other information readily available to the Department indicates that the petitioners have established industry support for the Petitions.[17] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[18] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[19] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[20] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that the petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (F) of the Act and they have demonstrated sufficient industry support with respect to the CVD investigations that they are requesting that the Department initiate.[21]

Injury Test

Because the PRC and India are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC and India materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[22] In CVD petitions, section 771(24)(B) of the Act provides that imports of subject merchandise from developing and least developed countries must exceed the negligibility threshold of four percent. The petitioners also demonstrate that subject imports from India, which has been designated as a least developed country under section 771(36)(B) of the Act, exceed the negligibility threshold of four percent.[23]

The petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; and declining financial performance.[24] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[25]

Initiation of CVD Investigations

Based on the examination of the CVD Petitions, we find that the Petitions meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of stainless steel flanges from India and the PRC benefit from countervailable subsidies conferred by the governments of these countries. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[26] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[27] The amendments to sections 776 and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these CVD investigations.[28]

India

Based on our review of the Petition, we find that there is sufficient

[14] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Countervailing Duty Investigation Initiation Checklist: Stainless Steel Flanges from India (India CVD Initiation Checklist), at Attachment II, ''Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Stainless Steel Flanges from India and the People's Republic of China;'' *see also* Countervailing Duty Investigation Initiation Checklist: Stainless Steel Flanges from the People's Republic of China (PRC CVD Initiation Checklist), at Attachment II, ''Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Stainless Steel Flanges from India and the People's Republic of China.'' These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[15] *See* Volume I of the Petitions, at 2–3 and Exhibit I–3; *see also* General Issues Supplement, at 6–7.

[16] *Id.* For further discussion, *see* India CVD Initiation Checklist and PRC CVD Initiation Checklist, at Attachment II.

[17] *See* India CVD Initiation Checklist and PRC CVD Initiation Checklist, at Attachment II.

[18] *See* section 702(c)(4)(D) of the Act; *see also* India CVD Initiation Checklist and PRC CVD Initiation Checklist, at Attachment II.

[19] *See* India CVD Initiation Checklist and PRC CVD Initiation Checklist, at Attachment II.

[20] *Id.*

[21] *Id.*

[22] *See* Volume I of the Petitions, at 19–20 and Exhibit I–8.

[23] *Id.*

[24] *See* Volume I of the Petitions, at 9–32 and Exhibits I–4, I–8 and I–10; *see also* General Issues Supplement, at 1, 8–9 and Exhibit I-Supp-1.

[25] *See* PRC CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Stainless Steel Flanges from the People's Republic of China and India (Attachment III); and India CVD Initiation Checklist, at Attachment III.

[26] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[27] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[28] *See Applicability Notice,* 80 FR at 46794–95.

information to initiate a CVD investigation on 41 of the 44 alleged programs in India. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the India CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

The PRC

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 28 alleged programs and one other program, in part. For a full discussion of the basis for our decision to initiate on each program, *see* the PRC CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Respondent Selection

The petitioners named 43 and 80 companies as producers/exporters of stainless steel flanges in India and the PRC, respectively.[29] The Department intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event the Department determines that the number of companies is large and it cannot individually examine each company based upon the Department's resources, where appropriate, the Department intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of stainless steel flanges from India and the PRC during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the ''Scope of the Investigation,'' in the Appendix.

On August 31, 2017, the Department released CBP data under APO to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of this CVD investigation.[30] The Department will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. We intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GOI and GOC *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of stainless steel flanges from India and the PRC are materially injuring, or threatening material injury to, a U.S. industry.[31] A negative ITC determination will result in the investigations being terminated.[32] Otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [33] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[34] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[35] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives.[36]

[29] *See* Volume I of the Petitions at Exhibit I–7; *see also* General Issues Supplement, at 1.

[30] *See* Memorandum, ''Stainless Steel Flanges from India: U.S. Customs Data for Respondent Selection,'' dated August 31, 2017; Memorandum, ''Stainless Steel Flanges from the PRC: U.S. Customs Data for Respondent Selection,'' dated August 31, 2017.

[31] *See* section 703(a)(2) of the Act.

[32] *See* section 703(a)(1) of the Act.

[33] *See* 19 CFR 351.301(b).

[34] *See* 19 CFR 351.301(b)(2).

[35] *See* section 782(b) of the Act.

[36] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July

Continued

Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided in 19 CFR 351.303(g). The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: September 5, 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

Scope of the Investigations

The products covered by these investigations are certain forged stainless steel flanges, whether unfinished, semi-finished, or finished (certain forged stainless steel flanges). Certain forged stainless steel flanges are generally manufactured to, but not limited to, the material specification of ASTM/ASME A/SA182 or comparable domestic or foreign specifications. Certain forged stainless steel flanges are made in various grades such as, but not limited to, 304, 304L, 316, and 316L (or combinations thereof). The term ''stainless steel'' used in this scope refers to an alloy steel containing, by actual weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements.

Unfinished stainless steel flanges possess the approximate shape of finished stainless steel flanges and have not yet been machined to final specification after the initial forging or like operations. These machining processes may include, but are not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing. Semi-finished stainless steel flanges are unfinished stainless steel flanges that have undergone some machining processes.

The scope includes six general types of flanges. They are: (1) Weld neck, generally used in butt-weld line connection; (2) threaded, generally used for threaded line connections; (3) slip-on, generally used to slide over pipe; (4) lap joint, generally used with stub-ends/butt-weld line connections; (5) socket weld, generally used to fit pipe into a machine recession; and (6) blind, generally used to seal off a line. The sizes and descriptions of the flanges within the scope include all pressure classes of ASME B16.5 and range from one-half inch to twenty-four inches nominal pipe size. Specifically excluded from the scope of these orders are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A351.

The country of origin for certain forged stainless steel flanges, whether unfinished, semi-finished, or finished is the country where the flange was forged. Subject merchandise includes stainless steel flanges as defined above that have been further processed in a third country. The processing includes, but is not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing, and/or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the stainless steel flanges.

Merchandise subject to the investigations is typically imported under headings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule of the United States (HTS). While HTS subheadings and ASTM specifications are provided for convenience and customs purposes, the written description of the scope is dispositive.

[FR Doc. 2017–19293 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–DS–P

17, 2013) (''*Final Rule*''); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF677

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's Scientific and Statistical Committee (SSC) will hold a 5-day meeting to discuss the items contained in the following agenda:

DATES: The meetings will be held on September 25–29, 2017, from 9 a.m. to 5 p.m.

ADDRESSES: The meetings will be held at the Council Office, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION:

—Call to Order
—Adoption of Agenda
—Overview
Review outcomes from previous meeting
—Review Acceptable Biological Catch (ABC) Control Rule Language
Review suggestions from General Counsel and Southeast Fisheries Science Center (SEFSC) on text of Tier 4 of the control rule
Develop language to define ''consensus'' as used in determining Tier assignments (or otherwise alter language to remove the term)
—Action 2: Finalize establishment of stock/stock complexes for each of the Puerto Rico, St. Croix, St. Thomas/St. John Fishery Management Plans (FMPs)
—Determine use of Indicator Species to recommend to the Council
—Finalize recommendations on:
—Criteria used to select indicator species
—How indicator species will be used to determine management reference points for stock complexes
—Action 3: Management Reference Points for Stocks/Stock complexes in each of the Puerto Rico, St. Thomas/St. John and St Croix FMPs Tiered ABC Control Rule:
—Review and finalize Tier assignments (4a or 4b): Puerto Rico, St. Croix, St. Thomas/St. John
—Define process for determining the scalars used in Tiered ABC Control Rule
—Define process for determining the buffer from the overfishing limit (OFL) to ABC (scientific uncertainty buffer) used in the Tiered ABC Control Rule
—Choice of scalar and scientific uncertainty buffer for Tiers 4a and 4b for the applicable stocks
Stocks/stock complexes to which the Tiered ABC CR cannot be applied:
—Recommendations on time series of landings data (year sequences) to establish reference points for the applicable stocks/stock complexes
—Recommendations on the establishment of the maximum sustainable yield proxy (*e.g.,* mean, median, following the Caribbean Annual Catch Limit Amendments' approach) for the applicable stocks/

stock complexes
—Recommendations on the scientific uncertainty buffer to determine the ABC for the applicable stocks/stock complexes
—Recommendations to the Caribbean Fishery Management Council
—Other Business

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on September 25, 2017 at 9 a.m. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated. In addition, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: September 6, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–19209 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of Intent to Evaluate State Coastal Management Programs.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments on the performance evaluation of the California State Coastal Conservancy and San Francisco Bay Conservation and Development Commission, both part of the California Coastal Management Program.

DATES: *California State Coastal Conservancy and San Francisco Bay Conservation and Development Commission Program Evaluation:* The public meeting will be held on October 25, 2017, and written comments must be received on or before November 3, 2017.

For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit comments on the program or reserve NOAA intends to evaluate by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Oakland, California. For the specific location, see **SUPPLEMENTARY INFORMATION**.

Written Comments: Please direct written comments to Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, or email comments to *Carrie.Hall@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, or *Carrie.Hall@noaa.gov.* Copies of the previous evaluation findings and 2016–2020 San Francisco Bay Conservation and Development Commission Assessment and Strategy may be viewed and downloaded on the Internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA), 16 U.S.C. 1458, requires NOAA to conduct periodic evaluations of federally approved state and territorial coastal programs. The process includes one or more public meetings, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the state has met the national objectives and coastal management needs, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed and within 120 days of the last public meeting held, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Specific information on the periodic evaluation of the state and territorial coastal program that is the subject of this notice is detailed below as follows:

California State Coastal Conservancy and San Francisco Bay Conservation and Development Commission Program Evaluation

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: October 25, 2017.

Time: 6:00 p.m., local time.

Location: Oakland State Building, 2nd Floor, Conference Room 11, 1515 Clay Street, Oakland, CA.

Written public comments must be received on or before November 3, 2017.

Federal Domestic Assistance Catalog 11.419.

Coastal Zone Management Program Administration.

Dated: August 31, 2017.

Paul Scholz,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–19178 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF669

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Committee on to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, September 25, 2017 at 10:30 a.m.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee will discuss Plan Development Team (PDT) analysis and draft Framework Adjustment 5 (FW 5) alternatives including updated status determinations for the Northeast Skate Complex, recommendations for the Skate Allowable Biological Catch (ABC), associated possession limits, and allowing the landing of barndoor skate.

The Committee will also select preferred alternatives for FW 5 as well as discuss PDT analyses of limited access in the Northeast Skate Fishery Management Plan. They will also discuss recommendations for the Council to consider for 2018 priorities for the Northeast Skate Complex FMP. The Council is scheduled to have an initial discussion of potential 2018 priorities at the September Council meeting. The Committee will discuss if there are any regulations in the Northeast Skate Complex FMP that could be eliminated, improved, or streamlined. Several recent Executive Orders have been issued about streamlining current regulations, and NOAA is seeking public input on the efficiency and effectiveness of current regulations and whether they can be improved. Discuss other business, as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: September 6, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–19207 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

BroadbandUSA Webinar Series

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meetings—monthly webinars.

SUMMARY: The National Telecommunications and Information Administration (NTIA), as part of its BroadbandUSA program, will host a series of webinars on a monthly basis to engage the public and stakeholders with information to accelerate broadband connectivity, improve digital inclusion, strengthen policies and support local priorities. The Practical Broadband Conversations webinar series will provide an ongoing source of information on a range of topics and issues being addressed by BroadbandUSA, including best practices for improving broadband deployment, digital literacy and e-government.

DATES: BroadbandUSA will hold the webinars from 2:00 p.m. to 3:00 p.m. Eastern Time on the third Wednesday of every month, beginning October 18, 2017, and continuing through September 19, 2018.

ADDRESSES: This is a virtual meeting. NTIA will post the registration information on its BroadbandUSA Web site, *http://www2.ntia.doc.gov/,* under Events.

FOR FURTHER INFORMATION CONTACT: Elaine Sloan, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4626, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–8231; email: *esloan@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION: NTIA's BroadbandUSA program provides expert advice and field-proven tools for assessing broadband adoption, planning new infrastructure and engaging a wide range of partners in broadband projects. BroadbandUSA convenes workshops on a regular basis to bring stakeholders together to discuss ways to improve broadband policies, share best practices, and connect communities to other federal agencies and funding sources for the purpose of expanding broadband infrastructure and adoption throughout America's communities. Experts from NTIA's BroadbandUSA program are available to provide technical assistance and to connect communities with additional resources, such as best practices, guides and program models.

NTIA's BroadbandUSA team is developing tools to support communities working to expand broadband connectivity and improve digital inclusion. These webinars are among the tools BroadbandUSA uses to provide broadband information to the public, broadband stakeholders, tribal, local and state governments and federal programs. Other tools include publications, workshops, meetings and co-hosted events with stakeholder organizations and agencies.

Details on specific webinar topics and webinar registration information will be posted on the BroadbandUSA Web site, *http://www2.ntia.doc.gov/,* under Events. PowerPoint slides and transcript of the webinars will be posted on the Web site within 7 days following the live webinar.

Participants are welcome to attend all webinars. General questions and comments are welcome at any time during webinars via email to *BroadbandUSA@ntia.doc.gov.* The webinars are open to the public and press. Pre-registration is recommended. NTIA asks each registrant to provide their first and last name, city, state, job title, organization and email address for both registration purposes and to receive any updates on BroadbandUSA or via email at *BroadbandUSA@ntia.doc.gov.* Information on webinar content and how to register for one or more webinars will available on NTIA's Web site at *http://www2.ntia.doc.gov/WEBINARS.* Individuals requiring accommodations, such as language interpretation or other ancillary aids, are asked to notify the NTIA contact listed above at least seven (7) business days before the meeting.

Dated: September 5, 2017.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2017–19095 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request; ''International Design Applications (Hague Agreement)''

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office, Commerce.

Title: International Design Applications (Hague Agreement).

OMB Control Number: 0651–0075.

Form Number(s): WIPO DM/1.

Type of Request: Regular.

Number of Respondents: 556 responses per year.

Average Time per Response: The USPTO estimates that the response time for activities related to International Design Applications (Hague Agreement) will take the public between approximately 15 minutes (0.25 hours) to 6 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO. The USPTO calculates that, on balance, it takes the same amount of time to do this, regardless of whether to the public is submitting the information in paper form or electronically.

Burden Hours: 1,898 hours per year.

Non-Hourly Cost Burden: $424,246.00 per year.

Needs and Uses: The information requested in this collection is necessary for the World Intellectual Property Organization (WIPO), Contracting Parties, and the USPTO to process information design applications and related correspondences under the Hague Agreement. The Hague Agreement is an international agreement that enables an applicant to file a single international design application and have it function as an application for protection for the designs in countries and or organizations that are Parties to the Treaty and designated in the application.

As an initial matter, the International Bureau (IB) of WIPO uses this information to perform its review under the treaty. Pursuant to Article 8 of the treaty, if the International Bureau (IB) finds that the applicant has not fulfilled the requirements of the Hague Agreements and the Common Regulations, the IB will invite the applicant to make the required connections within a prescribed time period. Once this review of the formalities of the application has been completed, the IB then issues an international registration, which includes the information collected from the international design application. The designated Contracting Parties then perform their review of the international design application. The Hague Agreement enables applicants from a Contracting Party to obtain protection of their designs with minimal formality and expense. Additionally, under the Hague Agreement, the international registration can be centrally maintained by the IB. Through the IB, applicants can record changes of their representatives, change ownership, and renew international registrations.

Affected Public: Business or other for-profits; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0075 copy request'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before October 11, 2017 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Marcie Lovett,

Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.

[FR Doc. 2017–19183 Filed 9–8–17; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0093]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Master Generic Plan for Customer Surveys and Focus Groups

AGENCY: Department of Education.

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 11, 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–0093. 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 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Stephanie Valentine, 202–401–0526.

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: Master Generic Plan for Customer Surveys and Focus Groups.

OMB Control Number: 1800–0011.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 451,216.

Total Estimated Number of Annual Burden Hours: 115,344.

Abstract: Surveys to be considered under this generic will only include those surveys that improve customer service or collect feedback about a service provided to individuals or entities directly served by ED. The results of these customer surveys will help ED managers plan and implement program improvements and other customer satisfaction initiatives. Focus groups that will be considered under the generic clearance will assess customer satisfaction with a direct service, or will be designed to inform a customer satisfaction survey ED is considering. Surveys that have the potential to influence policy will not be considered under this generic clearance.

Dated: September 6, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–19181 Filed 9–8–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

Fiscal Year 2018 Title VI Virtual Technical Assistance Workshop

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department), International and Foreign Language Education (IFLE) announces a Fiscal Year (FY) 2018 Title VI Virtual Technical Assistance Workshop (TAW). IFLE is conducting this workshop to assist prospective applicants with the preparation of FY 2018 grant applications for programs authorized by title VI of the Higher Education Act (HEA), pending the availability of funds for new competitions.

Note: Please be advised that this notice is not inviting grant applications from the public, as the Department has not announced any international education program competitions for FY 2018.

DATES: IFLE will conduct the TAW on September 19 and 20, 2017.

FOR FURTHER INFORMATION CONTACT: Kathleen Connors de Laguna, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E221, Washington, DC 20202–4260. Telephone: (202) 453–5518 or by email: *kathleen.connorsdelaguna@ed.gov* or Michelle Butler. Telephone: (202) 453–6491 or by email: *michelle.butler@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The purpose of the TAW is to assist prospective applicants with the preparation of grant applications under the Centers for International Business Education (CIBE), Language Resource Centers (LRC), National Resource Centers (NRC), Foreign Language and Area Studies Fellowships (FLAS), and the Undergraduate International Studies and Foreign Language (UISFL) Programs, pending the availability of funds for new FY 2018 competitions. (CFDA Numbers: 84.220A, 84.229A, 84.015A, 84.015B, and 84.017A.)

IFLE is holding its first virtual technical workshop to provide a more cost-efficient platform for participants to obtain guidance for developing their grant applications and engage with other participants, Department officials, and the IFLE team. The two-day workshop will be live-streamed from the Department headquarters in Washington, DC. The overall structure of the workshop will include an opening plenary session, technical assistance presentations about the Title VI programs' selection criteria and other application requirements, presentations that highlight innovative Title VI and Fulbright-Hays projects and outcomes, ''lessons-learned'' sessions about building effective and sustained collaborations, and presentations by experts on relevant international education topics. All sessions will be interactive and will provide the opportunity for participants to comment and ask questions.

A tentative agenda is available at *http://iflemeetings.com/agenda/.*

Registration: The workshop is open to the public and free of charge. All participants, however, should register online at *http://iflemeetings.com.* Registering on this Web site enables participants to receive the instructions for selecting the sessions they wish to attend virtually.

The Department is committed to ensuring that this webinar is accessible to all people with disabilities. If you require a reasonable accommodation to participate in this webinar, please contact the persons listed under **FOR FURTHER INFORMATION CONTACT**.

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 program 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: September 6, 2017.

Kathleen A. Smith,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2017–19206 Filed 9–8–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public

notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 27, 2017, 1:00 p.m.–5:15 p.m.

ADDRESSES: Cottonwood on the Greens, 4244 Diamond Drive, Los Alamos, New Mexico 87544.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Call to Order
- Welcome and Introductions
- Approval of Agenda and Meeting Minutes of July 26, 2017
- Old Business
  - Report from Chair
  - Report from Nominating Committee for Election of Chair and Vice-Chair for Fiscal Year (FY) 2018
  - Other Items
- New Business
  - Election of Chair and Vice-Chair for FY 2018
  - Other Items
- Update from Co-Deputy Designated Federal Officer and Executive Director
- Update on Waste Isolation Pilot Plant
- Break
- Overview of Waste Control Specialists
- Public Comment Period
- Updates from EM Los Alamos Field Office and New Mexico Environment Department
- Wrap-Up Comments from NNMCAB Members
- Adjourn

Public Participation: The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *https://energy.gov/em/nnmcab/meeting-materials.*

Issued at Washington, DC, on August 31, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–19097 Filed 9–8–17; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Meetings; National Coal Council

AGENCY: Department of Energy.

ACTION: Notice of open meetings.

SUMMARY: This notice announces a meeting of the National Coal Council (NCC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, September 27, 2017, 8:30 a.m.–12:15 p.m.

ADDRESSES: Renaissance Ross Bridge Resort, 4000 Grand Avenue, Birmingham, AL 35226.

FOR FURTHER INFORMATION CONTACT: Daniel Matuszak, U.S. Department of Energy, 4G–036/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0001; Telephone: 202–287–6915.

SUPPLEMENTARY INFORMATION:

Purpose of the Council: The National Coal Council provides advice and recommendations to the Secretary of Energy, on general policy matters relating to coal and the coal industry.

Purpose of Meeting: The 2017 Fall Meeting of the National Coal Council.

Agenda

1. Call to order and opening remarks by Greg Workman, Chair, National Coal Council
2. Keynote Remarks by Dr. Grace Bochenek, Director, National Energy Technology Laboratory, U.S. Department of Energy
3. Industry Keynote Presentation—Dan Byers, Senior Director Policy, U.S. Chamber Global Energy Institute
4. Presentation by Andy Roberts, Research Director—Global Thermal Coal Markets, Wood Mackenzie on What's Needed to Incentivize Deployment of Advance Coal Plants in the U.S.
5. Presentation by Hans Daniels, CEO, Doyle Trading Consultants on Opportunities for U.S. Coal Exports
6. Presentation by Roy W. Hill, Chairman of the Board Clean Energy Technology Association Inc. on CETA Energy's Lignite Coal Distillation Initiative
7. Council Business:
   a. NCC Chair's Report by NCC Chair Greg Workman
   b. Finance Report by Finance Committee Chair Dan Roling
   c. Coal Policy Committee Report by Coal Policy Committee Chair Deck Slone
   d. Communications Committee Report by Communications Committee Chair Lisa Bradley
   e. NCC Business Report by NCC CEO Janet Gellici
8. Other Business
9. Adjourn

Attendees are requested to register in advance for the meeting at: http://www.nationalcoalcouncil.org/page-NCC-Events.html.

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Council, you may do so either before or after the meeting. If you would like to make oral statements regarding any item on the agenda, you should contact Daniel Matuszak, 202–287–6915 or *daniel.matuszak@hq.doe.gov* (email). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include oral statements on the scheduled agenda. The Chairperson of the Council will lead the meeting in a manner that facilitates the orderly conduct of business. Oral statements are limited to 10-minutes per organization and per person.

Minutes: A link to the transcript of the meeting will be posted on the NCC Web site at: *http://www.nationalcoalcouncil.org/.*

Issued at Washington, DC, on September 6, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–19176 Filed 9–8–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Petroleum Council Meeting

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the National Petroleum Council. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Monday, September 25, 2017, 3:00 p.m. to 4:30 p.m.

ADDRESSES: Hay Adams Hotel, 800 K Streets NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Johnson, U.S. Department of Energy, Office of Oil and Natural Gas (FE–30), Washington, DC 20585; telephone: (202) 586–5600 or facsimile: (202) 586–6221.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas, or the oil and natural gas industries.

Tentative Agenda:

- Call to Order and Introductory Remarks.
- Administrative Matters.
- Remarks by the Honorable Rick Perry, Secretary of Energy.
- Remarks of Guest Speaker (TBD).
- Discussion of Any Other Business Properly Brought Before the National Petroleum Council.
- Adjournment.

Public Participation: The meeting is open to the public. The Chair of the Council will conduct the meeting to facilitate the orderly conduct of business. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Nancy Johnson at the address or telephone number listed above. Request for oral statements must be received at least three days prior to the meeting. Those not able to attend the meeting or having insufficient time to address the Council are invited to send a written statement to *info@npc.org.* Any member of the public who wishes to file a written statement to the Council will be permitted to do so, either before or after the meeting.

Transcripts: Transcripts of the meeting will be available by contacting Ms. Johnson at the address above, or *info@npc.org.*

Issued at Washington, DC, on August 25, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–19096 Filed 9–8–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES:

Monday, September 25, 2017, 1:00 p.m.–4:45 p.m.

Tuesday, September 26, 2017, 9:00 a.m.–4:45 p.m.

ADDRESSES: Courtyard Historic Charleston, 125 Calhoun Street, Charleston, SC 29401.

FOR FURTHER INFORMATION CONTACT: Susan Clizbe, Office of External Affairs, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–8281.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, September 25, 2017

Opening, Chair Update, and Agenda Review
Agency Updates
Break
Administrative & Outreach Committee Update
Facilities Disposition & Site Remediation Committee Update
Nuclear Materials Committee Update
Strategic & Legacy Management Committee Update
Waste Management Committee Update
Draft Recommendation Discussion
Public Comments
Recess

Tuesday, September 26, 2017

Reconvene
Agenda Review
Presentations:
- Mercury in the Liquid Waste System
- State Oversight of Cleanup
- Final Approved Federal Facility Agreement Appendix E

Lunch Break
Presentations:
- Budget Update
- Glass Waste Storage Status
- Savannah River National Laboratory Annual Update

Break
Presentation: Federal Advisory Committee Act
Public Comments
Recommendations Voting
Adjourn

Public Participation: The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Susan Clizbe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Susan Clizbe's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Susan Clizbe at the address or phone number listed above. Minutes will also be available at the following Web site: *http://cab.srs.gov/srs-cab.html.*

Issued at Washington, DC, on August 31, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–19098 Filed 9–8–17; 8:45 am]

BILLING CODE 6450–01–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: EC17–170–000.
Applicants: Michigan Electric Transmission Company, LLC.
Description: Application Pursuant to Section 203 of the Federal Power Act to Acquire New Assets of Michigan Electric Transmission Company, LLC.
Filed Date: 9/1/17.
Accession Number: 20170901–5073
Comments Due: 5 p.m. ET 9/22/17.

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

Docket Numbers: ER17–2400–001.
Applicants: SP Butler Solar, LLC.
Description: Tariff Amendment: Amendment of Application for MBR Authority and Initial Baseline Tariff Filing to be effective 9/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5090.
Comments Due: 5 p.m. ET 9/22/17.

Docket Numbers: ER17–2403–000.
Applicants: SP Pawpaw Solar, LLC.
Description: Baseline eTariff Filing: Application for MBR Authority and Initial Baseline Tariff Filing to be effective 9/1/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5236.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2404–000.
Applicants: SP Sandhills Solar, LLC.
Description: Baseline eTariff Filing: Application for MBR Authority and Initial Baseline Tariff Filing to be effective 9/1/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5237.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2405–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Sep 2017 Membership Filing to be effective 9/1/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5238.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2406–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: Unexecuted WPAs, City and County of San Francisco WDT (SA 275) to be effective 9/1/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5176.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2407–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Compliance filing: Compliance Filing Reconciling Overlapping Amendments to be effective 6/1/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5180.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2408–000.
Applicants: Appalachian Power Company.
Description: § 205(d) Rate Filing: CBEC Cost Based Formula Cancellation to be effective 7/31/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5187.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2409–000.
Applicants: Alliant Energy Corporate Services, Inc.
Description: § 205(d) Rate Filing: AECS Updated Schedule 2 (Reactive Power) to be effective 11/1/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5188.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2410–000.
Applicants: Appalachian Power Company.
Description: § 205(d) Rate Filing: ODEC Cost Based Formula Cancellation to be effective 7/31/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5190.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2411–000.
Applicants: Appalachian Power Company.
Description: § 205(d) Rate Filing: Salem Cost Based Formula Cancellation to be effective 7/31/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5191.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2412–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2017–08–31 Amendment 2 Particpating Load Agreement with CA Dept Water Resources to be effective 11/1/2017.
Filed Date: 8/31/17.
Accession Number: 20170831–5209.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2413–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Notice of Cancellation of Connection Agreement for North Side Substation, et al. of Northern States Power Company, a Minnesota corporation.
Filed Date: 8/31/17.
Accession Number: 20170831–5241.
Comments Due: 5 p.m. ET 9/21/17.

Docket Numbers: ER17–2414–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–09–01_SA 3042 Crowned Ridge-OTP GIA (J442) to be effective 8/21/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5012.
Comments Due: 5 p.m. ET 9/22/17.

Docket Numbers: ER17–2415–000.
Applicants: Pilesgrove Solar, LLC.
Description: Baseline eTariff Filing: Pilesgrove Solar, LLC Reactive Power Filing to be effective 11/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5087.
Comments Due: 5 p.m. ET 9/22/17.

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: September 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19146 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2375–000]

GenOn Holdco 8, 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 GenOn Holdco 8, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19157 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2376–000]

GenOn Holdco 9, 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 GenOn Holdco 9, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19158 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2403–000]

SP Pawpaw 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 SP Pawpaw 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19163 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–363–003.
Applicants: Eastern Shore Natural Gas Company.
Description: Compliance filing Alternative Motion Filing to be effective 8/1/2017.
Filed Date: 8/30/17.
Accession Number: 20170830–5050.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–975–001.
Applicants: Gulf South Pipeline Company, LP.
Description: Tariff Amendment: Amendment to Filing in Docket No. RP17–975–000 to be effective 8/17/2017.
Filed Date: 8/30/17.
Accession Number: 20170830–5099.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–982–000.
Applicants: National Fuel Gas Supply Corporation.
Description: § 4(d) Rate Filing: Heath Station Abandonment to be effective 10/2/2017.
Filed Date: 8/30/17.
Accession Number: 20170830–5007.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–983–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Compliance filing AGT 2017 OFO Penalty Disbursement Report.
Filed Date: 8/30/17.
Accession Number: 20170830–5042.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–984–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing 2017 Operational Entitlements Filing.
Filed Date: 8/30/17.
Accession Number: 20170830–5043.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–985–000.
Applicants: Empire Pipeline, Inc.
Description: Compliance filing CF—Settlement Rates (October 2017) to be effective 10/1/2017.
Filed Date: 8/30/17.
Accession Number: 20170830–5060.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–986–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (APS Sept 2017) to be effective 9/1/2017.
Filed Date: 8/30/17.
Accession Number: 20170830–5074.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–987–000.
Applicants: Mojave Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Passport to DART Implementation Filing to be effective 10/1/2017.
Filed Date: 8/30/17.
Accession Number: 20170830–5078.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–988–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2017 August Negotiated Rate to be effective 8/30/2017.
Filed Date: 8/30/17.
Accession Number: 20170830–5081.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–989–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Fuel Retention Rates—Winter 2017 to be effective 10/1/2017.
Filed Date: 8/30/17.
Accession Number: 20170830–5097.
Comments Due: 5 p.m. ET 9/11/17.

Docket Numbers: RP17–990–000.
Applicants: Northern Natural Gas Company.
Description: Petition for a Limited Waiver of Northern Natural Gas Company under RP17–990.
Filed Date: 8/30/17.
Accession Number: 20170830–5156.
Comments Due: 5 p.m. ET 9/11/17.

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 31, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19148 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–86–000]

Nebraska Public Power District v. Southwest Power Pool; Notice of Complaint

Take notice that on August 31, 2017, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824(e) and 825(e), Nebraska Public Power District (Complainant or NPPD) filed a formal complaint against Southwest Power Pool (Respondent or SPP) alleging that SPP's billing of $860,742.65 to NPPD in connection with the Attachment Z2 revenue crediting process is unlawful under SPP's Open Access Transmission Tariff, all as more fully explained in the complaint.

The Complainant states that certifies copies of the complaint were served on the contacts for Respondent as listed on the Commission's list of Corporate Officials.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 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.

Comment Date: 5:00 p.m. Eastern Time on September 20, 2017.

Dated: September 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19144 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–476–000]

Gulf South Pipeline Company, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Westlake Expansion Project, and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Westlake Expansion Project involving construction and operation of facilities by Gulf South Pipeline Company, LP (Gulf South) in Calcasieu Parish, Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 29, 2017.

If you sent comments on this project to the Commission before the opening of this docket on July 20, 2017, you will need to file those comments in Docket No. CP17–476–000 to ensure they are considered as part of this proceeding.

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

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

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

Public Participation

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

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

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

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP17–476–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Gulf South proposes to construct and operate the following facilities as part of the Westlake Expansion Project in Calcasieu Parish, Louisiana:

- One new 10,000 horsepower compressor station (Westlake Compressor Station) and appurtenant facilities;
- approximately 1,600 feet of 16-inch-diamater natural gas pipeline lateral; and
- two new metering and regulating stations (Entergy Lake Charles and Varibus M&R Stations).

The project would provide about 200 million cubic feet of natural gas per day to the proposed 980 megawatt natural gas-fired combined cycle electric generating plant near Westlake, Louisiana.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the pipeline facilities, including additional temporary workspace and a temporary access road, would disturb about 11.8 acres of land, of which Gulf South would permanently maintain 0.9 acre. Construction of the aboveground facilities (Westlake Compressor Station, Entergy Lake Charles M&R Station, and Varibus M&R Station) and access roads would disturb about 30 acres, of which Gulf South would permanently maintain 10.7 acres.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental

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

impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

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

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

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

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

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

Consultations Under Section 106 of the National Historic Preservation Act

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

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

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

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP17–476). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

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

Dated: August 30, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19114 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

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

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

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

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–8–000]

Florida Gas Transmission Company, LLC; Notice of Schedule for Environmental Review of the East-West Project

On October 31, 2016 Florida Gas Transmission Company, LLC (FGT) filed an application in Docket No. CP17–8–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the East-West Project (Project), and would provide new capacity of 275 million cubic feet per day on FGT's pipeline system in the western division to meet the demand for additional transportation and delivery of natural gas to the proposed Port Arthur—Motiva Meter and Regulator (M&R) Station and the Wilson—Coastal Bend M&R Station in Jefferson and Wharton Counties, Texas respectively.

On November 9, 2016 the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA, October 20, 2017

90-day Federal Authorization Decision Deadline, January 18, 2018

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

FGT proposes to construct and operate about 13.3 miles of 12-inch-diameter lateral pipeline, about 12 miles 16-inch-diameter lateral and connection pipeline, and four new meter stations and auxiliary and appurtenant facilities in Wharton, Matagorda, Jefferson, and Orange Counties, Texas, and Calcasieu and Acadia Parishes, Louisiana.

Background

On December 19, 2016 the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed East-West Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from one landowner and the Louisiana Department of Fisheries and Wildlife. The primary issues raised by the commentors are potential impacts on soils, wetlands, wildlife refuges, cultural resources, and the aging process/potential corrosion of the pipelines.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP17–8), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: September 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19113 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2377–000]

GenOn Holdco 10, 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 GenOn Holdco 10, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19159 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2368–000]

GenOn Holdco 3, 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 GenOn Holdco 3, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19150 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14793–000]

The Domestic and Foreign Missionary Society of the Protestant Episcopal Diocese of Alabama; Notice of Application Accepted for Filing With the Commission, Intent To Waive Scoping, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, and Recommendations, and Establishing an Expedited Schedule for Processing

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption from Licensing.

b. *Project No.:* 14793–000.

c. *Date filed:* July 12, 2016.

d. *Applicant:* The Domestic and Foreign Missionary Society of the Protestant Episcopal Diocese of Alabama.

e. *Name of Project:* Camp McDowell Project.

f. *Location:* On Clear Creek, near Nauvoo in Winston County, Alabama. No federal lands would be occupied by project works or located within the project boundary.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708 (2012), *amended by* the Hydropower Regulatory Efficiency Act of 2013, Public Law 113–23, 127 Stat. 493 (2013).

h. *Applicant Contact:* Mr. Fraizer Christy, 3621 Kingshill Road, Birmingham, Alabama 35223; (205) 617–0565.

i. *FERC Contact:* Monte TerHaar, (202) 502–6035, or email at *monte.terhaar@ferc.gov.*

j. *Deadline for filing motions to intervene and protests, comments, terms and conditions, and recommendations:* Due to the small size and location of this project and the close coordination with state and federal agencies during preparation of the application, the 60-day timeframe in 18 CFR 4.34(b) is shortened. Instead, motions to intervene and protests, comments, terms and conditions, and recommendations are due 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, and recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14793–000.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

1. The proposed Camp McDowell Project would consist of: (1) An existing 157-foot-long, 13.5-foot-high concrete/masonry dam consisting of: (a) A 113-foot-long spillway with a crest elevation of 513.5 feet North American Vertical Datum of 1927 (NAVD 27); (b) a 9-foot-long non-overflow section with a 5-foot-diameter low level gated release pipe; and (c) a 35-foot-long non-overflow section; (2) an existing 10-acre impoundment (Clear Creek) at normal water surface elevation of 513.5 feet; (3)

a 26-foot-wide, 1.3-foot-deep gated intake located on top of the spillway protected by a 6-foot-high, 30-foot-wide steel trash rack with 6-inch clear bar spacing; (4) a 27-foot-long, 6-foot-wide, concrete sluiceway; (5) a concrete powerhouse, located at the base of the dam, containing one 50-foot-long by 9-foot-diameter Archimedes screw turbine-generator unit (ASG unit), rated at 140 kW; (6) a water-level sensor, and automatic sluice gate controller; (7) a 650-foot-long, 460-volt, above-ground transmission line; and (8) appurtenant facilities. The estimated annual generation of the proposed Camp McDowell Project would be about 950 megawatt-hours. The applicant proposes to operate the project in a run-of-river mode. There are no federal or state lands associated with the project.

m. Due to the applicant's close coordination with federal and state agencies during the preparation of the application, studies completed during pre-filing consultation, and small size and location of the project, we intend to waive scoping and expedite the exemption process. Based on a review of the application and resource agency consultation letters filed to date, Commission staff intends to prepare a single environmental assessment (EA). Commission staff determined that the issues that need to be addressed in its EA have been adequately identified during the pre-filing period, which included a public scoping meeting and site visit, and no new issues are likely to be identified through additional scoping. The EA will assess the potential effects of project construction and operation on geology and soils, aquatic, terrestrial, threatened and endangered species, recreation and land use, aesthetic, and cultural and historic resources.

n. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

o. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

q. A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

r. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title PROTEST, MOTION TO INTERVENE, NOTICE OF INTENT TO FILE COMPETING APPLICATION, COMPETING APPLICATION, COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, or TERMS AND CONDITIONS; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

s. *Procedural Schedule:* The application will be processed according to the following procedural schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of the availability of the EA.	November 9, 2017.

Dated: September 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19116 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: EC17–143–000.

Applicants: Great Valley Solar 1, LLC, Great Valley Solar 2, LLC, Great Valley Solar 3, LLC.

Description: Supplement to July 31, 2017 Application for Authorization of Transaction Pursuant to Section 203 of the Federal Power Act of Great Valley Solar 1, LLC, et. al.

Filed Date: 8/31/17.

Accession Number: 20170831–5248.

Comments Due: 5 p.m. ET 9/11/17.

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

Docket Numbers: EG17–148–000.

Applicants: HD Project One, LLC.

Description: Notice of Self-Certification of EG or FC of HD Project One, LLC.

Filed Date: 9/1/17.

Accession Number: 20170901–5164.

Comments Due: 5 p.m. ET 9/22/17.

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

Docket Numbers: ER17–2401–001.

Applicants: SP Decatur Parkway Solar, LLC.

Description: Tariff Amendment: Amendment of Application for MBR Authority and Initial Baseline Tariff Filing to be effective 9/1/2017.

Filed Date: 9/1/17.

Accession Number: 20170901–5091.

Comments Due: 5 p.m. ET 9/22/17.

Docket Numbers: ER17–2403–001.

Applicants: SP Pawpaw Solar, LLC.

Description: Tariff Amendment: Amendment of Application for MBR Authority and Initial Baseline Tariff Filing to be effective 9/1/2017.

Filed Date: 9/1/17.
Accession Number: 20170901–5096.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2404–001.
Applicants: SP Sandhills Solar, LLC.
Description: Tariff Amendment: Amendment of Application for MBR Authority and Initial Baseline Tariff Filing to be effective 9/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5095.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2416–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Annual Calculation of the Cost of New Entry value (''CONE'') for each Local Resource Zone (''LRZ'') in the MISO Region of Midcontinent Independent System Operator, Inc.
Filed Date: 9/1/17.
Accession Number: 20170901–5104.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2417–000.
Applicants: Great Valley Solar 3, LLC.
Description: Initial rate filing: Great Valley Solar 3, LLC LGIA Co-Tenancy Agreement Certificate of Concurrence to be effective 10/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5114.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2418–000.
Applicants: Great Valley Solar 3, LLC.
Description: Initial rate filing: Great Valley Solar 3, LLC Shared Facilities Agreement Certificate of Concurrence to be effective 10/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5115.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2419–000.
Applicants: Gateway Cogeneration 1, LLC.
Description: Request of Gateway Cogeneration 1, LLC for Limited Waiver of Tariff Provisions and Expedited Action.
Filed Date: 9/1/17.
Accession Number: 20170901–5117.
Comments Due: 5 p.m. ET 9/11/17.
Docket Numbers: ER17–2420–000.
Applicants: Alcoa Power Generating Inc.
Description: § 205(d) Rate Filing: Second Supplemental Transmission Services Agreement to be effective 7/1/2016.
Filed Date: 9/1/17.
Accession Number: 20170901–5121.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2421–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Revisions to Incorporate a Clustering Approach in the Interconnection Procedures to be effective 11/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5182.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2422–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: JPB Caltrain Supplement No. 3 under Master Agreement to be effective 9/5/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5189.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2423–000.
Applicants: Puget Sound Energy, Inc.
Description: Initial rate filing: Amended and Restated Engineering and Procurement Agreement to be effective 9/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5194.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2424–000.
Applicants: San Diego Gas & Electric Company.
Description: § 205(d) Rate Filing: SDGE TO Tariff Revisions to Appendices IV and IX to be effective 12/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5212.
Comments Due: 5 p.m. ET 9/22/17.

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: September 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19147 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14833–000]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications; Merchant Hydro Developers, LLC

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Snoosh Mountain Pumped Storage Hydroelectric Project to be located in Somerset County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 66 acres and a storage capacity of 990 acre-feet at a surface elevation of approximately 2,670 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-filled dam and/or dike; (2) excavating a new lower reservoir with a surface area of 60 acres and a total storage capacity of 1,188 acre-feet at a surface elevation of 1,850 feet msl; (3) a new 2,670-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide powerhouse containing two turbine-generator units with a total rated capacity of 67 megawatts; (5) a new transmission line connecting the powerhouse to a nearby 115-kilovolt electric grid interconnection point; and (6) appurtenant facilities. Possible initial fill water and make-up water would come from the nearby Raystown Branch of the Juniata River, including groundwater. The proposed project would have an annual generation of 242,920 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 267–254–6107.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of

intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14833–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14833) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19118 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–487–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on August 22, 2017, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, filed in Docket No. CP17–487–000 and pursuant to sections 157.205 and 157.208 of the Commission's regulations, a prior notice under its blanket certificate issued in Docket No. CP83–76–000 requesting authorization to install facilities and appurtenances and to make other modifications (Crawford Counterstorage Project) at its existing Crawford Compressor Station, located in Fairfield County, Ohio. The project will increase the compression available for counterstorage at its existing Crawford Storage Field, located in Hocking and Fairfield Counties, Ohio, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Columbia proposes to install one (1) Cat 3520/Ariel high-speed reciprocating compressor unit, rated at 1,480 horsepower. Additionally, Columbia proposes to designate as standby units two (2) existing Waukesha reciprocating compressor units, rated at 250 hp each (Units 2 and 3), which are currently utilized for counterstorage compression. The project will also involve the construction of a new compressor building, new dehydration system, new gas cooler, new separators and scrubbers, new control room building, and new station piping. The project will result in an increase in counterstorage compression of 980 hp. The certificated physical parameters of the Crawford Storage Field will remain unchanged by the proposed modifications. The estimated cost of the project is approximately $20 million.

Any questions regarding this application should be directed to Robert D. Jackson, Manager, Certificates & Regulatory Administration, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, at (832) 320–5487 or FAX (832) 320–6487, or *robert_jackson@transcanada.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the e-Filing link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time, October 31, 2017.

Dated: August 31, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19119 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2364–000]

St. Joseph Energy Center, 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 St. Joseph Energy Center, 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 21, 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: September 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19145 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2400–000]

SP Butler 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 SP Butler 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19161 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2370–000]

GenOn Holdco 2, 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 GenOn Holdco 2, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19152 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–85–000]

East Texas Electric Cooperative, Inc., Northeast Texas Electric Cooperative, Inc. v. Southwestern Electric Power Company; Notice of Complaint

Take notice that on August 31, 2017, pursuant to sections 206, 306 and 309 of the Federal Power Act, 16 U.S.C. 824(e), 825(e) and 825(h) and Rules 206 and 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and 385.212 (2017), East Texas Electric Cooperative, Inc. and Northeast Texas Electric Cooperative, Inc. (Complainants) filed a formal complaint against Southwestern Electric Power Company (Respondent or SWEPCO) alleging that the 11.1 percent stated return on common equity included in the formula rates of SWEPCO used in two SWEPCO Power Supply Agreements with Complainants is unjust and unreasonable and should be reduced, all as more fully explained in the complaint.

The Complainants certifies that copies of the complaint were served in accordance with Rule 206(c).

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 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.

Comment Date: 5:00 p.m. Eastern Time on September 20, 2017.

Dated: September 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19143 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2371–000]

GenOn Holdco 5, 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 GenOn Holdco 5, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19153 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2367–000]

GenOn Holdco 1, 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 GenOn Holdco 1, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19149 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2381–000]

Scott-II 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 Scott-II 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19160 Filed 9–8–17; 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: EC17–171–000.

Applicants: Great Plains Energy Incorporated, Westar Energy, Inc.

Description: Joint Application for Authorization of Disposition of Jurisdictional Assets and Merger Pursuant to Section 203 of the FPA of Great Plains Energy Incorporated, et al.

Filed Date: 9/1/17.

Accession Number: 20170901–5183.

Comments Due: 5 p.m. ET 10/31/17.

Docket Numbers: EC17–172–000.

Applicants: Gainesville Renewable Energy Center, LLC.

Description: Application for Authorization of Transaction Under Section 203 of the Federal Power Act, and Requests for Expedited Action and Certain Waivers of Gainesville Renewable Energy Center, LLC.

Filed Date: 9/5/17.

Accession Number: 20170905–5073.

Comments Due: 5 p.m. ET 9/26/17.

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

Docket Numbers: ER17–2425–000.

Applicants: New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: 131st Agreement to be effective 9/1/2017.

Filed Date: 9/1/17.

Accession Number: 20170901–5222.

Comments Due: 5 p.m. ET 9/22/17.

Docket Numbers: ER17–2426–000.

Applicants: PSEG Keys Energy Center LLC.

Description: Baseline eTariff Filing: PSEG Keys Market Base Rate Tariff to be effective 9/1/2017.
Filed Date: 9/1/17.
Accession Number: 20170901–5226.
Comments Due: 5 p.m. ET 9/22/17.
Docket Numbers: ER17–2427–000.
Applicants: Hudson Energy Services, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 11/6/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5062.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2428–000.
Applicants: Just Energy Pennsylvania Corp.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 11/6/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5063.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2429–000.
Applicants: Just Energy Texas I Corp.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 11/6/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5065.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2430–000.
Applicants: Alabama Power Company.
Description: Tariff Cancellation: Southern Power (Dahlberg Units 11–14) LGIA Termination Filing to be effective 9/5/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5069.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2431–000.
Applicants: Alabama Power Company.
Description: Tariff Cancellation: Southern Power (Edward L. Addison Unit 5) LGIA Termination Filing to be effective 9/5/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5070.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2432–000.
Applicants: Alabama Power Company.
Description: Tariff Cancellation: Southern Power (Franklin Unit 4) LGIA Termination Filing to be effective 9/5/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5071.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2433–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 1141, Queue No. AA2–131 to be effective 7/27/2016.
Filed Date: 9/5/17.
Accession Number: 20170905–5083.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2434–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP–NCEMC NITSA and Metering Services Agreement Amendment to be effective 7/1/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5097.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2435–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Second Revised Service Agreement No. 4415, Queue No. Z2–028/AB1–017 to be effective 8/3/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5098.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2436–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC–NCEMC Catawba IA RS No. 273 to be effective 7/1/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5099.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2437–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC–NCEMC PPA RS No. 326 to be effective 7/1/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5108.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2438–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP–NCEMC PSA RS No. 134 to be effective 7/1/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5110.
Comments Due: 5 p.m. ET 9/26/17.
Docket Numbers: ER17–2439–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP–NCEMC PSCA RS No. 182 to be effective 7/1/2017.
Filed Date: 9/5/17.
Accession Number: 20170905–5112.
Comments Due: 5 p.m. ET 9/26/17.

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

Docket Numbers: ES17–54–000.
Applicants: El Paso Electric Company.
Description: Application for FPA Section 204 Authorization of El Paso Electric Company.
Filed Date: 9/1/17.
Accession Number: 20170901–5234.
Comments Due: 5 p.m. ET 9/22/17.

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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19155 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC17–270–000]

Pike County Light and Power Company; Notice of Request for Waiver

Take notice that on September 1, 2017, Pike County Light and Power Company filed a request for waiver of requirements to file FERC Form No. 1–F and 3–Q, as required by 18 CFR 141.2 and 18 CFR 141.400.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on 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.

Comments: 5:00 p.m. Eastern Time on September 22, 2017.

Dated: September 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19142 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2401–000]

SP Decatur Parkway 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 SP Decatur Parkway 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19162 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2373–000]

GenOn Holdco 7, 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 GenOn Holdco 7, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19156 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2372–000]

GenOn Holdco 6, 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 GenOn Holdco 6, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19154 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2404–000]

SP Sandhills 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 SP Sandhills 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19164 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14830–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Moresville Energy Pumped Storage Hydroelectric Project to be located in Delaware County, New York. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 40 acres and a storage capacity of 600 acre-feet at a surface elevation of approximately 2,850 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-filled dam and/or dike; (2) excavating a new lower reservoir with a surface area of 30 acres and a total storage capacity of 720 acre-feet at a surface elevation of 1,860 feet msl; (3) a new 4,660-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide powerhouse containing two turbine-generator units with a total rated capacity of 49 megawatts; (5) a new transmission line connecting the powerhouse to a nearby 115-kilovolt electric grid interconnection point; and (6) appurtenant facilities. Possible initial fill water and make-up water would come from the nearby East Branch of the Delaware River, including groundwater. The proposed project would have an annual generation of 177,746 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 267–254–6107.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14830–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14830) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19117 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2369–000

GenOn Holdco 4, 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 GenOn Holdco 4, 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 25, 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: September 5, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–19151 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4784–089]

Topsham Hydro Partners LP; Notice of Application for Amendment of License To Incorporate Final Species Protection Plan and Soliciting Comments, Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license.

b. *Project No.:* P–4784–089.

c. *Date Filed:* December 22, 2016.

d. *Applicant:* Topsham Hydro Partners LP.

e. *Name of Project:* Pejepscot Hydroelectric Project.

f. *Location:* The Pejepscot Project is located on the Androscoggin River in Sagadahoc, Cumberland, and Androscoggin Counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kelly Maloney, Licensing and Compliance Manager, Topsham Hydro Partners LP, 150 Main Street, Lewiston, ME 04240; (207) 775–5605.

i. *FERC Contact:* B. Peter Yarrington (202) 502–6129; *peter.yarrington@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* 30 days from the issuance of this notice.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. 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.

Please include the docket number (P–4784–089) on any comments, motions, or recommendations filed.

k. *Description of Request:* Topsham Hydro Partners LP, licensee for the Pejepscot Project, requests that the Commission amend the project license to incorporate its proposed Final

Species Protection Plan (Final SPP) to help protect Gulf of Maine Distinct Population Segment Atlantic salmon, which are listed as endangered under the Endangered Species Act (ESA). Under the Final SPP, the licensee would build upon monitoring, evaluation and protection work performed under its Interim SPP, which was approved in an order issued November 28, 2012. Work under the Final SPP would include monitoring Atlantic salmon movement through the project's existing upstream and downstream fish passage facilities, conducting a downstream passage effectiveness study in 2018, and conducting an upstream passage effectiveness study if certain trigger conditions are met. Under the Final SPP, the licensee would continue existing measures to minimize and avoid take of Atlantic salmon, and participate in mapping of nearby salmon habitat. The licensee would also explore opportunities to increase access to upstream salmon habitat, based on the results of the 2018 downstream passage study. On August 30, 2017, pursuant to section 7 of the ESA, the National Marine Fisheries Service filed a Biological Opinion for the licensee's Final SPP.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please 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 item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS; PROTESTS, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: September 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19115 Filed 9–8–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10338 North Georgia Bank; Watkinsville, Georgia

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10338 North Georgia Bank, Watkinsville, Georgia (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of North Georgia Bank (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective September 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: September 6, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–19136 Filed 9–8–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notice

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, September 14, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This hearing will be open to the public.

ITEM TO BE DISCUSSED:

Audit Hearing: Conservative Majority Fund. Freedom's Defense Fund.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the hearing date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–19356 Filed 9–7–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, September 14, 2017 at 11:15 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Draft Advisory Opinion 2017–06: Stein and Gottlieb.

Draft Advisory Opinion 2017–05: Great America PAC and Committee to Defend the President.

Draft Advisory Opinion 2017–09: Libertarian Association of Massachusetts.

Draft Advisory Opinion 2017–10: Citizens Against Plutocracy.

Management and Administrative Matters.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–19355 Filed 9–7–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 17–08]

Carlstar Group LLC F/K/A Carlisle Transportation Products, Inc. and CTP Transportation Products, LLC v. UTi, United States, Inc.; UTi United States, LLC; and DSV Air & Sea, Inc.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission or FMC) by Carlstar Group LLC f/k/a Carlisle Transportation Products, Inc. and CTP Transportation Products, LLC, hereinafter ''Complainant,'' against UTi, United States, Inc.; UTi United States, LLC; and DSV Air & Sea, Inc., hereinafter ''Respondents.'' Complainant states it is a Tennessee corporation and ''. . . is an industry leader of specialty tires and wheels for various markets, including agriculture, construction, ATV, high-speed trailer, and lawn and garden.'' Complainant alleges that Respondent UTi, United States, Inc., is a FMC licensed ''. . . non-vessel [operating] common carrier (''NVOCC'') [that is] organized under the laws of the State of New York.'' Complainant also states that Respondent DSV Air & Sea, Inc. is a New Jersey headquartered freight forwarder, that ''. . . is a successor-in-interest to UTi, United States, Inc. . . . [and] provides transport and logistics services, including warehousing, distribution, packing, and loading.'' Complainant also states that Respondent UTi United States, LLC ''. . . is a successor-in-interest to UTi, United States, Inc, is a subsidiary of DSV Air & Sea, Inc. and is registered as a Delaware company.''

Complainant alleges that all parties ''. . . executed an agreement dated June 1, 2011 . . . [in order] for UTi to provide [Complainant] 'world-class ocean freight negotiation and management services' including, but not limited to, 'freight forwarding, brokerage, contract logistics and consulting services' . . .'' Complainant alleges that during the life of the agreement, it was overcharged by Respondent and has incurred damages ''in the amount of at least $5,155,170.06'' in violation of the Shipping Act, in particular:

1. ''. . . 46 U.S.C. 41102(c) by failing to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property'';

2. ''. . . 46 U.S.C. 41104(2) by charging rates greater than the published tariff and/or the Agreements''; and

3. ''. . . 46 U.S.C. 41102(4) by charging unfair and potentially discriminatory fees.''

Complainant seeks ''. . . an order be entered commanding Respondents to pay Carlstar reparations for violations of the Shipping Act . . .'' and other relief. The full text of the complaint can be found in the Commission's Electronic Reading Room at *www.fmc.gov/17-08/.*

This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by September 5, 2018, and the final decision of the Commission shall be issued by March 19, 2019.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–19134 Filed 9–8–17; 8:45 am]

BILLING CODE 6731–AA–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 voluntary Compensation and Salary Surveys (FR 29a, FR 29b; OMB No. 7100–0290).

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: Compensation and Salary Surveys.

Agency form number: FR 29a, FR 29b.

OMB control number: 7100–0290.

Frequency: FR 29a, annually; FR 29b, on occasion.

Respondents: Employers considered competitors for Federal Reserve Board (Board) employees.

Estimated number of respondents: FR 29a, 35; FR 29b, 10.

Estimated average hours per response: FR 29a, 6 hours; FR 29b, 1 hour.

Estimated annual burden hours: FR 29a, 210 hours; FR 29b, 50 hours.

General description of report: The FR 29a and FR 29b collect information on salaries, employee compensation policies, and other employee programs from employers that are considered competitors of the Board. The data from the surveys are primarily used to determine the appropriate salary structure and salary adjustments for Board employees so that salary ranges are competitive with other organizations offering similar jobs. The Board along with other Financial Institutions Reforms, Recovery and Enforcement Act

of 1989 (FIRREA) agencies [1] conduct the FR 29a survey jointly. The FR 29b is collected by the Board only.

Legal authorization and confidentiality: The Board's Legal Division has determined that the FR 29a and FR29b surveys are voluntary and authorized by sections 10(4) and 11(1) of the Federal Reserve Act (12 U.S.C. 244 and 248(1)), which authorize the Board to determine employees' compensation. The FR 29a survey is completed by an outside consultant that submits to the Board a report of the survey containing only aggregate data. Because the Board does not collect or have access to the individual respondent data, no confidentiality issue arises with respect to the individual responses to the FR 29a. The Board does not consider the report containing aggregate data to be confidential. The FR 29b consists of ad hoc surveys conducted by the Board during the year to collect information on specific salary and non-salary matters that affect Board employees. The ability of the Board to maintain the confidentiality of information provided by respondents to the FR 29b surveys will have to be determined on a case by case basis depending on the data collected under a particular survey. Some of the information collected on the surveys may be protected from Freedom of Information Act (FOIA) disclosure by FOIA exemptions 4 and 6. (5 U.S.C. 552 (b)(4) and (6)). Exemption 4 protects from disclosure trade secrets and commercial or financial information, while Exemption 6 protects information ''the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.''

Consultation outside the agency: Towers Watson and the Board work together to review and update the FR 29a survey instrument.

Current actions: On June 29, 2017 the Board published a notice in the **Federal Register** (82 FR 29564) requesting public comment for 60 days on the extension, without revision, of the Compensation and Salary Surveys. The comment period for this notice expired on August 28, 2017. The Board did not receive any comments.

[1] For purposes of this proposal, the FIRREA agencies consist of: The Federal Reserve Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Commodities Futures Trading Commission, the Farm Credit Administration, and the Securities and Exchange Commission.

Board of Governors of the Federal Reserve System, September 6, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–19168 Filed 9–8–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Board Member Meeting: Federal Retirement Thrift Investment Board

AGENDA: Federal Retirement Thrift Investment Board Members' Meeting, September 18, 2017, 8:30 a.m. (In-Person).

Open Session

1. Approval of the Minutes of the August 28, 2017 Board Members' Meeting
2. Monthly Reports
   (a) Participant Activity Report
   (b) Investment Performance Report
   (c) Legislative Report
3. Calendar Review 2017/2018
4. FY 18 Budget Review and Approval
5. Vendor Financials
6. The Office of Participant Services' Annual Report
7. Blended Retirement Update
8. IT Update

Closed Session

Information covered under 5 U.S.C. 552b(c)(4) and (c)(9)(B).

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: September 7, 2017.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2017–19268 Filed 9–7–17; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force (Task Force)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services announces the next meeting of the Community Preventive Services Task Force (Task Force) on October 18–19, 2017 in Atlanta, Georgia.

DATES: The meeting will be held on Wednesday, October 18, 2017 from 8:30 a.m. to 6:00 p.m. EDT and Thursday, October 19, 2017 from 8:30 a.m. to 1:00 p.m. EDT.

ADDRESSES: The Task Force Meeting will be held at the CDC Edward R. Roybal Campus, Centers for Disease Control and Prevention Headquarters (Building 19), 1600 Clifton Road NE., Atlanta, GA 30329. You should be aware that the meeting location is in a Federal government building; therefore, Federal security measures are applicable. For additional information, please see Roybal Campus Security Guidelines under **SUPPLEMENTARY INFORMATION**. Information regarding meeting logistics will be available on the Community Guide Web site (*www.thecommunityguide.org*) closer to the date of the meeting.

FOR FURTHER INFORMATION CONTACT: Onslow Smith, Center for Surveillance, Epidemiology and Laboratory Services; Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–E–69, Atlanta, GA 30329, phone: (404) 498–6778, email: *CPSTF@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Meeting accessibility: This space-limited meeting is open to the public. All meeting attendees must register. To ensure completion of required security procedures and access to the CDC's Global Communications Center, U.S. citizens intending to attend in person must register by October 11, 2017. Non-U.S. citizens intending to attend in person must register by September 20, 2017. Failure to register by the dates identified could result in the inability to attend the Task Force meeting in person.

Those unable to attend the meeting in person are able to do so via Webcast. CDC will send the Webcast URL to registrants upon receipt of their registration. All meeting attendees must register by October 13, 2017 to receive the webcast information. CDC will email webcast information from the *CPSTF@cdc.gov* mailbox.

Public comment: A public comment period, limited to three minutes per person, will follow the Task Force's discussion of each systematic review. Individuals wishing to make public comments must indicate their desire to do so with their registration by providing their name, organizational affiliation, and the topic to be addressed (if known). Public comments will become part of the meeting summary. Public comment is not possible via Webcast.

Background on the Task Force: The Task Force is an independent, nonfederal panel whose members are appointed by the CDC Director. Task Force members represent a broad range of research, practice, and policy expertise in prevention, wellness, health promotion, and public health. The Task Force was convened in 1996 by the Department of Health and Human Services (HHS) to identify community preventive programs, services, and policies that increase healthy longevity, save lives and dollars, and improve Americans' quality of life. CDC is mandated to provide ongoing administrative, research, and technical support for the operations of the Task Force. During its meetings, the Task Force considers the findings of systematic reviews on existing research and practice-based evidence and issues recommendations. Task Force recommendations are not mandates for compliance or spending. Instead, they provide information about evidence-based options that decision makers and stakeholders can consider when they are determining what best meet the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents. The Task Force's recommendations, along with the systematic reviews of the evidence on which they are based, are compiled in the *Guide to Community Preventive Services (The Community Guide).*

Matters proposed for discussion: Cardiovascular Disease Prevention (Mobile Health Interventions for Cardiovascular Disease Prevention); Diabetes Prevention and Control (Lifestyle Interventions to Reduce Risk of Gestational Diabetes); Nutrition (Gardening-Based Interventions to Increase Fruit and Vegetable Intake); Obesity Prevention and Control (School-based Diet and Physical Activity Interventions); and Women's Health (Primary Prevention of Intimate Partner Violence and Sexual Violence Among Youth). The agenda is subject to change without notice.

Roybal Campus Security Guidelines: The Edward R. Roybal Campus is the headquarters of the CDC and is located at 1600 Clifton Road NE., Atlanta, Georgia. The meeting is being held in a Federal government building; therefore, Federal security measures are applicable.

All meeting attendees must register by the dates outlined under *Meeting Accessability*. In planning your arrival time, please take into account the need to park and clear security. All visitors must enter the Edward R. Roybal Campus through the front entrance on Clifton Road. Vehicles may be searched, and the guard force will then direct visitors to the designated parking area. Upon arrival at the facility, visitors must present government-issued photo identification (*e.g.,* a valid federal identification badge, state driver's license, state non-driver's identification card, or passport). Non-U.S. citizens must complete the required security paperwork prior to the meeting date and must present a valid passport, visa, Permanent Resident Card, or other type of work authorization document upon arrival at the facility. All persons entering the building must pass through a metal detector. CDC Security personnel will issue a visitor's ID badge at the entrance to Building 19. Visitors may receive an escort to the meeting room. All items brought to HHS/CDC are subject to inspection.

Dated: September 6, 2017.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2017–19203 Filed 9–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4851]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (VRBPAC). The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public. Members will participate via teleconference.

DATES: The meeting will be held on October 4, 2017, from 1 p.m. to 4:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. For those unable to attend in person, the meeting will also be webcast and will be available at the following link: *https://collaboration.fda.gov/cbervrbpac2017.* Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Serina Hunter-Thomas or Rosanna Harvey, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6307C, Silver Spring, MD 20993–0002, 240–402–5771 *serina.hunter-thomas@fda.hhs.gov* and 240–402–8072, *rosanna.harvey@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On October 4, 2017, the VRBPAC will meet in an open session to discuss and make recommendations on the selection of strains to be included in an influenza virus vaccine for the 2018 southern hemisphere influenza season. FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before September 27, 2017. Oral presentations from the public will be scheduled between approximately 1:15 p.m. and 2:15 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief

statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 19, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 20, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Serina Hunter-Thomas at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 5, 2017.

Anna K. Abram,

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

[FR Doc. 2017–19129 Filed 9–8–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0809]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that KYMRIAH (tisagenlecleucel), manufactured by Novartis Pharmaceuticals Corporation, meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Gretchen Opper, 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: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), which was added by FDASIA, FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that KYMRIAH (tisagenlecleucel), manufactured by Novartis Pharmaceuticals Corporation, meets the criteria for a priority review voucher. KYMRIAH (tisagenlecleucel) is indicated for the treatment of patients up to 25 years of age with B-cell precursor acute lymphoblastic leukemia (ALL) that is refractory or in second or later relapse.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to*https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.* For further information about KYMRIAH (tisagenlecleucel), go to the Center for Biologics Evaluation and Research cellular and gene therapy products Web site at *https://www.fda.gov/BiologicsBloodVaccines/CellularGeneTherapyProducts/ApprovedProducts/default.htm.*

Dated: September 5, 2017.

Anna K. Abram,

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

[FR Doc. 2017–19130 Filed 9–8–17; 8:45 am]

BILLING CODE 4164–01–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: The invention listed below is owned by an agency of the U.S. Government and is available for licensing 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.

FOR FURTHER INFORMATION CONTACT: Dr. Vince Contreras, 240–669–2823; *Vince.Contreras@nih.gov.* Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Broadly Neutralizing Antibodies Against HIV–1 Directed to the CD4 Binding Site of HIV Envelope Protein

Description of Technology

Inhibiting the ability of HIV–1, the virus that causes AIDS, to infect cells is one approach to both prevention and treatment of HIV. Scientists at the NIAID Vaccine Research Center have isolated and characterized neutralizing antibodies (VRC01, 02, 03, and 07) that bind to the CD4 binding site of HIV–1 envelope glycoprotein gp120. These human monoclonal antibodies can potentially be used as a therapeutic to: (1) Treat an HIV infection, (2) decrease and prevent HIV-transmission from mother to infant, and (3) be effectively combined with anti-retroviral drug therapy. Additionally, the antibodies can be used for detection of HIV–1 infection in biological samples, including body fluids; and tissues from biopsies, autopsies, and pathology specimens.

VRC01 has been tested in several phase I clinical trials for safety and pharmacokinetics in infants, adults, and

HIV-positive adults. VRC01 is currently being evaluated in a phase II clinical trial for prevention of HIV–1 acquisition.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

- Monoclonal antibodies to treat and/or diagnose HIV and/or AIDS
- Immunoassays and kits

Competitive Advantages

- Monoclonal neutralizing antibodies prevent viral entry into cells
- Monoclonal neutralizing antibodies can be used for vaccine design and to develop diagnostics for HIV–1

Development Stage

- In vitro data available
- In vivo data available (animal)
- In vivo data available (human)
- Clinical Phase I

Inventors: John Mascola, Mark Connors, Peter Kwong, Gary Nabel, Mario Roederer, Xueling Wu (all from NIAID).

Publications

Nabel G et al. (2015) Broadly Neutralizing Human Immunodeficiency Virus Type 1 Antibody Gene Transfer Protects Nonhuman Primates from Mucosal Simian-Human Immunodeficiency Virus Infection. J Virol. 89(16):8334–45. [PMID26041300].

Nabel G et al. (2014) Enhanced potency of a broadly neutralizing HIV–1 antibody in vitro improves protection against lentiviral infection in vivo. J Virol. 88(21):12669–82. [PMID:25142607].

Wu X et al. (2010) Immunotypes of a quaternary site of HIV–1 vulnerability and their recognition by antibodies. J Virol. 2011: 85(9):4578–85. [PMID:21325411].

Zhou T et al. (2010) Structural basis for broad and potent neutralization of HIV–1 by antibody VRC01. Science. 329(5993):811–7. [PMID: 20616231].

Intellectual Property: HHS Reference No: E–300–2009 and E–051–2012. The E–300–2009 family includes U.S. Patent Application. 13/498,286, filed March 23, 2012 (Issued); Australia Patent Application 2010298025, filed September 24, 2010 (Issued); China Patent Application 201080053616.5 filed September 24, 2010 (Issued); E.U. Patent Application 10760878.8 filed September 24, 2010 (Pending); India Patent Application 588/KOLNP/2012 filed March 13, 2012 (Pending); South Africa Patent Application 212/02116 filed September 24, 2017 (Pending); Canada Patent Application. 2274636 filed September 24, 2017 (Pending).

The E–051–2012 family includes U.S. Patent Application 14–363,740, filed June 6, 2014 (Issued); Australia Patent Application. 2012347453, filed December 10,2010 (Issued); China Patent Application 201280069415.3, filed December 10, 2012 (Pending); E.U. Patent Application 1285597.6, filed December 10, 2012 (Pending); Indian Patent Application 4661/DELNP/2014, filed December 10, 2012 (Pending); South Africa Patent Application 2014/04077, filed December 10, 2012 (Pending).

Licensing Contact: Dr. Vince Contreras, 240–669–2823; *Vince.Contreras@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Monoclonal antibodies to treat and/or diagnose HIV and/or AIDS.

For collaboration opportunities, please contact Dr. Vince Contreras, 240–669–2823; *Vince.Contreras@nih.gov.*

Dated: September 1, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–19088 Filed 9–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Reproduction, Andrology, and Gynecology Subcommittee.

Date: October 20, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Administrator Division of Scientific Review National Institute of Child Health and Human Development, NIH, 6710B Bethesda Drive, Bethesda, MD 20892, (301) 435–2717, *leszczyd@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Point of Care Technologies for the Evaluation and Management of Obstetrics, Neonatal, and Pediatric Critical Care Patients, and for Patients With Disorders of Reproductive Tract and Infertility.

Date: November 6, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator Division of Scientific Review National Institute of Child Health and Human Development, 6710B Bethesda Drive, Bethesda, MD 20892, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 5, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–19089 Filed 9–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Institutional Training Grants.

Date: September 29, 2017.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Suite 703, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mario Rinaudo, MD, Scientific Review Officer, Office of Review, National Inst. of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Suite 710, Bethesda, MD 20892, 301–594–5973, *mrinaudo@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 5, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–19092 Filed 9–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0767]

Merchant Mariner Medical Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Merchant Mariner Medical Advisory Committee (MEDMAC) meeting scheduled for September 12 and 13, 2017 and announced in the **Federal Register** on August 22, 2017 (82 FR 39881) has been cancelled. A notice of meeting will be published in the **Federal Register** when the meeting is rescheduled.

FOR FURTHER INFORMATION CONTACT: Mr. Davis J. Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1445, fax 202–372–8382 or *davis.j.breyer@uscg.mil.*

Dated: September 7, 2017.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2017–19329 Filed 9–7–17; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0768]

Merchant Marine Personnel Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee (MERPAC) meeting scheduled for September 14 and 15, 2017 and announced in the **Federal Register** on August 22, 2017 (82 FR 39879) has been cancelled. A notice of meeting will be published in the **Federal Register** when the meeting is rescheduled.

FOR FURTHER INFORMATION CONTACT: Mr. Davis J. Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1445, fax 202–372–8382 or *davis.j.breyer@uscg.mil.*

Dated: September 7, 2017.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2017–19328 Filed 9–7–17; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0018; OMB No. 1660–0002]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Disaster Assistance Registration

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 an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Disaster Assistance Registration process.

DATES: Comments must be submitted on or before October 11, 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, Supervisory Program Specialist, FEMA, Recovery Directorate, at (540) 686–3630.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288) (the Stafford Act), as amended, is the legal basis for the Federal Emergency Management Agency (FEMA) to provide financial assistance and services to individuals who apply for disaster assistance benefits in the event of a federally declared disaster. Regulations in title 44 of the Code of Federal Regulations (CFR), subpart D, ''Federal Assistance to Individuals and Households,'' implement the policy and procedures set forth in section 408 of the Stafford Act, 42 U.S.C. 5174, as amended. This program provides financial assistance and, if necessary, direct assistance to eligible individuals and households who, as a direct result of a major disaster or emergency, have uninsured or under-insured, damage, necessary expenses, and serious needs which are not covered through other means.

Individuals and households may apply for assistance under the Individuals and Households program in person, via telephone or internet. FEMA utilizes paper forms 009–0–1 (English) Disaster Assistance Registration or FEMA Form 009–0–2 (Spanish), Solicitud/Registro Para Asistencia De Resastre to register individuals.

Federal public benefits are provided to U.S. citizens, non-citizen nationals, or qualified aliens. A parent or guardian of a minor child may be eligible for disaster assistance if, the minor child is a U.S. citizen, Non-citizen national or qualified alien and the minor child lives with the parent or guardian. (*See* 8 U.S.C. 1601–1646.)

By signing FEMA Forms 009–0–3, Declaration and Release or 009–0–4, Declaración Y Autorización an applicant or a member of the applicant's household is attesting to being a U.S. citizen, non-citizen national or qualified alien. A parent or guardian of a minor child signing FEMA Forms 009–0–3, Declaration and Release or 009–0–4, Declaración Y Autorización is attesting that the minor child is a U.S. citizen, non-citizen national or qualified alien.

FEMA provides direct assistance to eligible applicants pursuant to the requirements in 44 CFR 206.117. To receive direct assistance for temporary housing (*e.g.,* mobile home or other manufactured housing unit) from FEMA, the applicant is required to acknowledge and accept the conditions for occupying government property. The applicant is also required to acknowledge that he or she has been informed of the conditions for continued direct housing assistance. To accomplish these acknowledgments and notifications, FEMA uses the applicant's household composition data in National Emergency Management Information System to prepare a Manufactured Housing Unit Revocable License and Receipt for Government Property FEMA Form 009–0–5, or Las Casas Manufacturadas Unidad Licencia Revocable y Recibo de la Propiedad del Gobierno FEMA Form 009–0–6.

This proposed information collection previously published in the **Federal Register** on May 30, 2017 at 82 FR 24730 with a 60 day public comment period. No comments were received. This information collection expired on July 31, 2017. FEMA is requesting Emergency Approval for an Extension 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: Disaster Assistance Registration.

Type of information collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0002.

Form Titles and Numbers: FEMA Form 009–0–1T (English) Tele-Registration, Disaster Assistance Registration; FEMA Form 009–0–1Int (English) Internet, Disaster Assistance Registration; FEMA Form 009–0–2Int (Spanish) Internet, Registro Para Asistencia De Desastre; FEMA Form 009–0–1 (English) Paper Application/ Disaster Assistance Registration; FEMA Form 009–0–2 (Spanish), Solicitud en Papel/Registro Para Asistencia De Desastre; FEMA Form 009–0–1S (English) Smartphone, Disaster Assistance Registration; FEMA Form 009–0–2S (Spanish) Smartphone, Registro Para Asistencia De Desastre; FEMA Form 009–0–3 (English), Declaration and Release; FEMA Form 009–0–4 (Spanish), Declaración Y Autorización; FEMA Form 009–0–5 (English), Manufactured Housing Unit Revocable License and Receipt for Government Property; FEMA Form 009–0–6 (Spanish), Las Casas Manufacturadas Unidad Licencia Revocable y Recibo de la Propiedad del Gobierno.

Abstract: The various forms in this collection are used to collect pertinent information to provide financial assistance, and if necessary, direct assistance to eligible individuals and households who, as a direct result of a disaster or emergency, have uninsured or under-insured, necessary expenses and serious needs that they are unable to meet through other means.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 3,264,753.

Estimated Number of Responses: 3,264,753.

Estimated Total Annual Burden Hours: 628,036 hours.

Estimated Total Annual Respondent Cost: The estimated annual cost to respondents for the hour burden is $19,255,579. 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 $15,618,762.

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: September 6, 2017.

Tammi Hines,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–19192 Filed 9–8–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1728]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before December 11, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1728, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 10, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Dallas County, Iowa and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 15–07–0900S Preliminary Date: June 22, 2015	
City of Adel	City Hall, 301 South 10th Street, Adel, IA 50003.
City of Dallas Center	City Hall, 1502 Walnut Street, Dallas Center, IA 50063.
City of Dawson	City Hall, 208 South 1st Street, Dawson, IA 50066.
City of De Soto	City Hall, 405 Walnut Street, De Soto, IA 50069.
City of Dexter	City Hall, 911 State Street, Dexter, IA 50070.
City of Granger	City Hall, 1906 Main Street, Granger, IA 50109.
City of Perry	Building Official's Office, 1102 Willis Avenue, Perry, IA 50220.
City of Redfield	City Hall, 808 1st Street, Redfield, IA 50233.
City of Van Meter	City Hall, 310 Mill Street, Van Meter, IA 50261.
City of Waukee	City Hall, 230 West Hickman Road, Waukee, IA 50263.
City of Woodward	City Hall, 105 East 2nd Street, Woodward, IA 50276.
Unincorporated Areas of Dallas County	Dallas County Planning and Development Department, 907 Court Street, Adel, IA 50003.
Warren County, Iowa and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 15–07–0898S Preliminary Date: June 22, 2015	
City of Ackworth	City Hall, 105 College Street, Ackworth, IA 50001.
City of Bevington	City Hall, 202 Jefferson Street, Bevington, IA 50033.
City of Carlisle	City Hall, 195 North 1st Street, Carlisle, IA 50047.

Community	Community map repository address
City of Des Moines	Permit and Development Center, 602 Robert D. Ray Drive, Des Moines, IA 50309.
City of Hartford	City Hall, 150 West Elm Street, Hartford, IA 50118.
City of Indianola	City Hall, 110 North 1st Street, Indianola, IA 50125.
City of Lacona	City Hall, 109 East Main Street, Lacona, IA 50139.
City of Martensdale	City Hall, 380 Iowa Avenue, Martensdale, IA 50160.
City of Norwalk	Community Development and Planner's Office, 705 North Avenue, Norwalk, IA 50211.
City of Spring Hill	Clerk's Office, 10110 Carson Street, Spring Hill, IA 50125.
Unincorporated Areas of Warren County	Warren County Planning and Zoning Department, 301 North Buxton Street, Indianola, IA 50125.

[FR Doc. 2017–19190 Filed 9–8–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4332–DR; Docket ID FEMA–2017–0001]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA–4332–DR), dated August 25, 2017, and related determinations.

DATES: The declaration was issued August 25, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 25, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Texas resulting from Hurricane Harvey beginning on August 23, 2017, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs). Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kevin L. Hannes, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Texas have been designated as adversely affected by this major disaster:

Bee, Goliad, Kleberg, Nueces, Refugio, and San Patricio Counties for Individual Assistance.

Bee, Goliad, Kleberg, Nueces, Refugio, and San Patricio Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

All areas within the State of Texas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–19199 Filed 9–8–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4332–DR; Docket ID FEMA–2017–0001]

Texas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4332–DR), dated August 25, 2017, and related determinations.

DATES: This amendment was issued August 30, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the

State of Texas is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 25, 2017.

Colorado, Fayette, Hardin, Jasper, Jefferson, Montgomery, Newton, Orange, Sabine, San Jacinto, and Waller Counties for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program.

Dallas, Tarrant, and Travis Counties for emergency protective measures (Category B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–19196 Filed 9–8–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of November 17, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'').

Dated: August 10, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Long County, Georgia and Incorporated Areas Docket No.: FEMA–B–1642	
Unincorporated Areas of Long County	Long County Code Enforcement Office, 285 South McDonald Street, Ludowici, GA 31316.
Alamance County, North Carolina and Incorporated Areas Docket No.: FEMA–B–1440	
City of Burlington	City Hall, Engineering Department, 425 South Lexington Avenue, Burlington, NC 27215.
City of Graham	Planning Department, 201 South Main Street, Graham, NC 27253.
City of Mebane	Planning Department, 106 East Washington Street, Mebane, NC 27302.
Town of Elon	Town Hall, 104 South Williamson Avenue, Elon, NC 27244.

Community	Community map repository address
Town of Gibsonville	Planning Department, 129 West Main Street, Gibsonville, NC 27249.
Town of Green Level	Town Hall, 2510 Green Level Church Road, Green Level, NC 27217.
Town of Haw River	Town Hall, 403 East Main Street, Haw River, NC 27258.
Town of Ossipee	Ossipee Town Hall, 2608 Ossipee Front Street, Elon, NC 27244.
Town of Swepsonville	Swepsonville Town Hall, 2747 Darrell Newton Drive, Graham, NC 27253.
Unincorporated Areas of Alamance County	Alamance County Planning Department, 215 North Graham-Hopedale Road, Burlington, NC 27217.
Village of Alamance	Alamance Village Hall, 2874 Rob Shepard Drive, Burlington, NC 27215.
Chatham County, North Carolina and Incorporated Areas* Docket No.: FEMA–B–1440	
Town of Pittsboro	Planning Department, 635 East Street, Pittsboro, NC 27312.
Town of Siler City	Planning Department, 311 North Second Avenue, Room 301, Siler City, NC 27344.
Unincorporated Areas of Chatham County	Chatham County Planning Department, 80–A East Street, Pittsboro, NC 27312.
Guilford County, North Carolina and Incorporated Areas Docket No.: FEMA–B–1445	
Unincorporated Areas of Guilford County	Guilford County Planning Department, 400 West Market Street, Greensboro, NC 27402.
Orange County, North Carolina and Incorporated Areas Docket No.: FEMA–B–1440	
Town of Carrboro	Planning Department, 301 West Main Street, Carrboro, NC 27510.
Town of Chapel Hill	Stormwater Management Program Office, 208 North Columbia Street, Chapel Hill, NC 27514.
Town of Hillsborough	Town Hall, 101 East Orange Street, Hillsborough, NC 27278.
Unincorporated Areas of Orange County	Orange County Planning Department, 131 West Margaret Lane, Hillsborough, NC 27278.

*Town of Cary has not been included on this final notice as it is a multi-county community that will be mapped entirely within Wake County, North Carolina and Incorporated Areas. The final notice for this community, covering both Wake and Chatham Counties, will be included with the Wake County study effective date final notice, and not this November 17, 2017 effective date final notice.

[FR Doc. 2017–18914 Filed 9–8–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4332–DR: Docket ID FEMA–2017–0001]

Texas; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4332–DR), dated August 25, 2017, and related determinations.

DATES: This amendment was issued August 27, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Texas is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 25, 2017.

Aransas, Brazoria, Calhoun, Chambers, Fort Bend, Galveston, Harris, Jackson, Liberty, Matagorda, Victoria, and Wharton Counties for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program.

Bexar County for emergency protective measures (Category B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–19194 Filed 9–8–17; 8:45 am]

BILLING CODE 91110–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6006–N–03]

60-Day Notice of Proposed Information Collection: Certification of Consistency With Promise Zone Goals and Implementation

AGENCY: Office of Field Policy and Management, 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 13, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4186, Washington, DC 20410–5000; telephone 202–402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Suzette M. Agans, Senior Management Analyst, Field Operations Division, Field Policy and Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Ms. Agans at *Suzette.M.Agans@hud.gov* or telephone 202–402–5089. 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. Agans.

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: Certification of Consistency with Promise Zone Goals and Implementation.

OMB Approval Number: 2577–0279.

Type of Request: Renewal of expiration date.

Form Number: HUD Form 50153.

HUD Description of the Need for the Information and Proposed Use: This collection is a renewal that will be collecting information for preference points in certain competitive federal grants and technical assistance applications. This collection will reference the actual application collection that was approved under OMB 2577–0279. HUD and USDA designated twenty-two communities as Promise Zones between 2014 and 2016. Under the Promise Zones initiative, the federal government through interagency efforts will invest and partner with high-poverty urban, rural, and tribal communities to create jobs, increase economic activity, improve educational opportunities, leverage private investment, and reduce violent crime. Additional information about the Promise Zones initiative can be found at *www.hud.gov/promisezones,* and questions can be addressed to *promisezones@hud.gov.* The federal administrative duties pertaining to these designations shall be managed and executed by HUD (urban communities) and USDA (rural and tribal communities) for ten years from the designation dates pursuant. The Promise Zone Initiative supports HUD's responsibilities under sections 2 and 3 of the HUD Act, 42 U.S.C. 3531–32, to assist the President in achieving maximum coordination of the various federal activities which have a major effect upon urban community, suburban, or metropolitan development; to develop and recommend to the President policies for fostering orderly growth and development of the Nation's urban areas; and to exercise leadership, at the direction of the President, in coordinating federal activities affecting housing and urban development. To facilitate communication between local and federal partners, HUD proposes that Promise Zone Lead Organizations submit minimal documents to support collaboration between local and federal partners. This document will assist in communications and stakeholder engagement, both locally and nationally.

Respondents (*i.e., affected public*): Twenty-Two Promise Zone Lead Organizations.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Certification of Consistency Form	22	10	220	.30	66	$40	$2,640.00
Total							2,640.00

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 28, 2017.

Nelson R. Bregón,

Associate Assistant Deputy Secretary, Office of Field Policy and Management.

[FR Doc. 2017–19187 Filed 9–8–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6043–N–01]

Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for 2018

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: This document designates ''Difficult Development Areas'' (DDAs) and ''Qualified Census Tracts'' (QCTs) for purposes of the Low-Income Housing Tax Credit (LIHTC) under Internal Revenue Code (IRC), as enacted

by the Tax Reform Act of 1986. The United States Department of Housing and Urban Development (HUD) makes new DDA and QCT designations annually.

FOR FURTHER INFORMATION CONTACT: For questions on how areas are designated and on geographic definitions, contact Michael K. Hollar, Senior Economist, Economic Development and Public Finance Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street SW., Room 8216, Washington, DC 20410–6000; telephone number 202–402–5878, or send an email to *Michael.K.Hollar@hud.gov.* For specific legal questions, contact Branch 5, Office of the Associate Chief Counsel, Passthroughs and Special Industries, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224; telephone number 202–317–4137, fax number 202–317–6731. For questions about the ''HUBZone'' program, contact Mariana Pardo, Director, HUBZone Program, Office of Government Contracting and Business Development, U.S. Small Business Administration, 409 Third Street SW., Suite 8800, Washington, DC 20416; telephone number 202–205–2985, fax number 202–481–6443, or send an email to *hubzone@sba.gov.* (These are not toll-free telephone numbers.) A text telephone is available for persons with hearing or speech impairments at 800–877–8339. Additional copies of this notice are available through HUD User at 800–245–2691 for a small fee to cover duplication and mailing costs.

Copies Available Electronically: This notice and additional information about DDAs and QCTs are available electronically on the Internet at *http://www.huduser.org/datasets/qct.html.*

SUPPLEMENTARY INFORMATION:

I. This Notice

Under 26 U.S.C. 42(d)(5)(B)(iii), for purposes of the LIHTC, the Secretary of HUD must designate DDAs, which are areas with high construction, land, and utility costs relative to area median gross income. This notice designates DDAs for each of the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. The designations of DDAs in this notice are based on modified Fiscal Year (FY) 2017 Small Area Fair Market Rents (Small Area FMRs), FY2017 income limits, and 2010 Census population counts, as explained below.

Similarly, under 26 U.S.C. 42(d)(5)(B)(ii), the Secretary of HUD must designate QCTs, which are areas either in which 50 percent or more of the households have an income which is less than 60 percent of the area median gross income for such year or which have a poverty rate of at least 25 percent. This notice designates QCTs based on new income and poverty data released in the American Community Survey (ACS). Specifically, HUD relies on the most recent three sets of ACS data to ensure that anomalous estimates, due to sampling, do not affect the QCT status of tracts.

II. Data Used To Designate DDAs

Data from the 2010 Census on total population of metropolitan areas and nonmetropolitan areas are used in the designation of DDAs. The Office of Management and Budget (OMB) first published new metropolitan area definitions incorporating 2010 Census data in OMB Bulletin No. 13–01 on February 28, 2013. FY2017 FMRs and FY2017 income limits used to designate DDAs are based on these metropolitan statistical area (MSA) definitions, with modifications to account for substantial differences in rental housing markets (and, in some cases, median income levels) within MSAs. SAFMRs are calculated for the ZIP Code Tabulation Areas (ZCTAs), or portions of ZCTAs within the metropolitan areas defined by OMB Bulletin No. 13–01.

III. Data Used To Designate QCTs

Data from the 2010 Census on total population of census tracts, metropolitan areas, and the nonmetropolitan parts of states are used in the designation of QCTs. The FY2017 income limits used to designate QCTs are based on these MSA definitions with modifications to account for substantial differences in rental housing markets (and in some cases median income levels) within MSAs. This QCT designation uses the OMB metropolitan area definitions published in OMB Bulletin No. 13–01 on February 28, 2013, without modification for purposes of evaluating how many census tracts can be designated under the population cap, but uses the HUD-modified definitions and their associated area median incomes for determining QCT eligibility.

Because the 2010 Decennial Census did not include questions on respondent household income, HUD uses ACS data to designate QCTs. The ACS tabulates data collected over 5 years to provide estimates of socioeconomic variables for small areas containing fewer than 20,000 persons, such as census tracts. Due to sample-related anomalies in estimates from year-to-year, HUD utilizes three sets of ACS tabulations to ensure that anomalous estimates do not affect QCT status.

IV. Background

The U.S. Department of the Treasury (Treasury) and its Internal Revenue Service (IRS) are authorized to interpret and enforce the provisions of the LIHTC found at IRC section 42. In order to assist in understanding HUD's mandated designation of DDAs and QCTs for use in administering IRC section 42, a summary of the section is provided below. The following summary does not purport to bind Treasury or the IRS in any way, nor does it purport to bind HUD, since HUD has authority to interpret or administer the IRC only in instances where it receives explicit statutory delegation.

V. Summary of the Low-Income Housing Tax Credit

A. Determining Eligibility

The LIHTC is a tax incentive intended to increase the availability of low-income rental housing. IRC section 42 provides an income tax credit to certain owners of newly constructed or substantially rehabilitated low-income rental housing projects. The dollar amount of the LIHTC available for allocation by each state (credit ceiling) is limited by population. Each state is allowed a credit ceiling based on a statutory formula indicated at IRC section 42(h)(3). States may carry forward unallocated credits derived from the credit ceiling for one year; however, to the extent such unallocated credits are not used by then, the credits go into a national pool to be redistributed to states as additional credit. State and local housing agencies allocate the state's credit ceiling among low-income housing buildings whose owners have applied for the credit. Besides IRC section 42 credits derived from the credit ceiling, states may also provide IRC section 42 credits to owners of buildings based on the percentage of certain building costs financed by tax-exempt bond proceeds. Credits provided under the tax-exempt bond ''volume cap'' do not reduce the credits available from the credit ceiling.

The credits allocated to a building are based on the cost of units placed in service as low-income units under particular minimum occupancy and maximum rent criteria. In general, a building must meet one of two thresholds to be eligible for the LIHTC; either: (1) 20 percent of the units must be rent-restricted and occupied by tenants with incomes no higher than 50 percent of the Area Median Gross Income (AMGI), or (2) 40 percent of the

units must be rent-restricted and occupied by tenants with incomes no higher than 60 percent of AMGI. A unit is ''rent-restricted'' if the gross rent, including an allowance for tenant-paid utilities, does not exceed 30 percent of the imputed income limitation (*i.e.,* 50 percent or 60 percent of AMGI) applicable to that unit. The rent and occupancy thresholds remain in effect for at least 15 years, and building owners are required to enter into agreements to maintain the low-income character of the building for at least an additional 15 years.

B. Calculating the LIHTC

The LIHTC reduces income tax liability dollar-for-dollar. It is taken annually for a term of 10 years and is intended to yield a present value of either: (1) 70 percent of the ''qualified basis'' for new construction or substantial rehabilitation expenditures that are not federally subsidized (as defined in IRC section 42(i)(2)), or (2) 30 percent of the qualified basis for the cost of acquiring certain existing buildings or projects that are federally subsidized. The actual credit rates are determined monthly under procedures specified in IRC section 42 and cannot be less than 9 percent for buildings that are not federally subsidized. Individuals can use the credits up to a deduction equivalent of $25,000 (the actual maximum amount of credit that an individual can claim depends on the individual's marginal tax rate). For buildings placed in service after December 31, 2007, individuals can use the credits against the alternative minimum tax. Corporations, other than S or personal service corporations, can use the credits against ordinary income tax, and, for buildings placed in service after December 31, 2007, against the alternative minimum tax. These corporations also can deduct losses from the project.

The qualified basis represents the product of the building's ''applicable fraction'' and its ''eligible basis.'' The applicable fraction is based on the number of low-income units in the building as a percentage of the total number of units, or based on the floor space of low-income units as a percentage of the total floor space of residential units in the building. The eligible basis is the adjusted basis attributable to acquisition, rehabilitation, or new construction costs (depending on the type of LIHTC involved). These costs include amounts chargeable to a capital account that are incurred prior to the end of the first taxable year in which the qualified low-income building is placed in service or, at the election of the taxpayer, the end of the succeeding taxable year. In the case of buildings located in designated DDAs or designated QCTs, or buildings designated by the state agency, eligible basis can be increased up to 130 percent from what it would otherwise be. This means that the available credits also can be increased by up to 30 percent. For example, if a 70 percent credit is available, it effectively could be increased to as much as 91 percent (70 percent × 130 percent).

C. Defining Difficult Development Areas (DDAs) and Qualified Census Tracts (QCTs)

As stated above, IRC section 42 defines a DDA as an area designated by the Secretary of HUD that has high construction, land, and utility costs relative to the AMGI. All designated DDAs in metropolitan areas (taken together) may not contain more than 20 percent of the aggregate population of all metropolitan areas, and all designated areas not in metropolitan areas may not contain more than 20 percent of the aggregate population of all nonmetropolitan areas. *See* 26 U.S.C. 42(d)(5)(B)(iii).

Similarly, IRC section 42 defines a QCT as an area designated by the Secretary of HUD and, for the most recent year for which census data are available on household income in such tract, in which either 50 percent or more of the households have an income which is less than 60 percent of the area median gross income or which has a poverty rate of at least 25 percent. All designated QCTs in a single metropolitan area or nonmetropolitan area (taken together) may not contain more than 20 percent of the population of that metropolitan or nonmetropolitan area. Thus, unlike the restriction on DDA designations, QCTs are restricted by each individual area as opposed to the aggregate population across all metropolitan areas and nonmetropolitan areas. *See* 26 U.S.C. 42(d)(5)(B)(ii).

IRC section 42(d)(5)(B)(v) allows states to award an increase in basis up to 30 percent to buildings located outside of federally designated DDAs and QCTs if the increase is necessary to make the building financially feasible. This state discretion applies only to buildings allocated credits under the state housing credit ceiling and is not permitted for buildings receiving credits in connection with tax-exempt bonds. Rules for such designations shall be set forth in the LIHTC-allocating agencies' qualified allocation plans (QAPs). *See* 26 U.S.C. 42(m).

VI. Explanation of HUD Designation Method

A. 2018 Difficult Development Areas

In developing the 2018 list of DDAs, as required by 26 U.S.C. 42(d)(5)(B)(iii), HUD compared housing costs with incomes. HUD used 2010 Census population for ZCTAs, and nonmetropolitan areas, and the MSA definitions, as published in OMB Bulletin No. 13–01 on February 28, 2013, with modifications, as described below. In keeping with past practice of basing the coming year's DDA designations on data from the preceding year, the basis for these comparisons is the FY2017 HUD income limits for very low-income households (very low-income limits, or VLILs), which are based on 50 percent of AMGI, and modified FMRs based on the FY2017 FMRs used for the Housing Choice Voucher (HCV) program. For metropolitan DDAs, HUD used Small Area FMRs based on three annual releases of ACS data, to compensate for statistical anomalies which affect estimates for some ZCTAs. For non-metropolitan DDAs, HUD used the FY2017 FMRs published on August 26, 2016 (81 FR 58952) as updated periodically through March 30, 2017 (82 FR 15711).

In formulating the FY2017 FMRs and VLILs, HUD modified the current OMB definitions of MSAs to account for differences in rents among areas within each current MSA that were in different FMR areas under definitions used in prior years. HUD formed these ''HUD Metro FMR Areas'' (HMFAs) in cases where one or more of the parts of newly defined MSAs were previously in separate FMR areas. All counties added to metropolitan areas will be an HMFA with rents and incomes based on their own county data, where available. HUD no longer requires recent-mover rents to differ by five percent or more in order to form a new HMFA. All HMFAs are contained entirely within MSAs. All nonmetropolitan counties are outside of MSAs and are not broken up by HUD for purposes of setting FMRs and VLILs. (Complete details on HUD's process for determining FY2017 FMR areas and FMRs are available at *https://www.huduser.gov/portal/datasets/fmr.html#2017*. Complete details on HUD's process for determining FY2017 income limits are available at *https://www.huduser.gov/portal/datasets/il.html#2017*.)

HUD's unit of analysis for designating metropolitan DDAs consists of ZCTAs, whose Small Area FMRs are compared to metropolitan VLILs. For purposes of computing VLILs in metropolitan areas,

HUD considers entire MSAs in cases where these were not broken up into HMFAs for purposes of computing VLILs; and HMFAs within the MSAs that were broken up for such purposes. Hereafter in this notice, the unit of analysis for designating metropolitan DDAs will be called the ZCTA, and the unit of analysis for nonmetropolitan DDAs will be the nonmetropolitan county or county equivalent area. The procedure used in making the DDA designations follows:

1. *Calculate FMR-to-Income Ratios.* For each metropolitan ZCTA and each nonmetropolitan county, HUD calculated a ratio of housing costs to income. HUD used a modified FY2017 two-bedroom Small Area FMR for ZCTAs, the FY2017 two-bedroom FMR as published for non-metropolitan counties, and the FY2017 four-person VLIL for this calculation.

The modified FY2017 two-bedroom Small Area FMRs for ZCTAs differ from the FY2017 Small Area FMRs in three ways. First, HUD did not limit the median gross ZCTA rent to 150 percent of the median gross Core-Based Statistical Area (CBSA) rent, as in the Small Area FMR calculations used in HUD's demonstration project. Second, HUD adjusted median rent values in New York City to correct for the downward-bias resulting from rent control and stabilization regulations using the New York City Housing and Vacancy Survey, which is conducted by the U.S. Census Bureau.[1] No other jurisdictions have provided HUD with data that could be used to adjust SAFMRs for rent control or stabilization regulations. Finally, the adjustment for recent mover rents is calculated at the HMFA-level rather than CBSA-level.

The numerator of the ratio, representing the development cost of housing, was the area's FY2017 FMR, or SAFMR in metropolitan areas. In general, the FMR is based on the 40th-percentile gross rent paid by recent movers to live in a two-bedroom rental unit.

The denominator of the ratio, representing the maximum income of eligible tenants, was the monthly LIHTC income-based rent limit, which was calculated as 1/12 of 30 percent of 120 percent of the area's VLIL (where the VLIL was rounded to the nearest $50 and not allowed to exceed 80 percent of the AMGI in areas where the VLIL is adjusted upward from its 50 percent-of-AMGI base).

[1] HUD encourages other jurisdictions with rent control laws that affect rents paid by recent movers into existing units to contact HUD about what data might be provided or collected to adjust SAFMRs in those jurisdictions.

2. *Sort Areas by Ratio and Exclude Unsuitable Areas.* The ratios of the FMR, or Small Area FMR, to the LIHTC income-based rent limit were arrayed in descending order, separately, for ZCTAs and for nonmetropolitan counties. ZCTAs with populations less than 100 were excluded in order to avoid designating areas unsuitable for residential development, such as ZCTAs containing airports.

3. *Select Areas with Highest Ratios and Exclude QCTs.* The DDAs are those areas with the highest ratios that cumulatively comprise 20 percent of the 2010 population of all metropolitan areas and all nonmetropolitan areas. For purposes of applying this population cap, HUD excluded the population in areas designated as 2018 QCTs. Thus, an area can be designated as a QCT or DDA, but not both.

B. Application of Population Caps to DDA Determinations

In identifying DDAs, HUD applied caps, or limitations, as noted above. The cumulative population of metropolitan DDAs cannot exceed 20 percent of the cumulative population of all metropolitan areas, and the cumulative population of nonmetropolitan DDAs cannot exceed 20 percent of the cumulative population of all nonmetropolitan areas.

In applying these caps, HUD established procedures to deal with how to treat small overruns of the caps. The remainder of this section explains those procedures. In general, HUD stops selecting areas when it is impossible to choose another area without exceeding the applicable cap. The only exceptions to this policy are when the next eligible excluded area contains either a large absolute population or a large percentage of the total population, or the next excluded area's ranking ratio, as described above, was identical (to four decimal places) to the last area selected, and its inclusion resulted in only a minor overrun of the cap. Thus, for both the designated metropolitan and nonmetropolitan DDAs, there may be minimal overruns of the cap. HUD believes the designation of additional areas in the above examples of minimal overruns is consistent with the intent of the IRC. As long as the apparent excess is small due to measurement errors, some latitude is justifiable, because it is impossible to determine whether the 20 percent cap has been exceeded. Despite the care and effort involved in a Decennial Census, the Census Bureau and all users of the data recognize that the population counts for a given area and for the entire country are not precise. Therefore, the extent of the measurement error is unknown. There can be errors in both the numerator and denominator of the ratio of populations used in applying a 20 percent cap. In circumstances where a strict application of a 20 percent cap results in an anomalous situation, recognition of the unavoidable imprecision in the census data justifies accepting small variances above the 20 percent limit.

C. Qualified Census Tracts

In developing the list of QCTs, HUD used 2010 Census 100-percent count data on total population, total households, and population in households; the median household income and poverty rate as estimated in the 2009–2013, 2010–2014 and 2011–2015, ACS tabulations; the FY2017 Very Low-Income Limits (VLILs) computed at the HUD Metropolitan FMR Area (HMFA) level [2] to determine tract eligibility; and the MSA definitions published in OMB Bulletin No. 13–01 on February 28, 2013, for determining how many eligible tracts can be designated under the statutory 20 percent population cap.

HUD uses the HMFA-level AMGIs to determine QCT eligibility because the statute, specifically IRC section 42(d)(5)(B)(iv)(II), refers to the same section of the IRC that defines income for purposes of tenant eligibility and unit maximum rent, specifically IRC section 42(g)(4). By rule, the IRS sets these income limits according to HUD's VLILs, which, starting in FY2006 and thereafter, are established at the HMFA level. HUD uses the entire MSA to determine how many eligible tracts can be designated under the 20 percent

[2] HUD income limits for very low-income households (very low-income limits, or VLILs) are based on 50 percent of AMGI. In formulating the Fair Market Rents (FMRs) and VLILs, HUD modified the current OMB definitions of MSAs to account for substantial differences in rents among areas within each new MSA that were in different FMR areas under definitions used in prior years. HUD originally formed these ''HUD Metro FMR Areas'' (HMFAs) in cases where one or more of the parts of newly defined MSAs that previously were in separate FMR areas had 2000 Census based 40th-percentile recent-mover rents that differed, by 5 percent or more, from the same statistic calculated at the MSA level. In addition, a few HMFAs were formed on the basis of very large differences in AMGIs among the MSA parts. All HMFAs are contained entirely within MSAs. Furthermore, HUD created separate ''HUD Metro FMR Areas'' for all counties added to metropolitan areas in the February 28, 2013 re-definition of metropolitan areas published by the Office of Management and Budget. All nonmetropolitan counties are outside of MSAs and are not broken up by HUD for purposes of setting FMRs and VLILs. (Complete details on HUD's process for determining FMR areas and FMRs are available at *http://www.huduser.org/portal/datasets/fmr.html.* Complete details on HUD's process for determining income limits are available at *http://www.huduser.org/portal/datasets/il.html.*)

population cap as required by the statute (IRC section 42(d)(5)(B)(ii)(III)), which states that MSAs should be treated as singular areas.

The QCTs were determined as follows:

1. *Calculate 60% AMGI.* To be eligible to be designated a QCT, a census tract must have 50 percent of its households with incomes below 60 percent of the AMGI or have a poverty rate of 25 percent or more. Due to potential statistical anomalies in the ACS 5-year estimates, one of these conditions must be met in at least 2 of the 3 evaluation years for a tract to be considered eligible for QCT designation. HUD calculates 60 percent of AMGI by multiplying by a factor of 1.2 the HMFA or nonmetropolitan county FY2017 VLIL adjusted for inflation to match the ACS estimates, which are adjusted to the value of the dollar in the last year of the 5-year group.

2. *Determine Whether Census Tracts Have Less Than 50% of Households Below 60% AMGI.* For each census tract, whether or not 50 percent of households have incomes below the 60 percent income standard (income criterion) was determined by: (a) Calculating the average household size of the census tract, (b) adjusting the income standard to match the average household size, and (c) comparing the average-household-size-adjusted income standard to the median household income for the tract reported in each of the three years of ACS tabulations (2009–2013, 2010–2014 and 2011–2015). HUD did not consider estimates of median household income to be statistically reliable unless the margin of error was less than half of the estimate (or a Margin of Error Ratio, MoER, of 50 percent or less). If at least two of the three estimates were not statistically reliable by this measure, HUD determined the tract to be ineligible under the income criterion due to lack of consistently reliable median income statistics across the three ACS tabulations. Since 50 percent of households in a tract have incomes above and below the tract median household income, if the tract median household income is less than the average-household-size-adjusted income standard for the tract, then more than 50 percent of households have incomes below the standard.

3. *Estimate Poverty Rate.* For each census tract, the poverty rate was determined in each of the three releases of ACS tabulations (2009–2013, 2010–2014 and 2011–2015) by dividing the population with incomes below the poverty line by the population for whom poverty status has been determined. As with the evaluation of tracts under the income criterion, HUD applies a data quality standard for evaluating ACS poverty rate data in designating the 2018 QCTs. HUD did not consider estimates of the poverty rate to be statistically reliable unless both the population for whom poverty status has been determined and the number of persons below poverty had MoERs of less than 50 percent of the respective estimates. If at least two of the three poverty rate estimates were not statistically reliable, HUD determined the tract to be ineligible under the poverty rate criterion due to lack of reliable poverty statistics across the ACS tabulations.

4. *Designate QCTs Where 20% or Less of Population Resides in Eligible Census Tracts.* QCTs are those census tracts in which 50 percent or more of the households meet the income criterion in at least two of the three years evaluated, or 25 percent or more of the population is in poverty in at least two of the three years evaluated, such that the population of all census tracts that satisfy either one or both of these criteria does not exceed 20 percent of the total population of the respective area.

5. *Designate QCTs Where More Than 20 Percent of Population Resides in Eligible Census Tracts.* In areas where more than 20 percent of the population resides in eligible census tracts, census tracts are designated as QCTs in accordance with the following procedure:

a. The income and poverty criteria are each averaged over the three ACS tabulations (2009–2013, 2010–2014 and 2011–2015). Statistically reliable values that did not exceed the income and poverty rate thresholds were included in the average.

b. Eligible tracts are placed in one of two groups based on the averaged values of the income and poverty criteria. The first group includes tracts that satisfy both the income and poverty criteria for QCTs for at least two of the three evaluation years. The second group includes tracts that satisfy either the income criterion or the poverty criterion in at least two of three years, but not both. A tract must qualify by at least one of the criteria in at least two of the three evaluation years to be eligible, although it does not need to be the same criterion.

c. Tracts in the first group are ranked from highest to lowest by the average of the ratios of the tract average-household-size-adjusted income limit to the median household income. Then, tracts in the first group are ranked from highest to lowest by the average of the poverty rates. The two ranks are averaged to yield a combined rank. The tracts are then sorted on the combined rank, with the census tract with the highest combined rank being placed at the top of the sorted list. In the event of a tie, more populous tracts are ranked above less populous ones.

d. Tracts in the second group are ranked from highest to lowest by the average of the ratios of the tract average-household-size-adjusted income limit to the median household income. Then, tracts in the second group are ranked from highest to lowest by the average of the poverty rates. The two ranks are then averaged to yield a combined rank. The tracts are then sorted on the combined rank, with the census tract with the highest combined rank being placed at the top of the sorted list. In the event of a tie, more populous tracts are ranked above less populous ones.

e. The ranked first group is stacked on top of the ranked second group to yield a single, concatenated, ranked list of eligible census tracts.

f. Working down the single, concatenated, ranked list of eligible tracts, census tracts are identified as designated until the designation of an additional tract would cause the 20 percent limit to be exceeded. If a census tract is not designated because doing so would raise the percentage above 20 percent, subsequent census tracts are then considered to determine if one or more census tract(s) with smaller population(s) could be designated without exceeding the 20 percent limit.

D. Exceptions to OMB Definitions of MSAs and Other Geographic Matters

As stated in OMB Bulletin 13–01, defining metropolitan areas:

> OMB establishes and maintains the delineations of Metropolitan Statistical Areas, . . . solely for statistical purposes. . . . OMB does not take into account or attempt to anticipate any non-statistical uses that may be made of the delineations, [.] In cases where . . . an agency elects to use the Metropolitan . . . Area definitions in nonstatistical programs, it is the sponsoring agency's responsibility to ensure that the delineations are appropriate for such use. An agency using the statistical delineations in a nonstatistical program may modify the delineations, but only for the purposes of that program. In such cases, any modifications should be clearly identified as delineations from the OMB statistical area delineations in order to avoid confusion with OMB's official definitions of Metropolitan . . . Statistical Areas.

Following OMB guidance, the estimation procedure for the FMRs and income limits incorporates the current OMB definitions of metropolitan areas based on the CBSA standards, as

implemented with 2010 Census data, but makes adjustments to the definitions, in order to separate subparts of these areas in cases where counties were added to an existing or newly defined metropolitan area. In CBSAs where subareas are established, it is HUD's view that the geographic extent of the housing markets are not the same as the geographic extent of the CBSAs.

In the New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), HMFAs are defined according to county subdivisions or minor civil divisions (MCDs), rather than county boundaries. However, since no part of an HMFA is outside an OMB-defined, county-based MSA, all New England nonmetropolitan counties are kept intact for purposes of designating Nonmetropolitan DDAs.

VII. Future Designations

DDAs are designated annually as updated income and FMR data are made public. QCTs are designated annually as new income and poverty rate data are released.

VIII. Effective Date

The 2018 lists of QCTs and DDAs are effective:

(1) For allocations of credit after December 31, 2017; or

(2) for purposes of IRC section 42(h)(4), if the bonds are issued and the building is placed in service after December 31, 2017.

If an area is not on a subsequent list of QCTs or DDAs, the 2018 lists are effective for the area if:

(1) The allocation of credit to an applicant is made no later than the end of the 730-day period after the applicant submits a complete application to the LIHTC-allocating agency, and the submission is made before the effective date of the subsequent lists; or

(2) for purposes of IRC section 42(h)(4), if:

(a) The bonds are issued or the building is placed in service no later than the end of the 730-day period after the applicant submits a complete application to the bond-issuing agency, and

(b) the submission is made before the effective date of the subsequent lists, provided that both the issuance of the bonds and the placement in service of the building occur after the application is submitted.

An application is deemed to be submitted on the date it is filed if the application is determined to be complete by the credit-allocating or bond-issuing agency. A ''complete application'' means that no more than de minimis clarification of the application is required for the agency to make a decision about the allocation of tax credits or issuance of bonds requested in the application.

In the case of a ''multiphase project,'' the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the project received its first allocation of LIHTC. For purposes of IRC section 42(h)(4), the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the first of the following occurred: (a) The building(s) in the first phase were placed in service, or (b) the bonds were issued.

For purposes of this notice, a ''multiphase project'' is defined as a set of buildings to be constructed or rehabilitated under the rules of the LIHTC and meeting the following criteria:

(1) The multiphase composition of the project (*i.e.,* total number of buildings and phases in project, with a description of how many buildings are to be built in each phase and when each phase is to be completed, and any other information required by the agency) is made known by the applicant in the first application of credit for any building in the project, and that applicant identifies the buildings in the project for which credit is (or will be) sought;

(2) the aggregate amount of LIHTC applied for on behalf of, or that would eventually be allocated to, the buildings on the site exceeds the one-year limitation on credits per applicant, as defined in the Qualified Allocation Plan (QAP) of the LIHTC-allocating agency, or the annual per-capita credit authority of the LIHTC allocating agency, and is the reason the applicant must request multiple allocations over 2 or more years; and

(3) all applications for LIHTC for buildings on the site are made in immediately consecutive years.

Members of the public are hereby reminded that the Secretary of Housing and Urban Development, or the Secretary's designee, has legal authority to designate DDAs and QCTs, by publishing lists of geographic entities as defined by, in the case of DDAs, the Census Bureau, the several states and the governments of the insular areas of the United States and, in the case of QCTs, by the Census Bureau; and to establish the effective dates of such lists. The Secretary of the Treasury, through the IRS thereof, has sole legal authority to interpret, and to determine and enforce compliance with the IRC and associated regulations, including **Federal Register** notices published by HUD for purposes of designating DDAs and QCTs. Representations made by any other entity as to the content of HUD notices designating DDAs and QCTs that do not precisely match the language published by HUD should not be relied upon by taxpayers in determining what actions are necessary to comply with HUD notices.

IX. Interpretive Examples of Effective Date

For the convenience of readers of this notice, interpretive examples are provided below to illustrate the consequences of the effective date in areas that gain or lose QCT or DDA status. The examples covering DDAs are equally applicable to QCT designations.

(Case A) Project A is located in a 2018 DDA that is NOT a designated DDA in 2019 or 2020. A complete application for tax credits for Project A is filed with the allocating agency on November 15, 2018. Credits are allocated to Project A on October 30, 2020. Project A is eligible for the increase in basis accorded a project in a 2018 DDA because the application was filed BEFORE January 1, 2019 (the assumed effective date for the 2019 DDA lists), and because tax credits were allocated no later than the end of the 730-day period after the filing of the complete application for an allocation of tax credits.

(Case B) Project B is located in a 2018 DDA that is NOT a designated DDA in 2019 or 2020. A complete application for tax credits for Project B is filed with the allocating agency on December 1, 2018. Credits are allocated to Project B on March 30, 2021. Project B is NOT eligible for the increase in basis accorded a project in a 2018 DDA because, although the application for an allocation of tax credits was filed BEFORE January 1, 2019 (the assumed effective date of the 2019 DDA lists), the tax credits were allocated later than the end of the 730-day period after the filing of the complete application.

(Case C) Project C is located in a 2018 DDA that was not a DDA in 2017. Project C was placed in service on November 15, 2017. A complete application for tax-exempt bond financing for Project C is filed with the bond-issuing agency on January 15, 2018. The bonds that will support the permanent financing of Project C are issued on September 30, 2018. Project C is NOT eligible for the increase in basis otherwise accorded a project in a 2018 DDA, because the project was placed in service BEFORE January 1, 2018.

(Case D) Project D is located in an area that is a DDA in 2018, but is NOT

a DDA in 2019 or 2020. A complete application for tax-exempt bond financing for Project D is filed with the bond-issuing agency on October 30, 2018. Bonds are issued for Project D on April 30, 2020, but Project D is not placed in service until January 30, 2021. Project D is eligible for the increase in basis available to projects located in 2018 DDAs because: (1) One of the two events necessary for triggering the effective date for buildings described in section 42(h)(4)(B) of the IRC (the two events being bonds issued and buildings placed in service) took place on April 30, 2020, within the 730-day period after a complete application for tax-exempt bond financing was filed, (2) the application was filed during a time when the location of Project D was in a DDA, and (3) both the issuance of the bonds and placement in service of Project D occurred after the application was submitted.

(Case E) Project E is a multiphase project located in a 2018 DDA that is NOT a designated DDA or QCT in 2019. The first phase of Project E received an allocation of credits in 2018, pursuant to an application filed March 15, 2018, which describes the multiphase composition of the project. An application for tax credits for the second phase of Project E is filed with the allocating agency by the same entity on March 15, 2019. The second phase of Project E is located on a contiguous site. Credits are allocated to the second phase of Project E on October 30, 2019. The aggregate amount of credits allocated to the two phases of Project E exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency's QAP and is the reason that applications were made in multiple phases. The second phase of Project E is, therefore, eligible for the increase in basis accorded a project in a 2018 DDA, because it meets all of the conditions to be a part of a multiphase project.

(Case F) Project F is a multiphase project located in a 2018 DDA that is NOT a designated DDA in 2019 or 2020. The first phase of Project F received an allocation of credits in 2018, pursuant to an application filed March 15, 2018, which does not describe the multiphase composition of the project. An application for tax credits for the second phase of Project F is filed with the allocating agency by the same entity on March 15, 2020. Credits are allocated to the second phase of Project F on October 30, 2020. The aggregate amount of credits allocated to the two phases of Project F exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency's QAP. The second phase of Project F is, therefore, NOT eligible for the increase in basis accorded a project in a 2018 DDA, since it does not meet all of the conditions for a multiphase project, as defined in this notice. The original application for credits for the first phase did not describe the multiphase composition of the project. Also, the application for credits for the second phase of Project F was not made in the year immediately following the first phase application year.

X. Environmental Impact

This notice involves the establishment of fiscal requirements or procedures that are related to rate and cost determinations and do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.19(c)(6) of HUD's regulations, this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: August 29, 2017.

Todd M. Richardson,

Deputy Assistant Secretary, Office of Policy Development, Office of Policy Development and Research.

[FR Doc. 2017–19188 Filed 9–8–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2017–N136; FF09M21200–178–FXMB1232099BPP0L2]

Migratory Birds; Take of Peregrine Falcons for Use in Falconry

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: In December 2008, the U.S. Fish and Wildlife Service completed an environmental assessment (EA) on the take of peregrine falcons for use in falconry. In 2009 and 2010, we published notices in the **Federal Register** describing the take limits and geographic allocation of take for first-year fall-migrant (passage) peregrine falcons consistent with the selected alternative in that EA. The overall take limits have remained constant since 2009. This notice is to inform the public that, at the request of the Atlantic, Mississippi and Central Flyway Councils, we have reviewed recent data and are revising the take limits for passage peregrine falcons beginning in the fall of 2017.

FOR FURTHER INFORMATION CONTACT: Brian A. Millsap, National Raptor Coordinator, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, at 505–761–4724; *brian_millsap@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

The authority of the U.S. Fish and Wildlife Service to govern take of raptors and other migratory birds is derived from the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703–712). In carrying out this responsibility, we have administratively divided the Nation into four Flyways: Atlantic, Mississippi, Central, and Pacific. Each Flyway has a Flyway Council that assists in researching and providing migratory game bird management information. The Federal regulations to carry out the MBTA are located in title 50 of the Code of Federal Regulations.

The MBTA prohibits any person from, among other things, taking, possessing, purchasing, bartering, selling, or offering to purchase, barter, or sell, raptors (birds of prey) and other migratory birds listed in 50 CFR 10.13, unless the activities are allowed under Federal regulations. Take and possession of raptors for use in falconry is governed by regulations at 50 CFR 21.29. Under the provisions of the Federal falconry regulations, the Service administers a program to approve State, tribal, and territorial falconry programs. Since January 1, 2014, the 48 continental States and Alaska all have approved falconry regulatory programs, and the Service no longer issues permits for the practice of falconry.

We completed an environmental assessment (EA) on take of migrant peregrine falcons in 2008 (*see* 73 FR 74508, December 8, 2008). Our preferred alternative at that time allowed a take of 36 passage peregrine falcons from September 20 through October 20 from anywhere in the United States east of 100 degrees W. longitude. Allocation of the 36 passage peregrine falcons was agreed upon by the Atlantic, Mississippi, and Central Flyway Councils. Our management strategy analyzed in the preferred alternative in the 2008 EA incorporated three important safeguards to ensure against negative impacts from authorized falconry take on peregrine falcons across their range.

First, we constrained the timing and location of the falconry captures to focus the take on the northern peregrine

falcon management population (*i.e.,* those birds originating from natal areas north of 54 degrees N. latitude), which was known to be healthy and able to sustain take. We constrained captures in this way to minimize take from the eastern and western management populations (*i.e.,* those originating from sites east and west, respectively, of 100 degrees W. longitude and south of 54 degrees N. latitude), which were still recovering from the negative population-level effects of pesticide contamination. We committed to evaluate whether our management strategy effectively focused take on the northern management population by collecting feathers from falconer-captured passage peregrine falcons, and analyzing deuterium levels in those feathers to estimate the latitude of origin.

Second, because we lacked credible estimates of the size of the northern passage peregrine falcon population in 2008, we consulted with the Canadian Wildlife Service and adopted an extremely conservative estimate of the number (*i.e.,* 3,590) of passage peregrine falcons for the northern management population. We derived this estimate from the number of known breeding pairs in the Arctic.

Finally, in our EA and in subsequent **Federal Register** notices (74 FR 36253, July 22, 2009; 75 FR 56555, September 16, 2010), we committed to reviewing data on peregrine falcons in the future at the request of the Flyway Councils to reassess the allowable take limits if data required or supported a change.

New Information

We have reviewed two recent scientific analyses that provide important new information relevant to the take of passage peregrine falcons. First, Franke (2016) used a mark-recapture model to generate an improved data-based estimate of the average number of passage peregrine falcons produced in the northern management population annually. Franke's (2016) data-based estimate of 21,000 is more than five times greater than the number we used to set take limits in the 2008 EA. Second, the Service and cooperators completed the analysis of deuterium levels in passage peregrine falcons captured in fall within the prescribed take area. The deuterium level analysis shows that the management strategy outlined in the 2008 EA is likely resulting in more than 75 percent of the falconer take coming from the northern peregrine falcon management population (Franke et al. 2017). This outcome is more protective than the objective outlined in the 2008 EA, which was that at least 65 percent of the passage peregrine falcons taken by falconers must originate from the northern management population. Overall, peregrine falcon populations remain healthy across North America, and indices such as the Breeding Bird Survey (BBS) show the continental population increasing (BBS index for the period 2005–2015 = 6.4 percent per year, with a 95 percent credible interval of 0.45–13.45 percent) and no regional populations appear to be declining (Sauer et al. 2017).

The Atlantic, Mississippi, and Central Flyway Councils reviewed this new information in 2017 and formally requested that we reevaluate and revise the passage peregrine falcon take limits based on the updated estimate of the number of passage peregrine falcons produced annually in the northern management population. Further, the Flyway Councils requested that we use the 10th quantile (*i.e.,* 18,000) of the probability distribution for the updated mean annual number of passage peregrine falcons exposed to take rather than the mean value (*i.e.,* 21,000). By using the 10th quantile, we expect there to be a 90 percent chance that the actual number is larger and, therefore, that we remain protective against overexploitation and account for the uncertainty in the production estimate. We undertook the analyses requested by the Flyway Councils by substituting 18,000 (the updated production estimate for the northern peregrine falcon management population) for 3,590 (the production estimate used in the 2008 EA) in the same models and using the same population-specific take rates as specified under the preferred alternative in the 2008 EA.

The updated analysis indicates that 144 passage peregrine falcons may be taken annually by falconers east of the 100th meridian between September 20 and October 20 consistent with the management strategy and the objectives of the selected alternative in the 2008 EA. In accordance with these findings, and consistent with the Flyway Councils' request, this notice announces that the annual take limits for passage peregrine falcons starting in the fall of 2017 will increase from 36 to 144, to be divided equally between the Atlantic, Mississippi, and Central Flyways (*i.e.,* 48 per flyway).

The sole basis for this increase is the updated estimate for the northern management population. Thus, we consider this increase to be a technical update to incorporate new and better data. All other provisions outlined in the 2008 EA remain in effect (*e.g.,* the take rates and management objectives are unchanged, the take season remains September 20 to October 20 annually, and the take of passage peregrine falcons is restricted to areas in the United States east of 100 degrees W. longitude). Therefore, the environmental impact of authorizing take of passage peregrine falcons under the preferred alternative will remain unchanged from that analyzed in the 2008 EA. Because this assessment addresses only take east of 100 degrees W. longitude, the general provisions for take of peregrine falcons west of 100 degrees W. longitude remain as described in our 2010 **Federal Register** notice (75 FR 56555, September 16, 2010).

We will continue to review peregrine falcon population and take data for Canada, the United States, and Mexico every 5 years, or at the request of the Flyway Councils, to reassess the allowable take limits. We will publish a notice in the **Federal Register** if we determine that the take limits for peregrine falcons should be changed again in the future.

Literature Cited

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Dated: August 24, 2017.

Gregory J. Sheehan,

Principal Deputy Director,U.S. Fish and Wildlife Service.

[FR Doc. 2017–19140 Filed 9–8–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900 253G]

Advisory Board for Exceptional Children; Public Meeting

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Education (BIE) is announcing a public meeting of the Advisory Board for Exceptional Children (Advisory Board). The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.

DATES: Orientation training will be conducted for new Advisory Board members on Wednesday, September 20, 2017, from 8:30 a.m. to 4:30 p.m. Mountain Time. Thereafter, on Thursday, September 21, 2017, and Friday, September 22, 2017, all Advisory Board members will meet in-session from 8:30 a.m. to 4:30 p.m. Mountain Time.

ADDRESSES: The meeting will be held at the 1011 Indian School Rd. NW., Room 240, Albuquerque, NM 87104; telephone number (952) 851–5423.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 North Central Avenue, Suite 800, Phoenix, Arizona 85004, telephone number (505) 259–4731.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, the BIE is announcing that the Advisory Board will hold its next meeting in Albuquerque, New Mexico. The Advisory Board was established under the Individuals with Disabilities Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary—Indian Affairs, on the needs of Indian children with disabilities. The meetings are open to the public.

The following items will be on the agenda:

- Introduction of Advisory Board members
- Report from Tony Dearman, Director, BIE Director's Office
- Report from Dr. Jeffrey Hamley Associate Deputy Director, BIE, Division of Performance and Accountability (DPA)
- Report from Donald Griffin, Supervisory Education Specialist, BIE, DPA/Special Education
- Board work on Priorities for 2017
- Public Comment (via conference call, Friday, September 22nd meeting only*).
- BIE Advisory Board—Advice and Recommendations

○ *During the September 22, 2017, meeting, time has been set aside for public comment via conference call from 11:30–12:00 p.m. Mountain Time. The call-in information is:

Conference Number 1–888–417–0376, Passcode 1509140

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 5; 20 U.S.C. 1400 *et seq.*

Dated: August 29, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017–19110 Filed 9–8–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT921000–17X–L51100000.GA0000–LVEME17CE530; NDM 107039; MO #4500107901]

Competitive Coal Lease Sale, North Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of coal lease sale.

SUMMARY: Notice is hereby given that the coal resources in the lands described below in McLean County, North Dakota, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended.

DATES: The lease sale will be held at 11 a.m. on October 17, 2017. Sealed bids must be submitted on or before 10 a.m. on October 17, 2017.

ADDRESSES: The lease sale will be held in the 920 Conference Room of the Bureau of Land Management (BLM) Montana-Dakotas State Office, 5001 Southgate Drive, Billings, Montana 59101–4669. The Detailed Statement of Lease Sale, the proposed coal lease, and Casefile NDM 107039 are available at this address. Sealed bids must be submitted to the Cashier, BLM Montana-Dakotas State Office, at this same address.

FOR FURTHER INFORMATION CONTACT: Greg Fesko by telephone at 406–896–5080 or by email at *gfesko@blm.gov;* or Connie Schaff by telephone at 406–896–5060 or by email at *cschaff@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This sale is being held in response to a Lease by Application (LBA) filed by the Falkirk Mining Company. The Federal coal resource to be offered consists of the Federal 50 percent interest in the mineable lignite coal in the following described lands:

T 146 N., R. 82 W., 5th P.M.
Sec. 10: E½.

The 320-acre tract, located in McLean County, North Dakota, contains an estimated 2.2 million tons of Federal in-place coal resources. The tract contains two mineable coal beds, the Hagel A and Hagel B beds. The Hagel A bed averages 7.6 feet in thickness with an average overburden depth of 89 feet, and the Hagel B bed averages 3.7 feet in thickness with an average interburden thickness of 36 feet. The coal quality for the Hagel A and Hagel B beds combined averages 6,320 BTU's per pound in heating value, 7.7 percent ash, and 0.59 percent sulfur content.

The tract will be leased to the qualified bidder of the highest cash amount, provided that the high bid meets or exceeds the BLM's estimate of the fair-market value of the tract. The minimum bid for the tract is $100 per acre or fraction thereof. The minimum bid is not intended to represent fair market value. The fair-market value will be determined by the authorized officer after the sale.

The sealed bids should be sent by certified mail, return-receipt requested, or be hand delivered to the Cashier, BLM Montana-Dakotas State Office, at the address given above and clearly marked ''Sealed Bid for NDM 107039 Coal Sale—Not to be opened before 11 a.m. October 17, 2017.'' The cashier will issue a receipt for each hand-delivered bid. Bids received after 10 a.m. will not be considered. If identical high bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the sale official's announcement at the sale that identical high bids have been received. Prior to lease issuance, the high bidder, if other than the applicant, must pay to the BLM the cost-recovery fees in the amount of $121,806 in addition to all processing costs the BLM incurs after

the date of this sale notice (43 CFR 3473.2).

A lease issued as a result of this offering will provide for payment of an annual rental of $3 per acre, or fraction thereof, and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods and 8 percent of the value of coal mined by underground methods. Bidding instructions for the tract offered and the terms and conditions of the proposed coal lease are included in the Detailed Statement of Lease Sale. Copies of the statement and the proposed coal lease are available at the Montana-Dakotas State Office. Casefile NDM 107039 is also available for public inspection at the Montana-Dakotas State Office.

(Authority: 43 CFR 3422.3–2)

Richard M. Hotaling,

Acting Associate State Director.

[FR Doc. 2017–19179 Filed 9–8–17; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–PWRO–23152; PPPWGOGAP0 PPMPSAS1Z.YP0000]

Final Environmental Impact Statement for Vista Grande Drainage Basin Improvement Project, Golden Gate National Recreation Area, San Francisco and San Mateo Counties, California

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) announces the availability of the Final Environmental Impact Statement (Final EIS) for the proposed Vista Grande Drainage Basin Project (Project), prepared in cooperation with the City of Daly City (Daly City). The Final EIS incorporates the Final Environmental Impact Report (EIR) prepared by Daly City. Daly City is seeking a Special Use Permit from the NPS for construction activities proposed at Fort Funston, a possible Right of Way approval for outfall-related infrastructure on the beach below Fort Funston, and modernization of an existing easement to clarify the rights and obligations of the parties with regard to proposed structures within Fort Funston.

DATES: The NPS will execute a Record of Decision no sooner than 30 days after the date of publication by the Environmental Protection Agency (EPA) of the notice of filing and availability of the Final EIS in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Ortega at the Golden Gate National Recreation Area (GGNRA) Planning Division at (415) 561–4930 or *goga_planning@nps.gov.*

ADDRESSES: An electronic copy of the Final EIS is available on the project Web site (*http://parkplanning.nps.gov/Vista_Grande*). A limited number of printed copies of the Final EIS are available for public inspection, and may be requested by contacting the GGNRA Planning Division as noted above.

SUPPLEMENTARY INFORMATION: The purpose and need for the Project is to alleviate flooding in the Vista Grande Drainage Basin and Canal and provide a sustainable source of water for management of Lake Merced water levels and quality, and to ensure that the portion of the Project within federally managed lands, if authorized, is constructed, operated, and maintained in a manner that is consistent with the protection and enhancement of resources, values, and uses of lands and waters under federal jurisdiction. NPS's objectives for the Project include the following: (1) Avoid, minimize, or mitigate environmental impacts to Park natural and cultural resources; (2) during construction, ensure the health and safety of park visitors and staff, maintain access to and through Fort Funston, and minimize impacts to the visitor experience; (3) permanently improve public access along the beach; and (4) minimize impacts on park assets and sustain or restore all park assets (*e.g.,* facilities, features, grounds) to pre-construction or better conditions.

Range of Alternatives: The Project would address storm-related flooding in the Vista Grande Drainage Basin, while providing the additional benefit of augmenting the level of Lake Merced. The project would also improve recreational access and reduce litter transfer and deposition along the beach below Fort Funston and maximize the use of existing rights-of-way, easements, and infrastructure to minimize construction-related costs, habitat disturbance, and disruption to recreational users. The Final EIS describes and analyzes the following four alternatives:

No Project/No Action Alternative would result in no construction of the physical components of the proposed Project, and none of the proposed operational changes to stormwater routing or Lake Merced water management would be made. The NPS would not grant the Special Use Permit or amend the existing easement, and no construction could occur within NPS-managed lands. Annual Canal sediment removal activities would continue, as well as as-needed maintenance activities. Because Canal and Tunnel capacity would not be improved, occasional flooding of the Canal and associated flooding of John Muir Drive into Lake Merced and in local neighborhoods would continue. This alternative serves as the environmental baseline from which potential effects of the ''action'' alternatives were compared.

Proposed Project, identified as the NPS preferred alternative, would consist of the following: (1) Improvements within the Vista Grande Basin storm drain system upstream of the Vista Grande Canal; (2) Partial replacement of the existing Vista Grande Canal to incorporate a gross solid screening device, an approximately 2.6-acre constructed treatment wetland, and diversion and discharge structures to route some stormwater (and authorized non-stormwater) flows from the Vista Grande Canal to Lake Merced and to allow lake water to be used for summer treatment wetland maintenance; (3) Modification of the existing effluent gravity pipeline so that it may be used year round to convey treated effluent from the nearby North San Mateo County Sanitation District Wastewater Treatment Plant to the existing outlet and diffuser by gravity, and abandoning the force main pipeline; (4) Modification of the existing lake overflow structure to include an adjustable weir and siphon that allows water from the lake to flow into the Canal and Tunnel; (5) Replacement of the existing Vista Grande Tunnel to expand its hydraulic capacity and extend its operating lifetime and replacement of the Lake Merced Portal to the Tunnel; and (6) Replacement of the existing Ocean Outlet structure and a portion of the existing 33-inch submarine outfall pipeline that crosses the beach at Fort Funston.

Tunnel Alignment Alternative would include the construction of a replacement tunnel south of the existing Tunnel. The new tunnel would run from a new east portal at the Canal to a new or rehabilitated Ocean Outlet structure at Fort Funston. The Tunnel would run beneath the Olympic Club, Highway 35, and the GGNRA lands. This alternative could be paired with either the proposed Canal improvements or the Canal Configuration Alternative.

Canal Configuration Alternative would not construct the box culvert replacing the first 1,500 feet of the Canal; rather, the diversion structure described for the proposed Project

would be relocated to the southern (upstream) end of the Canal. The box culvert under John Muir Drive also would be relocated and would cross under John Muir Drive close to the southern end of Impound Lake. The design of the diversion structure, box culvert under John Muir Drive, and Lake Merced Outlet would be approximately the same as for the proposed Project, but located at the upstream (southern) end of the Canal. The diversion structure would replace the first approximately 350 feet of the Canal, and the rest of the Canal would be unchanged except as needed for temporary construction access to the Lake Merced Tunnel Portal. Under the Canal Configuration Alternative, only one wetland cell of approximately 1.7 acres would be constructed. This alternative could be paired with either the proposed Tunnel improvements or the Tunnel Alignment Alternative.

The EPA notice of filing and availability of the Draft EIS was published on April 29, 2016, which opened the 60 day public review and comment period. The draft document was posted online at *http://parkplanning.nps.gov/Vista_Grande,* and printed copies were available on request. Daly City conducted one public meeting in Daly City on May 26, 2016. Following a review of agency and public comments on the Draft EIS, the NPS and Daly City prepared written responses to substantive comments relevant to the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) review of the Project. Responses to comments are provided in Chapter 3 of the Final EIS. Staff-initiated revisions to the text of the Draft EIS as well as revisions made in response to pertinent comments are provided in Chapter 4 of the Final EIS.

The NPS will execute a Record of Decision no sooner than 30 days following EPA's notice published in the **Federal Register** announcing filing and release of the Final EIS. The official responsible for approval of the Vista Grande Drainage Basin Improvement Project is the Regional Director of the Pacific West Region, and subsequently the General Superintendent, GGNRA, will be responsible for NPS implementation.

Authority: 42 U.S.C. 4321 *et seq.*

Dated: July 25, 2017.

Martha J. Lee,

Acting Regional Director, Pacific West Region.

[FR Doc. 2017–19085 Filed 9–8–17; 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 Thermoplastic-Encapsulated Electric Motors, Components Thereof, and Products and Vehicles Containing Same, DN 3248;* 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 Intellectual Ventures II LLC on September 5, 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 thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same. The complaint names as respondents Aisin Seiki Co., Ltd. of Japan; Aisin Holdings of America, Inc. of Seymour, IN; Aisin Technical Center of America, Inc. of Northville, MI; Aisin World Corporation of America of Northville, MI; Bayerische Motoren Werke AG of Germany; BMW of North America, LLC of Woodcliff Lake, NJ; BMW Manufacturing Co., LLC of Greer, SC; Denso Corporation of Japan; Denso International America, Inc. of Southfield, MI; Honda Motor Co., Ltd. of Japan; Honda North America, Inc. of Torrance, CA; American Honda Motor Co., Inc. of Torrance, CA; Honda of America Mfg., Inc. of Marysville, OH; Honda Manufacturing of Alabama, LLC of Lincoln, AL; Honda R & D Americas, Inc. of Torrance, CA; Mitsuba Corporation of Japan; American Mitsuba Corporation of Mount Pleasant, MI; Nidec Corporation of Japan; Nidec Automotive Motor Americas, LLC of Auburn Hills, MI; Toyota Motor Corporation of Japan; Toyota Motor North America, Inc. of New York, NY; Toyota Motor Sales, U.S.A., Inc. of Torrance, CA; Toyota Motor Engineering & Manufacturing North America, Inc. of Erlanger, KY; Toyota Motor Manufacturing, Indiana, Inc. of Princeton, IN, and Toyota Motor Manufacturing, Kentucky, Inc. of Georgetown, KY. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, 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. 3248'') 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: September 5, 2017.

Jessica Mullan,

Attorney Advisor.

[FR Doc. 2017–19112 Filed 9–8–17; 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.*

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–039]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: September 14, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.

2. Minutes.

3. Ratification List.

4. Vote in Inv. No. 731–TA–1185 (Review) (Steel Nails from the United Arab Emirates). The Commission is currently scheduled to complete and file its determination and views of the Commission by September 29, 2017.

5. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: September 6, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–19299 Filed 9–7–17; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0084]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Application and Permit for Temporary Importation of Firearms and Ammunition by Nonimmigrant Aliens—ATF F 6NIA (5330.3D)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 13, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Desiree M. Dickinson, ATF Firearms and Explosives Imports Branch either by mail at 244 Needy Road, Martinsburg, WV 25405, or by email at *desiree.dickinson@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application and Permit for Temporary Importation of Firearms and Ammunition By Nonimmigrant Aliens.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 6NIA (5330.3D).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): None.

Abstract: The form allows nonimmigrant aliens to temporarily import firearms and ammunition into the United States for hunting or other sporting purposes.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 15,000 respondents will utilize the form, and it will take each respondent approximately 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 7,500 hours which is equal to 15,000 (the total # of respondents) * .5 (30 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: September 6, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–19132 Filed 9–8–17; 8:45 am]

BILLING CODE 4410–FY–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Notification of a Public Meeting of the President's Commission on Combating Drug Addiction and the Opioid Crisis (Commission)

AGENCY: Office of National Drug Control Policy (ONDCP), Executive Office of the President.

ACTION: Notice of meeting.

SUMMARY: ONDCP announces the third meeting of the President's Commission on Combating Drug Addiction and the Opioid Crisis to advance the Commission's work on drug issues and the opioid crisis per Executive Order 13784. The meeting will consist of statements to the Commission from invited government, nonprofit, and business organizations regarding Innovative Pain Management and Prevention Measures for Diversion followed by discussion of the issues raised.

DATES: The Commission meeting will be held on Wednesday September 27, 2017 from 12:30 p.m. until approximately 2:30 p.m. (Eastern Time).

ADDRESSES: The meeting will be held at the Eisenhower Executive Office Building, Room 350, in the Executive Office of the President in Washington, DC. It will be open to the public through livestreaming on *https://www.whitehouse.gov/live.*

FOR FURTHER INFORMATION CONTACT: General information concerning the Commission and its meetings can be found on ONDCP's Web site at *https://www.whitehouse.gov/ondcp/presidents-commission.* Any member of the public who wishes to obtain information about the Commission or its meetings that is not already on ONDCP's Web site or who wishes to submit written comments for the Commission's consideration may contact Michael Passante, Designated Federal Officer (DFO) via email at *commission@ondcp.eop.gov* or telephone at (202) 395–6709. Please note that ONDCP may post such written comments publicly on our Web site, including names and contact information that are submitted. There will not be oral comments from the public at the meeting. Requests to accommodate disabilities with respect to livestreaming or otherwise should also be sent to that email address, preferably at least 10 days prior to the meeting to allow time for processing.

SUPPLEMENTARY INFORMATION: The Commission was established in accordance with E.O. 13784 of March 29, 2017, the Commission's charter, and the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2, to obtain advice and recommendations for the President regarding drug issues. The Executive Order, charter, and information on the Members of the Commission are available on ONDCP's Web site. The Commission will function solely as an advisory body and will make recommendations regarding policies and practices for combating drug addiction with particular focus on the current opioid crisis in the United States. The Commission's final report is due October 1, 2017 unless there is an extension. Per E.O. 13784, the Commission shall:

a. Identify and describe the existing Federal funding used to combat drug addiction and the opioid crisis;

b. assess the availability and accessibility of drug addiction treatment services and overdose reversal throughout the country and identify areas that are underserved;

c. identify and report on best practices for addiction prevention, including healthcare provider education and evaluation of prescription practices, collaboration between State and Federal officials, and the use and effectiveness of State prescription drug monitoring programs;

d. review the literature evaluating the effectiveness of educational messages for youth and adults with respect to prescription and illicit opioids;

e. identify and evaluate existing Federal programs to prevent and treat drug addiction for their scope and effectiveness, and make recommendations for improving these programs; and

f. make recommendations to the President for improving the Federal response to drug addiction and the opioid crisis.

Dated: September 6, 2017.

Michael Passante,

Deputy General Counsel, Designated Federal Officer.

[FR Doc. 2017–19186 Filed 9–8–17; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: The National Endowment for the Humanities will hold fourteen meetings of the Humanities Panel, a federal advisory committee, during October, 2017. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965.

DATES: See Supplementary Information section for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

ADDRESSES: The meetings will be held at Constitution Center at 400 7th Street SW., Washington, DC 20506, unless otherwise indicated.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW., Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. *Date:* October 12, 2017
   This meeting will discuss applications on the subjects of U.S. History and Culture for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.
2. *Date:* October 17, 2017
   This meeting will discuss applications on the subjects of U.S. History and Culture for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.
3. *Date:* October 17, 2017
   This meeting will discuss applications on the subject of U.S. History for the Public Humanities Projects—Exhibitions grant program (implementation grants), submitted to the Division of Public Programs.
4. *Date:* October 18, 2017
   This meeting will discuss applications on the subject of Radio for Media Projects: Production Grants, submitted to the Division of Public Programs.
5. *Date:* October 19, 2017
   This meeting will discuss applications on the subject of Art History for the Public Humanities Projects—Exhibitions grant program (implementation grants), submitted to the Division of Public Programs.
6. *Date:* October 20, 2017
   This meeting will discuss applications on the subjects of Music and Performing Arts for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.
7. *Date:* October 23, 2017
   This meeting will discuss applications on the subjects History of Science and Medicine for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.
8. *Date:* October 23, 2017
   This meeting will discuss applications on the subject of American Studies for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.
9. *Date:* October 24, 2017
   This meeting will discuss applications on the subject of Art History for the Public Humanities Projects—Exhibitions grant program (implementation grants), submitted to the Division of Public Programs.
10. *Date:* October 24, 2017
    This meeting will discuss applications on the subject of Cultural History for Media Projects: Production Grants, submitted to the Division of Public Programs.
11. *Date:* October 26, 2017
    This meeting will discuss applications on the subject of the Modern Era for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.
12. *Date:* October 26, 2017
    This meeting will discuss applications on the subject of U.S. History for the Public Humanities Projects—Exhibitions grant program (implementation grants), submitted to the Division of Public Programs.
13. *Date:* October 30, 2017
    This meeting will discuss applications on the subject of Cultural History for Media Projects: Production Grants, submitted to the Division of Public Programs.
14. *Date:* October 31, 2017
    This meeting will discuss applications on the subject of Art History for the Public Humanities Projects—Exhibitions grant program (implementation grants), submitted to the Division of Public Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: September 6, 2017.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2017–19204 Filed 9–8–17; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Information Collection Activity; Comment Request; Renewal of NTSB Form 6120.1

AGENCY: National Transportation Safety Board (NTSB).

ACTION: First notice.

SUMMARY: The NTSB plans to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB) to continue using NTSB Form 6120.1, a previously approved information collection.

DATES: Submit written comments regarding the renewal of this information collection by November 13, 2017.

ADDRESSES: Interested members of the public may submit written comments on this collection of information to the NTSB Office of Aviation Safety, 490 L'Enfant Plaza SW., Washington, DC 20594.

FOR FURTHER INFORMATION CONTACT: Darrin Broadwater, NTSB Office of Aviation Safety, (202) 314–6370.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act, 44 U.S.C. Ch. 35, and OMB regulations, 5 CFR part 1320, the NTSB seeks public comment on this proposed renewal of an information collection. By completing Form 6120.1, aircraft operators provide the NTSB with information needed to facilitate the NTSB's investigation of aircraft accidents. This renewal request is not associated with a rulemaking activity.

I. Paperwork Reduction Act Requirement

OMB regulations require that the NTSB notify the public that it may submit comments on this proposed information collection. Prior to submitting a collection of information to OMB for approval, 5 CFR 1320.8(d)(1) requires an agency to ''provide 60-day notice in the **Federal Register**, and otherwise consult with members of the public and affected agencies concerning . . . [the] proposed collection of information.'' Section 1320.8(d)(1) also requires the NTSB to solicit comments on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the NTSB to perform its mission; (2) the accuracy of the estimated burden; (3) ways for the NTSB to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The NTSB will summarize and/or include the public's comments in its subsequent request for OMB approval of this information collection. 5 CFR 1320.10(a).

II. Description of NTSB Form 6120.1

An operator of a civil aircraft, a public aircraft not operated by the Armed Forces or an intelligence agency of the United States, or a foreign aircraft is required to report ''immediately and by the most expeditious means available'' to the nearest NTSB office (1) an aircraft accident, as defined in 49 CFR 830.2; (2) any of the serious incidents listed in 49 CFR 830.5; or (3) when an aircraft is overdue and believed to have been in an accident. 49 CFR 830.5. The NTSB recently established a web-based form, OMB Control Number 3147–0027, for reporting serious incidents listed in section 830.5(a).

After immediately notifying the NTSB, an operator is required to complete Form 6120.1, OMB Control Number 3147–0001, (1) within 10 days after an aircraft accident; (2) after 7 days if an overdue aircraft is still missing; or (3) as requested by an NTSB representative if the report is for a serious incident listed in 49 CFR 830.5(a).

The NTSB has been using Form 6120.1 for several years to collect information about aviation accidents and incidents. The Pilot/Operator Aircraft Accident/Incident Report Form is used in determining the facts, conditions, and circumstances of aircraft accidents, in conducting accident prevention activities, and for statistical purposes.

The 11-page form begins with two pages of definitions and instructions to assist operators in completing it. For each piece of information sought, the form provides space for a short written answer, a text box for a narrative answer, or a list of options with checkboxes. The form is divided into 18 categories:

Basic information—requests information concerning the location and date and time of the accident or incident, the phase of operation during which the accident or incident occurred, whether the occurrence was a collision with other aircraft, and the altitude if the event was an in-flight occurrence.

Aircraft information—requests the manufacturer, model, serial number, registration number, weight and center of gravity of the aircraft, whether the aircraft was amateur-built, category of aircraft, type of airworthiness certificate, number of seats, type of landing gear, type of maintenance program, type and date of last inspection, total time on airframe, type of fire extinguishing system, type of reciprocating fuel system, and type of propeller.

The aircraft information category also requests ''yes'' or ''no'' answers to the following: Whether the aircraft was instrument flight rules (IFR) equipped; whether it had a stall warning system installed; whether the emergency locator transmitter (ELT) was activated, and additional information about the ELT, such as whether it aided in locating the accident/incident, its manufacturer, model/series, serial number, and battery type.

This section of the form also requests detailed information concerning the engine(s) on the aircraft, such as the engine manufacturer, model/series, serial number, date of manufacture, type of power measurement (horsepower or pounds of thrust), total time on engine, time since last inspection, and time since overhaul. In the category entitled, ''Other Aircraft—Collision,'' the form requests a few types of information similar to that in the aircraft information category, such as the aircraft registration number, manufacturer and model, and the names and contact information for the registered owner and pilot of the other aircraft. Lastly, the form asks whether the aircraft sustained minor or no damage, substantial damage, or was destroyed.

Owner/operator information—requests specific information concerning the status of the aircraft. For example, the category includes requests for the names and contact information for both the owner and the operator of the aircraft, the Federal Aviation Regulation under which the flight was conducted, whether the flight was a revenue sightseeing flight or air medical flight, the purpose of the flight, the type of revenue operation, type of cargo operation (if applicable), and the type of commercial operating certificate the operator holds.

Airport information—if an accident or incident occurred on approach, takeoff, or within 3 miles of an airport, the form requests the airport name and identifier, the aircraft's proximity to airport (as off or on the airport or airstrip), the distance and direction from airport, the elevation of the airport, the approach segment, the type of IFR approach, the type of visual flight rules (VFR) approach, the runway information, and the type and condition of runway or landing surface.

Flight crewmember 1 information—requests the crewmember's name and contact information, date of birth, certificate number, degree of injury, seat occupied, principal occupation, pilot and medical certificates, date of last aviation medical examination, and medical certificate limitations and waivers, flight reviews, date of the last flight review and the type of aircraft used on the last flight review, aircraft ratings, instrument ratings, instructor ratings, type ratings, student endorsements, and restraints used.

This category ends with a chart requesting the crewmember's total flight time, pilot-in-command time, instructor time, time in this make/model, time during the last 90 days, time during the last 30 days, and time during the last 24 hours in all aircraft, the accident make and model, all single-engine aircraft, all multi-engine aircraft, night-time flights, instrument flights, rotorcraft, glider, and lighter-than-air aircraft.

Flight crewmember 2 information—is identical to the crewmember 2 category.

Additional flight crewmembers—requests pilot names and contact information, degree of injury, seat occupied, type of pilot certificates, whether the crewmember was type-rated for the aircraft involved in the accident or incident, and the total flight time at the time of the accident or incident.

Passengers/other personnel—requests the name, city, state, zip code, and seat number for each passenger, as well as whether the passenger is crew, non-revenue, revenue, non-occupant, or Federal Aviation Administration (FAA).

Flight itinerary information—requests place and time of last departure, destination, type of flight plan filed, type of air traffic control clearance or service, airspace where the accident or

incident occurred, and a description of the aircraft load.

Weather information at the accident/incident site—requests the weather observation facility, source of weather information, type, method, and completeness of weather briefing, temperature, altimeter setting, density altitude, dew point, type and intensity of precipitation, forecasted and actual icing conditions, light condition, visibility and restrictions, sky and lowest cloud condition, type and height of ceiling, wind direction, speed, and gusts, type and severity of turbulence, and Notices to Airman and similar advisories in effect at the time of the flight.

Damage to aircraft and other property—requests information about aircraft damage, fire, or explosion, and provides space a narrative description of damage to the aircraft and other property.

Narrative history of flight—requests the operator to describe the circumstances of the accident or incident. This section instructs the operator to: ''Describe what occurred in chronological order, including circumstances leading to and nature of accident/incident. Describe terrain and include wreckage distribution sketch if pertinent. Attach extra sheets if needed. State departure time and location, services obtained, and intended destination. Provide as much detail as possible.''

Recommendation—requests the operator to make a recommendation about how this accident or incident could have been prevented.

Mechanical malfunction/failure—if the operator believes the accident/incident resulted from a mechanical malfunction or failure, this section requests the name of the part, manufacturer, part number, serial number, total time/cycles on the part, total time since the part was inspected or overhauled, and a description of the failure.

Fuel and services information—requests the amount of fuel on board at the last takeoff (in gallons), the type of fuel, and any other services that may have occurred prior to takeoff.

Evacuation of aircraft—if an emergency evacuation occurred, the form requests the operator to describe how occupants exited and how many occupants exited each exit.

Other aircraft—collision—if an air or ground collision occurred, this section requests the registration number, manufacturer, model, owner and pilot of, and damage to the other aircraft.

Additional information—provides space for an operator to provide additional information about any of the previous sections.

The form concludes with a signature line and certification that the information provided on the form is complete and accurate to the best of the operator's knowledge.

III. Use of Information Provided on Form 6120.1

In general, the NTSB uses the information provided on Form 6120.1 to determine the facts, conditions, and circumstances for aircraft accident prevention activities and for statistical purposes. The NTSB typically receives several notifications for each accident or incident, but only requests completion of Form 6120.1 once the NTSB has determined it will pursue an investigation into the event.

The NTSB's investigations of aviation accidents and incidents are exhaustive. The NTSB utilizes a ''party process,'' as described in 49 CFR part 831, in which the NTSB invites outside entities to assist with an investigation as a ''party.'' The NTSB extends party status to those organizations that can provide the necessary technical assistance to the investigation. The investigator-in-charge (IIC), for example, often confers party status to the operator, aircraft, systems, and powerplant manufacturers, and labor organizations involved because of the accident circumstances. Everyone involved in an NTSB investigation, including the parties, depend on accurate information contained in Form 6120.1 to determine which areas warrant focus and attention. Overall, the NTSB considers Form 6120.1 to be critical to its statutory function of investigation accidents and incidents, and subsequently issuing safety recommendations to prevent future accidents and incidents.

The NTSB has carefully considered whether Form 6120.1 is duplicative of any other agency's collection of information. The NTSB is unaware of any form the Federal Aviation Administration (FAA) disseminates that requests the same information as Form 6120.1. However, the NTSB notes some operators may choose to provide a voluntary report to the National Aeronautics and Space Administration (NASA) in accordance with the Aviation Safety Reporting Program (ASRP). NASA will not accept ASRP reports about aircraft accidents; however, it is possible that an operator could report an incident listed in 49 CFR 830.5 to the NTSB on Form 6120.1, and contemporaneously submit an ASRP report about the incident to NASA.

Completing and filing Form 6120.1 is required. 49 CFR 830.15(a). The NTSB generally does not accept partially completed forms. NTSB investigators will exercise their discretion in requiring an operator to complete a partially completed form.

Currently, the NTSB accepts paper copies of Form 6120.1 sent via postal mail or facsimile, and a fillable PDF version of Form 6120.1 available on the NTSB Web site sent via email. The NTSB has received comments from various respondents who have requested an automated version of the form be available on the NTSB Web site. The NTSB is currently working to make the form available in such a manner, and is committed to providing the simplest manner of submission for all respondents.

The NTSB has carefully reviewed the form to ensure that it has used plain, coherent, and unambiguous language. The NTSB estimates that respondents will spend approximately 60 minutes completing the form. The NTSB estimates that approximately 1,500 operators will complete the form per year, but this number may vary, given the unpredictable nature and frequency of aviation accidents and incidents.

Robert L. Sumwalt, III,

Chairman.

[FR Doc. 2017–19177 Filed 9–8–17; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0187]

Piping Systems and Components—Inspections, Tests, Analyses, and Acceptance Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 14.3.3, ''Piping Systems and Components—Inspections, Tests, Analyses, and Acceptance Criteria.'' The NRC seeks comments on the proposed draft section revision of the Standard Review Plan (SRP) concerning guidance for the review of combined construction and operating license applications and amendments for piping systems and components.

DATES: Comments must be filed no later than November 13, 2017. Comments

received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0187. 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: Mark D. Notich, Office of New Reactors, telephone: 301–415–3053; email: *Mark.Notich@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0187 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–2017–0187.
- *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 draft revision and current revision to NUREG–0800, Section 14.3.3, ''Piping Systems and Components—Inspections, Tests, Analyses, and Acceptance Criteria'' is available in ADAMS under Accession Nos. ML17060A205 and ML070660622. The redline-strikeout version comparing the draft revision and the current version is available under Accession No. ML17131A155.
- *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–2017–0187 in your comment submission.

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

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

II. Further Information

The NRC seeks public comment on the proposed draft section revision of SRP Section 14.3.3. The changes to SRP Chapter 14 reflect the current staff reviews, methods, and practices based on lessons learned from the NRC's reviews of design certification and combined license applications completed since the last revision of this chapter. The draft SRP section would also provide guidance for reviewing an application for a combined license under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR).

Following NRC staff evaluation of public comments, the NRC intends to finalize SRP Section 14.3.3 in ADAMS and post it on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.* The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC's regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

Issuance of this draft SRP section, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. The draft SRP positions, if finalized, would not constitute backfitting, inasmuch as the SRP is internal guidance to NRC staff directed at the NRC staff with respect to their regulatory responsibilities.

The SRP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. The NRC staff has no intention to impose the SRP positions on current licensees or already-issued regulatory approvals either now or in the future.

The NRC staff does not intend to impose or apply the positions described in the draft SRP to existing (already issued) licenses and regulatory approvals. Hence, the issuance of a final SRP, even if considered guidance within the purview of the issue finality provisions in 10 CFR part 52, would not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The NRC staff does not, at this time, intend to impose

the positions represented in the draft SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the draft SRP in a manner which does not provide issue finality as described in the applicable issue finality provisions, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 31st day of August 2017.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Licensing Branch 3, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–19090 Filed 9–8–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0190]

Technical Basis for the Proposed Guidance in NUREG–0654/FEMA–REP–1, Section II.B

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG technical basis; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a technical basis for the proposed guidance in NUREG–0654/FEMA–REP–1, Section II.B, ''Emergency Response Organization.'' This document is intended to support the proposed guidance by providing a technical basis.

DATES: Submit comments by October 11, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0190. 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: Don A. Johnson, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9230; email: *Don.Johnson@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0190 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–2017–0190.
- *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 technical basis for the proposed guidance in NUREG–0654/FEMA–REP–1, Section II.B, ''Emergency Response Organization,'' is in ADAMS under Accession No. ML16117A427.
- *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–2017–0190 in your comment submission.

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

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

II. Discussion

The NRC is requesting comment on this draft technical basis. This document is intended to provide additional information for the proposed guidance in NUREG–0654/FEMA–REP–1, Section II.B, ''Emergency Response Organization.''

Dated at Rockville, Maryland, this 5th day of September 2017.

For the Nuclear Regulatory Commission.

Bo M. Pham,

Acting Deputy Director, Division of Preparedness and Response, Office of Nuclear Security and Incident Response.

[FR Doc. 2017–19093 Filed 9–8–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–183 and CP2017–284]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 13, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The

request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–183 and CP2017–284; *Filing Title:* Request of the United States Postal Service to Add Global Expedited Package Services 8 Contracts to the Competitive Product List, and Notice of Filing (Under Seal) of Contract and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* September 5, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd; *Comments Due:* September 13, 2017. This notice will be published in the **Federal Register.**

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–19198 Filed 9–8–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81531; File No. SR–NYSE–2017–43]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Delay the Implementation of Its Recently Approved Rule Requiring Listed Companies To Provide Advance Notice of Dividend or Stock Distribution Announcements to the Exchange

September 5, 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 29, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. On August 29, 2017, the Exchange filed Amendment No. 1 to the proposal. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delay the implementation of its recently approved rule requiring listed companies to provide notice to the Exchange at least 10 minutes before making any public announcement with respect to a dividend or stock distribution in all cases.[4] The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 14, 2017, the Commission approved changes to the NYSE Listed Company Manual (the ''Manual'') that require listed companies to provide notice to the Exchange at least 10 minutes before making any public announcement with respect to a dividend or stock distribution in all cases, including outside of the hours in which the Exchange's immediate release policy is in operation.[5] The principal effect of this amendment is to require listed companies to provide 10 minutes advance notice to the Exchange with respect to a dividend or stock distribution announcement made at any time, rather than just during the hours of operation of the immediate release policy as is currently the case.[6]

Because listed companies may need to change their internal procedures to comply with the new policy and because the Exchange requires additional time to finalize its implementation of new technology changes and processes to effectively perform this function, the Exchange proposes to delay the final implementation date of the changes.[7] This delay would provide listed companies with additional time to prepare to comply with the new requirements and for the Exchange's systems to provide the necessary support to Exchange staff in reviewing notifications. The Exchange will provide reasonable advance notice of the new implementation date to its listed companies at least 30 days in advance by emailing a notice to them that will also be posted on *nyse.com.*

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange previously filed a proposed rule change to delay the implementation of its recently approved rule requiring listed companies to provide notice to the Exchange at least 10 minutes before making any public announcement with respect to a dividend or stock distribution in all cases. *See* SR–NYSE–2017–43 (August 22, 2017). This Amendment No. 1 replaces and supersedes the original filing of SR–NYSE–2017–43 in its entirety.

[5] *See* Securities Exchange Act Release No. 81393 (August 14, 2017) (SR–NYSE–2017–17).

[6] The Exchange also amended Section 202.06(B) of the Manual to emphasize the Exchange's consistent interpretation of that rule as requiring listed companies to comply with the immediate release policy with respect to all announcements relating to a dividend or stock distribution.

[7] The original filing also included an amendment to Section 202.06(B). As this amendment was a clarification of an existing interpretation of that section, the Exchange does not propose to delay its implementation.

The new implementation date will be no later than February 1, 2018.

The Exchange proposes to amend Section 204.12 of the Manual to include two versions of the first paragraph of such section. Version A of such paragraph will include the rule text in effect prior to the Commission's August 14, 2017 approval of the Exchange's proposed revision.[8] Version B of such paragraph will include the amended rule text approved by the Commission on August 14, 2017.[9] The Exchange proposes to include a header above each paragraph stating that (i) Version A will remain operative until the Exchange notifies listed companies that Version B is operative and (ii) Version B will be operative on February 1, 2018 or such earlier date as the Exchange notifies listed companies that Version B is operative.

The Exchange proposes to amend Section 204.21 of the Manual to include two versions of the first paragraph of such section. Version A of such paragraph will include the rule text in effect prior to the Commission's August 14, 2017 approval of the Exchange's proposed revision.[10] Version B of such paragraph will include the amended rule text approved by the Commission on August 14, 2017.[11] The Exchange proposes to include a header above each paragraph stating that (i) Version A will remain operative until the Exchange notifies listed companies that Version B is operative and (ii) Version B will be operative on February 1, 2018 or such earlier date as the Exchange notifies listed companies that Version B is operative.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[12] of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] 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. The proposed amendment is consistent with the protection of investors and the public interest because it will ensure an orderly and effective implementation of the Exchange's new dividend and stock distribution notification policy.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The purpose of the proposal is to delay the effectiveness of the Exchange's new dividend and stock distribution notification policy to give the Exchange staff and listed companies additional time to prepare for compliance with the new policy and it will not have any effect 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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. In support of the request, the Exchange states that waiver of the 30-day operative delay will enable the Exchange to avoid any potential confusion that might be caused to listed companies if the new advance notice requirement for dividend or stock distribution announcements to the Exchange was in effect prior to this proposal becoming operative.

Based on the above, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because, as noted above, the Exchange cannot currently process the advance notifications in accordance with the requirements of the newly adopted rule until it finalizes implementation of new technology and processes. As a result, waiver of the 30-day operative delay, consistent with the protection of investors and the public interest, will provide listed companies immediate transparency on the rules they need to follow in providing notification to the Exchange on public announcements concerning dividend and stock distributions until such time as the Exchange makes the necessary changes to process the notifications in accordance with the newly adopted rules. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing with the Commission.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in

[8] The following is the text of Version A:

Prompt notice will be given to the Exchange as to any dividend action or action relating to a stock distribution in respect of a listed stock (including the omission or postponement of a dividend action at the customary time as well as the declaration of a dividend). Such notice is in addition to immediate publicity and should be given at least ten days in advance of the record date. The dividend notice should be given to the Exchange in accordance with Section 204.00. Notice should be given as soon as possible after declaration and in any event, no later than simultaneously with the announcement to the news media. The notice should include:

* * * * *

[9] *See* Footnote 4 [sic] above.

[10] The following is the text of Version A:

Prompt notice is required to be given to the Exchange of the fixing of a date for the taking of a record of shareholders, or for the closing of transfer books (in respect of a listed security), for any purpose. The notice should state the purpose or purposes for which the record date has been fixed. This notice should be provided to the Exchange in accordance with Section 204.00.

[11] *See* Footnote 4 [sic] above.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, 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 Commission has determined to waive the five-day prefiling period in this case.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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, as modified by Amendment No. 1, 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–2017–43 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–2017–43. 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–2017–43, and should be submitted on or before October 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–19107 Filed 9–8–17; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15291 and #15292; Texas Disaster Number TX–00488]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4332–DR), dated 09/04/2017.

Incident: Hurricane Harvey.

Incident Period: 08/23/2017 and continuing.

DATES: Issued on 09/04/2017.

Physical Loan Application Deadline Date: 11/03/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/04/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/04/2017, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Aransas, Brazoria, Calhoun, Chambers, Colorado, Fayette, Fort Bend, Galveston, Goliad, Hardin, Harris, Jackson, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, San Jacinto, San Patricio, Tyler, Victoria, Walker, Waller, Wharton

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 152918 and for economic injury is 152920.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–19126 Filed 9–8–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15274 and #15275; TEXAS Disaster Number TX–00487]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of TEXAS (FEMA–4332–DR), dated August 25, 2017.

DATES: Issued on 09/01/2017.

Physical Loan Application Deadline Date: 10/24/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/25/2018.

ADDRESS: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of TEXAS, dated 08/25/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Incident: Hurricane Harvey.

Incident Period: 08/23/2017 and continuing.

Primary Counties (Physical Damage and Economic Injury Loans): Polk, Tyler, Walker

Contiguous Counties (Economic Injury Loans Only):

Texas: Houston, Madison

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–19123 Filed 9–8–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15274 and #15275; Texas Disaster Number TX–00487]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4332–DR), dated August 25, 2017.

DATES: Issued on 09/04/2017.

Physical Loan Application Deadline Date: 10/24/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/25/2018.

ADDRESSES: *Submit completed loan applications to:* U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Texas, dated 08/25/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Incident: Hurricane Harvey.

Incident Period: 08/23/2017 and continuing.

Primary Counties (Physical Damage and Economic Injury Loans): Austin, Bastrop, Dewitt, Gonzales, Karnes, Lavaca, Lee

Contiguous Counties (Economic Injury Loans Only):

Texas: Atascosa, Burleson, Guadalupe, Milam, Travis, Williamson, Wilson

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–19125 Filed 9–8–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15238 and #15239; WYOMING Disaster Number WY–00039]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Wyoming

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Wyoming (FEMA–4327–DR), dated August 5, 2017.

DATES: Issued on 09/01/2017.

Physical Loan Application Deadline Date: 10/04/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/07/2018.

ADDRESS: *Submit completed loan applications to:* U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Wyoming, dated 08/05/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Incident: Flooding.

Incident Period: 06/07/2017 through 06/22/2017.

Primary Counties: Washakie

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–19124 Filed 9–8–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before October 11, 2017.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: SBA Form 641 and 888 are used to collect information from the Agency's resource partners, including: Small Business Development Centers, SCORE, and Women's Business Centers that provide training and counseling to existing or potential small business owners through SBA funded grants, or cooperative agreements. SBA uses the information to facilitate its management and oversight of these SBA funded grants, assist in evaluating their impact on the small business community, and facilitate performance reporting to Congress and the President. The information is uploaded to SBA through the Entrepreneurial Development Management Information System (EDMIS).

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c)

whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

(1) *Title:* Entrepreneurial Development Management Information System (EDMIS) Customer Intake Form & Management Training Report Form.

Description of Respondents: SBA resource partners, including Small Business Development Centers (SBDCs), Women's Business Centers (WBCs), and SCORE, Form Numbers: Form 641 (Counseling Information Form) and Form 888 (Management Training Report).

Form Numbers: SBA Form 641, 888.

Estimated Annual Respondents: 443,000.

Estimated Annual Responses: 791,000.

Estimated Annual Hour Burden: 120,233.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–19185 Filed 9–8–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10117]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Julius Klinger: Posters for a Modern Age'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Julius Klinger: Posters for a Modern Age,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Wolfsonian—Florida International University, Miami Beach, Florida, from on or about October 6, 2017, until on or about April 1, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–19128 Filed 9–8–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10116]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Club 57: Film, Performance, and Art in the East Village, 1978–1983'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Club 57: Film, Performance, and Art in the East Village, 1978–1983,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Museum of Modern Art, New York, New York, from on or about October 31, 2017, until on or about April 1, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–19127 Filed 9–8–17; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 552 (Sub-No. 21)]

Railroad Revenue Adequacy—2016 Determination

AGENCY: Surface Transportation Board.

ACTION: Notice of decision.

SUMMARY: On September 6, 2017, the Board served a decision announcing the 2016 revenue adequacy determinations for the Nation's Class I railroads. Four carriers (BNSF Railway Company, Norfolk Southern Combined Railroad Subsidiaries, Soo Line Corporation, and Union Pacific Railroad Company) were found to be revenue adequate.

DATES: *Effective Date:* This decision is effective on September 6, 2017.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Board is required to make an annual determination of railroad revenue adequacy. A railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment (ROI) equal to at least the current cost of capital for the railroad industry for 2016, determined to be 8.88% in *Railroad Cost of Capital—2016,* EP 558 (Sub-No. 20) (STB served Aug. 7, 2017). This revenue adequacy standard was applied to each Class I railroad. Four carriers (BNSF Railway Company, Norfolk Southern Combined Railroad Subsidiaries, Soo Line Corporation, and Union Pacific Railroad Company) were found to be revenue adequate for 2016.

The decision in this proceeding is posted on the Board's Web site at

www.stb.gov. Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238.

Decided: September 5, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–19100 Filed 9–8–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting of the National Parks Overflights Advisory Group

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA and the National Park Service (NPS), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group (NPOAG). This notification provides the date, location, and agenda for the meeting.

DATES: The NPOAG will meet on October 18 and October 19, 2017.

ADDRESSES: The meeting will take place in the FAA's Regional Office, 6th Floor Executive Conference Room, 15000 Aviation Boulevard, Lawndale, CA 90261. The meeting will be held from 8:00 a.m. to 4:00 p.m. Wednesday, October 18, 2017, and from 8:00 a.m. to 11:30 a.m. Thursday, October 19, 2017. Although this is not a public meeting, this NPOAG meeting will be open to the public. Because seating is limited, members of the public wishing to attend will need to contact the person listed under **FOR FURTHER INFORMATION CONTACT** by September 29, 2017, to ensure sufficient meeting space is available to accommodate all attendees.

FOR FURTHER INFORMATION CONTACT: Keith Lusk, AWP–1SP, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, 15000 Aviation Boulevard, Lawndale, CA 90261, telephone: (310) 725–3808, email: *Keith.Lusk@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (NPATMA), enacted on April 5, 2000, Public Law 106–181, required the establishment of the NPOAG within one year after its enactment. The Act requires that the NPOAG be a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairperson of the advisory group.

The duties of the NPOAG include providing advice, information, and recommendations to the FAA Administrator and the NPS Director on: Implementation of Public Law 106–181; quiet aircraft technology; other measures that might accommodate interests to visitors of national parks; and at the request of the Administrator and the Director, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

Agenda for the October 18–19, 2017 NPOAG Meetings

The agenda for the meetings will include, but is not limited to, an update on ongoing park specific air tour planning projects, commercial air tour reporting, and the Grand Canyon quiet technology seasonal relief incentive.

Attendance at the Meeting and Submission of Written Comments

Although this is not a public meeting, interested persons may attend. Because seating is limited, please contact Keith Lusk (see **FOR FURTHER INFORMATION CONTACT** for phone number or email) by September 29, 2017, to ensure sufficient meeting space is available to accommodate all attendees.

Written comments regarding the meeting will be accepted directly from attendees or may be sent to Keith Lusk (see **FOR FURTHER INFORMATION CONTACT** for address and email.

Record of the Meeting

If you cannot attend the NPOAG meeting, a summary record of the meeting will be made available under the NPOAG section of the FAA ATMP Web site at: *http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/parks_overflights_group/minutes.cfm* or through the Special Programs Staff, Western-Pacific Region, P.O. Box 92007, Los Angeles, CA 90009–2007, telephone: (310) 725–3808.

Issued in Hawthorne, CA, on August 31, 2017.

Keith Lusk,

Program Manager, Special Programs Staff, Western-Pacific Region.

[FR Doc. 2017–19189 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2017–0167]

Request for Comments on the Renewal of a Previously Approved Information Collection: Request for Waiver of Service Obligation, Request for Deferment of Service Obligation, and Application for Review

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collection is for midshipmen or graduates of the United States Merchant Marine Academy (USMMA) or cadets or graduates of a State Maritime Academy (SMA) who received Student Incentive Payment (SIP) Program payments to determine if: (1) A waiver should be granted of all or a portion of the service obligation contract in cases where there would be undue hardship or impossibility of performance due to accident, illness or other justifiable reasons; (2) a deferment of all or a portion of the service obligation should be granted for the purpose of entering a marine or maritime-related graduate course of study; or (3) an original decision of items 1 or 2 should be overturned based on a student or graduate's appeal. Their service obligation is required by law. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before November 13, 2017.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2017–0167] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.

• *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Danielle Bennett (202) 366–5469, Office of Maritime Workforce Development, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Request for Waiver of Service Obligation, Request for Deferment of Service Obligation, Application for Review.

OMB Control Number: 2133–0510.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The Information collection is essential for determining if a student or graduate of the USMMA or a SMA that participated in the Student Incentive Payment (SIP) Program has a valid circumstance preventing them from fulfilling the requirements of the service obligation contract signed at the time of their enrollment in USMMA or the SIP program. It also permits the Maritime Administration (MARAD) to determine if a graduate, who wishes to defer their service obligation to attend graduate school, is eligible to receive a deferment. Student or graduates who submit a waiver or deferral request have an opportunity to appeal MARAD's decision. This collection is essential for determining if the original decision for a waiver or deferral request should be overturned. Their service obligation is required by law.

Respondents: U.S. Merchant Marine Academy students and graduates, and subsidized students and graduates.

Affected Public: U.S. Merchant Marine Academy students and graduates, and subsidized students and graduates.

Estimated Number of Respondents: 11.

Estimated Number of Responses: 11.

Estimated Hours per Response: 30 minutes.

Annual Estimated Total Annual Burden Hours: 5.30.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

By Order of the Maritime Administrator.
Dated: September 6, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–19133 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0124; Notice 2]

General Motors LLC, Receipt of Second Petition for Inconsequentiality and Notice of Consolidation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of receipt of petition.

SUMMARY: On January 3, 2017, TK Holdings Inc. (Takata) filed a defect information report (DIR), in which it determined that a defect existed in certain passenger-side air bag inflators that it manufactured, including passenger inflators that it supplied to General Motors, LLC (GM) for use in certain GMT900 vehicles. GM has petitioned the Agency for a decision that, because of differences in inflator design and vehicle integration, the equipment defect determined to exist by Takata is inconsequential as it relates to motor vehicle safety in the GMT900 vehicles, and that GM should therefore be relieved of its notification and remedy obligations.

DATES: The closing date for comments is September 14, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments regarding this petition for inconsequentiality. Comments must refer to the docket and notice number cited in the title of this notice and be submitted by one of the following methods:

• *Internet:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.

• *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590.

• *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590 between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

• *Facsimile:* (202) 493–2251.

You may call the Docket at (202) 366–9324.

Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Thus, submitting such information makes it public. You may wish to read the Privacy Act notice, which can be viewed by clicking on the ''Privacy and Security Notice'' link in the footer of *http://www.regulations.gov.* DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated above will be filed in the docket and will be considered. Comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

FOR FURTHER INFORMATION CONTACT:

For legal issues: Stephen Hench, Office of the Chief Counsel, NCC–100, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: (202) 366–5263).

For general information regarding NHTSA's investigation into Takata air bag inflator ruptures and the related recalls: http://www.safercar.gov/rs/takata/index.html.

SUPPLEMENTAL INFORMATION:

I. Background

On May 4, 2016, NHTSA issued, and Takata agreed to, an Amendment to the November 3, 2015 Consent Order (the ''Amendment''), under which Takata is bound to declare a defect in all frontal driver and passenger air bag inflators that contain a phase-stabilized ammonium nitrate (PSAN)-based propellant and do not contain a moisture-absorbing desiccant. Such defect declarations will be made on a rolling basis, with the first declaration due on May 16, 2016 and the second declaration due on December 31, 2016. *See* Amendment at ¶ 14.

GM's May 27, 2016 DIRs

Takata timely submitted the first scheduled equipment DIRs on May 16, 2016. *See* Recall Nos. 16E–042, 16E–043, and 16E–044. Those DIRs included non-desiccated passenger inflators, designated as types SPI YP and PSPI–L YD, that were installed as original equipment on certain motor vehicles manufactured by GM (the ''covered passenger inflators''), as well as other non-desiccated passenger inflators installed as original equipment on motor vehicles manufactured by a number of other automakers, which are not at issue here.

The Takata filing triggered GM's obligation to file a DIR for the affected GM vehicles. *See* 49 CFR part 573; Amendment at ¶ 16; November 3, 2015 Coordinated Remedy Order at ¶ 46. GM ultimately submitted two DIRs on May 27, 2016. *See* Recall Nos. 16V–381 (for vehicles in Zone A) and 16V–383 (for vehicles in Zone B).

On November 15, 2016, GM petitioned the Agency, under 49 U.S.C. 30118(d), 30120(h) and 49 CFR part 556, for a decision that the equipment defect determined to exist by Takata is inconsequential as it relates to motor vehicle safety in the GMT900 vehicles. *See* GM's Petition for Inconsequentiality and Request for Deferral of Determination Regarding Certain GMT900 Vehicles Equipped with Takata ''SPI YP'' and ''PSPI–L YD'' Passenger Inflators (the ''First Petition for Inconsequentiality'' or ''First Petition''). GM's First Petition concluded that because the putative defect is inconsequential to safety in the GMT900 vehicles, the company should be relieved of notification and remedy obligations for Takata inflators in those GM vehicles. *See* First Petition at p. 18. GM further requested that NHTSA defer its decision on the petition until GM is able to complete its testing and engineering analysis in August 2017. *See id.*

In a Notice published in the **Federal Register** on November 28, 2016, the Agency published notice of the First Petition and granted two administrative requests. *See* 81 FR 85681. First, as a matter of its enforcement discretion, NHTSA accepted the First Petition even though it was filed outside the regulatory 30-day filing deadline. Second, NHTSA found that GM had produced probative evidence to support its inconsequentiality claim that—while not yet sufficient—tended to support GM's Petition, at least with respect to the short-term safety of the covered passenger inflators. Therefore, NHTSA elected to grant GM until August 31, 2017 to develop and present further evidence, data, and information, and defer the Agency's decision on the First Petition for Inconsequentiality, unless additional evidence warrants an earlier decision. NHTSA further required that GM submit monthly testing updates, which would be made publicly available. Since then, GM has submitted updates for December 2016 and January through August 2017, which have been posted to the public docket. *See* Docket No. NHTSA–2016–0124.

GM's January 10, 2017 DIRs

Takata timely submitted the second scheduled equipment DIRs on January 3, 2017. *See* Recall Nos. 17E–001, 17E–002, and 17E–003. Those DIRs included additional covered passenger inflators. Again, the Takata filing triggered GM's obligation to file a DIR for the affected GM vehicles. *See* 49 CFR part 573; Amendment at ¶ 16; Third Amendment to Coordinated Remedy Order at ¶ 32. GM ultimately submitted its DIRs on January 10, 2017. *See* Recall Nos. 17V–010, 17V–019, and 17V–021.[1] Therein, in accordance with 49 CFR 573.6(c)(8)(iii), GM notified NHTSA of its intention to file a petition for an exemption from its recall requirements (*i.e.,* a petition for inconsequentiality). Contemporaneous with its DIRs, GM submitted to the Agency a Petition for Inconsequentiality and Request for Deferral of Determination Regarding Certain GMT900 Vehicles Equipped with Takata ''SPI YP'' and ''PSPI–L YD'' Passenger Inflators Subject to January 2017 Takata Equipment DIR Filings (the ''Second Petition for Inconsequentiality'' or ''Second Petition'').[2]

II. Class of Motor Vehicles Involved

GM's Second Petition involves certain ''GMT900'' vehicles that contain the covered passenger inflators (designated as inflator types ''SPI YP'' and ''PSPI–L YD''). GMT900 is a GM-specific vehicle platform that forms the structural foundation for a variety of GM trucks and sport utility vehicles, including: Chevrolet Silverado 1500, GMC Sierra 1500, Chevrolet Silverado 2500/3500, GMC Sierra 2500/3500, Chevrolet Tahoe, Chevrolet Suburban, Chevrolet Avalanche, GMC Yukon, GMC Yukon XL, Cadillac Escalade, Cadillac Escalade ESV, and Cadillac Escalade EXT. The Second Petition involves the following GMT900 vehicles:

- In Zone A, model year 2012 GMT900 vehicles. Zone A comprises the following states and U.S. territories: Alabama, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, South Carolina, Texas, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands (Saipan), and the U.S. Virgin Islands. *See* Amendment at ¶ 7.a.
- In Zone B, certain model year 2009 GMT900 vehicles. Zone B comprises the following states: Arizona, Arkansas, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, and West Virginia. *See* Amendment at ¶ 7.b.
- In Zone C, certain model year 2007–2008 GMT900 vehicles. Zone C comprises the following states: Alaska, Colorado, Connecticut, Idaho, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming. *See* Amendment at ¶ 7.c.

III. Summary of GM's Second Petition for Inconsequentiality

GM's Second Petition raises the same issues and arguments as its First Petition. *See* Second Petition at p. 4. According to the Second Petition, GM's engineering analysis supports the conclusion that the covered passenger inflators in the subject GMT900 vehicles are currently performing as designed, and will likely continue to perform as designed for a number of years—*i.e.,* that the covered passenger inflators, as integrated into the GMT900 vehicles, do not present an unreasonable risk to safety. *See* Second Petition at p. 10.

According to the Petition, GM's position is based upon the following: an estimated 55,000 Takata passenger inflator deployments in GMT900 vehicles without a rupture; ballistic tests of 1,624 covered passenger inflators without a rupture or sign of abnormal deployment; test deployment of 12 inflators artificially exposed to additional humidity and temperature cycling without a rupture or sign of abnormal deployment; and analysis, through stress-strength interference, indicating that the propellant in older covered passenger inflators has not degraded to a sufficient extent to create rupture risk. *See* Second Petition at pp. 13–16.

GM further states that the covered passenger inflators are not used by any

[1] When a manufacturer files a petition for inconsequentiality, the affected DIR will not be made public unless and until the Agency denies the petition.

[2] GM's Second Petition has been publicly available on NHTSA's Web site since January. *https://www.nhtsa.gov/recall-spotlight/takata-air-bags.*

other original equipment manufacturer and that those inflators have a number of unique design features that influence burn rates and internal ballistic dynamics, including greater vent-area-to-propellant-mass ratios, steel end caps, and thinner propellant wafers. *See* Second Petition at p. 11–12. In addition, GM states that the physical environment of the GMT900 vehicles better protects the covered passenger inflators from temperature cycling that can cause rupture. *Id.*

Finally, to supplement its internal analysis, GM has retained a third-party expert, Orbital ATK, to conduct a long-term aging study that will estimate the service life expectancy of the covered passenger inflators in the GMT900 vehicles. *See* Second Petition at pp. 17–18. GM anticipates that this study will be complete in August 2017. *Id.*

IV. Consolidation

GM's Second Petition for Inconsequentiality is virtually identical to the Petition for Inconsequentiality submitted on November 15, 2016. First, both petitions involve the same covered passenger inflators (*i.e.,* frontal passenger inflator types ''SPI YP'' and ''PSPI–L YD''). Second, both petitions involve the same vehicle platform (*i.e.,* the GMT900). Third, both petitions rely upon the same purported evidence to support the safety of the inflators (*i.e.,* estimated field deployments, ballistic testing, and stress-strength interference analysis). Fourth, both petitions will rely upon the same forthcoming report by Orbital ATK. According, it is appropriate to evaluate and dispose of the two petitions simultaneously. In the interest of clarity, consistency, and efficiency, the Agency is consolidating the Second Petition with the First Petition under Docket No. NHTSA–2016–0124.

Authority: 49 U.S.C. 30101, *et seq.,* 30118, 30120(h), 30162, 30166(b)(1), 30166(g)(1); delegation of authority at 49 CFR 1.95(a); 49 CFR parts 556, 573, 577.

Issued: August 31, 2017.

Stephen P. Wood,

Acting Chief Counsel.

[FR Doc. 2017–19139 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0018]

Volkswagen Group of America; Receipt of Petition for Temporary Exemption From FMVSS No. 108

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of a petition for a temporary exemption from certain headlamp requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective devices, and Associated Equipment.*

SUMMARY: In accordance with the procedures, Volkswagen Group of America (Volkswagen, or Petitioner) has petitioned the agency for a temporary exemption from certain headlamp requirements of FMVSS No. 108 to allow the use of adaptive driving beam headlights. Volkswagen requests the exemption on the basis that it would facilitate the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard. NHTSA has made no judgment on the merits of the application. This notice of receipt of an application for a temporary exemption is published in accordance with statutory and administrative provisions.

DATES: You should submit your comments not later than October 11, 2017.

FOR FURTHER INFORMATION CONTACT: John Piazza, Office of the Chief Counsel, NCC–112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–2992; Fax: (202) 366–3820.

ADDRESSES: We invite you to submit comments on the application described above. You may submit comments identified by docket number in the heading of this notice by any of the following methods:

- *Fax:* 1–202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

SUPPLEMENTARY INFORMATION:

I. Statutory Authority for Temporary Exemptions

The National Traffic and Motor Vehicle Safety Act (''Safety Act''), codified at 49 U.S.C. Chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis and under specified

circumstances, motor vehicles from a motor vehicle safety standard or bumper standard. This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.

The Safety Act authorizes the Secretary to grant a temporary exemption to a vehicle manufacturer under certain conditions. Under the conditions relevant to this petition, the Secretary may grant a petition on finding that the exemption is consistent with the public interest and with the Safety Act, and that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard.[1]

NHTSA established 49 CFR part 555, *Temporary Exemption From Motor Vehicle Safety and Bumper Standards,* to implement the statutory provisions concerning temporary exemptions. The requirements specified in 49 CFR 555.5 state that the petitioner must set forth the basis of the application by providing the information required under Part 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of 49 U.S.C. Chapter 301.

A petition on the basis that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard must include the information specified in 49 CFR 555.6(b). The main requirements of that section include:

(1) A description of the safety or impact protection features, and research, development, and testing documentation establishing the innovational nature of such features;

(2) An analysis establishing that the level of safety or impact protection of the feature is equivalent to or exceeds the level of safety or impact protection established in the standard from which exemption is sought, including the following: A detailed description of how a vehicle equipped with the safety or impact protection feature differs from one that complies with the standard; if applicant is presently manufacturing a vehicle conforming to the standard, the results of tests conducted to substantiate certification to the standard; and the results of tests conducted on the safety or impact protection features that demonstrates performance which meets or exceeds the requirements of the standard;

(3) Substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle;

(4) A statement whether, at the end of the exemption period, the manufacturer intends to conform to the standard, apply for a further exemption, or petition for rulemaking to amend the standard to incorporate the safety or impact protection features; and

(5) A statement that not more than 2,500 exempted vehicles will be sold in the United States in any 12-month period for which an exemption may be granted pursuant to this paragraph.

II. Overview of Petition

Volkswagen has submitted a petition asking the agency for a temporary exemption from certain headlamp requirements of FMVSS No. 108 for vehicles equipped with adaptive driving beam (''ADB'') headlamps. ADB is defined by SAE International (''SAE'') as a long-range forward visibility light beam that adapts to the presence of opposing (*i.e.,* approaching from the opposite direction) and preceding vehicles by modifying portions of the projected light in order to reduce glare to the drivers and riders of those vehicles. Volkswagen wishes to install its ''Matrix Beam'' ADB system on Audi A7 models, which may also include S7 and Rs7 variants (collectively, ''subject vehicles'').

In order to do so, Volkswagen requests an exemption from S9.4 and S10.14.6 of FMVSS No. 108. S9.4 requires that a vehicle have a means of switching between lower and upper beams designed and located so that it may be operated conveniently by a simple movement of the driver's hand or foot; that the switch have no dead point; and, except as provided by S6.1.5.2, that the lower and upper beams must not be energized simultaneously except momentarily for temporary signaling purposes or during switching between beams. S10.14.6 specifies the photometry requirements for integral beam headlighting systems. Volkswagen indicates that Matrix Beam may not comply with these requirements.

The basis for the application is that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard. Volkswagen explains how the Matrix Beam system operates and the safety benefits it believes the system would offer. Volkswagen states that the safety benefit is that ADB enhances nighttime visibility for the driver while at the same time reducing glare (relative to the glare that would be caused by headlamps on upper beam) to oncoming and preceding vehicles. In order to establish the innovational and safety-improving nature of the Matrix Beam system, Volkswagen summarizes, refers to, and submits research, development, and testing documentation, including the following: A recent technical paper summarizing the safety benefits of ADB systems; Toyota's pending petition for rulemaking to amend FMVSS No. 108 to allow ADB (Docket No. NHTSA–2013–0004); an excerpt from the United Kingdom version of the Audi owner's manual explaining the Matrix Beam system; and an Audi Matrix LED headlight training document.

Volkswagen states that it has received EU Type Approval for its system and is currently installing the system on the following EU Audi models: A4, A6, A7, A8, TT, and Q7. Volkswagen explains that Audi has sold 122,979 vehicles equipped with the Matrix Beam in 55 markets outside the United States. Of the 77,014 model year 2016 vehicles, only 69 warranty cases were found involving a customer complaint related to the adjustment or functionality of the Matrix Beam headlamps (a repair per 1000-vehicle rate of 0.90 R/1000 (0.09%)). Volkswagen states that this shows that the Matrix Beam is very reliable. Volkswagen states that the Matrix Beam system complies with a recently-published SAE standard for ADB systems, SAE J3069 JUN2016. Volkswagen also provides compliance test reports to demonstrate that the non-exempt subject vehicles comply with the headlamp-related requirements of FMVSS No. 108.

Petitioner states that a temporary exemption would facilitate the development and field evaluation of the Matrix Beam system. Volkswagen explains that it intends to collect feedback from customers who purchase the exempt vehicles and to obtain data multiple times throughout the duration of the exemption. Each time the customer brings their vehicle to the dealer for service or routine maintenance, the customer will be given a survey. The survey will inquire about the customer's typical driving characteristics, satisfaction with the Matrix Beam, overall Matrix Beam performance, and views on the safety of the Matrix Beam. Volkswagen believes that this will enable it to both achieve a relatively high response rate as well as monitor changes in customer responses based on length of time of ownership and mileage. Volkswagen requests that it be permitted to import and sell 2,500 exempted vehicles during each of the

[1] 49 U.S.C. 30113(3).

12-month periods covered by the exemption. Petitioner states that on or before the end of the exemption period, it hopes that the pending Toyota petition for rulemaking will be granted, and that FMVSS No. 108 will be amended to allow ADB. If by the end of the exemption period, FMVSS No. 108 has not been so amended, then Volkswagen intends either to cease offering the system in the United States or request an extension.

III. Completeness and Comment Period

Upon receiving a petition, NHTSA conducts an initial review of the petition with respect to whether the petition is complete and whether the petitioner appears to be eligible to apply for the requested exemption. The agency has tentatively concluded that the petition from Volkswagen is complete and that Volkswagen is eligible to apply for a temporary exemption. The agency has not made any judgment on the merits of the application, and is placing a copy of the petition and other related materials in the docket.

The agency seeks comment from the public on the merits of Volkswagen's application for a temporary exemption from S9.4 and S10.14.6 of FMVSS No. 108. We are providing a 30-day comment period. After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register**.

Issued on September 5, 2017.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–19086 Filed 9–8–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB–2017–0003]

Proposed Information Collections; Comment Request (No. 66)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB); Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

DATES: We must receive your written comments on or before November 13, 2017.

ADDRESSES: As described below, you may send comments on the information collections listed in this document using the ''*Regulations.gov*'' online comment form for this document, or you may send written comments via U.S. mail or hand delivery. TTB no longer accepts public comments via email or fax.

- *https://www.regulations.gov:* Use the comment form for this document posted within Docket No. TTB–2017–0003 on ''*Regulations.gov*,'' the Federal e-rulemaking portal, to submit comments via the Internet;
- *U.S. Mail:* Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier in Lieu of Mail:* Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

Please submit separate comments for each specific information collection listed in this document. You must reference the information collection's title, form or recordkeeping requirement number, and OMB number (if any) in your comment.

You may view copies of this document, the information collections listed in it and any associated instructions, and all comments received in response to this document within Docket No. TTB–2017–0003 at *https://www.regulations.gov.* A link to that docket is posted on the TTB Web site at *https://www.ttb.gov/forms/comment-on-form.shtml.* You may also obtain paper copies of this document, the information collections described in it and any associated instructions, and any comments received in response to this document by contacting Michael Hoover at the addresses or telephone number shown below.

FOR FURTHER INFORMATION CONTACT: Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; telephone (202) 453–1039, ext. 135; or email *informationcollections@ttb.gov* (please *do not* submit comments on this notice to this email address).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of a continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in comments.

For each information collection listed below, we invite comments on: (a) Whether the information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden 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 the requested information.

Information Collections Open for Comment

Currently, we are seeking comments on the following information collections (forms, recordkeeping requirements, or questionnaires):

Title: Application for Amended Basic Permit under the Federal Alcohol Administration Act.

OMB Number: 1513–0019.

TTB Form Number: F 5100.18.

Abstract: The Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 203 requires that a person apply for and receive a permit (known as a ''basic permit'') to engage in the business of importing distilled spirits, wine, or malt beverages into the United States; to engage in the business of distilling spirits or producing wine; and to engage in the business of purchasing for resale at wholesale distilled spirits, wine, or malt beverages. Section 204 of the FAA Act imposes minimum requirements for basic permits and authorizes the Secretary of the Treasury to prescribe the manner and form of all applications for basic permits.

TTB F 5100.18 is completed by a person who has a basic permit under the FAA Act and wants to amend that permit. Amendment of a basic permit may become necessary when changes

occur in name, ownership, location, or activities of the permittee. The furnished information enables TTB to determine whether an applicant for an amended basic permit meets the statutory requirements in 27 U.S.C. 204.

Current Actions: TTB is submitting this information collection as a revision. While the information collection remains unchanged, TTB is increasing the estimated number of respondents and burden hours due to an increase in the number of beverage alcohol industry members applying for amended basic permits under the FAA Act.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 3,035.

Estimated Total Annual Burden Hours: 1,396.

Title: Application for an Industrial Alcohol User Permit.

OMB Number: 1513–0028.

TTB Form Number: F 5150.22.

Abstract: The Internal Revenue Code of 1986 (IRC) at 26 U.S.C. 5271 authorizes the Secretary of the Treasury to prescribe regulations requiring persons using tax-free alcohol for certain nonbeverage purposes (hospitals, laboratories, research centers, etc.) and persons using or dealing in specially denatured spirits (alcohol and/or rum) to apply for and receive a permit to do so prior to commencing business.

The TTB regulations prescribe the use of TTB F 5150.22 as the application form for users or dealers of specially denatured spirits (alcohol/rum) and for users of tax-free alcohol. Respondents use TTB F 5150.22 to apply for or amend a permit to withdraw and deal in specially denatured alcohol under 27 CFR 20.41, or to use tax-free alcohol under 27 CFR 22.41. TTB uses the information reported on the form to, among other things, determine the eligibility of the applicant to engage in certain operations, the location of the business, and whether the operations will be in conformance with Federal laws and regulations.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits; Not-for-profit institutions.

Estimated Number of Respondents: 575.

Estimated Total Annual Burden Hours: 435.

Title: Report—Manufacturer of Tobacco Products or Cigarette Papers and Tubes; Report—Manufacturer of Processed Tobacco.

OMB Number: 1513–0033.

TTB Form Number: F 5210.5 and F 5250.1.

Abstract: The IRC at 26 U.S.C. 5722 requires that every manufacturer of tobacco products, processed tobacco, or cigarette papers and tubes make reports containing such information, in such form, at such times, and for such periods as the Secretary of the Treasury shall by regulation prescribe. The TTB regulations at 27 CFR 40.202, 40.422, and 40.522 prescribe, as appropriate, the use of TTB F 5210.5 to report taxable articles manufactured, received, and removed per month, and the use of TTB F 5250.1 to report all processed tobacco manufactured, received, and removed per month. TTB uses the collected information to ensure that Federal excise taxes have been properly paid and that manufacturers are in compliance with applicable Federal law and regulations.

Current Actions: TTB is submitting this information collection as a revision. While the information collection is unchanged, TTB is decreasing the number of annual respondents, responses, and burden hours due to a decrease in the number of regulated tobacco industry members.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 210.

Estimated Total Annual Burden Hours: 5,040.

Title: Manufacturers of Nonbeverage Products—Records to Support Claims for Drawback (TTB REC 5530/2).

OMB Number: 1513–0073.

TTB Recordkeeping Number: REC 5530/2.

Abstract: The IRC, at 26 U.S.C. 5111–5114, provides that manufacturers using distilled spirits in certain products such as medicines, food, flavors, and perfume may receive drawback for the Federal excise taxes paid on the distilled spirits used for these specified purposes. This drawback on the taxes paid allows the manufacturer to recover all but $1.00 per proof gallon of the tax imposed on distilled spirits.

The recordkeeping requirements to support drawback claims included in TTB REC 5530/2 are necessary to protect the revenue by preventing diversion of such spirits to beverage use. The required source records include information about distilled spirits received, gauge records, evidence of taxes paid, the date spirits were used, the quantity and kind used in each product, receipt and usage of other ingredients (to validate formula compliance), inventory records, records of recovered alcohol, the quantity of intermediate products transferred to other plants, the disposition of each nonbeverage product produced, and the purchasers (except for retail sales). Regulations prescribing these records are set forth in 27 CFR part 17.

Current Actions: TTB is submitting this information collection as a revision. While the information collection remains unchanged, TTB is increasing the number of respondents and burden hours due to an increase in the number of manufacturers of non-beverage products who submit drawback claims to TTB.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 530.

Estimated Total Annual Burden Hours: 11,130.

Title: Proprietors or Claimants Exporting Liquors (TTB REC 5900/1).

OMB Number: 1513–0075.

TTB Recordkeeping Number: REC 5900/1.

Abstract: Under sections 5053, 5214, and 5362 of the IRC (26 U.S.C. 5053, 5214, and 5362), distilled spirits, wine, and beer may be exported without payment of Federal excise tax. In addition, taxpaid distilled spirits, wine, and beer may be exported and drawback (refund) claimed on the taxes paid. To protect the revenue, exporters must complete various TTB and customs forms to show that the products were in fact exported. Under the TTB regulations in 27 CFR part 28 and this recordkeeping requirement, exporters are required to maintain copies of all pertinent forms and commercial records that document exportation, and such records must be maintained for not less than 3 years.

Current Actions: TTB is submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 120.

Estimated Total Annual Burden Hours: 7,200.

Title: Administrative Remedies—Closing Agreements.

OMB Number: 1513–0099.

Abstract: The IRC at section 7121 (26 U.S.C. 7121) authorizes the Secretary of the Treasury to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he or she acts) in respect to any internal revenue tax for any taxable period. The TTB regulations pertaining to closing agreements, including the requirement for a taxpayer to submit a written request to TTB to enter into a closing agreement, are set forth at 27 CFR 70.485. TTB uses the information submitted in the request and any supporting documentation to begin a review as to whether an agreement should be pursued.

Current Actions: TTB is submitting this information collection as a revision. While the information collection remains the same, TTB is increasing the number of respondents and burden hours association with this collection due to an increase in the number of closing agreements entered into by a respondent and TTB.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 5.

Estimated Total Annual Burden Hours: 5.

Dated: September 5, 2017.

Amy R. Greenberg,

Director, Regulations and Rulings Division.

[FR Doc. 2017–19166 Filed 9–8–17; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Tuesday, October 10, 2017, at 12:00 p.m., Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: September 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–19191 Filed 9–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, October 12, 2017, at 12:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW., Room 1509, Washington, DC 20224 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues. Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW., Room 1509, Washington, DC 20224 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: September 4, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–19197 Filed 9–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Tuesday, October 10, 2017, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with

Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various special topics with IRS processes.

Dated: September 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–19200 Filed 9–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, October 5, 2017.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or (202) 317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, October 5, 2017, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Antoinette Ross. For more information please contact: Antoinette Ross at 1–888–912–1227 or (202) 317–4110, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: September 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–19202 Filed 9–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: The Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will conduct an open meeting and will solicit public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 17, 2017.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, October 17, 2017, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Lisa Billups. For more information please contact Lisa Billups at 1–888–912–1227 or 214–413–6523, or write TAP Office 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: September 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–19201 Filed 9–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, October 18, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or 202–317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, October 18, 2017, at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1–888–912–1227 or 202–317–3087, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.* The committee will be discussing Toll-free issues and public input is welcomed.

Dated: September 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–19205 Filed 9–8–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The

Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, October 25, 2017.

FOR FURTHER INFORMATION CONTACT: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, October 25, 2017, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769, TAP Office, 4050 Alpha Rd, Farmers Branch, TX 75244, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: September 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–19195 Filed 9–8–17; 8:45 am]

BILLING CODE 4830–01–P

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