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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 71

[Docket No. FAA-2016-9274; Airspace Docket No. 15-ASW-18]

Establishment of Class E Airspace; Augusta, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Augusta, AR. Controlled airspace is necessary to accommodate new special Instrument approach procedures developed at Woodruff County Airport, for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, December 7, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at http://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

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

FOR FURTHER INFORMATION CONTACT:

Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Woodruff County Airport, Augusta, AR.

History

On July 21, 2017, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E Airspace at Woodruff County Airport, Augusta, AR (82 FR 33836) FAA-2016-9274. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Woodruff County Airport, Augusta, AR, to accommodate new special instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW AR E5 Augusta, AR [New]

Woodruff County Airport, AR
(Lat. 35°16'19" N., long. 091°16'13" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Woodruff County Airport.

Issued in Fort Worth, TX, on September 26, 2017.

Christopher L. Southerland,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2017–21507 Filed 10–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0390; Airspace
Docket No. 17–ANM–11]

Amendment of Class D and Class E Airspace; Redmond, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace designated as an extension to a Class D or Class E surface area at Roberts Field, Redmond, OR, by removing the Notice to Airmen (NOTAM) part-time status, and modifying Class E airspace extending upward from 700 feet above the surface at the airport. Also, the geographic coordinates for Roberts Field in the associated Class D and E airspace areas are amended to match the FAA's aeronautical database. These changes are necessary to accommodate airspace redesign for the safety and management of Instrument Flight Rules (IFR)

operations within the National Airspace System. Also, an editorial change is made to the Class D and Class E airspace legal descriptions replacing Airport/Facility Directory with the term Chart Supplement.

DATES: Effective 0901 UTC, December 7, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4511.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class D and Class E airspace at Roberts Field, Redmond, OR to accommodate airspace redesign for the safety and management of Instrument Flight Rules (IFR) operations within the National Airspace System.

History

On June 23, 2017, the FAA published in the **Federal Register** (82 FR 28603) Docket FAA–2017–0390, a notice of proposed rulemaking (NPRM) that proposed to modify Class E airspace designated as an extension to a Class D or Class E surface area at Roberts Field, Redmond, OR, by removing the Notice to Airmen (NOTAM) part-time status, and proposed to modify Class E airspace extending upward from 700 feet above the surface at the airport. Also, the geographic coordinates for Roberts Field in the associated Class D and E airspace areas would be amended to match the FAA's aeronautical database. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace designated as an extension to a Class D or Class E surface area at Roberts Field, Redmond, OR, by shortening the segment to within 8.5 miles (from 13.5 miles) of the airport. This action also removes the part-time NOTAM language that reads “This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.”

Additionally, this action modifies Class E airspace extending upward from 700 feet above the surface to reduce the area east (to within 9.6 miles, from 11.5 miles) and southeast (to within 13.1

miles, from 15 miles) of the airport, and expand the area southwest (to within 10.5 miles, from 7.6 miles) of the airport.

Also, this action updates the geographic coordinates for Roberts Field and replaces the outdated term Airport/Facility Directory with the term Chart Supplement in the Class D and Class E airspace legal descriptions. Further, this action makes an editorial edit to the Class D legal description by reinstating the letters "MSL" to signify 5,600 feet mean sea level. This airspace redesign is necessary for the safety and management of IFR operations at the airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ANM OR D Redmond, OR [Amended]

Roberts Field, OR
(Lat. 44°15'15" N., long. 121°09'00" W.)

That airspace extending upward from the surface to and including 5,600 feet MSL within a 5.1-mile radius of Roberts Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM OR E2 Redmond, OR [Amended]

Roberts Field, OR
(Lat. 44°15'15" N., long. 121°09'00" W.)

That airspace extending upward from the surface within a 5.1-mile radius of Roberts Field. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANM OR E4 Redmond, OR [Amended]

Roberts Field, OR
(Lat. 44°15'15" N., long. 121°09'00" W.)

That airspace extending upward from the surface within 1 mile each side of the 122° bearing of Roberts Field extending from the 5.1-mile radius to 8.5 miles southeast of the airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM OR E5 Redmond, OR [Amended]

Roberts Field, OR
(Lat. 44°15'15" N., long. 121°09'00" W.)

That airspace extending upward from 700 feet above the surface within a 7.6-mile

radius of Roberts Field from the 270° bearing from the airport clockwise to the 195° bearing from the airport, and within a 10.5-mile radius of Roberts Field from the 195° bearing from the airport clockwise to the 270° bearing from the airport, and within 2.6 miles each side of the 085° bearing from Roberts Field extending to 9.6 miles east of the airport, and within 4 miles northeast and 3 miles southwest of the 122° bearing from Roberts Field extending to 13.1 miles southeast of the airport.

Issued in Seattle, Washington, on September 27, 2017.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–21506 Filed 10–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0232; Airspace Docket No. 17–AGL–11]

Amendment of Class D and E Airspace; Battle Creek, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D and removes the Class E airspace designated as an extension at W.K. Kellogg Airport (formerly W.K. Kellogg Field), Battle Creek, MI. Airspace reconfiguration is necessary due to the decommissioning of the Battle Creek collocated VHF omnidirectional range and tactical air navigation (VORTAC) navigation aid, and cancellation of the VOR approaches. The Class E airspace extending upward from 700 feet above the surface is also modified due to the redesign of the instrument landing system (ILS) approach, thereby removing reference to the BATOL navigation aid and Battle Creek ILS localizer. This action also updates the geographic coordinates of the airport, and makes an editorial change replacing Airport/Facility Directory with the term Chart Supplement in the associated Class D and E airspace areas. This action enhances the safety and management of standard instrument approach procedures for instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, December 7, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order

7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT:

Walter Tweedy, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D and Class E airspace to support standard instrument approach procedures for IFR operations at W.K. Kellogg Airport, Battle Creek, MI.

History

The FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) (82 FR 20554, May 3, 2017) Docket No. FAA-2017-0232 to modify Class D airspace, Class E airspace designated as an extension, and Class E airspace extending upward from 700 feet above the surface at W.K. Kellogg Airport, Battle Creek, MI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the

proposal to the FAA. No comments were received.

Subsequent to publication, the FAA determined the Class E airspace designated as an extension at W.K. Kellogg Airport is no longer required to contain any instrument procedures. Therefore, this rule removes Class E airspace designated as an extension at W.K. Kellogg Airport. This change has no substantive impact on operators using the airspace.

Class D, Class E extension, and Class E transition area airspace designations are published in paragraphs 5000, 6004, and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies the Class D and removes the Class E airspace designated as an extension at W.K. Kellogg Airport (formerly W.K. Kellogg Field), Battle Creek, MI. The airport's geographic coordinates are amended in the associated Class D and Class E airspace listed in this amendment.

Also, the Class E airspace extending upward from 700 feet above the surface within a 7-mile radius of W.K. Kellogg Airport is being amended by removing the southwest segment, and the segment 7 miles northwest and 4.4 miles southeast of the Battle Creek ILS localizer northeast course extending 10.4 miles northeast of the localizer outer marker/non directional radio beacon. The northeast segment will be amended to within 2 miles each side of the 047° bearing (from 4 miles each side of the 049° bearing) from the airport extending from the 7-mile radius of the airport to 10 miles northeast (from 10.9 miles) of the airport, and the southeast segment will be amended to within 2 miles each side of the 126° bearing from the airport extending from the 7-mile

radius to 7.4 miles (from 11.1 miles) southeast of the airport. Additionally, this action modifies the Class E airspace by removing reference to the BATOL navigation aid and Battle Creek ILS localizer. This action enhances the safety and management of the standard instrument approach procedures for IFR operations at the airport.

Lastly, this action makes minor editorial corrections to the amended Class D and Class E legal descriptions by removing the city listed before the airport name in the second line and replacing the outdated term Airport/Facility Directory with the term Chart Supplement.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace Areas.

AGL MI D Battle Creek, MI [Amended]

W.K. Kellogg Airport, MI

(Lat. 42°18'23" N., long. 85°15'00" W.)

That airspace extending upward from the surface to and including 3,500 feet MSL within a 4.5-mile radius of W.K. Kellogg Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

AGL MI E4 Battle Creek, MI [Removed]

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 Battle Creek, MI [Amended]

W.K. Kellogg Airport, MI

(Lat. 42°18'23" N., long. 85°15'00" W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of W.K. Kellogg Airport, and within 2 miles each side of the 047° bearing from the airport extending from the 7-mile radius to 10 miles northeast of the airport, and within 2 miles each side of the 126° bearing from the airport extending from the 7-mile radius to 7.4 miles southeast of the airport.

Issued in Fort Worth, Texas on October 2, 2017.

Christopher L. Southerland,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–21627 Filed 10–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9540; Airspace Docket No. 16–AGL–27]

Amendment of Class E Airspace; Evansville, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface at Evansville Regional Airport, Evansville, Indiana. This action is necessary due to the decommissioning of the Evansville non-directional radio beacon (NDB) and cancellation of the NDB approach, and it enhances the safety and management of instrument flight rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport. The amendment adjusting the coordinates of Evansville Regional Airport in Class C airspace is removed from this rule, and will be forthcoming in a separate rulemaking.

DATES: Effective 0901 UTC, December 7, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT:

Walter Tweedy, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Evansville Regional Airport, Evansville, IN, to support standard instrument approach procedures for IFR operations at the airport.

History

The FAA published in the **Federal Register** (82 FR 15303, March 28, 2017) Docket No. FAA–2016–9540 a notice of proposed rulemaking (NPRM) to modify Class C and Class E airspace extending upward from 700 feet above the surface at Evansville Regional Airport, Evansville, IN. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA realized that the proposed amendment to Class C airspace at Evansville Regional Airport was included in this rulemaking in error and is removed.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 7.1-mile radius (increased from a 6.8-mile radius) of Evansville Regional Airport, Evansville, IN. The segment 4.4-miles wide (2.2 miles from each side of the 001° bearing from the airport) extending from the 6.8-mile radius is modified to a 4-mile wide segment extending from the 7.1-mile radius of the airport to 11.6 miles (increased from 11.2 miles) north of the airport.

The 4.4-mile wide segment (2.2 miles from each side of the 181° bearing from the airport) extending from the 6.8-mile radius of the airport to 11.3 miles south of the airport is removed.

The Pocket City VORTAC navigation aid segment is amended to within a 7.1-mile radius (from a 6.8-mile radius) of the airport to the VORTAC. Airspace reconfiguration is necessary due to the decommissioning of the Evansville NDB and cancellation of the NDB approaches, and enhances the safety and management of the standard instrument approach procedures for IFR operations at the airport.

The amendment of Class C airspace at Evansville Regional Airport, included in this rule in error, is removed and will be addressed in a separate rulemaking.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures,"

paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IN E5 Evansville, IN [Amended]

Evansville Regional Airport, IN
(Lat. 38°02'27" N., long. 87°31'43" W.)
Pocket City VORTAC
(Lat. 37°55'42" N., long. 87°45'45" W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Evansville Regional Airport, and within 2 miles each side of the 001° bearing from the airport extending from the 7.1-mile radius to 11.6 miles north of the airport, and within 4 miles each side of the Pocket City VORTAC 060° radial extending from the 7.1-mile radius to the VORTAC.

Issued in Fort Worth, Texas, on September 29, 2017.

Christopher L. Southerland,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2017–21509 Filed 10–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2016–8927; Airspace Docket No. 15–ANM–24]

Establishment of Restricted Area R–2603; Fort Carson, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes restricted area R–2603 within the existing Fort Carson, CO, Pinon Canyon Maneuver Site (PCMS), near Trinidad, CO. The U.S. Army requires additional restricted airspace because the restricted area ranges at Fort Carson are not large enough to meet all training requirements. R–2603 will provide increased ground-to-air, air-to-ground, and air-to-air battle space to increase training capacity and relieve training congestion at Fort Carson.

DATES:

Effective date: 0901 UTC, December 7, 2017.

FOR FURTHER INFORMATION CONTACT:

Kenneth Ready, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes the restricted area airspace at Fort Carson, CO, to accommodate essential Army training requirements and ensure the safety of aircraft otherwise permitted to overfly the location established for Army training.

History

The FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) (81 FR 62847,

September 13, 2016), Docket No. FAA–2016–8927, to establish restricted area R–2603 to support hazardous training activities conducted within the Pinon Canyon Maneuver Site (PCMS), a military training site for Fort Carson.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Two comments were received, one from the Aircraft Owners and Pilots Association (AOPA) and one supporting the establishment of the airspace to support military training.

Discussion of Comments

In their response to the NPRM, AOPA raised several substantive issues. AOPA contended the proposed airspace design would have a negative impact on general aviation aircraft highlighting four main areas of concern: Impacts to Instrument Flight Rules (IFR) aircraft; impacts to Visual Flight Rules (VFR) aircraft; charting the restricted area; and times of use. Having considered the issues provided by AOPA, the FAA offers the following responses.

Impacts to Instrument Flight Rules (IFR) Aircraft

AOPA is concerned with two airways (V–81 and V–169) being effected by the establishment of R–2603. The two airways are within the restricted area boundary from the surface to 10,000 feet MSL. AOPA stated general aviation aircraft must routinely operate IFR at lower altitudes to stay out of icing and due to performance limitations and requiring an aircraft to fly several thousand more feet than is currently required, staying above R–2603's ceiling, could impact general aviation's ability to transit these airways when the restricted area is active. Additionally, AOPA is concerned with feeder route for the Perry Stokes Airport (TAD) RNAV (GPS) RWY 21 instrument approach.

The FAA recognizes the impact to general aviation aircraft and has modified the proposal to minimize the impact to allow complete access to V–169. Additionally, should aircraft encounter icing conditions that would require them to descend to altitudes encompassed by the proposed restricted area, Denver ARTCC would coordinate with the Using Agency and those altitudes would be released.

The FAA recognizes the RNAV (GPS) RWY 21 instrument approach into TAD airport from BLOOM initial approach fix would be unusable when the restricted area is activated. However, RADIO initial approach fix is unencumbered by the restricted area less than 10 NMs away. An aircraft can

initiate the approach from this fix or be vectored to intercept the radial inbound from RADIO with minimal impact to general aviation aircraft.

Impacts to Visual Flight Rules (VFR) Aircraft

AOPA stated pilots flying under VFR routinely follow prominent railroads and highways to get to their destination. US Route 350 and a parallel railroad proceed from TAD to La Junta Municipal Airport (LHX). Following this route would keep a pilot clear of the restricted area; however, the western boundary point is uncomfortably close for many pilots to utilize this route without proceeding unnecessarily north of the road and tracks.

The FAA has determined that only the most northwest point of the proposed restricted area is close to US Route 350. The closest point for this momentary instance is .12 NM from US 350 and .20 NM from the railroad tracks. VFR aircraft flying over either of these reference points would be clear of the proposed restricted area's closest point. Beyond this point, the distance from the proposed restricted area increases rapidly in both directions. Aircraft utilizing these ground reference points would have a clear boundary identifying they are clear of the restricted area. As long as the aircraft remain over the highway or train tracks, the restricted airspace will not be violated.

Charting of the Restricted Area

AOPA requested the activation of the new restricted area should occur concurrently or after the charting of the airspace on the Denver and Wichita Sectional Charts. Additionally, the FAA should make the effective date of restricted area airspace coincide with the sectional chart cycle so that pilots have the latest information and a graphical depiction of the change. Lastly, the instrument approach procedures to airports in proximity to R–2603 should be updated to graphically depict the new restricted area to increase situational awareness for instrument pilots. Similar to the Pinon Canyon Military Operations Area (MOA) being charted on the procedures into LHX, the restricted area and MOA should be added to TAD's approach and departure procedures.

The FAA concurs with AOPA and will make the new restricted area effective in accordance with guidance to chart on a 56-day cycle, which is December 7, 2017. However, the FAA has mandated to the proponent that it will not be utilized until the Wichita and Denver VFR sectionals are updated January 4, 2018. Lastly, the FAA will

ensure the approach and departure procedures are updated.

Times of Use

AOPA stated, as part of the Colorado Airspace Initiative, the Pinon Canyon MOA (within which R–2306 will be located) had its boundaries modified in December 1999. The airspace circular for the modification (Air Traffic Division Letter to Airmen No. 98–03; Study No. 98–ANM–001–NR) stated the MOA “would not be scheduled for use between 10:00 p.m. and 7:00 a.m. local.” The Final Environmental Impact Statement (FEIS) states Pinon Canyon MOA's utilization is “low” and that in 2012 had only eight days of activation. AOPA is concerned the proponent's intention may be to activate the existing MOA whenever the restricted area is in use. This issue is not addressed in the FEIS or in the NPRM. The NPRM for the restricted area states, “the area would be required to support approximately five training cycles per year with the longest duration of each cycle being approximately four to five weeks.” AOPA believes the previous statements made in the Letter to Airmen to limit utilization of the MOA may not be honored. AOPA commented that the proponent should continue the overnight embargo on the MOA's utilization and should only activate the MOA when it is explicitly needed to support operations. According to the comment, activating the MOA continuously for five weeks would not be responsible management of the airspace and would have a considerable impact on civil aviation in the area.

The FAA has changed the times of use of Pinon Canyon MOA to “Intermittent by NOTAM 0700 to 2200, daily.” This change ensures the December 1999 amendment is followed as stated in the circular. Additionally, the restricted area time of designation has been amended to “By NOTAM 24 Hours in Advance.”

Differences From the NPRM

Subsequent to publication of the NPRM, it was requested by the FAA charting team to change the order of the lat./long. coordinates to a clockwise direction vice a counter clockwise direction for ease of charting. Additionally, in response to a comment from AOPA, the FAA identified a geographic lat./long. coordinate which was relocated to ensure ample separation from airway V–169. The following restricted area update is incorporated in this action.

The geographic lat./long. coordinates are reversed for a clockwise listing of lat./long. coordinates. Additionally, the

geographic lat./long. coordinate for the point located in the northeast corner of R-2603 has been relocated, so as to not impact use of the airway.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 73 to establish a new restricted area R-2603 at the Pinon Canyon Maneuver Site, near Trinidad, CO. The FAA is also incorporating the restricted area updates noted in the Differences from the NPRM section. The FAA is taking this action to ensure realistic Army training which provides increased ground-to-air, air-to-ground, and air-to-air battle space to increase training capacity and relieve training congestion at Fort Carson. The changes from what was proposed in the NPRM are as follows:

R-2603: The geographic coordinate proposed as “lat. 37°38’33” N., long. 103°35’11” W.” in the boundaries description is deleted and replaced by a point identified as “lat. 37°38’28” N., long. 103°42’40” W.” The legal description of R-2603 was changed from a counter clockwise direction to a clockwise direction.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of establishing restricted area R-2603 within the existing Fort Carson, CO, Pinon Canyon Maneuver Site (PCMS), near Trinidad, CO, qualifies for FAA adoption in accordance with FAA Order 1050.1F, paragraphs 8-2 and 9-2, *Adoption of Other Agencies’ National Environmental Policy Act Documents, and Written Re-evaluations*, and 7400.2L, paragraph 32-2-3. The purpose of creating and utilizing the Restricted Area (RA) is to allow for

increased ground-to-air, air-to-ground, and air-to-air battle space to increase training capacity and relieve training congestion at Fort Carson. The FAA, after conducting an independent review and evaluation of the United States Army’s Final Environmental Impact Statement of the Pinon Canyon Maneuver Site Training and Operations (EIS) and Record of Decision (ROD) for Restricted Area R-2603 at Fort Carson, CO, has determined that the Army’s EIS and its supporting documentation adequately assesses and discloses the environmental impacts of the Proposed Action including evaluation of the establishment of airspace for restricted airspace area R-2603. In March 2013, the Army Environmental Command and Fort Carson released the EIS regarding the Pinon Canyon Maneuver Site (PCMS) Training and Operations located in Colorado. On May 1, 2015, the Army issued their ROD. The Army prepared its EIS and ROD in compliance with NEPA and Army-specific environmental regulations (32 CFR part 651).

Based on the evaluation for potential environmental impact in the Army’s EIS, the FAA, as the Cooperating Agency for the Army’s proposed action, concluded that adoption of the Army’s EIS evaluating the proposed establishment of R-2603 is authorized in accordance with 40 CFR 1506.3, *Adoption*. Accordingly, FAA adopts the Army’s EIS and takes full responsibility for the scope and content that address the FAA’s airspace establishment action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

- 1. The authority citation for part 73 continues to read as follows:

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

§ 73.26 [Amended]

- 2. Section 73.26 is amended as follows:

* * * * *

R-2603 Fort Carson, CO [New]

Boundaries: Beginning lat. 37°22’30” N., long. 104°04’47” W.; to lat. 37°32’27” N., long. 104°06’32” W.; to lat. 37°32’27” N., long. 104°02’15” W.; to lat. 37°33’21” N., long. 103°57’55” W.; to lat. 37°35’59” N., long. 103°57’50” W.; to lat. 37°35’57” N.,

long. 103°54’40” W.; to lat. 37°38’10” N., long. 103°48’47” W.; to lat. 37°38’32” N., long. 103°48’43” W.; to lat. 37°38’28” N., long. 103°42’40” W.; to lat. 37°32’46” N., long. 103°42’46” W.; to lat. 37°21’10” N., long. 103°54’41” W.; to lat. 37°21’15” N., long. 104°02’35” W.; thence to the point of beginning.

Designated altitudes: Surface to but not including 10,000 feet Mean Sea Level (MSL).

Time of designation: By NOTAM 24 hours in advance.

Controlling agency: FAA, Denver ARTCC.

Using agency: Commander, U.S. Army, Fort Carson, CO.

Issued in Washington, DC, on October 3, 2017.

Scott M. Rosenbloom,

Acting Manager, Airspace Policy Group.

[FR Doc. 2017-21794 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA-2017-N-1620]

Medical Devices; Cardiovascular Devices; Classification of the Adjunctive Cardiovascular Status Indicator; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final order entitled “Medical Devices; Cardiovascular Devices; Classification of the Adjunctive Cardiovascular Status Indicator” that appeared in the **Federal Register** of July 28, 2017. The final order was published with an incorrect statement in the preamble about whether FDA planned to exempt the device from premarket notification requirements. This document corrects that error.

DATES: Effective October 10, 2017.

FOR FURTHER INFORMATION CONTACT:

Nathalie Yarkony, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1254, Silver Spring, MD 20993-0002, Nathalie.yarkony@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 28, 2017 (82 FR 35065), FDA published the final order “Medical Devices; Cardiovascular Devices; Classification of the Adjunctive Cardiovascular Status Indicator.” The final order published with an incorrect statement in the preamble about

whether FDA planned to exempt the device from premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360(k)).

Correction

In the **Federal Register** of July 28, 2017, in FR Doc. 2017-15901, the following correction is made:

On page 35066, at the bottom of the page below table 1, beginning in the first column, the third paragraph is corrected as follows:

“Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k), if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the adjunctive cardiovascular status indicator they intend to market.”

Dated: October 2, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017-21659 Filed 10-6-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2017-0792]

RIN 1625-AA00

Safety Zone; Atlantic Intracoastal Waterway, Camp Lejeune, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Atlantic Intracoastal Waterway in Camp Lejeune, North Carolina in support of military training exercises. This temporary safety zone is intended to restrict vessel traffic from a portion of the Atlantic Intracoastal Waterway between Mile Hammock Bay and Onslow Beach Swing Bridge during military training operations. This action

is intended to restrict vessel traffic on the Atlantic Intracoastal Waterway to protect mariners, vessels, and training exercise participants from the hazards associated with military training operations. Entry of vessels or persons into this safety zone is prohibited unless specifically authorized by the Captain of the Port (COTP) North Carolina or a designated representative.

DATES: This rule is effective from October 10, 2017 through October 30, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0792 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact Petty Officer Matthew Tyson, Waterways Management Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone: 910-772-2221, email: Matthew.I.Tyson@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The Coast Guard was notified of the final dates needed for this rule on August 17, 2017. It is impracticable and contrary to the public interest to delay this action. Waiting for a comment period to run would inhibit the Coast Guards’ ability to protect the public and participants from the dangers associated with the military exercises scheduled from October 10 through October 30, 2017.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. Immediate implementation is required to protect the public and participants from the dangers associated with the military training exercises.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP North Carolina has determined that potential hazards associated with the military exercises scheduled from October 10 through October 30, 2017, is a safety concern for mariners and participants. The military training exercises involve building temporary bridges, crossing with amphibious vehicles, and other military operations on the ICW. These military training activities will block the waterway in a manner that restricts all vessel navigation and movement within this segment of the ICW. This rule is necessary to protect persons and vessels from the potential hazards associated with the military training exercises.

IV. Discussion of the Rule

The safety zone will be enforced on the following dates and times in October 2017:

Date	Time
10th-12th	8 a.m. through 11 a.m. and 1 p.m. through 4 p.m.
13th	9 a.m. through 12 p.m. and 1 p.m. through 4 p.m.
18th	8 a.m. through 12 p.m.
24th	8 a.m. through 12 p.m. and 1 p.m. through 4 p.m.
25th-26th	9 a.m. through 1 p.m. and 2 p.m. through 5 p.m.
27th-28th	7 a.m. through 5 p.m.
29th-30th	7 a.m. through 11 a.m.

The safety zone will include all navigable waters of the ICW from Mile Hammock Bay, approximate position 34°32'46" N., 77°19'17" W., to Onslow Beach Swing Bridge approximate position 34°34'25" N., 77°16'14" W. (NAD 1983), an approximately four mile portion of the ICW. The duration of this zone is intended to protect mariners from the hazards associated with military training operations. No vessel or person will be permitted to enter the safety zone unless specifically authorized by the Captain of the Port North Carolina or a designated representative. The regulatory text appears at the end of this document.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will not be allowed to enter or transit a portion of the ICW for up to 10 hours on 12 separate days. The Coast Guard will issue a Local Notice to Mariners and transmit a Broadcast Notice to Mariners via VHF-FM marine channel 16 regarding the safety zone. This portion of the ICW has been determined to be a low traffic area. Vessels needing to transit the area during these times can safely transit offshore using New River Inlet to the south and Browns Inlet to the north. This rule does not allow vessels to request permission to enter the safety zone.

B. Impact on Small Entities

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

While the precise number of small entities impacted is unknown, the ICW has a low number of vessels transiting the area planned for the safety zone during the enforcement period.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting for up to 10 hours on 12 separate days that would prohibit entry into an approximately four mile portion of the ICW for military training exercises. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0792 to read as follows:

§ 165.T05–0792 Safety Zone, Atlantic Intracoastal Waterway; Camp Lejeune, NC.

(a) *Location.* The following area is a safety zone: All waters on the Atlantic Intracoastal Waterway, from approximate position 34°32'46" N., 77°19'17" W. to 34°34'25" N., 77°16'14" W. (NAD 1983) at Camp Lejeune, NC.

(b) *Definitions.* As used in this section, “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone. “Captain of the Port” means the Commander, Sector North Carolina. “Participants” means persons and vessels involved in support of a military exercise.

(c) *Regulations.* (1) The general regulations governing safety zones in § 165.23 apply to the area described in paragraph (a) of this section.

(2) With the exception of participants, entry into or remaining in this safety zone is prohibited unless authorized by the Captain of the Port, North Carolina or designated representative(s).

(3) All vessels within this safety zone when this section becomes effective must depart the zone immediately.

(4) The Captain of the Port, North Carolina can be reached through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina at telephone number 910–343–3882.

(5) The Coast Guard and designated security vessels enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 MHz) and channel 16 (156.8 MHz).

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

(e) *Enforcement periods.* This section will be enforced on the following dates and times in October 2017:

Date	Time
10th–12th	8 a.m. through 11 a.m. and 1 p.m. through 4 p.m.
13th	9 a.m. through 12 p.m. and 1 p.m. through 4 p.m.

Date	Time
18th	8 a.m. through 12 p.m.
24th	8 a.m. through 12 p.m. and 1 p.m. through 4 p.m.
25th–26th	9 a.m. through 1 p.m. and 2 p.m. through 5 p.m.
27th–28th	7 a.m. through 5 p.m.
29th–30th	7 a.m. through 11 a.m.

Dated: October 3, 2017.

Bion B. Stewart,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2017–21709 Filed 10–6–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0092, FRL–9968–97–Region 9]

Approval and Promulgation of Air Quality Implementation Plans; Arizona; Regional Haze State and Federal Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a source-specific revision to the Arizona state implementation plan (SIP) that provides an alternative to Best Available Retrofit Technology (BART) for the Coronado Generating Station (“Coronado”), owned and operated by the Salt River Project Agricultural Improvement and Power District (SRP). The EPA has determined that the BART alternative for Coronado would provide greater reasonable progress toward natural visibility conditions than BART, based on the criteria established in the EPA’s Regional Haze Rule. In conjunction with this approval, we are withdrawing those portions of the federal implementation plan (FIP) that address BART for Coronado. We are also codifying the removal of those portions of the Arizona SIP that have either been superseded by this approval of the SIP revision for Coronado or by previously-approved revisions to the Arizona SIP.

DATES: This rule is effective November 9, 2017.

ADDRESSES: The EPA has established Docket ID No. EPA–R09–OAR–2017–0092 for this action. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential

Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Krishna Viswanathan, EPA, Region IX, Air Division, Air Planning Office, (520) 999–7880 or viswanathan.krishna@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us,” and “our” refer to the EPA.

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- II. Proposed Action
- III. Public Comments and EPA Responses
- IV. Final Action
- V. Environmental Justice Considerations
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- VII. Statutory and Executive Order Reviews

I. General Information

Definitions

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

- The initials *ADEQ* mean or refer to the Arizona Department of Environmental Quality.
- The words *Arizona* and *State* mean the State of Arizona.
- The word *Coronado* refers to the Coronado Generating Station.
- The initials *BART* mean or refer to Best Available Retrofit Technology.
- The initials *BOD* mean or refer to boiler operating day.
- The term *Class I area* refers to a mandatory Class I Federal area.¹
- The initials *CAA* mean or refer to the Clean Air Act.
- The words *EPA*, *we*, *us*, or *our* mean or refer to the United States Environmental Protection Agency.
- The initials *FIP* mean or refer to federal implementation plan.
- The initials *lb/MMBtu* mean or refer to pounds per million British thermal units.
- The initials *NAAQS* mean or refer to National Ambient Air Quality Standards.

¹ Although states and tribes may designate as Class I additional areas which they consider to have visibility as an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to mandatory Class I Federal areas. When we use the term “Class I area” in this action, we mean a “mandatory Class I Federal area.”

- The initials *NO_x* mean or refer to nitrogen oxides.
- The initials *PM* mean or refer to particulate matter, which is inclusive of *PM₁₀* (particulate matter less than or equal to 10 micrometers) and *PM_{2.5}* (particulate matter less than or equal to 2.5 micrometers).
- The initials *SCR* mean or refer to selective catalytic reduction.
- The initials *SIP* mean or refer to state implementation plan.
- The initials *SO₂* mean or refer to sulfur dioxide.
- The initials *SRP* mean or refer to the Salt River Project Agricultural Improvement and Power District.
- The initials *tpy* mean or refer to tons per year.

II. Proposed Action

On April 27, 2017, the EPA proposed to approve a revision to the Arizona Regional Haze SIP for Coronado (“Coronado SIP Revision”)² that provides an alternative to BART for Coronado (“Coronado BART Alternative”).³ The Coronado SIP Revision and BART Alternative consist of an interim operating strategy (“Interim Strategy”) that will take effect on December 5, 2017, and a final operating strategy (“Final Strategy”) that will take effect no later than December 31, 2025. The Coronado BART Alternative was submitted pursuant to provisions of the Regional Haze Rule that allows states to adopt alternative measures in lieu of source-specific BART controls if they can demonstrate that the alternative measures provide greater reasonable progress towards natural visibility conditions than BART.⁴

The Interim Strategy includes three different operating options, each of which requires a period of seasonal curtailment (*i.e.*, temporary closure) for Unit 1. Each year, SRP must select and implement one of the three options based on the nitrogen oxides (*NO_x*)

emissions performance of Unit 1 and the sulfur dioxide (*SO₂*) emissions performance of Units 1 and 2 in that year. In addition, under each option, the facility must comply with an annual *SO₂* emissions cap of 1,970 tons per year (tpy) from Unit 1 and Unit 2 effective beginning in 2018. The Final Strategy in the Coronado SIP Revision requires the installation of selective catalytic reduction (SCR) on Unit 1 (“SCR Option”) or the permanent cessation of operation of Unit 1 (“Shutdown Option”) no later than December 31, 2025. SRP is required to notify ADEQ and the EPA of its selection of either the SCR Option or the Shutdown Option by December 31, 2022. The Final Strategy includes two additional features: An *SO₂* emission limit of 0.060 lb/MMBtu, calculated on a 30-boiler operating day (BOD) rolling average, which applies to Unit 2 (as well as Unit 1 if it continues operating), and an annual *SO₂* emissions cap of either 1,970 tpy from Unit 1 and Unit 2, if both units continue operating, or 1,080 tpy if Unit 1 shuts down. ADEQ incorporated the revised emission limits, as well as associated compliance deadlines and monitoring, recordkeeping, and reporting requirements, as a permit revision to Coronado’s existing Operating Permit, which was submitted as part of the Coronado SIP Revision (“Coronado Permit Revision”).⁵

We proposed to approve the Coronado SIP Revision because in our assessment it complied with the relevant requirements of the CAA and the Regional Haze Rule. In particular, we proposed to find that the Coronado BART Alternative would achieve greater reasonable progress towards natural visibility conditions than would be achieved through the installation and operation of BART at Coronado.⁶ Because this approval would fill the gap in the Arizona Regional Haze SIP left by the EPA’s prior partial disapproval with respect to Coronado, we also proposed to withdraw the provisions of the

Arizona Regional Haze FIP that apply to Coronado. Finally, we proposed revisions to 40 CFR part 52 to codify the removal of those portions of the Arizona Regional Haze SIP that have either been superseded by previously-approved revisions to the Arizona SIP or would be superseded by final approval of the Coronado SIP Revision.

III. Public Comments and EPA Responses

The EPA’s proposed action provided a 45-day public comment period. During this period, we received comment letters from Earthjustice (on behalf of the Sierra Club and the National Parks Conservation Association),⁷ Environmental Defense Fund (EDF),⁸ SRP,⁹ and two anonymous commenters. Summaries of significant comments and our responses are provided below.

Comments From Non-Governmental Organizations

Comment: Earthjustice argued that the EPA should not approve the Coronado BART Alternative because ADEQ and SRP’s rationale for replacing the original BART determination with the BART Alternative is now invalid. Citing several administrative law cases, the commenter stated that the EPA must provide a valid rationale for issuing any regulation, including an approval or disapproval of a SIP, given that standard Administrative Procedure Act (APA) requirements apply to such actions. The commenter noted that both ADEQ and SRP had indicated that the purpose of the Coronado BART Alternative was to delay Unit 1’s BART obligations until SRP knew whether it would choose to retire Coronado to comply with the Clean Power Plan (CPP). In particular, the commenter cited statements in the Coronado SIP Revision that referred to regulatory uncertainty related to the CPP. The commenter noted that the “EPA and the new administration have taken multiple actions to indefinitely suspend and review the [CPP]” and asserted that these actions undercut ADEQ’s rationale for replacing the original BART determination with the Coronado BART Alternative.

Earthjustice acknowledged that the EPA did not discuss the CPP in our proposal. However, citing *Arizona v. EPA*, 815 F.3d 519, 531 (9th Cir. 2016),

⁷ Letter from Michael Hiatt, Earthjustice, to Krishna Viswanathan, EPA (June 12, 2017) (“Earthjustice comment letter”).

⁸ Letter from Bruce Polkowsky and Graham McCahan, EDF, to Krishna Viswanathan, EPA (June 12, 2017) (“EDF comment letter”).

⁹ Letter from Kelly Barr, SRP, to Krishna Viswanathan, EPA (June 12, 2017) (“SRP comment letter”).

² As noted in our proposal, the Coronado SIP Revision includes both the original version of the revision (dated July 19, 2016) that was proposed by the Arizona Department of Environmental Quality (ADEQ) for public comment, and an addendum (“Addendum” dated November 10, 2016), in addition to various supporting materials. The Addendum documents changes to the Coronado BART Alternative since ADEQ’s July 19, 2016 proposal. Unless otherwise specified, references in this document to the Coronado SIP Revision include both of these documents, as well as the other materials included in ADEQ’s submittal.

³ 82 FR 19333. Please refer to the notice of proposed rulemaking for background information concerning the CAA, the Regional Haze Rule, and the Arizona Regional Haze SIP and FIP, and a detailed analysis of the Coronado BART Alternative.

⁴ 40 CFR 51.308(e)(2) and (3).

⁵ Coronado SIP Revision, Appendix B, Permit No. 64169 as amended by Significant Revision to operating permit No. 63088 (December 14, 2016). The provisions implementing the Coronado BART Alternative are incorporated in Attachment E to the permit. Attachment E will become effective under State law on the date of the EPA’s final action to approve Attachment E into the Arizona SIP and rescind the provisions of the Arizona Regional Haze FIP that apply to Coronado. *Id.* Attachment E, section I.A.

⁶ For purposes of our evaluation, we consider BART for Coronado to consist of a combination of (1) ADEQ’s BART determinations for *PM₁₀* and *SO₂*, which were approved into the applicable SIP, and (2) the EPA’s BART determination for *NO_x* in the 2016 BART Reconsideration (collectively the “Coronado BART Control Strategy”). See 82 FR 19337.

in which the Ninth Circuit upheld the EPA's disapproval of ADEQ's original NO_x BART determination for Coronado, the commenter asserted that, "if ADEQ's plan is based on an invalid rationale it is unreasonable, and EPA's approval of the plan would also necessarily be unreasonable and arbitrary." The commenter argued that the "EPA cannot cure this fatal flaw with the BART alternative by attempting to come up with other rationales for the alternative in response to these comments."

Earthjustice further asserted that ADEQ should "propose a new BART revision that is based on a valid rationale." The commenter also noted that SRP could comply with the existing BART determination by shutting down Unit 1 and asserted that "this result would be consistent with other recent decisions across Arizona to shut down coal plants or switch them to gas."

Response: We agree with the commenter that APA requirements generally apply to the EPA's approval or disapproval of a SIP revision and that we must provide a reasoned justification for such actions.¹⁰ We also agree with the commenter that both ADEQ and SRP previously indicated that the Coronado BART Alternative was developed to align SRP's compliance obligations under the CPP and the Regional Haze Rule.

In reviewing a SIP submittal, however, the EPA's role is to evaluate whether the submittal meets the applicable requirements of the CAA and the EPA's regulations. If these requirements are met, the EPA must approve the submittal.¹¹ As noted by the commenter, "the EPA does not usurp a state's authority but ensures that such authority is reasonably exercised."¹² However, the state's underlying motivation in submitting the SIP revision, which the commenter refers to as the state's "rationale" is not one of the elements that the EPA is required to evaluate under the CAA. Therefore, in acting on the Coronado SIP Revision, we have not considered the state's motivation in developing the SIP revision. Rather, as described in our

¹⁰ We note that the EPA is issuing this final rule under section 307(d) of the CAA, which provides that: "[t]he provisions of section 553 through 557 . . . of [the APA] shall not, except as expressly provided in this section, apply to actions to which [CAA section 307(d)] applies." 42 U.S.C. 7607(d)(1). Nonetheless, pursuant to CAA section 307(d)(9)(A), the same arbitrary-and-capricious standard of review applies to an action under 307(d) as to an action subject to the APA.

¹¹ See CAA section 110(k)(3), 42 U.S.C. 7410(k)(3) ("[T]he Administrator shall approve such submittal as a whole if it meets all of the applicable requirements of [the CAA].") (emphasis added)).

¹² 82 FR 15139, 15142 (March 27, 2017).

proposal and elsewhere in this document, we have evaluated the Coronado SIP Revision in relation to the relevant requirements of the CAA and the EPA's regulations, and we have determined that it meets all of these requirements. In particular, the Coronado SIP Revision includes detailed and technically sound analyses supporting the State's determination that the Coronado BART Alternative would provide greater reasonable progress toward natural visibility conditions than BART. In contrast to the flawed analyses underlying ADEQ's original NO_x BART determination for Coronado, which we disapproved, the analyses supporting the Coronado BART Alternative were both "reasoned [and] moored to the [Act]'s provisions,"¹³ for the reasons explained in our proposal and elsewhere in this document. Therefore, the commenter's reliance on the decision of the Ninth Circuit in *Arizona v. EPA*, which upheld that prior disapproval, is misplaced.

Furthermore, the State's analyses supporting its determination of greater reasonable progress do not rely on the requirements of the CPP or any uncertainty related to those requirements. While the State included a discussion of the CPP in its proposed SIP revision to explain the proposed compliance schedule for the Coronado BART Alternative,¹⁴ the Addendum, which reflects the final requirements of the Coronado SIP Revision, includes a different compliance schedule and no mention of the CPP.

Finally, while the commenter is correct that SRP could choose to comply with the existing BART determination for Coronado Unit 1 by simply shutting down that unit, this fact has no bearing on the approvability of the Coronado SIP Revision. Likewise, the fact that the owners of units of other coal plants in Arizona have chosen to shut down units or switch them to natural gas is not pertinent to the current action.¹⁵

¹³ *Arizona v. EPA*, 815 F.3d 519, 531 (9th Cir. 2016) (quoting *North Dakota v. EPA*, 730 F.3d 750, 761 (8th Cir. 2013)).

¹⁴ See Coronado SIP Revision (July 19, 2016), at 2–3.

¹⁵ We also note that, contrary to the commenters' suggestion, none of the cited examples involve a shutdown or switch to gas to comply with the original BART determination for the facility. The switch to natural gas at Apache Generating Station Unit 2 is part of a BART alternative that replaced the original BART determinations for that facility. See 80 FR 19220 (April 10, 2017). The closure of Cholla Generating Station Unit 2 and cessation of coal burning at Units 3 and 4 are part of a BART reassessment that replaced the original BART determinations for that facility. See 82 FR 15139 (March 27, 2017). Finally, as noted by the commenter, the possible closure of Navajo Generating Station is due to economic factors. See,

Comment: EDF and Earthjustice both objected to the EPA's and ADEQ's reliance on the two-prong modeling test under 40 CFR 51.308(e)(3) to demonstrate that the Interim Strategy would achieve greater reasonable progress than the Coronado BART Alternative. The commenters noted that 40 CFR 51.308(e)(3) outlines two different tests for evaluating whether a BART alternative achieves greater reasonable progress than BART. In particular, 40 CFR 51.308(e)(3) provides that:

If the distribution of emissions is not substantially different than under BART, and the alternative measure results in greater emission reductions, then the alternative measure may be deemed to achieve greater reasonable progress. If the distribution of emissions is significantly different, the State must conduct dispersion modeling to determine differences in visibility between BART and the trading program for each impacted Class I area, for the worst and best 20 percent of days. The modeling would demonstrate "greater reasonable progress" if both of the following two criteria are met:

(i) Visibility does not decline in any Class I area, and

(ii) There is an overall improvement in visibility, determined by comparing the average differences between BART and the alternative over all affected Class I areas.¹⁶

The commenters noted that the EPA has consistently interpreted the term "distribution" under the first test in 40 CFR 51.308(e)(3) (the "emissions-reduction test") to refer to geographic distribution. Citing to prior EPA rulemaking actions, EDF stated that the "EPA has traditionally applied the modeling test only in cases where 'the distribution of emissions is significantly different' between BART and the BART alternative." Earthjustice further asserted that, "[w]hen deciding which 'Better than BART' test applies, the determinative factor is whether the distribution of emissions between the alternative and BART is substantially different." The commenters also noted that, in our proposal to approve the Coronado BART Alternative, we again interpreted "distribution" to refer to geographic distribution when we proposed to determine that the Final Strategy would not result in a substantially different distribution of emissions from BART. However, the commenters suggested that, by proposing to approve ADEQ's use of the two-prong modeling test, rather than the emissions-reduction test, to evaluate the Interim Strategy, the EPA was

e.g., Ryan Randazzo, Utilities vote to close Navajo coal plant at end of 2019, Arizona Republic (February 13, 2017).

¹⁶ 40 CFR 51.308(e)(3).

improperly applying a different interpretation of “distribution” to the Interim Strategy.

Earthjustice further asserted that the Coronado BART Alternative “fails” the emissions-reduction test, which it characterized as the “correct” test to apply in this instance. Citing the difference in total NO_x, SO₂, and PM₁₀ emissions for each of the Interim Strategy scenarios compared with BART, Earthjustice stated that each of the Interim Strategy options “will result in greater overall air pollution than BART for eight years after the December 2017 BART compliance deadline.” For this reason, the commenter concluded that the Coronado BART Alternative is not “Better than BART” and that the EPA should disapprove it.

Response: We agree with the commenters that the EPA’s long-standing interpretation of 40 CFR 51.308(e)(3) is that, if the geographic distribution of emissions is the same under the BART alternative and BART, then the emissions distribution is not substantially different.¹⁷ However, as explained further below, we do not agree with the commenters that the distribution of emissions is a determinative factor, such that if the distribution of emissions under the BART alternative is not substantially different than under BART, then the alternative *must* be evaluated using the emissions-reduction test. We also do not agree that the EPA has previously interpreted 40 CFR 51.308(e)(3) to include such a requirement. Accordingly, contrary to the commenters’ assertions, we have not departed from our long-standing interpretation in evaluating the Coronado SIP Revision.

As an initial matter, we note that under 40 CFR 51.308(e)(2)(i)(E), a SIP revision establishing a BART alternative must include a determination under 40 CFR 51.308(e)(3) *or* otherwise based on the clear weight of evidence that the alternative achieves greater reasonable progress than BART. Thus, a state (or the EPA in promulgating a FIP) always has the option to make a “clear weight of evidence” demonstration rather than choosing either of the two options under 40 CFR 51.308(e)(3).¹⁸

If a state does elect to make a demonstration under 40 CFR

51.308(e)(3), the first test (the emissions-reductions test) provides the option to make a demonstration without the need for dispersion modeling when two conditions are satisfied: (1) “the distribution of emissions is not substantially different than under BART” *and* (2) “the alternative measure results in greater emission reductions.”¹⁹ If the first condition is *not* satisfied (and the state has opted to make a demonstration under 40 CFR 51.308(e)(3) rather than a weight-of-evidence demonstration), then 40 CFR 51.308(e)(3) provides that the state *must* make a demonstration under the two-prong modeling test.²⁰ By contrast, 40 CFR 51.308(e)(3) does *not* indicate that a state *must* apply the emissions-reduction test whenever the first condition of the emissions-reduction test is satisfied. Thus, a state may choose to apply the two-prong modeling test even if it determines that the first condition of the emissions-reductions test is satisfied.

None of the examples of prior EPA actions cited by the commenters indicate that the EPA has previously interpreted 40 CFR 51.308(e)(3) to *require* use of the emissions-reduction test whenever the first condition of that test is satisfied. Rather, the examples demonstrate that states and the EPA have *generally* applied the emissions-reduction test where *both* conditions of that test were clearly satisfied.²¹ However, in other instances, states and the EPA have made a weight-of-evidence demonstration when the first condition of the emissions-reduction test was satisfied, but it was not clear whether the second condition was satisfied. For example, in 2015 we approved a weight-of-evidence demonstration submitted by ADEQ for a BART alternative at the Apache Generating Station (“Apache BART Alternative”).²² In that case, all of the emissions were from a single facility, so the first condition of the emissions-reduction test was satisfied. However, as with the Coronado BART Alternative, the Apache BART Alternative was expected to result in greater NO_x emissions but lower emissions of SO₂ and PM₁₀ compared with BART.²³ We found that, “[i]n this situation, where BART and the BART Alternative result in reduced emissions of one pollutant

but increased emissions of another, it is not appropriate to use the ‘greater emissions reductions’ test under 40 CFR 51.308(e)(3).”²⁴ Similarly, when evaluating a BART alternative for the Tesoro Refinery in Anacortes, Washington, we determined that, even though all of the emissions were from a single facility, modeling was needed “to assess whether the visibility improvement from the BART Alternative’s SO₂ emission reductions would be greater than the visibility improvement from the BART NO_x reductions.”²⁵ Likewise, when evaluating a proposed BART alternative for the Four Corners Power Plant, the EPA considered the weight of evidence, including visibility modeling, even though all emissions were from a single facility.²⁶

In evaluating the Coronado BART Alternative, we have followed our long-standing interpretation of 40 CFR 51.308(e)(3) that, if the geographic distribution of emissions is the same under the BART alternative and BART, then the emissions distribution is not substantially different. With regard to the Final Strategy, we found that the distribution of emissions would not be substantially different than under BART because all emissions under both scenarios were from Coronado. Furthermore, under the Final Strategy, emissions of each pollutant would be lower than or equal to BART, and the collective emissions from the facility would be lower than BART.²⁷ This allowed us to use the emissions-reduction test to confirm that the Final Strategy would ensure greater reasonable progress than BART.

In our proposal, we did not evaluate the Interim Strategy under the emissions-reduction test because ADEQ did not make a demonstration under this test. Therefore, we had no cause to consider whether the two conditions of that test were satisfied. Nonetheless, in response to the commenters’ concerns,

²⁴ 80 FR 19221.

²⁵ 78 FR 79344, 79355 (December 30, 2013).

²⁶ See 76 FR 10530, 10534 (February 25, 2011) (“EPA is proposing to find, based on the weight of evidence, that [the proposed alternative] will result in greater reasonable progress towards the national visibility goal under section 169A(b)(2) than EPA’s October 19, 2010 BART proposal” and 10537 (discussing modeling results, even though the alternative could be deemed to result in greater reasonable progress based on the emissions-reduction test)).

²⁷ As explained in our proposal, while the Final Strategy by itself would not meet the requirements for a BART alternative, we considered whether the Final Strategy would provide for ongoing visibility improvement, as compared with BART, by evaluating whether the Final Strategy meets both conditions of the emissions-reduction test under 40 CFR 51.308(e)(3). 82 FR 19342.

¹⁷ As noted by the conservation organizations, the Ninth Circuit recently upheld this interpretation as reasonable. *Yazzie v. EPA*, 851 F.3d 960, 973 (9th Cir. 2017).

¹⁸ See *WildEarth Guardians v. EPA*, 770 F.3d 919, 935–37 (10th Cir. 2014) (recognizing that a state may choose to make a demonstration under 40 CFR 51.308(e)(3) or under a weight-of-evidence approach).

¹⁹ 40 CFR 51.308(e)(3).

²⁰ *Id.* (“If the distribution of emissions is significantly different, the State *must* conduct dispersion modeling” (emphasis added)).

²¹ This general trend is unsurprising, given that the emissions-reduction test demands less time and effort as it does not require modeling.

²² 80 FR 19220 (April 10, 2015).

²³ *Id.* at 19221.

we wish to clarify that the same interpretation of “distribution of emissions” would apply to the Interim Strategy. Because all of the emissions under the Interim Strategy and BART are from Coronado, the distribution of emissions would not be substantially different under the two scenarios, so the first condition of the test is satisfied. Regarding the second condition of the emissions-reduction test, ADEQ found that the Interim Strategy would result in greater NO_x emissions, but lower emissions of SO₂ and PM₁₀ compared with BART.²⁸ Contrary to Earthjustice’s suggestion, ADEQ did not determine that the Interim Strategy “fails” the emissions-reduction test. Rather, ADEQ found that the Interim Strategy would not necessarily achieve greater emissions reductions than BART.²⁹ Furthermore, while the commenters point to the difference in total NO_x, SO₂, and PM₁₀ emissions for each of the Interim Strategy scenarios compared with BART, we do not consider this comparison to be useful. As we explained in evaluating a proposed BART alternative submitted by Utah:

We have not considered a total emissions profile that combines emissions of multiple pollutants to determine whether BART or the alternative is “better,” except where every visibility impairing pollutant is reduced by a greater amount under the BART alternative. A comparison of mass emissions from multiple pollutants (such as NO_x and SO₂) is not generally informative, particularly in assessing whether the alternative approach provides for greater reasonable progress towards improving visibility. Instead, when emissions of one or more pollutants increases under an alternative, EPA has given the most weight to the visibility impacts based on air quality modeling and used modeling to determine whether or not a BART Alternative measure that relies on interpollutant trading results in greater reasonable progress.³⁰

Accordingly, we do not agree with the commenters that the Coronado BART Alternative “fails” the emissions-reduction test. Rather, we find that the emissions-reduction test is not the appropriate test to evaluate the Interim Strategy of the Coronado BART Alternative, and it was appropriate and reasonable for the State to apply the two-prong modeling test to evaluate the Interim Strategy.

Comment: Earthjustice argued that the Coronado BART Alternative violates CAA section 110(I)’s anti-backsliding requirement because it weakens the existing BART determination for Coronado. Quoting CAA section 110(I)

and citing several court cases interpreting that provision, the commenter stated that section 110(I) “prohibits plan revisions that would interfere with an existing BART determination” and that the “EPA’s common sense interpretation of section 110(I) is that it prevents plan revisions that backslide or weaken an existing Clean Air Act requirement by increasing overall air pollution or causing worse air quality.” The commenter asserted that the Coronado BART Alternative weakens the existing BART determination for Coronado because it would result in increased air pollution and cause worse visibility impairment at multiple Class I areas in the years 2018 through 2025 and therefore violates section 110(I).

The commenter further argued that the EPA improperly based our 110(I) analysis on our determination that the Coronado BART Alternative would result in greater reasonable progress than BART. The commenter re-asserted its claim that the Coronado BART Alternative is not “Better than BART” because it “fails” the emissions-reduction test. Earthjustice also argued that, “[b]ecause the purposes of a BART alternative and section 110(I) are distinct and a BART alternative may perform worse than BART in some respects, it is unreasonable to use the ‘Better than BART’ test as the sole criterion for whether an alternative complies with section 110(I).”

Earthjustice further noted that ADEQ was not choosing between BART and a BART alternative for Coronado in the first instance, but was instead replacing an existing BART determination that had been fully litigated and in place for four and a half years. They argued that, under these circumstances, section 110(I) requires the EPA to independently determine whether the alternative weakens the existing BART determination, and the EPA cannot rely on the “Better than BART” test as the sole criterion for whether an alternative complies with section 110(I).

Finally, the commenter made several points related to the EPA’s approval of a SIP revision that established a new BART determination for Cholla Generating Station (“Cholla BART Reassessment”). Noting certain similarities between the Coronado BART Alternative and the Cholla BART Reassessment, the commenter argued that the EPA had improperly “applied a completely different rationale and analysis when determining whether the two BART revisions complied with section 110(I) for regional haze purposes.” The commenter also criticized the EPA’s responses to

comments on section 110(I) issues related to the Cholla BART Reassessment and asserted that the EPA “should not attempt to justify the Coronado BART alternative on similar grounds.” In particular, the commenter asserted that the EPA had (1) conflated its section 110(I) analysis regarding NAAQS attainment with its section 110(I) analysis regarding Cholla’s existing regional haze requirements, (2) unreasonably dismissed the relevant section 110(I) case law, and (3) incorrectly relied, in part, on post-2025 emissions reductions from Cholla to justify why the plan complied with section 110(I).

Response: We do not agree that the Coronado SIP Revision violates CAA section 110(I). As explained further below, the commenter has mischaracterized the requirements of section 110(I) and the EPA’s interpretation of those requirements. Neither the statutory language nor the case law cited by the commenter support the commenter’s interpretation that a SIP revision that allows for additional air emissions or less stringent requirements than the existing plan *per se* constitutes a violation of CAA section 110(I).

Section 110(I) prohibits the EPA from approving a SIP revision “if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in [CAA section 171]), or any other applicable requirement of [the CAA].”³¹ This language does not prohibit the EPA from approving *any* SIP revision that weakens the existing plan’s requirements or allows for an increase in emissions of a particular pollutant, nor has the EPA interpreted section 110(I) in this manner. The EPA’s evaluation of whether a noninterference determination can be made under section 110(I) is a case-by-case assessment based on the specific facts and circumstances at issue. The commenter has selectively quoted from the EPA’s prior actions and court cases concerning those actions in order to support their position. In particular, the commenter asserts that, “in *Kentucky Resources Council, Inc. v. EPA*, 467 F.3d 986 (6th Cir. 2006), EPA interpreted section 110(I) as allowing the agency to approve a plan revision that weakened some existing control measures while strengthening others, but only ‘[a]s long as actual emissions in the air are not increased.’” However, the context for the quote makes clear that the EPA was not referring to a blanket prohibition on increases in emissions. Rather, we were

³¹ 42 U.S.C. 7410(I).

²⁸ 82 FR 19338.

²⁹ Coronado SIP Revision, Addendum page 4.

³⁰ 81 FR 2004, 2028 (January 14, 2016) (internal citations and quotations omitted).

describing our interpretation of section 110(I) as applied to a SIP revision that substituted emissions reductions to make up for increased emissions resulting from moving an existing control measure to a contingency measure. We determined that we could approve this change without requiring an attainment demonstration, explaining that:

Prior to the time when the control strategy SIP revisions are due, to demonstrate no [interference] with any applicable NAAQS or requirement of the Clean Air Act under section 110(I), EPA has interpreted this section such that States *can* substitute equivalent (or greater) emissions reductions to compensate for the control measure being moved from the regulatory portion to the contingency provisions. As long as actual emissions in the air are not increased, EPA believes that equivalent (or greater) emissions reductions *will be acceptable* to demonstrate non-interference.³²

Thus, in the circumstances presented in that case, we found that, rather than submit a new attainment demonstration, the state could instead substitute one measure for another with equivalent or greater emissions reductions/air quality benefit in order to demonstrate noninterference with attainment, maintenance, and reasonable further progress (RFP) requirements. However, the EPA has never indicated that such a substitution approach is required in all cases. In some cases, states can provide an air quality analysis, typically based on modeling, showing that removing a particular control measure will not interfere with attainment, maintenance, or RFP requirements.³³ Additionally, a modeling-based demonstration of non-interference with these requirements may be possible where increases in one pollutant are offset by decreases in another pollutant and the modeling analysis shows that the decreases will provide at least equivalent air quality benefits for each affected NAAQS.³⁴

The cases cited by the commenter also fail to support the commenter's interpretation. In *Kentucky Resources Council*, the court upheld the EPA's decision that a new attainment demonstration was not required in order to show that the SIP revision would not interfere pursuant to section 110(I).³⁵ Thus, the examination of whether the SIP revision would "worsen air quality"

was based on whether the area, which was designated as a nonattainment area for the relevant NAAQS, would have more difficulty in attaining and maintaining the NAAQS with the SIP revision—not, as the commenter argues here, whether the SIP revision would simply result in increased emissions. Similarly, the *Ala. Envtl. Council v. EPA*³⁶ and *Indiana v. EPA*³⁷ courts upheld the EPA's interpretation that section 110(I) allows for a substitution approach to demonstrate non-interference with the Act's requirements, but did not hold that an increase in emissions *per se* constituted a violation of section 110(I).

A fourth case cited by the commenter, *Hall v. EPA*,³⁸ concerned the EPA's analysis of non-interference with attainment requirements in a nonattainment area and did not address the Act's other requirements (including visibility protection requirements) or how those requirements apply in attainment areas.³⁹ Thus, the case is not relevant to the commenters' objections, which specifically concern visibility protection requirements.⁴⁰

Two additional cases cited by the commenter concerned regional haze SIP actions, but do not support the commenter's contention that "after EPA approves a BART determination (or other regional haze requirement), the agency cannot later modify the BART determination in a manner that weakens it."⁴¹ *WildEarth Guardians v. EPA*⁴² involved a challenge to a regional haze plan under section 110(I)'s requirements concerning noninterference with attainment and maintenance, which the commenter acknowledges are not of concern in relation to the Coronado SIP Revision.⁴³ In that case, the court found that the petitioner had identified nothing in the SIP revision at issue "that weakens or removes any pollution controls."⁴⁴ Contrary to the commenter's assertion, the court did not suggest that, if the petitioner had identified such a provision, it would necessarily have constituted a violation

of section 110(I). In fact, the court declined to decide if section 110(I) even applied to the plan in question, stating only in dicta that, "even if the SIP merely maintained the status quo, that would not interfere with the attainment or maintenance of the NAAQS."⁴⁵

*Oklahoma v. EPA*⁴⁶ affirmed the EPA's authority to review state BART determinations, based on, among other things, section 110(I). However, contrary to the commenter's suggestion, the *Oklahoma* court did not indicate that individual BART determinations themselves are "applicable requirements" for purposes of section 110(I). Rather, the court found that the underlying statutory requirements concerning visibility protection constitute "applicable requirements."⁴⁷ Accordingly, it is these generally applicable statutory requirements for which a demonstration of non-interference is required.

In this instance, the critical statutory requirement is that the applicable implementation plan "contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal" of preventing any future and remedying any existing visibility impairment in Class I areas due to manmade air pollution.⁴⁸ While measures for achieving "reasonable progress" generally include requirements for source-specific BART determinations,⁴⁹ the EPA has long interpreted CAA section 169A(b)(2) to allow for the adoption of "implementation plan provisions other than those provided by BART analyses in situations where the agency reasonably concludes that more 'reasonable progress' will thereby be attained" because "'reasonable progress' is the overarching requirement that implementation plan revisions under 42 U.S.C. 7491(b)(2) must address."⁵⁰ This interpretation has been upheld by both the Ninth Circuit⁵¹ and the D.C. Circuit⁵² and is reflected in the

³⁶ 711 F.3d 1277, 1293 (11th Cir. 2013).

³⁷ 796 F.3d 803, 812 (7th Cir. 2015).

³⁸ 273 F.3d 1146 (9th Cir. 2001).

³⁹ *Id.* at 1160, n.11 ("Our assessment of the EPA's reasoning does not apply to review of rules governing areas that are in attainment.")

⁴⁰ See Earthjustice comment letter at 22 ("[T]he Conservation Organizations take no issue with EPA's finding that the alternative does not interfere with attainment of the applicable NAAQS.")

⁴¹ *Id.* at 20.

⁴² 759 F.3d 1064 (9th Cir. 2014).

⁴³ See Earthjustice comment letter at 22 ("[T]he Conservation Organizations take no issue with EPA's finding that the alternative does not interfere with attainment of the applicable NAAQS.")

⁴⁴ *WildEarth Guardians*, 759 F.3d at 1074.

⁴⁵ *Id.*

⁴⁶ 723 F.3d 1201, 1204, 1207 (10th Cir. 2013).

⁴⁷ The court specifically noted that the visibility protection provisions of CAA section 169A and 169B are "applicable requirements" for purposes of CAA section 110(a)(2)(I). We agree with the commenter that these requirements are also "applicable requirements" for purposes of section 110(I).

⁴⁸ CAA section 169A(b)(2), 42 U.S.C. 7491(b)(2).

⁴⁹ CAA section 169A(b)(2)(A), 42 U.S.C. 7491(b)(2)(A).

⁵⁰ *Central Arizona Water Conservation District v. EPA*, 990 F.2d 1531, 1543 (9th Cir. 1993).

⁵¹ *Id.*

⁵² *Center for Energy and Economic Development v. EPA*, 398 F.3d 653, 660 (D.C. Cir. 2005); *Utility*

³² 70 FR 28429, 28430 (May 18, 2005) (emphasis added).

³³ See "Demonstrating Noninterference Under Section 110(I) of the Clean Air Act When Revising a State Implementation Plan," 6, 10–11 (June 8, 2005) (Draft Guidance).

³⁴ *Id.* at 8.

³⁵ 467 F.3d 986, 996 (6th Cir. 2006).

“Better than BART” provisions of the Regional Haze Rule that apply to the Coronado SIP Revision.⁵³ Accordingly, in evaluating the Coronado SIP Revision under section 110(I) with respect to the Act’s visibility protection requirements, the relevant question is not whether it would interfere with the BART determination in our FIP, but whether it would interfere with the overall statutory requirement for reasonable progress, as implemented through the “Better than BART” provisions of the Regional Haze Rule. For the reasons explained in our proposal and elsewhere in this document, we have determined that the Coronado SIP Revision satisfies the “Better than BART” requirements of the Regional Haze Rule, meaning that it will result in greater reasonable progress than the existing BART requirements for Coronado. Therefore, the Coronado SIP Revision complies with the Act’s reasonable progress requirements. As such, we do not agree with the commenter that we must apply some separate criterion to determine whether the Coronado SIP Revision would interfere with those same requirements.

Furthermore, even if such a separate evaluation were necessary, we believe that the modeling performed to support ADEQ’s demonstration of greater reasonable progress for the Interim Strategy is adequate to demonstrate non-interference with the Act’s visibility protection provisions.⁵⁴ As noted above, we interpret section 110(I) to allow for a modeling-based demonstration of non-interference with attainment, maintenance, and RFP requirements where increases in one pollutant are offset by decreases in another pollutant and the modeling analysis shows that the decreases will provide at least equivalent air quality benefits for each affected NAAQS.⁵⁵ Similarly, such a modeling demonstration is appropriate to demonstrate non-interference with visibility protection requirements when reductions of one or more pollutants (in the case of the Interim Strategy, SO₂ and PM) are being substituted for reductions of another pollutant (in the case of the Interim Strategy, NO_x). As described in

our proposal and elsewhere in this document, the modeling submitted with the Coronado SIP Revision demonstrates that the Interim Strategy will result in improved visibility at all affected Class I areas compared with 2014 Baseline Emissions (prong 1) and will result in improved visibility, on average, across all Class I areas, compared with BART on both the 20% best and worst days (prong 2).⁵⁶ As the commenter noted, the modeling indicates that visibility improvement at certain Class I areas will be slightly less under the Interim Strategy as compared with BART between 2018 and 2025. However, we do not believe that a temporary decrease in the rate of improvement at these areas constitutes “interference” with the Act’s visibility protection requirements, given that it is accompanied by a greater improvement at other Class I areas. As the D.C. Circuit has explained, “nothing in [CAA] § 169A(b)’s ‘reasonable progress’ language requires at least as much improvement at each and every individual area as BART itself would achieve (much less improvement at each area at every instant)”⁵⁷ Furthermore, once the Final Strategy is implemented by 2026, we anticipated that there will be greater improvement across all Class I areas compared to BART.⁵⁸ Therefore, we conclude that the Coronado SIP Revision will not interfere with the CAA’s visibility protection requirements.

The commenters’ statements regarding the Cholla BART Reassessment are out of the scope of today’s action. That action was a separate analysis based on the facts and circumstances of that SIP revision, which we finalized on March 17, 2017. We also do not agree with the commenter that we improperly applied a different rationale and analysis when determining whether the Coronado BART Alternative and the Cholla BART Reassessment complied with section 110(I). In both cases, we considered whether the relevant SIP revision would interfere with the applicable statutory requirements.⁵⁹ However, despite some similarities between the two SIP revisions, they are not subject to all the same statutory requirements, so the respective section 110(I) analyses necessarily differ in some respects. In

particular, because the Cholla BART Reassessment was a BART determination, we considered whether it met the CAA’s BART requirements, as well as whether it was consistent with the CAA’s long-term national goal of restoring natural visibility conditions at Class I areas.⁶⁰ Because the CAA’s BART requirements do not apply to a BART alternative,⁶¹ we did not consider them in reviewing the Coronado SIP Revision under section 110(I). Rather, as explained above, we have considered whether the Coronado SIP Revision is consistent with the CAA requirement for reasonable progress toward the long-term national goal.

Finally, while we do not agree that our responses to comments concerning the Cholla BART Reassessment were mistaken, those responses are not at issue in this action. To the extent that the commenter’s concerns are relevant to the Coronado SIP Revision, we have addressed them above.

Comment: Earthjustice and EDF both raised concerns with the CAMx modeling relied upon by ADEQ and the EPA to determine that the Interim Strategy would result in greater reasonable progress than BART. They noted that, although ADEQ had performed additional analyses to determine if the modeled visibility changes could be attributed to emissions changes rather than model “noise,” the results were “still applicable to only one year’s meteorological transport pattern.” They asserted that the EPA should require a demonstration that the emissions curtailments would result in better visibility conditions across varied air transport conditions.

EDF acknowledged that the EPA’s modeling guidance allows the use of a single year of meteorological data for modeling of regional scale pollutants using CAMx. However, the commenters noted that the CAMx modeling for the Coronado BART Alternative focused on a single source’s impacts on very specific geographic locations that “would have large variations due to yearly meteorological changes in wind transport patterns.” Earthjustice stated that most BART determinations and all BART alternatives that it was aware of relied on CALPUFF modeling. EDF and Earthjustice also noted that, where the EPA had previously used CAMx modeling for BART determinations, it was in conjunction with CALPUFF modeling, which typically uses at least a three-year meteorological database.

Air Regulatory Group v. EPA, 471 F.3d 1333, 1340–41 (D.C. Cir. 2006).

⁵³ 40 CFR 51.308(e)(2)–(6). See also *Central Arizona Water Conservation District*, 990 F.2d at 1543; *Center for Energy and Economic Development*, 398 F.3d at 660; *Utility Air Regulatory Group*, 471 F.3d at 1340–41 (upholding the “better-than-BART” provisions).

⁵⁴ The commenter does not appear to object to our determination that implementation of the Final Strategy would clearly satisfy section 110(I) because it would result in overall greater emissions reductions compared to the BART Control Strategy.

⁵⁵ Draft Guidance at 8.

⁵⁶ See 82 FR 19338–19341.

⁵⁷ *Utility Air Regulatory Group*, 471 F.3d at 1340–41.

⁵⁸ We do not agree with the commenter that it is inappropriate to consider post-2025 emissions reductions under section 110(I), given that such reductions will help to ensure continued compliance with the Act’s reasonable progress requirements.

⁵⁹ 81 FR 46862; 82 FR 15150.

⁶⁰ *Id.*

⁶¹ See, e.g., *Yazzie*, 851 F.3d at 969 (affirming that statutory deadline for BART does not apply to a BART alternative).

They asserted that, in light of the small changes in visibility between the modeled emissions scenarios, “the difference in impacts that delineate one alternative curtailment period from another are within the margin of error for the model output.” They also stated that, if the difference were consistent from year to year, “it would provide more confidence in the resulting implementation of multiple curtailment periods.” Earthjustice added that “the demonstration provided by ADEQ only gives information about the relative performance of BART versus the alternative if the 2008 meteorological conditions are duplicated in every future year.”

Response: We acknowledge the commenters’ concern about the robustness of a modeling analysis based on a single year of meteorology, given the year-to-year variability of meteorological conditions and their possible effect on visibility impacts. However, the Regional Haze Rule does not require modeling of a longer period to make a demonstration under the two-prong test, and EPA guidance also does not recommend a longer period. Rather, to address a range of meteorological conditions, the EPA’s photochemical modeling guidance recommends modeling a full year. Our current guidance states that “the preferred approach for regional haze-related model applications is to simulate an entire, representative year.”⁶² More recent draft guidance states:

Regional Haze—Choose time periods which reflect the variety of meteorological conditions which represent visibility impairment on the 20% best and 20% worst days in the Class I areas being modeled (high and low concentrations necessary). This is best accomplished by modeling a full year.⁶³

Thus, modeling a full year with a photochemical model to represent visibility impairment on the 20% best and worst days is consistent with EPA guidance.

We also note that states and the EPA rarely, if ever, model more than a single year with a photochemical model even for NAAQS attainment demonstrations covering large urban areas with thousands of sources possibly subject to emission controls. A key reason for the practice and recommendation of modeling just a single year is the time and expense involved in running the computationally-intensive computer

model and in preparing meteorological and emissions inputs. The emission inventory requires economic variables and population estimates for the whole area covered in the model domain, as well as the emissions calculations for the many sources of pollution in the domain. Meteorological and other model input parameters typically must be adjusted in an iterative process to ensure the model performs adequately. The model’s performance must then be evaluated. All of these tasks must be done separately for each year. Thus, while modeling longer periods may improve the robustness of the modeling results, it also requires significant additional time and resources. Therefore, it is prudent to assess whether the benefits of the modeling justify the additional effort for each individual application. Given that the modeling for the Coronado SIP Revision affects only a single source for a limited period of time (*i.e.*, the period of the Interim Strategy), we do not think it is reasonable to require more than a single year of photochemical modeling.

We note that the situation was different for the CALPUFF modeling that states and the EPA conducted for BART determinations, for which the EPA recommended that at least three years of meteorological data be used.⁶⁴ Under the BART Guidelines, CALPUFF could be used for assessing the visibility impacts of a single source without the process of input adjustment and performance evaluation described above for photochemical models.⁶⁵ Furthermore, the emission inventory for BART modeling was a single source, rather than the thousands of sources needed in a photochemical model such as CAMx. The meteorological inputs to CALPUFF are also simpler than for a photochemical model, and they were developed by multistate Regional Planning Organizations, such as the Western Regional Air Partnership (WRAP), for use in BART determinations for numerous different facilities. In summary, while the

CALPUFF modeling used for BART determinations employed multiple years of meteorology, the cost and effort involved was lower than for CAMx, and it was spread over multiple states and sources. By contrast, the Interim Strategy in the Coronado SIP Revision affects only a single source for a limited period of time. Accordingly, we find that modeling multiple years with CAMx for the two-prong test applied to the Interim Strategy would constitute a disproportionately high level of effort relative to the modest benefit of such an approach.

Regarding the specific year chosen for modeling the Interim Strategy, as discussed in connection with SRP’s comments and the analysis submitted by Ramboll Environ,⁶⁶ we find that the 2008 meteorology year was adequately representative for the two-prong test. In addition, as explained further below, that analysis presented evidence that 2008 was a conservative year, in that the Interim Strategy would be expected to show a greater benefit compared to the baseline and BART in other years.

Comment: Earthjustice and EDF expressed concern about the use of a projected 2020 inventory rather than clean conditions or the inventory of a “known year” for the CAMx modeling. Earthjustice asserted that, “[t]o the extent EPA considers 2020 to be more representative of future or cleaner air quality conditions, CAMx should instead have been run with only single source emissions plus nonanthropogenic emissions to simulate reaction chemistry under natural conditions.” They argued that the EPA must include CALPUFF modeling to help support the conclusion that the Coronado BART Alternative is in fact better than BART “when looking at source impacts compared with natural conditions.”

Response: We do not agree that ADEQ should have used natural conditions or the inventory of a “known” (*i.e.*, past) year to evaluate the Interim Strategy. The Regional Haze Rule does not identify which background conditions states must use for evaluating greater reasonable progress under the two-prong test in 40 CFR 51.308(e)(3). However, in the preamble to the final rule promulgating the two-prong test, we explained that:

The underlying purpose of both prongs of the test is to assess whether visibility conditions at Class I areas would be better

⁶² *Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone, PM_{2.5}, and Regional Haze*, EPA-454/B-07-002 (April 2007) p. 149.

⁶³ *Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, PM_{2.5}, and Regional Haze*, 17 (December 2014) (draft).

⁶⁴ See 70 FR 39107–39108 (“For assessing the fifth factor, the degree of improvement in visibility from various BART control options, the States may run CALPUFF or another appropriate dispersion model to predict visibility impacts . . . The maximum 24-hour emission rates would be modeled for a period of three or five years of meteorological data.”).

⁶⁵ See, *e.g.*, BART Guidelines, 40 CFR part 51, appendix Y, section IV.D.5. (“Use CALPUFF or other appropriate dispersion model to determine the visibility improvement expected at a Class I area from the potential BART control technology applied to the source”); 70 FR 39123 (“For the specific purposes of the regional haze rule’s BART provisions . . . we have concluded that CALPUFF is sufficiently reliable to inform the decision-making process.”).

⁶⁶ “Additional Documentation on the Coronado Generating Station Better-than-BART Modeling Analysis to Address EPA’s October 2016 Request”, Memorandum from Lynsey Parker and Ralph Morris, Ramboll Environ to Bill McClellan, Salt River Project (April 6, 2017).

with the alternative program in place than they would without it. . . . In both cases, the logical reference point is visibility conditions as they are expected to be at the time of program implementation but in the absence of the program.”⁶⁷

In other words, the projected conditions at the time the BART alternative will be implemented, including emissions from all other sources, but assuming that no emission reductions from BART or the BART alternative have yet occurred, are an appropriate background for modeling under the two-prong test. Here, the Interim Strategy will be implemented between 2018 and 2025, so ADEQ’s decision to use the 2020 emissions inventory as the background conditions for comparing the Interim Strategy to BART was reasonable.

We also do not believe that it is necessary to conduct CALPUFF modeling to support the conclusion that the Coronado BART Alternative would result in greater reasonable progress than BART. While ADEQ could have elected to conduct CALPUFF modeling to make a demonstration of greater reasonable progress, it instead chose to use CAMx modeling to make this demonstration. As explained in our proposal:

CAMx has a scientifically current treatment of chemistry to simulate the transformation of emissions into visibility-impairing particles of species such as ammonium nitrate and ammonium sulfate, and is often employed in large-scale modeling when many sources of pollution and/or long transport distances are involved. Photochemical grid models like CAMx include all emissions sources and have realistic representations of formation, transport, and removal processes of the particulate matter that causes visibility degradation.⁶⁸

Because it incorporates the many emissions sources that create the background conditions at the time the BART alternative will be implemented, CAMx is well suited for modeling under the two-prong test.⁶⁹ Furthermore, as a result of recent developments in modeling techniques,⁷⁰ the EPA and states have begun to use photochemical models such as CAMx to assess the

visibility impacts from individual sources such as Coronado.⁷¹ Thus, ADEQ appropriately relied on CAMx modeling to assess the Coronado BART Alternative under the two-prong modeling test.

Comment: Earthjustice and EDF objected to the fact that the CAMx modeling used to assess the Coronado BART Alternative was limited to a range of 300 kilometers (km), given that the EPA has previously used CAMx to assess impacts beyond the 300 km range. EDF stated that the EPA should explain why the 300 km limit was appropriate. Earthjustice argued that the EPA should include modeling results for Class I areas outside of 300 km.

Response: We agree with the commenters that there is no *a priori* reason to limit the modeling under the two-prong test to Class I areas within 300 km.⁷² We nevertheless find that the set of Class I areas evaluated in the CAMx modeling is adequately representative in this instance. The 300 km radius used in the modeling covers a large region, a range of geographic settings, and a full range of compass directions from Coronado. In addition, the visibility impacts of Coronado’s emissions generally decline with distance.⁷³ Because of that, when comparing projected visibility conditions under the BART Alternative scenario to projected visibility conditions under the baseline scenario, the differences between the two scenarios generally decline with distance. The same is true when comparing the BART Alternative to BART. As a result, while including more distant areas would have a small effect on the numerical values used in the two-prong test, doing so would be unlikely to change the outcome of the test.

Comment: SRP commented that it strongly supports the EPA’s:

- Proposed approval of ADEQ’s demonstration under 40 CFR 51.308(e)(3) that the Coronado BART Alternative Interim Strategy will achieve greater reasonable progress than BART at Coronado;
- proposed approval of the CAMx modeling used by ADEQ;

- determination that the Coronado BART Alternative Final Strategy will result in greater emission reductions than BART for Coronado; and
- determination that the Final Strategy and its associated emission reductions are not necessary to demonstrate that the Coronado BART Alternative will achieve greater reasonable progress than BART during the period of the first long-term strategy.

Response: We acknowledge the comments.

Comment: SRP urged the EPA to note the assessment that ADEQ conducted that shows the importance of SO₂ (and resulting sulfate) reductions in improving visibility in Class I areas potentially affected by Coronado. In particular, SRP asserted that:

ADEQ demonstrated that SO₂ emission reductions, such as those that would occur under the [Coronado] BART Alternative, are very significant in light of the facts that “the SO₂-attributed visibility extinction is generally more than three times the NO_x-attributed visibility extinction” and that, in particular, “the ratios of SO₂-attributed visibility extinction to NO_x-attributed visibility extinction averaged over all Class I areas are 3.7, 4.2 and 4.2 for the 20% best days, the 20% worst days, and all days, respectively.”

Response: As noted in footnote 31 of our proposal,⁷⁴ ADEQ’s “Supplemental Analysis of IMPROVE Monitoring Data” is not directly relevant to the State’s demonstration of greater reasonable progress under the two-prong test in 40 CFR 51.308(e)(3), so we did not consider it in evaluating the State’s demonstration. The results of the CAMx modeling establish that, through a combination of controls, emission reductions, atmospheric chemistry, and meteorology, the Coronado BART Alternative will result in greater reasonable progress than BART, as required under 40 CFR 51.308(e)(3).

Comment: SRP stated that, while the Coronado BART Alternative was proposed to be approved under 40 CFR 51.308(e)(3), it is also approvable under 40 CFR 51.308(e)(2)(i)(E) under the weight-of-evidence test. SRP further noted that “[t]he clear weight of evidence test allows states to take into consideration a wide range of factors, visibility metrics, or other relevant considerations in making a better-than-BART determination.”

Response: The EPA acknowledges the comment.

Comment: SRP noted that the EPA described the Interim Strategy as “in effect from December 5, 2017 to

⁶⁷ 70 FR 39104, 39138 (July 6, 2005).

⁶⁸ 82 FR 19338–19339.

⁶⁹ As explained in response to comments above, it was appropriate and reasonable for the State to apply the two-prong modeling test to the Coronado BART Alternative.

⁷⁰ See, e.g., 82 FR 5182, 5196 (“Source sensitivity and apportionment techniques implemented in photochemical grid models have evolved sufficiently and provide the opportunity for estimating potential visibility and deposition impacts from one or a small group of emission sources using a full science photochemical grid model.”).

⁷¹ See, e.g., 81 FR 296, 327–28 (January 5, 2016) (describing the use of CAMx for evaluating visibility impacts of sources in a Texas Regional Haze FIP).

⁷² Neither the Regional Haze Rule nor EPA guidance define “affected” Class I areas for purposes of the two-prong test.

⁷³ This is illustrated in the graphic “Coronado CAMx Baseline Impacts—Baseline delta DV Impact vs. km distance,” in the file titled “Coronado baseline CAMx ddiv_vs_distance.pdf,” available in the docket for this action.

⁷⁴ See 82 FR 19338, dated April, 27, 2017; footnote 31.

December 31, 2025,” and indicated that the Final Strategy “would take effect on January 1, 2026.” The commenter stated that, “the December 31, 2025, date represents a deadline for SRP to install and operate an SCR on Unit 1 or close Unit 1, rather than the conclusion of the effective period for the Interim Strategy” and requested that the EPA clarify that the installation and operation of the SCR on Unit 1 or closure of Unit 1 will occur no later than December 31, 2025, and that the Interim Strategy will be in effect until the installation of SCR on Unit 1 or closure of Unit 1.

Response: We agree with the commenter that the installation and operation of the SCR on Unit 1 or closure of Unit 1 must occur no later than December 31, 2025, and that the Interim Strategy will be in effect until the installation of SCR on Unit 1 or closure of Unit 1. We have made this clarification in this final notice.

Comment: SRP noted that the EPA described the SO₂ emission cap as “plant-wide” and “facility-wide.” The commenter recommended that the EPA “clarify that the 1,970 tpy SO₂ emission cap applies to the aggregate annual emissions from Unit 1 and Unit 2 only and does not apply to any emissions from any other sources at the site.” The commenter also noted that, “[i]n the event that Unit 1 shuts down, the SO₂-emission tonnage limit applicable after the shutdown of that unit is 1,080 tons per calendar year.”

Response: We agree with the commenter that the 1,970 tpy SO₂ emission cap applies to the aggregate emissions from Unit 1 and Unit 2, and that, if Unit 1 shuts down, an SO₂ emission cap of 1,080 tpy would apply to Unit 2. We have made this clarification in this final notice.

Comment: SRP asserted that the EPA incorrectly stated that “the Coronado SIP Revision will require equivalent or lower emissions of NO_x, PM and SO₂ for all future years, compared to the emission levels currently allowed under the applicable implementation plan (including both the Arizona Regional Haze SIP and the Arizona Regional Haze FIP).” The commenter noted that the Interim Strategy requires fewer NO_x reductions than the Arizona Regional Haze FIP.

Response: We agree with SRP that the Interim Strategy requires fewer NO_x reductions than the Arizona Regional Haze FIP between December 5, 2017, and December 31, 2025. However, the statement from our proposal quoted by the commenter refers to “the emission levels currently allowed under the

applicable implementation plan.”⁷⁵ Because the compliance date for the NO_x emission limits in the Arizona Regional Haze FIP is December 5, 2017, the applicable implementation plan does not currently limit NO_x emissions from Coronado. Thus, as correctly noted in our proposal, the Coronado SIP Revision will require lower emissions of NO_x, PM and SO₂ for all future years, compared to the emission levels currently allowed under the applicable implementation plan.

Comment: SRP included as an attachment to its comments a technical memorandum from Ramboll Environ that evaluated whether the CAMx modeling results for the two-prong test were influenced by numerical noise, based on a spatial and numerical analysis of CAMx model outputs for visibility and its sulfate and nitrate components.⁷⁶ The components reflect the differences in SO₂ and NO_x, respectively, between BART and the Interim Strategy. The differences showed a spatial pattern consistent with realistic gradual variation in the atmosphere, rather than random variation as would be expected from numerical noise. Therefore, the memorandum concluded that the modeled numerical differences represent real visibility improvements and are not just numerical artifacts.

Response: This same analysis was included in the Coronado SIP Revision and evaluated for our proposal. We reaffirm our finding that the analysis supports the conclusion that the two-prong test results indicate actual visibility improvement under the Interim Strategy compared to BART and no degradation relative to the baseline.⁷⁷

Comment: SRP included as an attachment to its comments a second memorandum from Ramboll Environ analyzing (1) whether the meteorology from the year that was used for modeling (2008) was adequately representative of other years and (2) whether, extending the length of the curtailment periods under the Interim Strategy would give additional visibility benefits.

The first of three Ramboll Environ analyses of the representativeness of 2008 was a comparison of 2008 temperatures and precipitation to typical conditions based on more than 100 years of meteorological data. The memorandum noted that temperature affects the oxidizing potential of the atmosphere, which in turn affects the

conversion of SO₂ and NO_x emissions into visibility-impairing sulfates and nitrates. Ramboll Environ found that 2008 was somewhat warmer than the average, but that generally the temperature was well within the normal range of variation. The memorandum also noted that precipitation can remove visibility-impairing pollutants from the atmosphere and found that 2008 precipitation was classified as “Near Normal.” Accordingly, Ramboll Environ concluded that 2008 was reasonably representative for purposes of the visibility modeling.

In a second analysis, Ramboll Environ examined visibility-impairing ammonium sulfate and ammonium nitrate concentrations during 2000–2012 as measured at four Class I areas in different compass directions from Coronado. These are shown as time series bar or line graphs for the various pollutants and areas. Ramboll Environ found that the annual averages for 2008 were near the middle of the averages for the individual years from 2000–2012. Monthly averages for 2008 were also consistent with the overall range seen from 2000–2012. Compared to other years, monthly sulfate averages for 2008 tended to be on the high side during March, April, and September, and on the low side in mid-summer and in December through February, but nevertheless consistent with the overall range seen for 2000–2012. Ramboll Environ concluded that, because the curtailment periods for Interim Strategy options IS3 and IS4⁷⁸ are from November 21 through January 21, overlapping the period for which 2008 tended to have lower sulfate, the modeled visibility improvement for these options would also tend to be lower than would be expected for other years. That is, the actual visibility benefits of these options would generally be expected to be larger than the modeling results indicate. The same conclusion applies to nitrate, for which 2008 monthly averages tend to be on the low side, compared to the averages for 2000–2012 years during the months that include the curtailment periods (November, December, and January).

In its third analysis, Ramboll Environ examined the monthly distribution of the 20% worst visibility days to see how many fell within the November 21–January 20 curtailment period for 2008 in comparison to 2000–2012. This analysis showed that 2008 had a lower than average number of 20% worst visibility days within this period. Ramboll Environ concluded that,

⁷⁸ The memorandum refers to IS3 and IS4 as BtB3 and BtB4, respectively.

⁷⁵ 82 FR 19344 (emphasis added).

⁷⁶ Memorandum from Lynsey Parker and Ralph Morris, Ramboll Environ (September 22, 2016).

⁷⁷ 82 FR 19341.

because more of the 20% worst visibility days would fall within the curtailment period in a typical year, the actual visibility benefits of the Interim Strategy would generally be larger than the modeling results indicate.

Ramboll Environ's analysis of the approximately 60-day curtailment period used in Interim Strategy options IS3 and IS4 relied on post-processing of modeling results to assess extending the period by 20, 40, 60, and 80 days. Ramboll Environ presented bar graphs showing the amount by which extending the curtailment period impacted the strengths of the directional results of the two-prong test. For prong 1, the visibility benefit of the Interim Strategy increased very little as the curtailment period was extended. For prong 2, Ramboll Environ stated that even doubling the curtailment period would yield only a 0.002 deciview improvement over the proposed period, which Ramboll Environ viewed as small. Therefore, SRP concluded that extending the curtailment period would have only a small visibility benefit.

Response: We acknowledge the additional analysis provided by SRP, which supports the conclusion that 2008 is a representative year for modeling and that modeling results for this single year are adequate for evaluating the Interim Strategy under the two-prong test. Although the Ramboll Environ analysis primarily addressed IS3 and IS4, the curtailment period for IS2 (October 21–January 31) also includes the months of November through January, so the same conclusion also applies to IS2.

We acknowledge the analysis of extending the curtailment period, but we note that this analysis is not necessary to demonstrate that the Interim Strategy would result in greater reasonable progress than BART. It is sufficient that the modeling demonstrates that each of the Interim Strategy options passes the two-prong test.

IV. Final Action

For the reasons explained in our proposal and in our responses to comments in this document, we have determined that the Coronado SIP Revision will provide for greater reasonable progress toward natural visibility conditions than BART. We have also determined that the Coronado SIP Revision meets all other requirements of the CAA and the EPA's implementing regulations. Therefore, we are approving the Coronado SIP Revision into the Arizona SIP. Because this approval fills the gap in the Arizona Regional Haze SIP left by the EPA's

prior partial disapproval with respect to Coronado, we are withdrawing those portions of the Arizona Regional Haze FIP that address BART for Coronado. Additionally, we are taking final action to remove those portions of the Arizona SIP that have either been superseded by previously-approved revisions to the Arizona SIP or are being superseded by this final approval of the Coronado SIP revision.

V. Environmental Justice Considerations

As explained above, the Coronado SIP Revision will result in reduced emissions of both SO₂ and PM₁₀ compared to the existing Arizona Regional Haze SIP and FIP requirements. While the Coronado SIP Revision will result in fewer NO_x reductions than the Arizona Regional Haze FIP would have required between 2018 and 2025, it will ensure that NO_x emissions remain at or below current levels until 2025, after which it will require NO_x emissions reductions equivalent to or greater than would have been required under the Arizona Regional Haze FIP. Furthermore, Coronado is located in an area that is designated attainment, unclassifiable/attainment, or unclassifiable, or has not yet been designated for each of the current NAAQS. Therefore, the EPA believes that this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations.

VI. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the state permit provisions described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference by the

Director of the Federal Register in the next update to the SIP compilation.⁷⁹

VII. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This rule applies to only a single facility and is therefore not a rule of general applicability.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action approving revisions to a State Implementation Plan and removing the applicable Federal Implementation Plan for Regional Haze applies to only a single facility and is therefore is a *Rule of Particular Applicability* that is exempted under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This rule applies to only a single facility. Therefore, its recordkeeping and reporting provisions do not constitute a "collection of information" as defined under 44 U.S.C. 3502(3) and 5 CFR 1320.3(c).

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. Firms primarily engaged in the generation, transmission, and/or distribution of electric energy for sale are small if, including affiliates, the total electric output for the preceding fiscal year did not exceed 4 million megawatt hours. The owner of facility affected by this rule, SRP, exceeds this threshold.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

⁷⁹62 FR 27968 (May 22, 1997).

F. Executive Order 13132: Federalism

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

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on any Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

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

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. The EPA is not revising any technical standards or

imposing any new technical standards in this action.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The documentation for this decision is contained in section V above.

L. Determination Under Section 307(d)

Pursuant to CAA section 307(d)(1)(B), the EPA has determined that this action is subject to the provisions of section 307(d). Section 307(d) establishes procedural requirements specific to certain rulemaking actions under the CAA. Pursuant to CAA section 307(d)(1)(B), the withdrawal of the provisions of the Arizona Regional Haze FIP that apply to Coronado is subject to the requirements of CAA section 307(d), as it constitutes a revision to a FIP under CAA section 110(c). Furthermore, CAA section 307(d)(1)(V) provides that the provisions of section 307(d) apply to “such other actions as the Administrator may determine.” The EPA determines that the provisions of 307(d) apply to the EPA’s action on the Coronado SIP Revision.

M. Congressional Review Act (CRA)

This rule is exempt from the CRA because it is a rule of particular applicability. The EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability that only applies to a single named facility.

N. Petitions for Judicial Review

Under CAA section 307(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the

Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Visibility.

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

Dated: September 28, 2017.

E. Scott Pruitt,
Administrator, EPA.

For the reasons set forth in the preamble, the EPA amends 40 CFR part 52 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 D—Arizona

■ 2. Section 52.120 is amended:

■ a. In paragraph (d), under the table heading “EPA-Approved Source-Specific Requirements” by adding an entry for “Coronado Generating Station” after the entry for “Cholla Power Plant;”

■ b. In paragraph (e), under the table heading “Table 1—EPA-Approved Non-Regulatory and Quasi-Regulatory Measures” by adding an entry for “Coronado Generating Station” after the entry for “Cholla SIP Revision.”

§ 52.120 Identification of plan.

* * * * *
(d) * * *

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS

Name of source	Order/permit No.	Effective date	EPA approval date	Explanation
Arizona Department of Environmental Quality				
Coronado Generating Station	Permit #64169 (as amended by Significant Revision #63088) Cover Page and Attachment “E”: BART Alternatives.	November 9, 2017	October 10, 2017, [IN-SERT Federal Register CITATION].	Permit issued by Arizona Department of Environmental Quality. Submitted on December 15, 2016.

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS—Continued

Name of source	Order/permit No.	Effective date	EPA approval date	Explanation
*	*	*	*	*
* * * * *				
(e) * * *				
* * * * *				

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES
[Excluding certain resolutions and statutes, which are listed in tables 2 and 3, respectively]¹

Name of SIP provision	Applicable geographic or nonattainment area or title/subject	State submittal date	EPA approval date	Explanation
The State of Arizona Air Pollution Control Implementation Plan				
Clean Air Act Section 110(a)(2) State Implementation Plan Elements (Excluding Part D Elements and Plans)				
*	*	*	*	*
Arizona State Implementation Plan Revision to the Arizona Regional Haze Plan for the Salt River Project Coronado Generating Station, excluding Appendix B.	Source-Specific	December 15, 2016	October 10, 2017, [IN-SERT Federal Register CITATION].	BART Alternative for Coronado Generating Station adopted December 14, 2016.
*	*	*	*	*

¹ Table 1 is divided into three parts: Clean Air Act Section 110(a)(2) State Implementation Plan Elements (excluding Part D Elements and Plans), Part D Elements and Plans (other than for the Metropolitan Phoenix or Tucson Areas), and Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas.

* * * * *

■ 3. Section 52.145 is amended by:

■ a. Removing and reserving paragraph (e)(1).

■ b. Removing paragraphs (e)(2)(iii)–(vi).

■ c. Removing and reserving paragraph (f).

[FR Doc. 2017–21604 Filed 10–6–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2015–0617; FRL–9969–04–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; General Burning Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Utah on January 28, 2013, and July 8, 2015. The submittals request SIP revisions to the State’s General Burning rule; a repeal

and reenactment of the General Burning rule with changes to applicability, timing and duration of burning windows, and an amendment to exempt Native American ceremonial burning during restricted burning days.

DATES: This rule is effective on November 9, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2015–0617. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Chris Dresser, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado

80202–1129, (303) 312–6385, dresser.chris@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In our notice of proposed rulemaking published on July 13, 2017 (82 FR 32282), the EPA proposed to approve Utah’s January 28, 2013 SIP submission, which repeals and reenacts the General Burning provisions in R307–202 with several amendments (discussed in the proposed rulemaking). Additionally, the EPA proposed approval of Utah’s July 8, 2015 revisions, which exempts ceremonial burning conducted by a “Native American spiritual advisor” during restricted burn days. In this rulemaking, we are taking final action on both SIP submittals. The reasons for our approval are provided in detail in the proposed rule.

II. Response to Comments

We received no comments on the proposed rule.

III. Final Action

For the reasons expressed in the proposed rule, the EPA is approving revisions to Sections in R307–202 of the State’s General Burning provisions from the January 28, 2013 and July 8, 2015 submittals.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Utah General Burning provisions described in the amendments set forth to 40 CFR part 52 below. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and/or at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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

V. Statutory and Executive Orders Review

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 final action merely approves some state law as meeting federal requirements; this final action does not impose additional requirements beyond those imposed by state law. For that reason, this final action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, Oct. 4, 1993);
- 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, Aug. 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the 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, Feb. 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller

General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: September 25, 2017.

Suzanne J. Bohan,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended to read 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 TT—Utah

- 2. In § 52.2320, the table in paragraph (c) is amended by revising the entry “R307–202” to read as follows:

§ 52.2320 Identification of plan.

* * * * *
(c) * * *

¹ 62 FR 27968 (May 22, 1997).

Rule No.	Rule title	State effective date	Final rule citation, date	Comments
* * * * *				
R307–202. Emission Standards: General Burning				
R307–202	Emission Standards: General Burning	10/6/2014	Insert Federal Register citation], 10/10, 2017.	
* * * * *				

* * * * *
 [FR Doc. 2017–21612 Filed 10–6–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0204; FRL–9969–03–Region 9]

Interim Final Determination To Defer Sanctions; California; Los Angeles-South Coast Air Basin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The Environmental Protection Agency (EPA) is making an interim final determination to defer the imposition of offset and highway sanctions in the Los Angeles-South Coast air basin (“South Coast”) based on a proposed approval of revisions to the South Coast portion of the California State Implementation Plan (SIP) published elsewhere in this **Federal Register**. The revisions concern Clean Air Act (CAA) reasonably available control measures/reasonably available control technology (RACM/RACT) and reasonable further progress (RFP) requirements for the 2006 24-hour fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS) in the South Coast.

DATES: This interim final determination is effective on October 10, 2017. However, comments will be accepted until November 9, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2015–0204 at <http://www.regulations.gov>, or via email to Wienke Tax, Air Planning Office, at tax.wienke@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from Regulations.gov. For either manner of submission, 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 the person identified in the **FOR FURTHER INFORMATION CONTACT** section. 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>.

FOR FURTHER INFORMATION CONTACT: Wienke Tax, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 947–4192, tax.wienke@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA.

I. Background

On April 14, 2016 (80 FR 22025), we published a final action to partially approve and partially disapprove SIP revisions submitted by California to address CAA Moderate area attainment plan requirements for the 2006 24-hour PM_{2.5} NAAQS in the South Coast nonattainment area (“2012 PM_{2.5} Plan”). As part of that action, we disapproved two elements of the 2012 PM_{2.5} Plan because they did not fully meet the requirements for RACM/RACT-level controls under sections 189(a)(1)(C) and 172(c)(1) of the CAA and thus also did not meet the requirement for RFP under section 172(c)(2) of the CAA. This disapproval action became effective on May 16, 2016, and started a sanctions clock for imposition of offset sanctions 18 months after May 16, 2016, and

highway sanctions 6 months later, pursuant to CAA section 179 and our regulations at 40 CFR 52.31. Therefore, offset sanctions will apply on November 16, 2017, and highway sanctions will apply on May 16, 2018, unless the EPA determines that the deficiencies forming the bases for the disapprovals have been corrected.

On March 17, 2017, the State of California submitted, as a revision to the California SIP, amendments to the South Coast Air Quality Management District’s (SCAQMD or “District”) Regional Clean Air Incentives Market (RECLAIM) program, which consists of SCAQMD rules 2000 to 2020 and applies to stationary sources that emit at least four tons per year of nitrogen oxides or sulfur oxides in the South Coast. Additionally, on May 22, 2017, CARB submitted the SCAQMD’s public draft version of the “Supplemental RACM/RACT Analysis for the 2006 24-Hour PM_{2.5} and 2008 8-Hour Ozone Standards” (“2017 RACT Supplement”).¹ We proposed to approve the revised RECLAIM rules on June 6, 2017 (82 FR 25996), and fully approved these rules on September 14, 2017 (82 FR 43176). We proposed to approve the 2017 RACT Supplement on June 15, 2017 (82 FR 27451), and fully approved it on September 20, 2017 (82 FR 43850).²

In the Proposed Rules section of today’s **Federal Register**, we are proposing to approve the RACM/RACT and RFP demonstrations in the 2012 PM_{2.5} Plan based on our final approvals of the revised RECLAIM rules and the

¹ California submitted the 2017 RACT Supplement to address deficiencies identified in both the EPA’s April 14, 2016 partial disapproval of the 2012 PM_{2.5} Plan and the EPA’s separate proposal to partially disapprove the District’s “2016 AQMP Reasonably Available Control Technology (RACT) Demonstration,” which California had submitted to address RACT requirements under CAA section 182(b) and (f) and 40 CFR 51.1112 for the 2008 ozone NAAQS in the South Coast and Coachella Valley nonattainment areas (*see* 82 FR 27451, June 15, 2017).

² California adopted the 2017 RACT Supplement on July 7, 2017, and submitted it to the EPA on July 27, 2017.

2017 RACT Supplement, because we believe these SIP submissions correct the deficiencies identified in our April 14, 2016 partial disapproval action. Based on today's proposed approval, we are taking this interim final rulemaking action, effective on publication, to defer the imposition of the offset sanctions and highway sanctions triggered by our April 14, 2016 partial disapproval.

The EPA is providing the public with an opportunity to comment on this deferral of sanctions. If comments are submitted that change our assessment described in this interim final determination and the proposed full approval of the RACM/RACT and RFP demonstrations in the 2012 PM_{2.5} Plan, we would take subsequent final action to reimpose sanctions pursuant to 40 CFR 52.31(d). If no comments are submitted that change our assessment, we will take final action to approve the RACM/RACT and RFP demonstrations in the 2012 PM_{2.5} Plan, and all sanctions and sanction clocks related to the May 16, 2016 disapproval action with respect to these elements of the 2012 PM_{2.5} Plan will be permanently terminated on the effective date of the final approval.

II. EPA Action

We are making an interim final determination to defer the imposition of CAA section 179 sanctions associated with our partial disapproval of the 2012 PM_{2.5} Plan based on our concurrent proposal to determine that our prior approvals of the District's revised RECLAIM rules and 2017 RACT Supplement correct the deficiencies that initiated sanctions clocks.

Because the EPA has preliminarily determined that the State has corrected the deficiencies previously identified in the EPA's partial disapproval action, relief from sanctions should be provided as quickly as possible. Therefore, the EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect (5 U.S.C. 553(b)(3)). However, by this action the EPA is providing the public with an opportunity to comment on the EPA's determination after the effective date, and the EPA will consider any comments received in determining whether to reverse such action.

The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the State's revised RECLAIM rules and 2017 RACT Supplement and, through a separate action, is proposing to find that the State has corrected the deficiencies

that started the sanctions clocks. Therefore, it is not in the public interest to impose sanctions when the State has most likely taken appropriate action to correct the deficiencies that triggered the sanctions clocks. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiencies prior to the rulemaking approving the State's actual submission addressing those deficiencies. Therefore, the EPA believes that it is necessary to use the interim final rulemaking process to defer sanctions while the EPA completes its rulemaking process on the approvability of the State's submission addressing the deficiencies. Moreover, with respect to the effective date of this action, the EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this action is to relieve a restriction (5 U.S.C. 553(d)(1)).

III. Statutory and Executive Order Reviews

This action defers federal sanctions and imposes no additional requirements. For that reason, this action:

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

be inconsistent with the Clean Air Act; and

- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to Congress and the Comptroller General. However, section 808 provides that any rule for which the issuing agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). EPA has made such good cause finding, including the reasons therefore, and established an effective date of October 10, 2017. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose of judicial review nor does it extend the time within which petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia,

Incorporation by reference, Intergovernmental regulations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: September 26, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017-21611 Filed 10-6-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2017-0019; FRL-9969-05-Region 8]

Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to Air Pollution Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of North Dakota on January 28, 2013, and April 22, 2014. The revisions are to Article 33-15 Air Pollution Control rules of the North Dakota Administrative Code. The revisions include amendments to add EPA Reference Method 22 to determine compliance with a visible emissions limit, add significance levels for PM_{2.5}, modify existing significance levels for NO₂ and SO₂ and remove the significance level for PM₁₀. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on November 9, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2017-0019. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6252, dobrahner.jaslyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In our notice of proposed rulemaking published on July 28, 2017 (82 FR 35153), the EPA proposed to approve revisions to Article 33-15 Air Pollution Control rules of the North Dakota Administrative Code submitted by the State of North Dakota on January 28, 2013, and April 22, 2014. In this rulemaking, we are taking final action on a revision submitted in the January 28, 2013 submittal to revise significance levels. The North Dakota State Health Council adopted those amendments on August 14, 2012 (effective January 1, 2013). In addition, we are also taking final action on a revision that was included in the April 22, 2014 submittal to add EPA Reference Method 22 for determining opacity for limits expressed as zero percent opacity. The North Dakota State Health Council adopted those amendments on February 11, 2014 (effective April 1, 2014). The reasons for our approval are provided in detail in the proposed rule.

II. Response to Comments

We received no comments on our proposed rule.

III. Final Action

For the reasons expressed in the proposed rule, the EPA is approving revisions to sections of the State's Air Pollution Control rules from the January 28, 2013, and April 22, 2014 submittals. A summary of the revisions in North Dakota's Air Pollution Control rules the EPA is approving is provided in Table 1.

TABLE 1—LIST OF NORTH DAKOTA REVISIONS THAT THE EPA IS APPROVING

Revisions in January 28, 2013 and April 22, 2014 submittals that EPA is approving

January 28, 2013 submittal: 33-15-14-02.5.a.
April 22, 2014 submittal: 33-15-03-05.2.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of North Dakota Air Pollution Control rules

described in the amendments set forth to 40 CFR part 52 below. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and/or at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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

V. Statutory and Executive Orders Review

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 final action merely approves some state law as meeting federal requirements; this final action does not impose additional requirements beyond those imposed by state law. For that reason, this final action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, Oct. 4, 1993);
- 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, Aug. 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);

¹ 62 FR 27968 (May 22, 1997).

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,

- Does not provide the 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, Feb. 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a

copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide,

Incorporation by reference, Intergovernmental relations, Greenhouse gases, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: September 25, 2017.

Suzanne J. Bohan,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended to read 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 JJ—North Dakota

■ 2. In § 52.1820, the table in paragraph (c) is amended by revising the entries “33–15–03–05” and “33–15–14–02” to read as follows:

§ 52.1820 Identification of plan.

* * * * *
(c) * * *

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
*	*	*	*	*	*
33–15–03. Restriction of Emission of Visible Air Contaminants					
33–15–03–05	Method of measurement.	4/1/2014	11/9/2017	[insert Federal Register citation], 10/10/2017.	
*	*	*	*	*	*
33–15–14. Designated Air Contaminant Sources Permit To Construct Minor Source Permit To Operate Title V Permit To Operate					
33–15–14–02	Permit to construct.	1/1/2013	11/9/2017	[insert Federal Register citation], 10/10/2017.	Excluding subsections 1, 12, 13, 3.c., 13.b.1., 5, 13.c., 13.i(5), 13.o., and 19 (one sentence) which were subsequently revised and approved. See 57 FR 28619 (6/26/92), regarding State’s commitment to meet requirements of EPA’s “Guideline on Air Quality Models (revised).”
*	*	*	*	*	*

* * * * *

[FR Doc. 2017-21606 Filed 10-6-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R04-OAR-2017-0360; FRL-9968-90-Region 4]

Air Plan Approval; Alabama: Prevention of Significant Deterioration Updates**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve portions of revisions to Alabama's State Implementation Plan (SIP), submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM), on May 8, 2013, and August 23, 2016. The portions of these SIP revisions that EPA is finalizing approval of relate to the State's Prevention of Significant Deterioration (PSD) permitting program. This action is being taken pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective November 9, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2017-0360. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Andres Febres of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Mr. Febres can be reached by telephone at (404) 562-8966 or via electronic mail at febres-martinez.andres@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

On May 8, 2013 and August 23, 2016, ADEM submitted SIP revisions for EPA's approval that include changes to Alabama's PSD permitting regulations, among other changes. In a notice of proposed rulemaking published on August 15, 2017 (82 FR 38660), EPA proposed to approve certain portions of these submittals that make changes to ADEM Administrative Code Rule 335-3-14-.04—"Air Permits Authorizing Construction in Clean Areas (Prevention of Significant Deterioration Permitting (PSD))," which applies to the construction or modification of any major stationary source in areas designated as attainment or unclassifiable as required by part C of title I of the CAA.

Alabama's May 8, 2013, SIP submittal includes changes to Rule 335-3-14-.04 to address the Federal rule entitled "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}): Amendment to the Definition of 'Regulated NSR Pollutant' Concerning Condensable Particulate Matter," 77 FR 65107 (October 25, 2012) (hereinafter referred to as the PM_{2.5} Condensables Correction Rule),¹ and plantwide applicability limits (PALs) for greenhouse gases (GHGs) as allowed in the Federal rule entitled "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits," 77 FR 41051 (July 12, 2012) (hereinafter referred to as the GHG Step 3 Rule).² In addition, the SIP submittal includes changes to the definition of GHGs in Rule 335-3-14-.04 and Rule

¹ Given the corrections to the federal definition of "particulate matter emissions" in the PM_{2.5} Condensables Correction Rule, EPA is removing the note regarding "particulate matter emissions" in the table entry for Rule 335-3-14-.04 at 40 CFR 52.50(c). In addition, EPA is removing the note regarding PM_{2.5} Significant Impact Levels (SILs) in the table entry for Rule 335-3-14-.04 at 40 CFR 52.50(c) because, on October 9, 2014, ADEM submitted a letter to EPA withdrawing these SILs from EPA's consideration as included in a May 2, 2011, SIP submittal.

² For background information on GHG permitting, including the GHG Step 3 Rule, see 82 FR 38662.

335-3-16 (regarding major source operating permits) to address EPA's July 20, 2011 rule deferring PSD requirements for carbon dioxide (CO₂) emissions from bioenergy and other biogenic sources (hereinafter referred to as the "Biomass Deferral Rule").³ Alabama's May 8, 2013, SIP submission also includes the following changes to other Alabama rules: Changes to the definition of Volatile Organic Compounds (VOCs) at Rule 335-3-1-.02; changes to the incorporation by reference (IBR) of the Federal New Source Performance Standards in Chapter 335-3-10 and National Emissions Standards for Hazardous Air Pollutants in Chapter 335-3-11; and changes regarding transportation conformity provisions at Rule Chapter 335-3-16.

Alabama's August 23, 2016, SIP submittal includes changes to Rule 335-3-14-.04 and Rule Chapter 335-3-16 to remove the treatment of GHGs as an air pollutant for the specific purpose of determining whether a source is a major source (or a modification thereof) in PSD and title V permitting requirements.⁴ The submittal also withdraws the portion of the State's May 8, 2013, SIP submittal that revises Rule 335-3-14-.04 to address the Biomass Deferral Rule and makes changes to the GHG Step 3 language proposed in Alabama's May 8, 2013, submittal.

In the August 15, 2017, proposed rulemaking, EPA proposed to approve only the portions of the May 8, 2013, submittal that make changes to the GHG PAL provisions pursuant to the GHG Step 3 rule and the portions of the August 23, 2016, submittal that discontinue regulation of GHGs as an air pollutant for the specific purpose of determining whether a source is a major source (or a modification thereof) in PSD and title V permitting requirements and that make changes to the GHG Step 3 language proposed in Alabama's May 8, 2013, submittal. EPA did not propose any action on the remaining portions of these submittals. The details of Alabama's SIP revisions and the

³ Emissions of CO₂ from a stationary source directly resulting from the combustion or decomposition of biologically-based materials other than fossil fuels and mineral sources of carbon (*e.g.*, calcium carbonate) and biologically-based material (non-fossilized and biodegradable organic material originating from plants, animals or micro-organisms, including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

⁴ *i.e.*, removing regulation of "GHG-only" sources.

rationale for EPA’s action are further explained in the notice of proposed rulemaking. Comments on the proposed rulemaking were due on or before September 14, 2017. EPA did not receive any comments on the proposed action, adverse or otherwise.

II. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of ADEM Administrative Code Rules 335–3–14–.04(1)(k), 335–3–14–.04(2)(a)(ii), and 335–3–14–.04(b)4, state effective on November 25, 2014. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion into Alabama’s SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.⁵

III. Final Action

EPA is finalizing approval of portions of Alabama’s May 8, 2013, and August 23, 2016, SIP submittals that revise the PSD permitting program at Rule 335–3–14–.04—“Air Permits Authorizing Construction in Clean Areas (Prevention of Significant Deterioration Permitting (PSD))” by removing language regulating GHG-only sources and by adding language to the PAL provisions.

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. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not

impose additional requirements beyond those imposed by state law. For that reason, this action:

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the

agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate Matter, Volatile organic compounds.

Dated: September 21, 2017.
Onis “Trey” Glenn, III,
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart B—Alabama

- 2. In § 52.50, the table in paragraph (c) is amended under “Chapter No. 335–3–14 Air Permits” by revising the entry for “Section 335–3–14–.04” to read as follows:

§ 52.50 Identification of plan.

*	*	*	*	*
(c)	*	*	*	

⁵ 62 FR 27968 (May 22, 1997).

EPA APPROVED ALABAMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter No. 335-3-14 Air Permits				
*	*	*	*	*
Section 335-3-14-.04	Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)].	11/25/2014	10/10/2017 [Insert Federal Register citation].	
*	*	*	*	*

* * * * *
[FR Doc. 2017-21605 Filed 10-6-17; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2016-0524; FRL-9968-35-Region 9]

Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve and conditionally approve revisions to the Antelope Valley Air Quality Management District (AVAQMD or “District”) portion of the California State Implementation Plan (SIP). These revisions concern the District’s

demonstration regarding Reasonably Available Control Technology (RACT) requirements for the 1997 8-hour ozone and the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS or “standards”) in the Antelope Valley ozone nonattainment area. The EPA is also taking final action to approve AVAQMD negative declarations into the SIP for the 1997 and the 2008 ozone standards.

We are approving local SIP revisions under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on November 9, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2016-0524. All documents in the docket are listed on the <https://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other

material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 972-3848, levin.nancy@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA.

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Statutory and Executive Order Reviews

I. Proposed Action

On July 28, 2017 (82 FR 35149), the EPA proposed action on the following documents submitted into the California SIP.

Local agency	Document	Adopted	Submitted
AVAQMD	AVAQMD 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (RACT SIP Analysis)—1997 8-hour Ozone NAAQS “2006 RACT SIP”.	09/19/06	01/31/07
AVAQMD	AVAQMD 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (2015 RACT SIP Analysis)—2008 8-hour Ozone NAAQS “2015 RACT SIP”.	07/21/15	10/23/15
AVAQMD	AVAQMD Federal Negative Declarations for Twenty Control Techniques Guidelines Source Categories.	07/21/15	10/23/15
AVAQMD	AVAQMD Federal Negative Declarations for Seven Control Techniques Guidelines Source Categories.	12/20/16	06/07/17

Specifically, the EPA proposed to conditionally approve AVAQMD’s 2006 and 2015 RACT SIPs with respect to Rule 462, *Organic Liquid Loading*; Rule 1110.2, *Emissions from Stationary, Non-road & Portable Internal Combustion Engines*; Rule 1151, *Motor Vehicle and Mobile Equipment Coating Operations*; and Rule 1171, *Solvent Cleaning Operations*. Simultaneously, EPA

proposed to fully approve the remainder of the 2006 and 2015 RACT SIPs, and to fully approve AVAQMD’s negative declarations submitted on October 23, 2015 and June 7, 2017. We simultaneously withdrew our December 15, 2016 proposal to partially approve and partially disapprove AVAQMD’s 2006 and 2015 RACT SIPs because the AVAQMD committed to address the

identified deficiencies within one year of the approval of the plan revision.

We proposed to approve these submittals because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the submittals and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in subsections 110(k)(3) and 110(k)(4) of the Act, the EPA is conditionally approving AVAQMD’s 2006 and 2015 RACT SIPs with respect to Rule 462, *Organic Liquid Loading*; Rule 1110.2, *Emissions from Stationary, Non-road & Portable Internal Combustion Engines*; Rule 1151, *Motor Vehicle and Mobile Equipment Coating Operations*; and Rule 1171, *Solvent Cleaning Operations*, and fully approving the remainder of the 2006 and 2015 RACT SIPs and AVAQMD’s negative declarations submitted on October 23, 2015 and June 7, 2017 into the California SIP.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 15, 2017.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

- 2. Section 52.220 is amended by adding paragraphs (c)(358)(ii), (c)(493) and (494) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(358) * * *

(ii) *Additional materials.* (A) Antelope Valley Air Quality Management District.

(1) 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (RACT SIP Analysis), August 2006, adopted on September 19, 2006.

(2) [Reserved]

* * * * *

(493) The following plan was submitted by on October 23, 2015 by the Governor’s designee.

(i) [Reserved]

(ii) *Additional materials.* (A) Antelope Valley Air Quality Management District.

(1) 8-Hour Reasonably Available Control Technology—State Implementation Plan Analysis (RACT SIP Analysis), July 2015, adopted on July 21, 2015.

(2) Antelope Valley Air Quality Management District Federal Negative Declaration (8 hr Ozone Standard) for Twenty CTG Source Categories, signed June 15, 2015 and adopted on July 21, 2015.

(494) The following plan revision was submitted on June 7, 2017 by the Governor’s designee.

(i) [Reserved]

(ii) *Additional materials.* (A) Antelope Valley Air Quality Management District.

(1) Antelope Valley Air Quality Management District Federal Negative Declaration (8-hour Ozone Standards) for Seven Control Techniques Guideline

Source Categories, signed October 19, 2016 and adopted on December 20, 2016.

(2) [Reserved]

■ 3. Section 52.222 is amended by adding paragraphs (a)(6)(x) and (xi) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(6) * * *

(x) The following negative declarations for the 2008 ozone NAAQS were adopted by the District on July 21, 2015 and submitted to EPA on October 23, 2015.

CTG source category	CTG reference document
Bulk Gasoline Plants	Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035, 12/1977).
Coils	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks (EPA-450/2-77-008, 05/1977).
Fiberglass Boat Manufacturing Materials.	Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials (EPA-453/R-08-004, 09/2008).
Fixed-Roof Tanks	Control Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036, 12/1977).
Flat Wood Paneling	Control Techniques Guidelines for Flat Wood Paneling Coatings (EPA-453/R-06-004, 09/2006).
Floating-Roof Tanks	Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047, 12/1978).
Insulation of Magnet Wire	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Insulation of Magnet Wire (EPA-450/2-77-033, 12/1977).
Large Appliance Coatings	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances (EPA-450/2-77-034, 12/1977).
Large Petroleum Dry Cleaners	Control Techniques Guidelines for Large Appliance Coatings (EPA-453/R-07-004, 09/2007). Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners (EPA-450/3-82-009, 09/1982).
Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.	Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins (EPA-450/3-83-008, 11/1983).
Metal Furniture Coating	Control Techniques Guidelines for Metal Furniture Coatings (EPA-453/R-07-005, 09/2007).
Natural Gas/Gasoline Processing Plants.	Control of Volatile Organic Compound Leaks from Natural Gas/Gasoline Processing Plants (EPA-450/3-83-007, 12/1983).
Petroleum Refinery Equipment	Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment (EPA-450/2-78-036, 06/1978).
Pneumatic Rubber Tires	Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires (EPA-450/2-78-030, 12/1978).
Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.	Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds (EPA-450/2-77-025, 10/1977).
Shipbuilding and Ship Repair Surface Coating Operations.	Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating) (61 FR 44050, 08/27/96) and EPA-453/R-94-032, 04/1994.
Synthesized Pharmaceutical Products.	Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products (EPA-450/2-78-029, 12/1978).
Synthetic Organic Chemical Manufacturing Industry.	Control Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry (EPA-450/3-84-015, 12/1984). Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry (EPA-450/4-91-031, 08/1993).
Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.	Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment (EPA-450/3-83-006, 03/1984).
Wood Furniture Manufacturing Coating Operations.	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations (EPA-453/R-96-007, 04/1996).

(xi) The following negative declarations were adopted by the

District on December 20, 2016 and submitted to EPA on June 7, 2017.

NEGATIVE DECLARATIONS FOR THE 1997 OZONE NAAQS

CTG source category	CTG reference document
Can Coating	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks (EPA-450/2-77-008, 05/1977).
Flat Wood Paneling Coating	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling (EPA-450/2-78-032, 06/1978).
Large Petroleum Dry Cleaning	Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners (EPA-450/3-82-009, 09/1982).

NEGATIVE DECLARATIONS FOR THE 2008 OZONE NAAQS

CTG source category	CTG reference document
Can Coating	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks (EPA-450/2-77-008, 05/1977).
Drum Coating	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003, 09/2008).
Flat Wood Paneling Coating	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling (EPA-450/2-78-032, 06/1978).
Metal Furniture Coating	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume III: Surface Coating of Metal Furniture (EPA-450/2-77-032, 12/1977).
Pleasure Craft Coating	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003, 09/2008).
Tank Truck Gasoline Loading Terminals.	Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026, 10/1977).

* * * * *

■ 4. Revise § 52.248 to read as follows:

§ 52.248 Identification of plan—conditional approval.

(a) The EPA is conditionally approving a California State Implementation Plan (SIP) revision submitted on November 13, 2015 updating the motor vehicle emissions budgets for nitrogen oxides (NO_x) and coarse particulate matter (PM₁₀) for the 1987 24-hour PM₁₀ standard for the San Joaquin Valley PM₁₀ maintenance area. The conditional approval is based on a commitment from the State to submit a SIP revision that demonstrates full implementation of the contingency provisions of the 2007 PM₁₀ Maintenance Plan and Request for Redesignation (September 20, 2007). If the State fails to meet its commitment by June 1, 2017, the approval is treated as a disapproval.

(b) The EPA is conditionally approving portions of the California SIP revisions submitted on January 31, 2007 and October 23, 2015, demonstrating control measures in the Antelope Valley portion of the Los Angeles-San Bernardino Counties (West Mojave Desert) nonattainment area implement RACT for the 1997 and 2008 ozone standards. The conditional approval is based on a commitment from the state to submit new or revised rules that will correct deficiencies in the following rules for the Antelope Valley Air Quality Management District:

- (1) Rule 462, *Organic Liquid Loading*;
- (2) Rule 1110.2, *Emissions from Stationary, Non-road & Portable Internal Combustion Engines*;
- (3) Rule 1151, *Motor Vehicle and Mobile Equipment Coating Operations*; and
- (4) Rule 1171, *Solvent Cleaning Operations*. If the State fails to meet its commitment by November 9, 2018, the

conditional approval is treated as a disapproval.

[FR Doc. 2017-21375 Filed 10-6-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2017-0012; FRL-9965-58]

Tall Oil Fatty Acids; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of tall oil fatty acids (CAS Reg. No. 61790-12-3) when used as inert ingredients (solvent/carrier) in the following circumstances: In pesticide formulations applied to growing crops and raw agricultural commodities after harvest; in pesticides applied in/on animals, and in antimicrobial formulations for food contact surfaces. Spring Trading Company on behalf of Ingevity Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of these exemptions from the requirement of a tolerance. This regulation eliminates the need to establish maximum permissible levels for residues of tall oil fatty acids that are consistent with the conditions of these exemptions.

DATES: This regulation is effective October 10, 2017. Objections and requests for hearings must be received on or before December 11, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number: EPA-HQ-OPP-2017-0012, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDfRNNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2017-0012 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before December 11, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2017-0012, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Petition for Exemption

In the **Federal Register** of April 10, 2017 (82 FR 17175) (FRL-9959-61), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of pesticide petition (IN-11002) by Spring Trading Company (203 Dogwood Trail, Magnolia, TX 77354) on behalf of Ingevity Corporation (5255 Virginia Avenue, North Charleston, SC 29406). This petition requested that 40 CFR 180.910, 40 CFR 180.930, and 40 CFR 180.940(a) be amended by establishing exemptions from the requirement of a tolerance for residues of tall oil fatty acids (CAS Reg. No. 61790-12-3) when used as an inert ingredient (solvent/carrier) in pesticide formulations applied to growing crops and to raw agricultural commodities after harvest, in pesticides applied in/on animals, or in antimicrobial formulations for food contact surfaces. That document referenced the summary of the petition prepared by Spring Trading Company on behalf of Ingevity Corporation, the petitioner, which are available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

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

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will

result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

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

Consistent with FFDCA section 408(c)(2)(A) and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for tall oil fatty acids including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with tall oil fatty acids follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused

by tall oil fatty acids as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The acute oral toxicity is low in rats for tall oil fatty acids; the lethal dose (LD₅₀) is >10,000 milligrams/kilogram (mg/kg). Tall oil fatty acids are not a dermal sensitizer in the guinea pig maximization test. Acute dermal toxicity (study available with oleic acid) was not observed in guinea pigs. Skin and eye irritation and inhalation studies are not available.

Tall oil fatty acids do not exhibit toxicity when administered via the diet to rats at 2,500 mg/kg/day for 90 days.

A two-generation reproduction toxicity study in rats was available for tall oil fatty acids. Fetal susceptibility was not observed. Neither maternal nor developmental adverse effects were observed following oral administration of tall oil fatty acids at doses as high as 5,000 mg/kg/day.

Carcinogenicity studies with tall oil fatty acids are not available; however, there is no toxicological endpoint of concern up to 5,000 mg/kg/day nor is there a potential for mutagenicity. Therefore, tall oil fatty acids are not expected to be carcinogenic.

Mutagenicity studies, the Ames test and mammalian gene mutations, are negative for tall fatty acids. Therefore, tall oil fatty acids are not mutagenic.

Neurotoxicity and immunotoxicity studies are not available for review; however, evidence of neurotoxicity and immunotoxicity is not observed in the submitted studies.

B. Toxicological Points of Departure/ Levels of Concern

The available toxicity studies indicate that tall oil fatty acids have a very low overall toxicity. The NOAELs in a 90-day oral and a reproduction toxicity studies were ≥5,000 mg/kg/day; well above the limit dose of 1,000 mg/kg/day. Since no signs of toxicity were observed, even at doses above the limit dose, an endpoint of concern for risk assessment purposes was not identified. Therefore, a qualitative risk assessment was conducted for acute and chronic dietary exposures and short and intermediate dermal and inhalation exposures.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to tall oil fatty acids, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA qualitatively assessed dietary exposures

from tall oil fatty acids in food as follows:

Dietary exposure (food and drinking water) to tall oil fatty acids can occur following ingestion of foods with residues from treated crops, animals or food contact surfaces. Use on food crops may result in residues in drinking water.

2. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Tall oil fatty acids may be used in pesticide products and non-pesticide products that may be used in and around the home. Based on the discussion above, a quantitative residential exposure assessment for tall oil fatty acids was not conducted.

3. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide’s residues and “other substances that have a common mechanism of toxicity.”

Based on the available data, tall oil fatty acids do not have a toxic mechanism; therefore, section 408(b)(2)(D)(v) does not apply.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

As part of its qualitative assessment, the Agency did not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children. Based on an assessment of tall oil fatty acids, EPA has concluded that there are no toxicological endpoints of concern for

the U.S. population, including infants and children.

E. Aggregate Risks and Determination of Safety

Because no toxicological endpoints of concern were identified, EPA concludes that aggregate exposure to residues of tall oil fatty acids will not pose a risk to the U.S. population, including infants and children, and that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to tall oil fatty acids residues.

V. Other Considerations

A. Analytical Enforcement Methodology

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

VI. Conclusions

Therefore, exemptions from the requirement of a tolerance are established under for residues of tall oil fatty acids (CAS Reg. No. 61790–12–3) when used as an inert ingredient (solvent/carrier) in pesticide formulations as follows: For application to growing crops and raw agricultural commodities after harvest under 40 CFR 180.910; for application to animals under 40 CFR 180.930; and for use in antimicrobial pesticide formulations applied to for food contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils under 40 CFR 180.940(a).

VII. Statutory and Executive Order Reviews

This action establishes exemptions from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44

U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemptions in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 5, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.910, add alphabetically the inert ingredient to the table to read as follows:

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

Inert ingredients	Limits	Uses
Tall oil fatty acids (CAS Reg. No. 61790–12–3).	Solvent/carrier.

■ 3. In § 180.930, add alphabetically the inert ingredient to the table to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
Tall oil fatty acids (CAS Reg. No. 61790–12–3).	Solvent/carrier.

■ 4. In § 180.940(a), add alphabetically the inert ingredient to the table to read as follows:

§ 180.940(a) Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food contact surface sanitizing solutions).

Inert ingredients	Limits	Uses
Tall oil fatty acid (CAS Reg. No. 61790–12–3).	Solvent/carrier.

* * * * *
[FR Doc. 2017–21787 Filed 10–6–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0309; FRL–9967–72]

Tolfenpyrad; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of tolfenpyrad in or on dry bulb onion and watermelon. This action is in response to EPA’s granting of emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on dry bulb onion and watermelon. This regulation establishes maximum permissible levels for residues of tolfenpyrad in or on these commodities. The time-limited tolerances expire on December 31, 2020.

DATES: This regulation is effective October 10, 2017. Objections and requests for hearings must be received on or before December 11, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0309, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: RDfRNNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at https://www.ecfr.gov/cgi-bin/text-id?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl. To access the OCSPP test guidelines referenced in this document electronically, please go to <https://www.epa.gov/aboutepa/about-office-chemical-safety-and-pollution-prevention-ocsp> and select "Test Guidelines for Pesticides and Toxic Substances."

C. How can I file an objection or hearing request?

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2017-0309 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before December 11, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be

disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2017-0309, by one of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/dockets/where-send-comments-epa-dockets>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for residues of tolfenpyrad (4-chloro-3-ethyl-1-methyl-N-[4-(p-tolyloxy)benzyl]pyrazole-5-carboxamide), including its metabolites and degradates, in or on dry bulb onion at 0.09 parts per million (ppm), and watermelon at 0.7 ppm. These time-limited tolerances expire on December 31, 2020.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.*, without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA

determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemptions for Tolfenpyrad on Dry Bulb Onion and Watermelon, and FFDCA Tolerances

The Texas Department of Agriculture (TDA) stated that an emergency situation required the use of tolfenpyrad on dry bulb onions (*Allium cepa*) to control onion thrips (*Thrips tabaci* Lindeman) in the Texas counties of Cameron, Dimmitt, Frio, Hidalgo, Maverick, Starr, Uvalde, Willacy and Zavala. According to TDA, this year's exceptionally mild winter and record high heat caused the development of large populations of onion thrips, a principle pest of onions, early in the onion crop cycle. The threshold level for applying pesticides to control thrips in onions is 5 to 25 thrips per plant, and TDA stated that over 100 thrips per plant were observed in Texas' dry bulb onion fields in early March, 2017. TDA stated that multiple applications of registered pesticides were not controlling these extreme population levels which can reduce yields and bulb size by as much as 50%. In addition, the transmission of iris yellow spot virus in onions, exclusively vectored by onion thrips, is a concern, and several onion fields have been observed with positive symptoms. TDA stated that this virus severely affects the shipping quality of onions, and can be more devastating than damage from the thrips themselves. Upon EPA concurrence, TDA allowed the use of tolfenpyrad under the provisions of a crisis exemption beginning on March 17, 2017, and

subsequently requested a specific exemption to allow the use of tolfenpyrad in dry bulb onions to continue beyond the 15 days provided by a crisis exemption alone.

Separately, the Hawaii Department of Agriculture (HDA) stated that an emergency developed due to outbreaks of melon thrips in watermelon fields at unusually high levels, (up to 200 thrips per leaf), which registered pesticides were not controlling. HDA stated that above-average rainfall caused rapid growth of host plants, leading to development of very high levels of melon thrips in areas near watermelon fields. Subsequently, a 6-week drought caused early dry-down of this rainy-season vegetation, prompting massive migrations of melon thrips into neighboring watermelon fields. HDA stated that the melon thrips infestations have caused stunted vines, foliage discoloration, and in some instances have caused such severe damage that the plants no longer produce fruit. The melon aphid also transmits the tomato spotted wilt virus, which causes silver mottle disease in watermelon, further damaging the plants and causing additional yield losses. HDA stated that some watermelon acreage was abandoned due to the high level of damage from melon thrips infestations, and that significant yield and economic losses would occur in the remaining watermelon acreage without the requested use of tolfenpyrad. Upon EPA concurrence, HDA allowed the use of tolfenpyrad under the provisions of a crisis exemption, beginning on May 31, 2017, subsequently requesting a specific exemption to allow the use of tolfenpyrad in watermelon to continue beyond the 15 days provided under a crisis exemption alone.

After having reviewed the submissions, EPA determined that emergency conditions exist for these States, and that the criteria for approval of the emergency exemptions had been met. Therefore, EPA authorized specific exemptions under FIFRA section 18 for the use of tolfenpyrad on dry bulb onion for control of onion thrips in Texas, and on watermelon for control of melon thrips in Hawaii.

As part of its evaluation of the emergency exemption applications, EPA assessed the potential risks presented by residues of tolfenpyrad in or on dry bulb onion and watermelon. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the

emergency exemptions in order to address urgent, non-routine situations and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2020, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on dry bulb onion or watermelon after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke these time-limited tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether tolfenpyrad meets FIFRA's registration requirements for use on dry bulb onion and watermelon or whether permanent tolerances for these uses would be appropriate. Under these circumstances, EPA does not believe that these time-limited tolerance decisions serve as bases for registration of tolfenpyrad by a State for special local needs under FIFRA section 24(c), nor do these tolerances by themselves serve as the authority for persons in any States other than Texas and Hawaii to use this pesticide on the applicable crops under FIFRA section 18, absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemptions for tolfenpyrad, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of, and to make a determination on, aggregate exposure expected as a result of these emergency exemptions and the time-limited tolerances for residues of tolfenpyrad on dry bulb onion at 0.09 ppm, and watermelon at 0.7 ppm. EPA's assessment of exposures and risks associated with establishing the time-limited tolerances follows.

A. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed to humans by exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks>.

A summary of the toxicological profile and endpoints for tolfenpyrad used for human health risk assessment is discussed in Table 1 of the final rule published in the **Federal Register** of January 9, 2014, (79 FR 1599) (FRL-9904-70).

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to tolfenpyrad, EPA considered exposures under the time-limited tolerances established by this action as well as all existing tolfenpyrad tolerances in 40 CFR 180.675. EPA assessed dietary exposures from tolfenpyrad in food as follows:

i. *Acute exposure.* Acute dietary exposure is quantified and risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure; such effects were identified for tolfenpyrad. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey/What We

Eat in America (NHANES/WWEIA). For the purposes of this acute exposure assessment, EPA assumed tolerance-level residues and 100 percent crop treated (PCT) for those crops on which tolfenpyrad use is registered and proposed.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 NHANES/WWEIA. For the purposes of this chronic exposure assessment, EPA assumed 100 PCT and incorporated average residue levels from crop field trials for registered and proposed uses of tolfenpyrad.

iii. *Cancer.* No evidence of carcinogenicity was observed in cancer studies with mice and rats. For further detail on the results of these studies see “Tolfenpyrad. Human Health Risk Assessment” at <https://www.regulations.gov> in docket ID number EPA–HQ–OPP–2012–0909. Therefore, in accordance with EPA’s Final Guidelines for Carcinogen Risk Assessment (March 2005), tolfenpyrad is classified as “not likely to be carcinogenic to humans” and a cancer risk assessment is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for tolfenpyrad in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of tolfenpyrad. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide>.

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening

Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of tolfenpyrad are 26.9 ppb for acute exposure and 12.2 ppb for chronic exposure. These modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Tolfenpyrad is not registered for any specific use patterns that would result in residential exposure. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide>.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide’s residues and “other substances that have a common mechanism of toxicity.”

EPA has not found tolfenpyrad to share a common mechanism of toxicity with any other substances, and tolfenpyrad does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that tolfenpyrad does not have a common mechanism of toxicity with other substances. For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s Web site at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

C. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the

FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* No evidence of increased quantitative or qualitative susceptibility was observed in developmental toxicity studies in rats or rabbits or a reproduction toxicity study in rats. However, the developmental immunotoxicity study (DIT) in rats suggests increased qualitative susceptibility in the young since toxicity observed in offspring animals was more pronounced than toxicity seen in maternal animals at the same dose. No evidence of quantitative susceptibility was seen in the study. There is low concern and there are no residual uncertainties regarding the increased qualitative prenatal and/or postnatal susceptibility observed for tolfenpyrad. When the DIT and the reproduction study are considered together, the offspring toxicity in the DIT is comparable in severity to maternal toxicity observed at the same dose in the reproduction study. Since the adverse effects in young occurred at exposure levels that have shown comparable effects in adults, EPA does not consider the DIT persuasive evidence of an increased susceptibility of infants or children to tolfenpyrad. Additionally, the effects observed in the DIT study are well-characterized, a clear NOAEL was identified, and the endpoints chosen for risk assessment are protective of potential offspring effects since a dermal hazard was not identified for tolfenpyrad, inhalation risk assessments are based on a route specific inhalation study, and the POD used for chronic dietary risk assessment is lower than where offspring effects were seen in the DIT study.

3. *Conclusion.* EPA has determined that reliable data show that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

- i. The toxicity database for tolfenpyrad is complete.
- ii. There is no indication that tolfenpyrad is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. Although there is possibly increased qualitative susceptibility in the young in the DIT study in rats, there are no residual uncertainties regarding increased susceptibility for tolfenpyrad since, (1) comparable maternal toxicity was observed at the same dose in the

reproduction study, (2) the offspring effects observed in the DIT study are well characterized and there is a clear NOAEL for the effects seen, (3) no evidence of quantitative susceptibility was seen in the DIT study and susceptibility was not observed (quantitative or qualitative) in rat or rabbit developmental toxicity or reproduction studies tested at similar doses, (4) the endpoints and PODs selected for risk assessment are protective, and (5) direct non-dietary exposure to children is not anticipated since there are no residential uses for tolfenpyrad. Thus, an additional FQPA safety factor is not necessary to protect infants and children.

iv. There are no residual uncertainties identified in the exposure databases. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to tolfenpyrad in drinking water. Accordingly, these assessments will not underestimate the exposure and risks posed by tolfenpyrad.

D. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food, drinking water and relevant residential exposure scenarios. Since there are no residential uses for tolfenpyrad, acute residential exposure is not anticipated and acute aggregate exposure results from dietary exposure to residues in food and drinking water alone. Therefore, acute aggregate risk estimates are equivalent to the acute dietary risk estimates. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to tolfenpyrad will occupy 56% of the aPAD for the general U.S. population. Children 3–5 years old are the highest-exposed population subgroup with an estimated acute dietary exposure of 80% of the aPAD. Typically, EPA has concerns when estimated exposures exceed 100% of the acute or chronic population-adjusted dose (aPAD or

cPAD). Acute dietary risk estimates are below EPA's level of concern for all populations.

2. *Chronic risk.* A chronic aggregate risk assessment takes into account chronic exposure estimates from dietary consumption of food and drinking water and relevant residential exposure scenarios. Since there are no residential uses for tolfenpyrad, chronic residential exposure is not anticipated and chronic aggregate exposure to tolfenpyrad results from dietary exposure to residues in food and drinking water alone. Therefore, chronic aggregate risk estimates for tolfenpyrad are equivalent to the chronic dietary risk estimates. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to tolfenpyrad from food and water will utilize 32% of the cPAD for the general U.S. population, and 81% of the cPAD for children 1–2 years old (the population group receiving the greatest exposure).

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic dietary exposure from food and water (considered to be a background (average) exposure level). A short-term adverse effect was identified; however, tolfenpyrad is not registered for any use patterns that would result in short-term residential exposure. Because there is no short-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-term risk for tolfenpyrad.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic dietary exposure from food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, tolfenpyrad is not registered for any use patterns that would result in intermediate-term residential exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for tolfenpyrad.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, tolfenpyrad is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to tolfenpyrad residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (liquid chromatography/tandem mass spectrometry (LC/MS/MS)) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov*.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established MRLs for tolfenpyrad residues in dry bulb onion or watermelon.

VI. Conclusion

Therefore, time-limited tolerances are established for residues of tolfenpyrad (4-chloro-3-ethyl-1-methyl-N-[4-(*p*-tolylloxy)benzyl]pyrazole-5-carboxamide), including its metabolites and degradates, in or on onion, dry bulb at 0.09 ppm, and watermelon at 0.7 ppm. These tolerances expire on December 31, 2020.

VII. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or

distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 25, 2017.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.675, revise paragraph (b) to read as follows:

§ 180.675 Tolfenpyrad; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of tolfenpyrad, (4-chloro-3-ethyl-1-methyl-N-[4-(p-tolyloxy)benzyl]pyrazole-5-carboxamide, including its metabolites and degradates, in or on the specified agricultural commodities, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified below is to be determined by measuring only tolfenpyrad, 4-chloro-3-ethyl-1-methyl-N-[4-(p-tolyloxy)benzyl]pyrazole-5-carboxamide. The tolerances expire on the dates specified in the table.

Commodity	Parts per million	Expiration date
Onion, dry bulb	0.09	12/31/2020
Vegetable, fruiting, group 8–10	0.70	12/31/19
Watermelon	0.70	12/31/2020

* * * * *
[FR Doc. 2017–21797 Filed 10–6–17; 8:45 am]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066–5717–02]

RIN 0648–XF727

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure of the General category fishery.

SUMMARY: NMFS closes the General category fishery for large medium and giant (*i.e.*, measuring 73 inches curved fork length or greater) Atlantic bluefin tuna (BFT) until the General category reopens on December 1, 2017. This action is being taken to prevent overharvest of the General category October through November 2017 BFT subquota and help ensure reasonable

fishing opportunities in the December subquota time period.

DATES: Effective 11:30 p.m., local time, October 5 through November 30, 2017.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and amendments.

NMFS is required, under § 635.28(a)(1), to file a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year or for a specified period as indicated in the notification, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The base quota for the General category is 466.7 mt. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a “subquota” or portion of the annual General category quota. Although it is called the “January” subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. The subquotas for each time period are as follows: 24.7 mt for January; 233.3 mt for June through August; 123.7 mt for September; 60.7 mt for October through November; and 24.3 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods. On December 19, 2016, NMFS published an inseason action transferring 16.3 mt of BFT quota from

the December 2017 subquota to the January 2017 subquota period, resulting in a subquota of 41 mt for the January 2017 period and a subquota of 8 mt for the December 2017 period (81 FR 91873). For 2017, NMFS also transferred 40 mt from the Reserve to the General category effective March 2, and 156.4 mt from the Reserve to the General category effective September 28, resulting in an adjusted General category quota of 663.1 mt (82 FR 12747, March 7, 2017; 82 FR 46000, October 3, 2017). This transfer restored quota to the October through November and December subquota categories that otherwise would have been used to compensate for overharvests in earlier subquota periods, with the goal of making the subquota categories whole to the extent transferrable quota was available.

Based on the best available landings information for the General category BFT fishery as well as recent and anticipated catch rates and fishing conditions, NMFS has determined that the General category October through November subquota will be reached by October 5, 2017. Therefore, retaining, possessing, or landing large medium or giant BFT by persons aboard vessels permitted in the Atlantic tunas General and HMS Charter/Headboat categories must cease at 11:30 p.m. local time on October 5, 2017. The General category will reopen automatically on December 1, 2017, for the December 2017 subperiod. This action applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels, and is taken consistent with the regulations at § 635.28(a)(1). The intent of this closure is to prevent overharvest of the available General category October through November BFT subquota and help ensure reasonable fishing opportunities in the December subquota time period.

Fishermen may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the “Careful Catch and Release” brochure available at www.nmfs.noaa.gov/sfa/hms/.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24

hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS’ ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. General and Charter/Headboat category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing hmspermits.noaa.gov or by using the HMS Catch Reporting App. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access hmspermits.noaa.gov, for updates on quota monitoring and inseason adjustments.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. These fisheries are currently underway and the quota for the subcategory is projected to be reached shortly. Delaying this action would be contrary to the public interest because the subquota is projected to be reached shortly and any delay could lead to further exceedance, which may result in the need to reduce quota for the General category later in the year and thus could affect later fishing opportunities. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under 50 CFR 635.28(a)(1) (BFT Fishery Closures), and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: October 3, 2017.

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–21723 Filed 10–4–17; 4:15 pm]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 161017970–6999–02]

RIN 0648–XF722

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of New Jersey is transferring a portion of its 2017 commercial summer flounder quota to the State of Rhode Island. This quota adjustment is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial quotas for New Jersey and Rhode Island. **DATES:** Effective October 4, 2017, through December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Cynthia Hanson, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the initial 2017 allocations were published on December 22, 2016 (81 FR 93842).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in

§ 648.102(c)(2)(i)(A) through (C) in the evaluation of requests for quota transfers or combinations.

New Jersey is transferring 380 lb (172 kg) of summer flounder commercial quota to Rhode Island. This transfer was requested to repay landings by a New Jersey-permitted vessel that landed in Rhode Island under a safe harbor agreement.

The revised summer flounder quotas for calendar year 2017 are now: New Jersey, 946,132 lb (429,158 kg); and Rhode Island, 887,922 lb (402,755 kg); based on the initial quotas published in the 2017 Summer Flounder, Scup, and Black Sea Bass Specifications and subsequent transfers.

Classification

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

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

Dated: October 4, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–21739 Filed 10–4–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 82, No. 194

Tuesday, October 10, 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 ELECTION COMMISSION

11 CFR Part 110

[Notice 2017–12]

Internet Communication Disclaimers; Reopening of Comment Period

AGENCY: Federal Election Commission.

ACTION: Reopening of comment period.

SUMMARY: On October 13, 2011, the Federal Election Commission published an Advance Notice of Proposed Rulemaking (“ANPRM”) seeking comment on whether to begin a rulemaking to revise its regulations concerning disclaimers on certain internet communications and, if so, on what changes should be made to those rules. On October 18, 2016, the Commission reopened the comment period to receive additional comments in light of legal and technological developments since that document was published. The Commission has decided to again reopen the comment period to receive additional comments in light of developments since that document was published. The Commission is not seeking comment on, nor does it propose changes to, any other rules adopted by the Commission in the Internet Communications rulemaking of 2006.

DATES: The comment period for the ANPRM published October 13, 2011 (76 FR 63567) is reopened. Comments must be received on or before November 9, 2017.

ADDRESSES: All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission’s Web site at www.fec.gov/netdisclaimers or at <http://www.fec.gov/fosers>, reference REG 2011–02.

Alternatively, commenters may submit comments in paper form, addressed to the Federal Election Commission, Attn.: Neven F. Stipanovic, Acting Assistant General Counsel, 999 E Street NW., Washington, DC 20463.

Each commenter must provide, at a minimum, his or her first name, last

name, city, state, and zip code. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public viewing on the Commission’s Web site and in the Commission’s Public Records Office. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social security number, driver’s license number, or any information that is restricted from disclosure, such as trade secrets or commercial or financial information that is privileged or confidential.

FOR FURTHER INFORMATION CONTACT: Mr. Neven F. Stipanovic, Acting Assistant General Counsel, or Ms. Jessica Selinkoff, Attorney, 999 E Street NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On October 13, 2011, the Commission published in the *Federal Register* an ANPRM seeking comment on whether and how to revise the rules at 11 CFR 110.11 regarding disclaimers on internet communications.¹ Specifically, the Commission was considering whether to modify the disclaimer requirements for certain internet communications, or to provide exceptions thereto, consistent with the Federal Election Campaign Act, 52 U.S.C. 30101–46 (“the Act”). The Commission received seven substantive comments in response to the ANPRM. All but one of the commenters agreed that the Commission should update the disclaimer rules through a rulemaking, though commenters differed on how the Commission should do so.

As discussed in the ANPRM, a “disclaimer” is a statement that must appear on certain communications to identify who paid for it and, where applicable, whether the communication was authorized by a candidate. 52 U.S.C. 30120(a); 11 CFR 110.11. With some exceptions, the Act and Commission regulations require disclaimers for public communications: (1) made by a political committee; (2) that expressly advocate the election or defeat of a clearly identified federal candidate; or (3) that solicit a

contribution. U.S.C. 30120(a); 11 CFR 110.11(a). While the term “public communication” generally does not include internet communications, it does include “communications placed for a fee on another person’s Web site.” 11 CFR 100.26.² In addition to these internet public communications, “electronic mail of more than 500 substantially similar communications when sent by a political committee . . . and all Internet Web sites of political committees available to the general public” also must have disclaimers. 11 CFR 110.11(a).

Commission regulations set forth certain exceptions to the general disclaimer requirements. For example, disclaimers are not required for communications placed on “[b]umper stickers, pins, buttons, pens, and similar small items upon which the disclaimer cannot be conveniently printed.” 11 CFR 110.11(f)(1)(i) (the “small items exception”). Nor are disclaimers required for “[s]kywriting, water towers, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.” 11 CFR 110.11(f)(1)(ii) (the “impracticable exception”).

As discussed in the ANPRM, some internet advertisements are so characterized that providing all the disclaimer information required by the Act may take up much of the available ad characters. *See* Advisory Opinion 2010–19 (Google) (describing 95-character search result advertisements); *cf.* Advisory Opinion Request 2011–09 (Facebook) (describing several categories of advertisements ranging from zero to 160 characters).³ However, the ANPRM noted that technological options may allow for the display of disclaimers when a user “hovers” or “rolls” over the advertisement, or on the landing page to which the user is taken after clicking the advertisement.⁴

² The Commission is currently proposing amendments intended to modernize a number of regulations, including 11 CFR 100.26. To review those proposals and other Commission rulemaking documents, visit <http://www.fec.gov/fosers>, reference REG 2013–01.

³ Documents related to Commission advisory opinions are available on the Commission’s Web site.

⁴ *See, e.g.*, Contents of Disclosure Statements. Advertisement Disclosure, Cal. Code Regs. tit. 2, sec. 18450.4(b)(3)(G)(1) (California small internet ad disclosure rule discussed in ANPRM).

¹ *See* Internet Communication Disclaimers, 76 FR 63567 (Oct. 13, 2011).

After publication of the ANPRM, the Commission considered these issues in new factual contexts. *See, e.g.*, Advisory Opinion Request 2013–18 (Revolution Messaging) (asking whether “banner ads” viewed on mobile phones, either in Web site or app, required disclaimers); MUR 6911 (Frankel) (considering whether candidates’ and political parties’ Twitter profiles and individual tweets required disclaimers).⁵ Also, after the ANPRM was published, at least one additional state joined California in adopting regulations to address small internet advertisements.⁶

In light of these and other legal and technological developments, the Commission reopened the comment period on October 18, 2016, seeking comments addressing persons’ experiences in complying with (and receiving disclosure from) these state rules as well as other disclosure regimes.⁷ The Commission sought comments that addressed:

- How campaigns, parties, and other political committees, voters, and others disseminate and receive electoral information via the internet and other technologies, including any data or experiences in purchasing, selling, or distributing small or character-limited advertisements on Web sites, apps, and mobile devices;
- any challenges in complying with the existing disclaimer rules as applied to internet communications;
- the technological or other characteristics that might define a “small” internet advertisement;
- how a disclaimer requirement or exception for “small” internet advertisements might be implemented;
- the informational benefits of disclaimers on internet communications to assist voters in identifying the source of advertising so they are better “able to evaluate the arguments to which they are being subjected”;⁸
- the informational benefits of disclaimers on internet communications, including Web sites and social media pages, to avoid voter confusion and reduce the incidence of solicitations that appear to be for

candidates but are actually for non-candidate committees; and

- the extent to which the Commission’s consideration of disclaimer requirements should take into account current or anticipated models of internet advertising.

The Commission received six comments during the reopened comment period, all but one of which supported updating the disclaimer rules. Commenters, however, differed on whether the Commission should adopt technological modifications to disclaimer requirements for all online advertisements or exempt paid advertisements on social media platforms from the disclaimer requirements.

Since the close of the latest comment period, the Commission has again considered disclaimer requirements as applied to online communications by American citizens.⁹ In light of recent developments since the close of the latest comment period, the Commission is interested in receiving further comments on whether and how to revise its rules regarding disclaimers on certain internet communications. The Commission seeks additional comments addressing the bullet points above and any issues discussed in the ANPRM; the Commission is particularly interested in comments addressing advertisements on internet-enabled applications and devices (such as apps, eReaders, and wearable technology). Given the speed at which technological advances are developing, the Commission welcomes comments that address possible regulatory approaches that might minimize the need for serial revisions to the Commission’s rules in order to adapt to new or emerging technologies.

Dated: October 3, 2017.

On behalf of the Commission.

Steven T. Walther,

Chairman, Federal Election Commission.

[FR Doc. 2017–21706 Filed 10–6–17; 8:45 am]

BILLING CODE 6715–01–P

⁵ Documents related to Commission enforcement matters under review (MURs) are available on the Commission’s Web site.

⁶ *See* Electronic Media, Requirements, Md. Code Regs. 33.13.07.02(D)(2)(b).

⁷ *See* Internet Communication Disclaimers; Reopening of Comment Period and Notice of Hearing, 81 FR 71647 (Oct. 18, 2016). In the document, the Commission also indicated it would hold a hearing on February 1, 2017. However, because few commenters expressed interest in the hearing, the Commission postponed it.

⁸ *Citizens United v. FEC*, 558 U.S. 310, 368 (2010) (quoting *First Nat’l Bank of Boston v. Bellotti*, 435 U.S. 765, 792 n.32 (1978)).

⁹ *See, e.g.*, Advisory Opinion 2017–05 (Great America PAC *et al.*) (concerning whether committees’ Twitter profile pages require disclaimers and how committees may use Twitter handles in disclaimers).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0952; Product Identifier 2017–CE–028–AD]

RIN 2120–AA64

Airworthiness Directives; Stemme AG Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2017–10–11 for Stemme AG Model Stemme S10–VT gliders (type certificate previously held by Stemme GmbH & Co. KG). This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as certain propeller front transmission gear wheels having insufficient material strength because of improper heat treatment during manufacturing. We are issuing this proposed AD to require actions to address the unsafe condition on these products and to add Stemme AG Model Stemme S 12 to the applicability.

DATES: We must receive comments on this proposed AD by November 24, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact STEMME AG, Flugplatzstrasse F2, Nr. 6–7, D–15344 Strausberg, Germany; telephone: +49 (0) 3341 3612–0, fax: +49 (0) 3341 3612–30; Internet: <https://www.stemme.com>. You may review copies of the referenced 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.

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-2017-0952; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; email: jim.rutherford@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0952; Product Identifier 2017-CE-028-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We issued AD 2017-10-11, Amendment 39-18885 (82 FR 24239, May 26, 2017) ("AD 2017-10-11") to address an unsafe condition on all Stemme AG Model Stemme S10-VT gliders (type certificate previously held by Stemme GmbH & Co. KG) equipped with a certain front gearbox, part number 11AG, and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2017-10-11, we have type certificated Stemme AG Model Stemme S 12 gliders in the United States and have determined those model gliders should also be included in the applicability of AD 2017-10-11. In addition, Stemme AG has issued new service information with procedures for addressing the unsafe condition.

Related Service Information Under 1 CFR Part 51

Stemme AG has issued STEMME Service Bulletin Dok. Nr.: P062-980010, Issue: 01, dated June 14, 2017, and STEMME Procedural Specification Dok. Nr.: P320-900060, dated June 14, 2017. In combination, the service information describes procedures for replacing the front gearbox. 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 of this NPRM.

FAA's Determination and Requirements of the Proposed 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the Service Information

The service information for this proposed AD allows the owner/operator to do certain maintenance tasks. Also, the service information specifies certain maintenance tasks be done by Stemme AG. However, for this proposed AD, we do not allow the owner/operator to do any maintenance tasks; all maintenance tasks must be done by an appropriately certified mechanic or maintenance shop. In addition, we do not require any maintenance tasks be done specifically by Stemme AG; any appropriately certified mechanic or maintenance shop may do the tasks required by this proposed AD.

Costs of Compliance

According to the U.S. registry, we have a total of 51 of both glider types registered, but there are still only 14 serial numbers of the part number 11AG front gearbox. Therefore, the most

gliders that could be affected remains 14. According to Stemme AG, there are a total of 4 of the affected front gearboxes on both glider types of U.S. registry (2 for each model).

It will take an estimated 19 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$2,000 per product.

Based on these figures, if we consider the costs for all 14 affected gearboxes, then we estimate the cost of the proposed AD on U.S. operators to be \$50,610, or \$3,615 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 small airplanes, gliders, and domestic business jet transport airplanes to the Director of the Policy and Innovation Division.

Regulatory Findings

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

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

(1) Is not a “significant regulatory action” under Executive Order 12866,
 (2) Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–18885 (82 FR 24239, May 26, 2017), and adding the following new AD:

Stemme AG: Docket No. FAA–2017–0952; Product Identifier 2017–CE–028–AD.

(a) Comments Due Date

We must receive comments by November 24, 2017.

(b) Affected ADs

This AD replaces AD 2017–10–11, Amendment 39–18885 (82 FR 24239, May 26, 2017) (“AD 2017–10–11”).

(c) Applicability

This AD applies to Stemme AG Model Stemme S10–VT gliders (type certificate previously held by Stemme GmbH & Co. KG), all serial numbers, and Stemme AG Model Stemme S 12 gliders, all serial numbers, that are:

(1) Equipped with a front gearbox, part number (P/N) 11AG, with a serial number listed in table 1 to paragraph (c) of this AD; and

(2) are certificated in any category.

Table 1 to paragraph (c) of this AD—Affected P/N 11AG (front gearbox) S/Ns

80058/0814, 80059/0915, 80060/0915, 80061/1115, 80062/1215, 80063/0116, 80064/0416, 80065/0616, 80066/0716, 80067/0916, 80068/1016, 80069/0117, 80070/0217, 80071/0217.

Note 1 to paragraph (c) of this AD: Page 2 of Stemme AG Service Bulletin No. P062–980010, dated April 21, 2017, provides a pictorial of where the serial number of the affected gearboxes are located.

(d) Subject

Air Transport Association of America (ATA) Code 61: Propellers/Propulsors.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as certain propeller front transmission gear wheels having insufficient material strength because of improper heat treatment during manufacturing. We are issuing this proposed AD to add Stemme AG Model Stemme S 12 to the applicability, paragraph (c), of this AD, and to prevent failure of the propeller front transmission gear wheels. This failure could cause loss of power between the engine and the propeller, which could result in reduced control.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) *For Model Stemme S10–VT gliders:* Before further flight after June 15, 2017 (the effective date of AD 2017–10–11), replace the front gearbox following STEMME Procedural Specification Dok. Nr.: P320–900060, dated June 14, 2017, as specified in STEMME Service Bulletin Dok. Nr.: P062–980010, Issue: 01, dated June 14, 2017.

(2) *For Model Stemme S 12 gliders:* Before further flight after the effective date of this AD, replace the front gearbox following STEMME Procedural Specification Dok. Nr.: P320–900060, dated June 14, 2017, as specified in STEMME Service Bulletin Dok. Nr.: P062–980010, Issue: 01, dated June 14, 2017.

(3) As of the effective date of this AD, do not install a front gear box listed in table 1 of paragraph (c) of this AD.

(4) The service information for this AD allows the owner/operator to do certain maintenance tasks. Also, the service information specifies certain maintenance tasks be done by Stemme AG. However, for this AD, we do not allow the owner/operator to do any maintenance tasks; all maintenance tasks must be done by an appropriately certified mechanic or maintenance shop. In addition, we do not require any maintenance tasks be done specifically by Stemme AG; any appropriately certified mechanic or maintenance shop may do the tasks required by this AD.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: jim.rutherford@faa.gov.

(i) Before using any approved AMOC on any airplane to which the AMOC applies,

notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(ii) AMOCs approved for AD 2017–10–11, Amendment 39–18885 (82 FR 24239, May 26, 2017) are approved as AMOCs for the corresponding provisions of this AD.

(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, Small Airplane Standards Branch, FAA; or the European Aviation Safety Agency (EASA).

(h) Related Information

(1) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2017–0072–E, dated April 26, 2017, and Stemme AG Service Bulletin No. P062–980010, dated April 21, 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–2017–0952. For service information related to this AD, contact STEMME AG, Flugplatzstrasse F2, Nr. 6–7, D–15344 Strausberg, Germany; telephone: +49 (0) 3341 3612–0, fax: +49 (0) 3341 3612–30; Internet: <https://www.stemme.com>. You may review copies of the referenced 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.

Issued in Kansas City, Missouri, on September 26, 2017.

Pat Mullen,

Acting Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2017–21226 Filed 10–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM18–1–000]

Grid Resiliency Pricing Rule

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the Department of Energy Organization Act (DOE Act), the Secretary of Energy (Secretary) is proposing a rule for final action by the Federal Energy Regulatory Commission (Commission or FERC). The Secretary is proposing the Commission exercise its authority under the Federal Power Act (FPA) to establish just and reasonable rates for wholesale electricity sales. Under the proposal, the Commission will impose rules on Commission-approved independent system operators

(ISOs) and regional transmission organizations (RTOs) to ensure that certain reliability and resilience attributes of electric generation resources are fully valued. The Secretary is directing the Commission to take final action on this proposal within 60 days of publication of this proposed rule in the **Federal Register** or, in the alternative, to issue the rule as an interim final rule immediately, with provision for later modifications after consideration of public comments. The Secretary further directs that any final rule adopting this proposal take effect within 30 days of publication of such final rule in the **Federal Register** and proposes that each ISO and RTO subject to the rule shall submit a compliance filing within 15 days of the effective date of such final rule.

DATES: The Commission is directed either to take final action by December 11, 2017 or to issue the proposed rule as an interim final rule. Public comment is due either November 24, 2017 or according to a schedule to be published by the Commission.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- *Email:* Electronic Filing through <http://www.ferc.gov>. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT: Ronald (R.J.) Colwell, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy (GC-76), Forrestal Building, Room 6D-033, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586-9507; email ronald.colwell@hq.doe.gov.

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I. Statutory Background

Section 403 of the DOE Act authorizes the Secretary of Energy to propose rules for Commission action regarding certain Commission functions, including its electricity rate-related functions under sections 205 and 206 of the Federal Power Act, and to set reasonable time limits for Commission completion of the proposed action. Section 403(a) provides for the initiation of rulemaking proceedings by either the Secretary or the Commission. In the exercise of this authority, the Commission proposes rules by publishing Notices of Proposed Rulemaking (NOPR) in the **Federal Register**. The Secretary has likewise exercised his section 403 authority by publishing NOPRs in the **Federal Register**. This authority was first exercised by the Secretary in 1979 by publication of a NOPR (“Transportation Certificates for Natural Gas,” 44 FR 17644, March 22, 1979). The Secretary has subsequently acted under section 403 on several occasions by publication of a NOPR in the **Federal Register**. By proposing a rule in this manner, the Secretary enables the Commission to proceed directly to the consideration of, and final action on, the proposal and eliminates the need for the Commission to order or publish its own separate rulemaking proposal.

Independent of the Secretary’s action under section 403(a), FERC has full authority to establish the rule set forth

in this proposed rule. Specifically, FERC has authority to establish just and reasonable rates, terms, and conditions for wholesale electricity sales under sections 205 and 206 of the Federal Power Act, and FERC has discretion to do so by means of a rulemaking pursuant to section 403(c), which authorizes FERC to use rulemaking procedures to conduct its Federal Power Act functions relating to rates and charges. *Transmission Access Policy Study Group v. F.E.R.C.*, 225 F.3d 667, 688 (D.C. Cir. 2000), *aff’d* 535 U.S. 1 (2002). FERC has on numerous occasions imposed market rules on ISOs and RTOs. See 18 CFR part 35.

Furthermore, section 403(b) requires that FERC “shall consider and take final action on any proposal made by the Secretary [under subsection (a)] in an expeditious manner in accordance with such reasonable time limits as may be set by the Secretary for the completion of action by the Commission on any such proposal.” The Secretary is therefore authorized to direct the Commission to consider and take final action within the reasonable time limits the Secretary establishes in this proposed rule. Given the extensive record the Commission has already developed on the subject matter of this proposed rule, the time limit for final action provided herein allows adequate time for the Commission to receive and consider public comments.

II. Discussion of the Proposed Rule

The resiliency of the nation’s electric grid is threatened by the premature retirements of power plants that can withstand major fuel supply disruptions caused by natural or man-made disasters and, in those critical times, continue to provide electric energy, capacity, and essential grid reliability services. These fuel-secure resources are indispensable for the reliability and resiliency of our electric grid—and therefore indispensable for our economic and national security. It is time for the Commission to issue rules to protect the American people from energy outages expected to result from the loss of this fuel-secure generation capacity.

A. Affordable, Reliable and Resilient Electricity Is Vital to the Economic and National Security of the United States and Its People

Ensuring that American families and businesses have access to reliable, resilient and affordable electricity is vital to the economy, national security, and quality of life. From heating homes in the winter to cooling them in the summer, providing lighted streets so

people can walk safely at night, powering machines and technology that create jobs, and connecting us through smart phones and the internet—electricity is a key driver of America's economic prosperity and the basic necessities of life. The American economy, government and national defense all depend on electricity. Therefore, ensuring a reliable and resilient electric supply and corresponding supply chain are also vital to national security.

The sheer size and impact of the electricity market on our economy cannot be overstated. According to the Department of Energy's January 2017 *Quadrennial Energy Review* (January 2017 QER): In the United States, there are around 7,700 operating power plants that generate electricity from a variety of primary energy sources; 707,000 miles of high-voltage transmission lines; more than 1 million rooftop solar installations; 55,800 substations; 6.5 million miles of local distribution lines; and 3,354 distribution utilities delivering electricity to 148.6 million customers. The total amount of money paid by end users for electricity in 2015 was about \$400 billion. This drives an \$18.6 trillion U.S. gross domestic product and significantly influences global economic activity totaling roughly \$80 trillion.¹

B. There Have Been Significant Retirements of Fuel-Secure Generation

Market changes are resulting in a significant loss of fuel-secure generation. According to the January 2017 QER: Currently, the changing electricity sector is causing the closure of many coal and nuclear plants in a shift from recent trends. From 2000 through 2009, power plant retirements were dominated by natural gas steam turbines. Over the past 6 years (2010–2015), power plant retirements were dominated by coal plants (37 GW), which accounted for over 52 percent of recently retired power plant capacity. Over the next 5 years (between 2016 and 2020), 34.4 GW of summer capacity is planned to be retired, and 79 percent of this planned retirement capacity are coal and natural gas plants (49 percent and 30 percent, respectively). The next largest set of planned retirements are nuclear plants (15 percent).²

The “Staff Report to the Secretary on Electricity Markets and Reliability”

¹ *Transforming the Nation's Electricity System: The Second Installment of the Quadrennial Energy Review*, January 6, 2017 (January 2017 QER).

² January 2017 QER at 3–73.

(“DOE Staff Report”)³ also discusses the large number of fuel-secure plants that have retired or are scheduled to retire:

- Between 2002 and 2016, 531 coal generating units representing approximately 59,000 MW of generation capacity retired from the U.S. generation fleet.⁴
- EIA reported that coal-fired power plants made up more than 80 percent of the 18,000 MW of electric generating capacity that retired in 2015.⁵
- It is anticipated that approximately 12,700 MW of coal generation will retire through 2020.⁶
- Between 2002 and 2016, 4,666 MW of nuclear generating capacity was announced for retirement, or approximately 4.7 percent of the U.S. total.⁷
- Eight reactors representing 7,167 MW of nuclear capacity (7.2 percent of U.S. nuclear capacity and 0.6 percent of total U.S. generating capacity) have announced retirement plans since 2016. This does not include seven reactors that averted early retirement through state action.⁸

C. The 2014 Polar Vortex Exposed Problems With the Resiliency of the Electric Grid

In early 2014, the Polar Vortex (a band of very cold weather spread across much of the eastern and central United States) created record-high winter peak electric demand for heating and equally high demand for natural gas for residential heating. During the Polar Vortex, PJM Interconnection (PJM)⁹ struggled to meet demand for electricity because a significant amount of generation was not available to run. According to the DOE Staff Report, the loss of generation capacity could have been catastrophic, but a number of fuel-secure plants that were scheduled for retirement were called upon to meet the need for electricity: American Electric Power reported that it deployed 89

³ U.S. Department of Energy, *Staff Report to the Secretary on Electricity Markets and Reliability*, August 2017 (DOE Staff Report).

⁴ DOE Staff Report at 22.

⁵ DOE Staff Report at 22, citing U.S. Energy Information Administration, *Today in Energy*, March 8, 2016. More recent EIA data shows an overall larger amount of 2015 generation capacity retirements (25,400 MW), of which coal-fired power plants made up 72%. EIA *Monthly Update to the Annual Electric Generator Report*, Form EIA-860m, March 2017.

⁶ U.S. Energy Information Administration (EIA), *Monthly Update to the Annual Electric Generator Report*, Form EIA-860m, June 2017, <https://www.eia.gov/electricity/data/eia860m/>.

⁷ DOE Staff Report at 29.

⁸ DOE Staff Report at 30.

⁹ PJM Interconnection is the regional transmission organization (“RTO”) serving thirteen states and the District of Columbia.

percent of its coal units scheduled for retirement in 2014 to meet demand during the Polar Vortex, and Southern Company reported using 75 percent of its coal units scheduled for closure. Using these retiring units enabled utilities to meet customer demand during a period when already limited natural gas resources were diverted from electricity production to meet residential heating needs. Once retired, however, these units will not be available for the next unseasonably cold winter.¹⁰

Likewise, the DOE Staff Report notes that, overall, nuclear generators performed extremely well during the Polar Vortex, with an average capacity factor of 95 percent.¹¹

Sixty-five million people within the PJM footprint could have been affected if these units were not available. The 2014 Polar Vortex was a warning that the current and scheduled retirements of fuel-secure plants could threaten the reliability and resiliency of the electric grid.¹²

D. Regulated Wholesale Power Markets Are Not Adequately Pricing Resiliency Attributes of Fuel-Secure Power

There is a growing recognition that organized markets do not necessarily pay generators for all the attributes that they provide to the grid, including resiliency. Because wholesale pricing in those markets does not adequately consider or accurately value those benefits, fuel-secure generation resources are often not compensated for those benefits.

The January 2017 QER summarizes the problem of how regulated wholesale markets are not adequately pricing resiliency attributes of fuel-secure generation: Reliability investments are typically incorporated into ratemaking processes for all electric utilities. Supplementary investments for recovery from outage events also are handled through established ratemaking processes. Resilience requirements tend to be valued as contributions to reliability and incorporated as part of ratemaking processes. These processes are more easily executed in structures that are traditional end-to-end, vertically integrated electricity delivery services; other market structures complicate reliability and resilience investment decision-making. *Short-run markets may not provide adequate price signals to ensure long-term investments*

¹⁰ DOE Staff Report, at 98 (internal citations omitted).

¹¹ DOE Staff Report, at 95 (internal citations omitted).

¹² DOE Staff Report, at 98–99, 118.

in appropriately configured capacity. Also, resource valuations tend not to incorporate superordinate network and/or social values such as enhancing resilience into resource or . . . investment decision making. The increased importance of system resilience to overall grid reliability may require adjustments to market mechanisms that enable better valuation.¹³

A recent study by IHS Markit amplifies the same point: “the increasing cost of ensuring power system resilience is exposing the problem that some current wholesale market price formation rules do not fully compensate generating resources for providing the desired power system supply resiliency.”¹⁴

E. The Preservation of Generation Diversity Will Benefit Consumers

The IHS Markit study also concludes that preservation of generation diversity provided by fuel-secure resources benefits consumers: “The current diversified US electric supply portfolio lowers the cost of electricity production by about \$114 billion per year and lowers the average retail price of electricity by 27%” compared with a “less efficient diversity case” involving “no meaningful contributions from coal or nuclear resources.”¹⁵

F. NERC Warns That Premature Retirements of Fuel-Secure Generation Threaten the Reliability and Resiliency of the Bulk Power System

The North American Electric Reliability Corporation (NERC) (the FERC-designated Electric Reliability Organization), whose mission is to assure the reliability and security of the bulk power system in North America, states: The North American electric power system is undergoing a rapid and significant transformation with ongoing retirements of fossil-fired and nuclear capacity, as well as growth in natural gas, wind, and solar resources. This shift is caused by several drivers, such as federal, state, and provincial policies, low natural gas prices, electricity market forces, and integration of both distributed and utility-scale renewable resources. *The changing resource mix is altering the operating characteristics of the bulk power system (BPS). These changing characteristics must be well understood and properly managed in*

*order to assure continued reliability and ensure resiliency.*¹⁶

Specifically, according to NERC, “Coal-fired and nuclear generation have the added benefits of high availability rate, low forced outages, and secured on-site fuel. Many months of on-site fuel allow these units to be operated in a manner independent of supply chain disruptions.”¹⁷

As a consequence, NERC warns, “Premature retirements of fuel secure baseload generating stations reduces resiliency to fuel supply disruptions.”¹⁸

G. The DOE Staff Report Made Clear the Challenges to the Grid and That Resiliency Must Be Addressed

The DOE Staff Report confirms these observations and exposes the potential challenges and threats to the reliability and resiliency of the electric grid, as well as the economic hardship faced by some of the most resilient types of generation. Among other things, the DOE Staff Report warns that premature retirements of fuel-secure resources impose serious risks: Ultimately, the continued closure of traditional baseload power plants calls for a comprehensive strategy for long-term reliability and resiliency. States and regions are accepting *increased risks* that could affect the future reliability and resiliency of electricity delivery for consumers in their regions.

Hydropower, nuclear, coal, and natural gas power plants provide ERS [(“essential reliability services”)] and fuel assurance critical to system resiliency. A continual comprehensive regional and national review is needed to determine how a portfolio of domestic energy resources can be developed to ensure grid reliability and resiliency.¹⁹

The DOE Staff Report also recognizes that “system fuel supply chain disruptions can impact many generators during a single widespread fuel shortage event,” and that “[n]uclear and coal plants typically have advantages associated with onsite fuel storage[.]”²⁰ In light of these facts, the DOE Staff

Report calls for prompt action: Markets need further study and reform to address future services essential to grid reliability and resiliency. System operators are working toward recognizing, defining, and compensating for resource attributes that enhance reliability and resiliency (on both the supply and demand side). However, further efforts should reflect the *urgent* need for clear definitions of reliability- and resiliency-enhancing attributes and should *quickly establish* the market means to value or the regulatory means to provide them.²¹

The DOE Staff Report’s first recommendation for protecting the resiliency of the electric grid is to correct distortions in price formation in the organized markets: FERC should expedite its efforts with states, RTO/ISOs, and other stakeholders to improve energy price formation in centrally-organized wholesale electricity markets. After several years of fact finding and technical conferences, the record now supports energy price formation reform, such as the proposals laid out by PJM and others.²²

H. Congress Is Concerned About the Potential Loss of Valuable Generation Resources

In July 2015, the chairmen of the Senate Committee on Energy and Natural Resources, the House Committee on Energy and Commerce, and the House Subcommittee on Energy and Power, sent correspondence to the Commission about challenges in the Commission-approved organized electricity markets.²³ The chairmen expressed their concern that “[v]aluable baseload power plants in these markets, including reliable nuclear and coal-[fired] plants, are facing premature retirement.”²⁴

More specifically, the Chairmen’s letter stated: “There are growing indications that owners and operators of major baseload power plants are facing imminent decisions regarding their continued economic viability”²⁵ and “broad scale premature retirements of otherwise performing baseload units because of market rules—rather than market forces—would represent failure of regulation.”²⁶ The letter made clear that electricity market prices for energy and capacity should reflect the “true marginal cost of supply, promote

²¹ *Id.*, at 10 (emphasis added).

²² *Id.*, at 126 (internal citations omitted).

²³ Letter from Fred Upton, Lisa Murkowski, and Ed Whitfield, U.S. Congress, to Norman Bay, Chairman, FERC (July 8, 2015).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

¹⁶ NERC Letter to Secretary of Energy Rick Perry, May 9, 2017, Attachment “Synopsis of NERC Reliability Assessments” (Synopsis) at 1.

¹⁷ NERC, Synopsis at 2.

¹⁸ NERC, Synopsis at 3.

¹⁹ “Staff Report to the Secretary on Electricity Markets and Reliability,” U.S. Department of Energy, August 2017 at 14 (emphasis added).

²⁰ DOE Staff Report, at 91. For example, “coal plants . . . maintain onsite coal stockpiles to accommodate both normal variance in deliveries and the possibility of a major supply disruption. Coal stockpiles have recently been slightly smaller than historical averages, while days of burn have increased slightly relative to historic averages from the 70–80 range to the 85–100-day range.” *Id.*, at 95.

¹³ January 2017 QER, at 4–41 (emphasis added).

¹⁴ IHS Markit, “Ensuring Resilient and Efficient Electricity Generation: The Value of the current diverse US power supply portfolio” at 8.

¹⁵ *Id.* at 4–5.

necessary investment, and produce meaningful price signals that clearly indicate where new supply and investment are needed.²⁷

I. The FERC Is Cognizant of the Problem and Has the Necessary Information on Which To Act Expeditiously

Over the past several years, the Commission has developed an extensive record on price formation in the Commission-approved ISOs and RTOs. The Commission has recognized that there are deficiencies in the way the regulated wholesale power markets price power (*i.e.*, energy, capacity, and ancillary services) and that these deficiencies are undermining reliability and resiliency.

Beginning in June 2013, the Commission recognized the changing mix of generation resources, determined that existing capacity markets were not providing a sufficiently reliable supply of electricity, predicted the loss of fuel-secure generation, and sought input from the public through proceedings on price formation in the organized markets. In a 2013 technical conference, FERC explained: The purpose of the technical conference is to consider how current centralized capacity market rules and structures are supporting the procurement and retention of resources necessary to meet future reliability and operational needs. Since their establishment, centralized capacity markets have continued to evolve. Meanwhile, the mix of resources is also evolving in response to changing market conditions, including low natural gas prices, state and federal policies encouraging the entry of renewable resources and other specific technologies, and the retirement of aging generation resources. This changing resource mix may result in future reliability and operational needs that are different than those of the past.²⁸

In December 2014, PJM requested that the Commission issue an order approving PJM's revisions to its capacity market rules to require resources participating in the capacity market to honor contractual commitments to deliver electricity at any time of the year.²⁹ The Commission determined that the existing capacity market was

not providing a sufficiently reliable supply of electricity and, to remedy this urgent shortfall, accepted PJM's proposed market rule changes. FERC's order was recently upheld by the D.C. Circuit in *Advanced Energy Management Alliance v. FERC*, D.C. Cir. (June 30, 2017).

A year after its initial 2013 proceeding, the Commission initiated a proceeding in June 2014, entitled "Price Formation in Energy and Ancillary Services Markets in Regional Transmission Organizations and Independent System Operators" (Price Formation Proceeding) to evaluate issues regarding price formation in the energy and ancillary services markets operated by RTOs and ISOs.³⁰ In a December 2014 staff analysis for this proceeding, the FERC Staff observes that "[a]ll RTOs and ISOs have identified a class of reliability and operational issues that are incorporated into the day-ahead and real-time market processes but which are not reflected in day-ahead and real-time energy and ancillary services prices."³¹

The Price Formation Proceeding resulted in a number of additional proceedings and rulemakings, some of which are described below:

- In November 2016, under Order No. 825, *Settlement Intervals and Shortage Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators*, the Commission directed reforms to settlement intervals and shortage pricing to more accurately compensate resources based on the value they provide the system.³²

- In November 2016, pursuant to a NOPR entitled *Essential Reliability Services and the Evolving Bulk-Power System—Primary Frequency Response*, the Commission proposed a rule to require all newly interconnecting large and small generating facilities, both synchronous and non-synchronous, to install and enable primary frequency response capability as a condition of interconnection.³³

³⁰ *Price Formation in Energy and Ancillary Services Markets in Regional Transmission Organizations and Independent System Operators*, Docket No. AD14-14-000, June 2014.

³¹ *Staff Analysis of Operator-Initiated Commitments in RTO and ISO Markets*, Price Formation in Organized Wholesale Electricity Markets, [Docket No. AD14-14-000], December 2014 at 5.

³² 155 FERC ¶ 61,276; 18 CFR part 35 [Docket No. RM15-24-000, Order No. 825] *Settlement Intervals and Shortage Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators* (Issued June 16, 2016).

³³ 157 FERC ¶ 61,122, *Essential Reliability Services and the Evolving Bulk-Power System—*

- In December 2016, under Order 831, *Offer Caps in Markets Operated by Regional Transmission Organizations and Independent System Operators*, the Commission raised existing caps on energy market offers and allowed those higher-price offers to set market clearing prices.³⁴

- In December 2016, pursuant to a NOPR entitled *Fast-Start Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators*, the Commission proposed revising its regulations to require RTOs and ISOs to incorporate market rules that properly price fast-start resources.³⁵ As stated in the NOPR, the proposed Fast-Start Pricing "should lead to prices that more transparently reflect the marginal cost of serving load, which will reduce uplift costs and thereby improve price signals to support efficient investments."³⁶

- In January 2017, the Commission issued a NOPR entitled *Uplift Cost Allocation and Transparency in Markets Operated by Regional Transmission Organizations and Independent System Operators*.³⁷ Among other things, this proposed rule would require that "each regional transmission organization (RTO) and independent system operator (ISO) that currently allocates the costs of real-time uplift due to deviations should allocate such real-time uplift costs only to those market participants whose transactions are reasonably expected to have caused the real-time uplift costs."³⁸ This NOPR establishes that the goals of the price formation in the proceeding are to:

- (1) Maximize market surplus for consumers and suppliers;
- (2) Provide correct incentives for market participants to follow commitment and dispatch instructions, make efficient investments in facilities and equipment, and maintain reliability;

Primary Frequency Response, Notice of Proposed Rulemaking (November 17, 2016).

³⁴ 157 FERC ¶ 61,115, 18 CFR part 35 [Docket No. RM16-5-000; Order No. 831] *Offer Caps in Markets Operated by Regional Transmission Organizations and Independent System Operators* (November 17, 2016).

³⁵ 157 FERC ¶ 61,213, 18 CFR part 35 [Docket No. RM18-1-000] *Fast-Start Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators* (December 15, 2016).

³⁶ 157 FERC ¶ 61,213, 18 CFR part 35 [Docket No. RM18-1-000] *Fast-Start Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators* (December 15, 2016), at 1.

³⁷ 158 FERC ¶ 61,047 Federal Energy Regulatory Commission, 18 CFR part 35 [Docket No. RM17-2-000] *Uplift Cost Allocation and Transparency in Markets Operated by Regional Transmission Organizations and Independent System Operators* (January 19, 2017).

³⁸ *Id.* at 1.

²⁷ *Id.*

²⁸ FERC, *Centralized Capacity Markets in Regional Transmission Organizations and Independent System Operators*, Docket No. AD13-7-000, p. 1.

²⁹ 151 FERC ¶ 61,208, *PJM Interconnection, L.L.C.*, Order on Proposed Tariff Revisions (2015); *rehearing denied*, PJM Interconnection, L.L.C., Order on Rehearing and Compliance, 155 FERC ¶ 61,157 (2016).

(3) Provide transparency so that market participants understand how prices reflect the actual marginal cost of serving load and the operational constraints of reliably operating the system; and

(4) Ensure that all suppliers have an opportunity to recover their costs.³⁹

Through these proceedings, the Commission has developed an extensive record on price formation in the Commission approved ISOs and RTOs. Nevertheless, the fundamental challenge of maintaining a resilient electric grid has not been sufficiently addressed by the Commission or the ISOs and RTOs. The continued loss of fuel-secure generation must be stopped. These generation resources are necessary to maintain the resiliency of the electric grid. FERC must adopt rules requiring the Commission-approved ISOs and RTOs to reduce the chronic distortion of the markets that is threatening the resilience of the Nation's electricity system.

III. Proposal

In light of these threats to grid reliability and resilience, it is the Commission's immediate responsibility to take action to ensure that the reliability and resiliency attributes of generation with on-site fuel supplies are fully valued and in particular to exercise its authority to develop new market rules that will achieve this urgent objective.

The recent Polar Vortex, as well as the devastation from Superstorm Sandy and Hurricanes Harvey, Irma, and Maria, reinforces the urgency that the Commission must act now. Moreover, the Commission should take action before the winter heating season begins so as to prevent the potential failure of the grid from the loss of fuel-secure generation—as almost happened during the 2014 Polar Vortex.

As outlined, the Commission has developed a vast record of comments, hearings, and technical conferences on price formation matters, but has not done enough to address the crisis at hand. Immediate action is necessary to ensure fair compensation in order to stop the imminent loss of generators with on-site fuel supplies, and thereby preserve the benefits of generation diversity and avoid the severe consequences that additional shut-downs would have on the electric grid.

Over the past few years, the Commission has been considering various aspects of accurate price formation within Commission-approved organized markets in its ongoing price formation docket. Throughout these proceedings the Commission has declared that a key goal of price formation is to “ensure that all suppliers have an opportunity to recover their costs.”⁴⁰ The Commission has conducted technical conferences, sought and received significant stakeholder and public input, and issued and approved several market rule changes to accomplish these goals.

Pursuant to the Secretary's authority under section 403 of the Department of Energy Organization Act (42 U.S.C. 7173), the Secretary is directing the Commission to exercise its authority under sections 205 and 206 of the Federal Power Act to issue a final rule requiring its organized markets to develop and implement market rules that accurately price generation resources necessary to maintain the reliability and resiliency of our Nation's bulk power system.

The proposed rule allows for the recovery of costs of fuel-secure generation units frequently relied upon to make our grid reliable and resilient. Such resources provide reliable capacity, resilient generation, frequency and voltage support, on-site fuel inventory—in addition to providing power for our basic needs, quality of life, and robust economy. The rule allows the full recovery of costs of certain eligible units physically located within the Commission-approved organized markets. Eligible units must also be able to provide essential energy and ancillary reliability services and have a 90-day fuel supply on site in the event of supply disruptions caused by emergencies, extreme weather, or natural or man-made disasters. These resources must be compliant with all applicable environmental regulations and are not subject to cost-of-service rate regulation by any State or local authority. The rule requires the organized markets to establish just and reasonable rate tariffs for the recovery of costs and a fair rate of return.

IV. Procedures for Completion of Final Action

A. Deadlines

Pursuant to section 403(b) of the DOE Act, the Secretary is requiring the Commission to consider and take final action on the proposed rule herein within 60 days from the date of the publication of this NOPR in the **Federal Register**. As an alternative, the Secretary urges the Commission to issue the rule proposed herein as an interim final rule, effective immediately, with provision for later modifications after consideration of public comments. The Secretary further directs that any final rule adopting this proposal take effect within 30 days of publication of such final rule in the **Federal Register**.

B. Comment Procedures

To ensure that the Commission completes final action on this proposed rule within the deadline provided, it will be necessary to provide for the solicitation and review of public comments prior to the Commission's final action. To facilitate such comment process, the Commission is invited to issue a notice providing for such process within two business days of the publication of this proposed rule in the **Federal Register**. If the Commission does not do so, the following comment process will take effect:

Interested persons are invited to submit comments on the matters and issues proposed in this NOPR to be adopted. Comments are due November 24, 2017. Comments must refer to Commission Docket No. RM18–1–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

It is encouraged that comments be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to

³⁹ 158 FERC ¶ 61,047 Federal Energy Regulatory Commission, 18 CFR part 35 [Docket No. RM17–2–000] Uplift Cost Allocation and Transparency in Markets Operated by Regional Transmission Organizations and Independent System Operators (January 19, 2017) at 5, para 6.

⁴⁰ FERC's Price Formation in Energy and Ancillary Services Markets Operated by Regional Transmission Organizations and Independent System Operators; Docket No. AD14–14–000; Notice Inviting Post-Technical Workshop Comments (January 16, 2015), Post-Technical Conference Questions for Comment at 1.

serve copies of their comments on other commenters.

C. Compliance Filings

The Secretary further proposes that any final rule issued by the Commission pursuant to this NOPR shall provide that each Commission-approved RTO and ISO shall submit a compliance filing, including a revised tariff pursuant to section 205 of the Federal Power Act, within 15 days of the effective date of the final rule to demonstrate that it meets the proposed requirements set forth in any Final Rule. This compliance deadline is for each RTO and ISO to submit proposed tariff changes or otherwise demonstrate compliance with any Final Rule. Implementing the reforms required by any Final Rule in this proceeding may be a complex endeavor. However, implementation of these reforms is important to ensure rates remain just and reasonable. Therefore, it is proposed that tariff changes filed in response to a Final Rule in this proceeding must become effective no more than 15 days after compliance filings are due.

To the extent that any RTO or ISO believes that it already complies with the reforms proposed in this NOPR, the RTO or ISO would be required to demonstrate how it complies in the compliance filing required 15 days after the effective date of any Final Rule in this proceeding. To the extent that any RTO or ISO seeks to argue on compliance that its existing market rules are consistent with or superior to the reforms adopted in any Final Rule, the Commission has the ability entertain such arguments at that time.⁴¹

V. Statutory and Regulatory Review

Section 403(a) of the DOE Act authorizes the Secretary of Energy to propose rules with respect to any function within the jurisdiction of the Commission. Section 403(b) of that Act provides that the Commission shall have exclusive jurisdiction over such proposals. Accordingly, although the proposal is that of the Secretary of Energy, the Commission is the agency

which will take final action on this proposed rulemaking. Therefore, the Commission is the appropriate agency to comply with the statutory, regulatory or Executive Order requirements which arise in connection with this rulemaking. To the extent a statute, regulation, or Executive Order requires action before the issuance of a final rule, the Commission should take such action in sufficient time to permit adoption of a final rule within the deadline for final action set forth above.

To the extent that a NOPR—in the event the Commission were to issue one—would include certain information, included below are the following:

VI. Information Collection Statement

The Paperwork Reduction Act (PRA)⁴² requires each federal agency to seek and obtain Office of Management and Budget (OMB) approval before undertaking a collection of information directed to ten or more persons or contained in a rule of general applicability. OMB regulations⁴³ require approval of certain information collection requirements imposed by agency rules. Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of an agency rule will not be penalized for failing to respond to the collection of information unless the collection of information displays a valid OMB control number.

Similar to other recently issued rules in its price formation docket, the reforms proposed in this NOPR would amend the Commission's regulations to improve the operation of organized wholesale electric power markets operated by RTOs and ISOs. The reforms proposed in this NOPR would require each RTO and ISO to implement market rules that meet certain requirements for pricing resiliency resources. The reforms proposed in this NOPR would require one-time filings of tariffs with the Commission and potential software upgrades to implement the reforms proposed in this NOPR. DOE anticipates the reforms proposed in this NOPR, once implemented, would not significantly change currently existing burdens on an ongoing basis. With regard to those RTOs and ISOs that believe that they already comply with the reforms

proposed in this NOPR, they could demonstrate their compliance in the compliance filing required 15 days after the effective date of any Final Rule in this proceeding. The Commission will submit the proposed reporting requirements to OMB for its review and approval under section 3507(d) of the Paperwork Reduction Act.⁴⁴

While the DOE expects the adoption of the reforms proposed in this NOPR to provide significant benefits, the DOE understands implementation can be a complex endeavor. Comments are sought on the accuracy of provided burden and cost estimates and any suggested methods for minimizing the respondents' burdens, including the use of automated information techniques. Specifically, detailed comments are sought on the potential cost and time necessary to implement aspects of the reforms proposed in this NOPR, including (1) hardware, software, and business processes changes; and (2) processes for RTOs/ISOs to vet proposed changes amongst their stakeholders.

*Burden Estimate:*⁴⁵ The DOE believes that the burden estimates below are representative of the average burden on respondents, including necessary communications with stakeholders. The estimated burden and cost for the requirements contained in this NOPR follow.⁴⁶

⁴⁴ 44 U.S.C. 3507(d) (2012).

⁴⁵ Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a federal agency, including: ". . . (ii) Developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information; (iii) Developing, acquiring, installing, and utilizing technology and systems for the purpose of processing and maintaining information; (iv) Developing, acquiring, installing, and utilizing technology and systems for the purpose of disclosing and providing information . . ." 5 CFR 1320.3(b)(1) (2016). The time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g., in compiling and maintaining business records) will be excluded from the "burden" if the agency demonstrates that the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary.

⁴⁶ This estimate is based on the Commission's estimate used by the Commission in 157 FERC ¶ 61,213, 18 CFR part 35 [Docket No. RM18-1-000] Fast-Start Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators (December 15, 2016)]. For this information collection, the Commission staff estimates that industry is similarly situated in terms of hourly cost (wages plus benefits). Based on the Commission's average cost (wages plus benefits) for 2016, the Commission is using \$74.50/hour.

⁴¹ See, e.g., Order No. 825, FERC Stats. & Regs. ¶ 31,384 at P 72; Demand Response Compensation in Organized Wholesale Energy Markets, Order No. 745, FERC Stats. & Regs. ¶ 31,322, at P 4 & n.7, order on reh'g and clarification, Order No. 745-A, 137 FERC ¶ 61,215 (2011), reh'g denied, Order No. 745-B, 138 FERC ¶ 61,148 (2012), vacated sub nom. *Elec. Power Supply Ass'n v. FERC*, 753 F.3d 216 (D.C. Cir. 2014), rev'd & remanded sub nom. *FERC v. Elec. Power Supply Ass'n*, 136 S. Ct. 760 (2016).

⁴² 44 U.S.C. 3507(d).

⁴³ 5 CFR 1320.

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours and cost per response	Total annual burden hours and total annual cost	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Tariff filing costs	6	1	6	80 hours, \$5,920	480 hours, \$35,520 .....	.....
Implementation costs ...	6	1	6	3,853 hours, \$285,122	23,118 hours, \$1,710,732.	.....
Total (one-time in Year 1).	.....	.....	.....	3,933 hours, \$291,042	23,598 hours, \$1,746,252.	291,042

Cost to Comply: The DOE has projected the total cost of compliance, all within six months of a Final Rule plus initial implementation, to be \$1,746,252. After Year 1, the reforms proposed in this NOPR, once implemented, would not significantly change existing burdens on an ongoing basis.

Title: PRA approval for this collection of information will be obtained by FERC.

Action: Proposed revisions to an information collection.

OMB Control No.: [TBD].

Respondents for this Rulemaking: RTOs and ISOs.

Frequency of Information: One-time during year one.

Necessity of Information: The DOE proposes this rule to improve competitive wholesale electric markets in the RTO and ISO regions.

Internal Review: The DOE has reviewed the proposed changes and has determined that the changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. This estimate is based on the Commission's estimate in the NOPR for "Fast-Start Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators"⁴⁷ and DOE believes that the NOPR is similar and would impose similar burden associated with the information collection requirements.

Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Attention: Office of the Executive Director, email: DataClearance@ferc.gov, Phone: (202) 502-6608, fax: (202) 273-0873. Comments on the collection of information and the associated burden

⁴⁷ 157 FERC ¶ 61,213, 18 CFR part 35 [Docket No. RM18-1-000], Fast-Start Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators (December 15, 2016).

estimate in the proposed rule should be sent to the Commission in this docket and may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission], at the following email address: oir_submission@omb.eop.gov. Please refer to Docket No.: RM18-1-000 in your submission.

VII. Environmental Analysis

Though the Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment,⁴⁸ the Commission has previously concluded⁴⁹ that neither an Environmental Assessment nor an Environmental Impact Statement is required for a NOPR under section 380.4(a)(15) of the Commission's regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale of electric energy subject to the Commission's jurisdiction, plus the classification, practices, contracts and regulations that affect rates, charges, classifications, and services.⁵⁰ This NOPR would require an exercise of the Commission's authority under sections 205 and 206 of the FPA.

VIII. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA)⁵¹ generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities.

⁴⁸ Regulations Implementing the National Environmental Policy Act of 1969, Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

⁴⁹ 157 FERC ¶ 61,213, 18 CFR part 35 [Docket No. RM18-1-000] Fast-Start Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators (December 15, 2016)] at para. 73.

⁵⁰ 18 CFR 380.4(a)(15).

⁵¹ 5 U.S.C. 601-12.

The RFA does not mandate any particular outcome in a rulemaking. It only requires consideration of alternatives that are less burdensome to small entities and an agency explanation of why alternatives were rejected. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.⁵² These standards are provided on the SBA Web site.⁵³

The SBA classifies an entity as an electric utility if it is primarily engaged in the transmission, generation and/or distribution of electric energy for sale. Under this definition, the six RTOs/ISOs are considered electric utilities, specifically focused on electric bulk power and control. The size criterion for a small electric utility is 500 or fewer employees.⁵⁴ Since every RTO/ISO has more than 500 employees, none are considered small entities. Furthermore, because of their pivotal roles in wholesale electric power markets in their regions, none of the RTOs/ISOs meet the last criterion of the two-part RFA definition of a small entity: "not dominant in its field of operation."⁵⁵ As a result, we certify that the reforms required by this NOPR would not have a significant economic impact on a substantial number of small entities.

IX. Executive Order 12866

This proposed rule has been determined not to be a significant regulatory action for purposes of

⁵² 13 CFR 121.101.

⁵³ U.S. Small Business Administration, Table of Small Business Size Standards Matched to North American Industry Classification System Codes (effective Feb. 26, 2016), https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.

⁵⁴ 13 CFR 121.201 (Sector 22, Utilities).

⁵⁵ The RFA definition of "small entity" refers to the definition provided in the Small Business Act, which defines a "small business concern" as a business that is independently owned and operated and that is not dominant in its field of operation. The Small Business Administration's regulations at 13 CFR 121.201 define the threshold for a small Electric Bulk Power Transmission and Control entity (NAICS code 221121) to be 500 employees. See 5 U.S.C. 601(3) (citing to section 3 of the Small Business Act, 15 U.S.C. 632).

Executive Order 12866. As a result this rule was not reviewed by the Office of Management and Budget.

X. Document Availability

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

83. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

XI. Approval of the Office of the Secretary

The Secretary of Energy has approved the publication of this proposed rule.

List of Subjects in 10 CFR Part 35

Electric power rates, electric utilities, reporting and recordkeeping requirements.

Issued in Washington, DC, on September 29, 2017.

Rick Perry,
Secretary of Energy.

For the reasons stated in the preamble, DOE proposes that FERC amend part 35, chapter I of title 18, subchapter B, Code of Federal Regulations as set forth below:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

Authority: 16 U.S.C. 791a-825r; 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

■ 2. Section 35.28 is amended by adding paragraph (g)(10) to read as follows:

§ 35.28 Non-discriminatory open access transmission tariff.

* * * * *

(g) * * *
(10) Pricing eligible grid reliability and resiliency resources.

(i) Definition of eligible grid reliability and resiliency resources. An eligible grid reliability and resiliency resource is any resource that:

(A) Is an electric generation resource physically located within a Commission-approved independent system operator or regional transmission organization;

(B) Is able to provide essential energy and ancillary reliability services, including but not limited to voltage support, frequency services, operating reserves, and reactive power;

(C) Has a 90-day fuel supply on site enabling it to operate during an emergency, extreme weather conditions, or a natural or man-made disaster;

(D) Is compliant with all applicable federal, state, and local environmental laws, rules, and regulations; and

(E) Is not subject to cost of service rate regulation by any state or local regulatory authority.

(ii) Scope of application. The requirements of this rule shall apply to Commission-approved independent system operators or regional transmission organizations with energy and capacity markets and a tariff that contains a day-ahead and a real-time market or the functional equivalent. The application of this rule must be consistent between the day-ahead and real-time markets.

(iii) Reliability and resiliency rate. (A) Each Commission-approved independent system operator or regional transmission organization shall establish a tariff that provides a just and reasonable rate for the—

(1) Purchase of electric energy from an eligible reliability and resiliency resource; and

(2) recovery of costs and a return on equity for such resource dispatched during grid operations.

(B) The just and reasonable rate shall include pricing to ensure that each eligible resource is fully compensated for the benefits and services it provides to grid operations, including reliability, resiliency and on-site fuel-assurance, and that each eligible resource recovers its fully allocated costs and a fair return on equity.

(iv) Reliability and resiliency costs. Compensable costs shall include, but not be limited to, operating and fuel expenses, costs of capital and debt, and a fair return on equity and investment.

[FR Doc. 2017-21396 Filed 10-6-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0750]

RIN 1625-AA09

Drawbridge Operation Regulation; Pequonnock River, Bridgeport, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Metro-North Peck Bridge across the Pequonnock River, mile 0.3, at Bridgeport, Connecticut. The owner of the bridge, Metro-North Railroad, has submitted a request that vessels seeking an opening of the draw submit a minimum of four hours of advance notice. It is expected this change to the regulations will better serve the needs of the public, particularly commuters and commercial interests utilizing the Northeast Corridor rail spur, while continuing to meet the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before November 9, 2017.

ADDRESSES: You may submit comments identified by docket number USCG-2017-0750 using Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. James Moore, Project Officer, First Coast Guard District, telephone 212-514-4334, email James.M.Moore2@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

The Metro-North Peck Bridge, mile 0.3, across the Pequonnock River at Bridgeport, Connecticut, has a vertical clearance of 26 feet at Mean High Water and 32 feet at Mean Low Water when

the span is in the closed position. Vertical clearance is 65 feet when the draw is open. Horizontal clearance is 105 feet. Waterway users include recreational and a limited number of small commercial vessels.

The existing drawbridge regulation in 33 CFR 117.219(b) has been in effect since September 13, 2010. The owner of the bridge, Metro-North Railroad, requested a change to the drawbridge operating regulations in order to better facilitate the orderly flow of rail traffic while still satisfying the reasonable needs of navigation. Specifically, Metro-North Railroad seeks to modify the “open on signal” requirement associated with the existing regulation. Under the proposed rule, mariners would be expected to provide a minimum four hours advance notice if an opening is necessary. Additionally, the bridge owner requested to extend the allowable delay to an opening when a train is approaching the bridge. The bridge is a component of the Northeast Corridor, which supports Metro-North, Amtrak and freight rail service. Of note, the bridge has not received any requests for an opening in the past four years; meanwhile, approximately 211 Metro-North commuter trains alone proceed across the bridge daily. It is reasoned that rail traffic will be able to proceed in a more expeditious and predictable manner if the draw of the bridge is not required to open on signal.

III. Discussion of Proposed Rule

Bridge logs submitted for review by Metro North Railroad substantiate the bulk of bridge openings since 2015 have been undertaken for no more than test purposes. Over the course of the past decade the Pequonnock River has seen a marked decrease in the volume of commercial vessel traffic utilizing the waterway. There are presently no businesses located upstream of the bridge hosting either vessels and/or barges that would require an opening of the draw as a routine matter. Nor does it appear likely that planned development of the City of Bridgeport’s waterfront will involve ventures requiring moorings for commercial vessels. Based on this evidence as well as discussion with the bridge owner, the Coast Guard proposes to permanently change the drawbridge operating regulation 33 CFR 117.219(b).

The proposed rule at 33 CFR 117.219(b) would allow the Metro-North Peck Bridge to open in the following manner: “The draw of the Metro-North Peck Bridge at mile 0.3, at Bridgeport, shall operate as follows: The draw shall open on signal between 5:45 a.m. to 9 p.m. if at least four hours advance

notice is given; except that, from 5:45 a.m. to 9:45 a.m., and 4 p.m. to 8 p.m., Monday through Friday excluding holidays, the draw need not open for the passage of vessel traffic unless an emergency exists. From 9 p.m. to 5:45 a.m., the draw shall open on signal if at least an eight hour notice is given. A delay in opening the draw not to exceed 15 minutes may occur when a train scheduled to cross the bridge without stopping has entered the drawbridge block. Requests for bridge openings may be made by calling the telephone number posted at the bridge.”

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

The Coast Guard believes this rule is not a significant regulatory action. Mariners have not requested an opening of the draw for passage of a vessel within the past four years. Revision of the present regulation will allow for more efficient and economical operation of the span while still serving the reasonable needs of navigation based on present waterway usage trends. The minimum 26 feet of vertical clearance at mean high water when the bridge is in the closed position is sufficient to allow vessels utilizing the Pequonnock River to safety and expeditiously pass through the draw without opening.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and

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

For the reasons stated and Sections III and IV above, this proposed rule will not pose a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

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

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period.

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Revise § 117.219(b) to read as follows:

§ 117.219 Pequonnock River.

* * * * *

(b) The draw of the Metro-North Peck Bridge at mile 0.3, at Bridgeport, shall operate as follows:

(1) The draw shall open on signal between 5:45 a.m. to 9 p.m. if at least four hours advance notice is given; except that, from 5:45 a.m. to 9:45 a.m., and 4 p.m. to 8 p.m., Monday through Friday excluding holidays, the draw need not open for the passage of vessel traffic unless an emergency exists.

(2) From 9 p.m. to 5:45 a.m., the draw shall open on signal if at least an eight hour notice is given.

(3) A delay in opening the draw not to exceed 15 minutes may occur when a train scheduled to cross the bridge without stopping has entered the drawbridge block.

(4) Requests for bridge openings may be made by calling the telephone number posted at the bridge.

Dated: September 22, 2017.

S.D. Poulin,

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

[FR Doc. 2017–21773 Filed 10–6–17; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2017–13; Order No. 4141]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent filing requesting that the Commission initiate an informal rulemaking proceeding to consider changes to an analytical method for use in periodic reporting (Proposal Nine). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 21, 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:

Table of Contents

- I. Introduction
- II. Proposal Nine
- III. Notice and Comment
- IV. Ordering Paragraphs

I. Introduction

On September 29, 2017, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports and compliance

determinations.¹ The Petition identifies the proposed analytical method changes filed in this docket as Proposal Nine.

II. Proposal Nine

Background. The Postal Service proposes to change the current City Carrier Cost System (CCCS) methodology for estimating Delivery Point Sequence (DPS) volume proportions. Petition, Proposal Nine at 1. Presently, the Postal Service collects similar mail characteristic data, such as class and product data, for two different systems: CCCS and Origin-Destination Information System—Revenue, Pieces, and Weight (ODIS–RPW). *Id.* at 1–2. CCCS data are used primarily to distribute costs to products delivered by city letter routes. ODIS–RPW data are used to estimate volume and revenue.

Currently, the Postal Service collects CCCS mail characteristics data manually. *See id.* at 3. In contrast, the Postal Service collects ODIS–RPW mail characteristics data from digitally captured images of letter and card shaped mail.² The Postal Service states that the ODIS–RPW digital sampling method includes approximately 93 percent of CCCS sampled city letter routes. Petition, Proposal Nine at 2.

Proposal. The Postal Service proposes a methodology change to CCCS data collection procedures for Delivery Point Sequenced (DPS) mail. *Id.* at 1. The Postal Service seeks to use the ODIS–RPW digital data to enhance CCCS data for DPS mail destined for delivery by city letter routes. *Id.* at 2. The Postal Service explains that the proposal would eliminate the need to manually sample 93 percent of DPS mail for CCCS data collection purposes. *Id.*; *see id.* at 3. The Postal Service states that it would continue to manually sample mailpieces destined for city letter routes not included in ODIS–RPW’s digital data collection, approximately seven percent of city letter routes. *Id.* at 3.

Rationale and impact. The Postal Service states that the proposal would enhance the CCCS estimation of delivered DPS volumes. *Id.* The Postal Service explains that the “automated, systematic method of collecting images of DPS letters and cards” would reduce the risk of undetected sampling errors. *Id.* Additionally, the Postal Service notes that data collectors and their supervisors are able to review and

analyze the ODIS–RPW data because the system retains the data for 30 days. *Id.* at 3–4. The Postal Service also explains that the proposal would increase the number of DPS sampled mailpieces by approximately 400 percent and the number of CCCS tests by approximately 300 percent. *Id.* at 4.

The Postal Service discusses the likely effects of the proposed methodology change on product volume distribution and unit costs. *Id.* at 4–5. Based on these estimates, the Postal Service indicates minor differences in product volume distribution between the current and proposed CCCS methodologies. *Id.* at 4. These estimates also indicate that using ODIS–RPW digital data for DPS mail destined for city letter routes would result in very small estimated changes in unit costs or would leave unit costs unaffected. *Id.* at 4–5.

III. Notice and Comment

The Commission establishes Docket No. RM2017–13 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission’s Web site at <http://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Nine no later than November 21, 2017. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2017–13 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Nine), filed September 29, 2017.

2. Comments by interested persons in this proceeding are due no later than November 21, 2017.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Lyudmila Y. Bzhilyanskaya to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,
Secretary.

[FR Doc. 2017–21691 Filed 10–6–17; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0204; FRL–9969–02—Region 9]

Approval and Promulgation of Implementation Plans; California; South Coast Moderate Area Plan for the 2006 PM_{2.5} Standards; Correction of Deficiency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve California’s Reasonably Available Control Measures/Reasonably Available Control Technology and Reasonable Further Progress demonstrations for the 2006 24-hour fine particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS or “standards”) in the Los Angeles–South Coast nonattainment area and to determine that the State has corrected the deficiency that formed the basis for the prior partial disapproval of the Moderate Area Plan submitted for these NAAQS. The proposed determination is based on the EPA’s final approval of revisions to the South Coast Air Quality Management District’s Regional Clean Air Incentives Market (RECLAIM) program and 2016 Reasonably Available Control Technology (RACT) Demonstration. If today’s action is finalized as proposed, the sanctions clocks triggered by the partial disapproval will be terminated.

DATES: Any comments must arrive by November 9, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2015–0204 at <http://www.regulations.gov>, or via email to Wienke Tax, Air Planning Office, at tax.wienke@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from Regulations.gov. For either manner of submission, 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

¹ Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Nine), September 29, 2017 (Petition).

² *Id.* at 2; *see* Docket No. RM2015–11, Order No. 2739, Order on Analytical Principles Used in Periodic Reporting (Proposal Three), September 30, 2015.

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 the person identified in the **FOR FURTHER INFORMATION CONTACT** section. 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>.

FOR FURTHER INFORMATION CONTACT: Wienke Tax, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, (415) 947-4192, tax.wienke@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA.

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I. Background

On October 17, 2006, the EPA revised the 24-hour NAAQS for PM_{2.5}, particulate matter with a diameter of 2.5 microns or less or “fine particles,” to provide increased protection of public health by lowering its level from 65 micrograms per cubic meter (µg/m³) to 35 µg/m³ (40 CFR 50.13). Epidemiological studies have shown statistically significant correlations between elevated PM_{2.5} levels and premature mortality. Other important health effects associated with PM_{2.5} exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work, and restricted activity days), changes in lung function and increased respiratory symptoms. Individuals particularly sensitive to PM_{2.5} exposure include older adults, people with heart and lung disease, and children (78 FR 3086 at 3088, January 15, 2013). Fine particles can be emitted directly into the atmosphere as a solid or liquid particle or can be formed in the atmosphere as a result of various chemical reactions among precursor pollutants such as nitrogen oxides, sulfur oxides, volatile organic compounds, and ammonia.

Following promulgation of a new or revised NAAQS, section 107(d) of the CAA requires the EPA to designate areas throughout the nation as attaining or not attaining the NAAQS. On November 13, 2009, the EPA designated the Los Angeles–South Coast Air Basin (“South Coast”) as nonattainment for the 2006

24-hour PM_{2.5} NAAQS of 35 µg/m³ (74 FR 58688). This designation became effective on December 14, 2009 (40 CFR 81.305). The South Coast nonattainment area is also designated nonattainment for the 1997 annual and 24-hour PM_{2.5} NAAQS and the 2012 annual PM_{2.5} NAAQS. Today’s proposed action addresses only requirements for the 2006 24-hour PM_{2.5} NAAQS in the South Coast nonattainment area.

On February 13, 2013 and March 4, 2015, California submitted SIP revisions to address planning requirements for the 2006 PM_{2.5} NAAQS in the South Coast nonattainment area. We refer to these submissions collectively as the “2012 PM_{2.5} Plan” or “Plan.” On April 14, 2016, we finalized a partial approval and partial disapproval of the 2012 PM_{2.5} Plan (81 FR 22025). Our partial disapproval of the 2012 PM_{2.5} Plan was based on deficiencies in the Plan with respect to the Reasonably Available Control Measures/Reasonably Available Control Technology (RACM/RACT) and Reasonable Further Progress (RFP) requirements. Specifically, we found that the 2012 PM_{2.5} Plan failed to satisfy the RACM/RACT requirement in CAA sections 172(c)(1) and 189(a)(1)(C) because it did not provide a demonstration that the South Coast Air Quality Management District’s (SCAQMD or “District”) nitrogen oxides (NOX) RECLAIM program ensures that the level of NOX emissions reductions resulting from the RECLAIM program is equivalent, in the aggregate, to those NOX emissions reductions expected from the direct application of RACT on all covered sources within the South Coast nonattainment area. We also found that the Plan failed to meet the requirement for RFP in CAA section 172(c)(2) because the deficiency with respect to RACM/RACT also meant that the State was not implementing all RACM/RACT as expeditiously as practicable. We noted in our final action on the 2012 PM_{2.5} Plan that the State could remedy these deficiencies by submitting revisions to the NOX RECLAIM program together with documentation sufficient to demonstrate that the revised program ensures, in the aggregate, NOX emission reductions equivalent to RACT-level controls for all covered facilities (81 FR at 22028, 22029).

Our April 14, 2016 partial disapproval of the 2012 PM_{2.5} Plan became effective on May 16, 2016, and started a sanctions clock for imposition of offset sanctions 18 months after May 16, 2016, and highway sanctions 6 months later, pursuant to CAA section 179 and our regulations at 40 CFR 52.31. Accordingly, offset sanctions will apply

on November 16, 2017, and highway sanctions will apply on May 16, 2018, unless the EPA determines that the State has corrected the deficiency forming the basis of the disapproval.

On March 17, 2017, the California Air Resources Board (CARB) submitted a SIP revision consisting of a series of amendments to the SCAQMD’s NOX RECLAIM program. The submittal was intended to strengthen the program and correct the deficiencies identified in both the EPA’s partial disapproval of the 2012 PM_{2.5} Plan (81 FR 22025, April 14, 2016) and in the EPA’s separate proposal to partially disapprove the SCAQMD’s “2016 AQMP Reasonably Available Control Technology (RACT) Demonstration” (“2016 AQMP RACT SIP”) (81 FR 76547, November 3, 2016). Additionally, on May 22, 2017, CARB submitted the District’s public draft version of the “Supplemental RACM/RACT Analysis for the 2006 24-Hour PM_{2.5} and 2008 8-Hour Ozone Standards” (“2017 RACT Supplement”) to address these same deficiencies. On June 6, 2017, the EPA proposed to approve the submitted NOX RECLAIM program amendments as satisfying general CAA requirements for SIP revisions (82 FR 25996). The EPA finalized this action on September 14, 2017 (82 FR 43176). On June 15, 2017, the EPA proposed to approve the 2016 AQMP RACT SIP and the 2017 RACT Supplement as satisfying the RACT requirements of CAA sections 182(b) and (f) and 40 CFR 51.1112 for the South Coast and Coachella Valley nonattainment areas for the 2008 ozone NAAQS (82 FR 27451). The EPA finalized this action on September 20, 2017 (82 FR 43850).¹

II. Proposed Action

We are proposing to determine that the RECLAIM program amendments submitted by CARB on March 17, 2017, and the 2017 RACT Supplement submitted by CARB on May 22, 2017, together correct the deficiency in the RACM/RACT element of the 2012 PM_{2.5} Plan that had provided the basis for the EPA’s prior partial disapproval of the Plan. As explained in our June 6, 2017 proposed action on the RECLAIM program amendments, the revised program lowers the NO_x emission cap in the RECLAIM program and establishes requirements for removing RECLAIM trading credits (RTCs) from

¹ CARB submitted the final “Supplemental RACM/RACT Analysis for the 2006 24-Hour PM_{2.5} and 2008 8-Hour Ozone Standards” (“2017 RACT Supplement”) on July 27, 2017. See letter dated July 27, 2017, from Richard Corey, Executive Officer, CARB, to Alexis Strauss, Acting Regional Administrator, EPA Region IX.

the trading market to prevent NO_x RTCs associated with facilities that have shut down from entering the RECLAIM market and potentially delaying the installation of pollution controls at other facilities (82 FR 25996, 25998, June 6, 2017). These revisions to the RECLAIM program strengthen the SIP by requiring major NO_x emission sources covered by the program to collectively achieve additional emission reductions,² and were fully approved into the California SIP on September 14, 2017 (*see* 82 FR 43176). Additionally, as explained in our June 15, 2017 proposed action on the 2016 AQMP RACT SIP and 2017 RACT Supplement, the 2017 RACT Supplement contains the District's demonstration of how the SIP-approved RECLAIM program has achieved and continues to achieve, in the aggregate, RACT level of control for major NO_x sources in the South Coast (82 FR at 27454–27455, June 15, 2017).³ As part of our September 20, 2017 final approval of the 2016 AQMP RACT SIP and 2017 RACT Supplement, we concluded that major NO_x sources covered by the RECLAIM program are now subject to RACT level control requirements (82 FR 43850, 43856). Implementation of RACT-level control requirements at major NO_x sources covered by the RECLAIM program satisfies the RACM/RACT requirement in CAA sections 172(c)(1) and 189(a)(1)(C) for these sources. We propose to determine that these SIP submissions correct the RACM/RACT deficiency that we identified in our partial disapproval of the 2012 PM_{2.5} Plan and to approve the RACM/RACT demonstration in the Plan, as revised.

In addition, we are proposing to determine that these SIP submissions correct the RFP deficiency that we identified in our partial disapproval of

the Plan. Our partial disapproval of the 2012 PM_{2.5} Plan for failure to satisfy the RFP requirement in CAA section 172(c)(2) was predicated on our disapproval of the Plan with respect to the RACM/RACT requirement (81 FR at 22028, April 14, 2016). The Plan, as revised, demonstrates that the State is now implementing RACM/RACT for NO_x from covered sources in the South Coast nonattainment area. Therefore, based on our proposal to determine that the State has corrected the RACM/RACT deficiency, we also propose to determine that the State has corrected the RFP deficiency that we identified in our partial disapproval of the 2012 PM_{2.5} Plan and to approve the RFP demonstration in the Plan, as revised.

If finalized as proposed, these determinations will permanently stop the sanctions clocks triggered by our April 14, 2016 partial disapproval of the 2012 PM_{2.5} Plan.

III. Request for Public Comment

We will accept comments from the public on this proposal for the next 30 days. The deadline and instructions for submission of comments are provided in the **DATES** and **ADDRESSES** sections at the beginning of this preamble.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. Accordingly, this proposed 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 proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a

substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: September 26, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–21610 Filed 10–6–17; 8:45 am]

BILLING CODE 6560–50–P

² The revisions to the RECLAIM program are projected to reduce NO_x emissions by 12 tons per day by 2023. *See* SCAQMD, Summary Minutes of the Board of the South Coast Air Quality Management District, December 4, 2015, at 15; *see also* U.S. EPA, Region IX Air Division, "Technical Support Document for EPA's Rulemaking for the California State Implementation Plan, South Coast Air Quality Management District Regional Clean Air Incentives Market Program Rules," May 2017, at 9, 10.

³ For more information on our evaluation of the RECLAIM program in accordance with CAA RACT requirements, *see* the Technical Support Document accompanying our June 15, 2017 proposed rule (82 FR 27451) and our responses to comments on that proposal (82 FR 43856, September 20, 2017).

Notices

Federal Register

Vol. 82, No. 194

Tuesday, October 10, 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.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

Public Quarterly Meeting of the Board of Directors

AGENCY: United States African Development Foundation.

ACTION: Notice of meeting.

SUMMARY: The U.S. African Development Foundation (USADF) will hold its quarterly meeting of the Board of Directors to discuss the agency's programs and administration.

DATES: The meeting date is Monday, October 30, 9:00 a.m. to 12:00 p.m.

ADDRESSES: The meeting will take place via teleconference, with staff congregating at USADF, 1400 I St. Northwest, Suite #1000, (Executive Conference Room), Washington, DC 20005-2246.

FOR FURTHER INFORMATION CONTACT: Marie-Cécile Groelsema, 202-233-8883.

Authority: Public Law 96-533 (22 U.S.C. 290h).

Dated: October 3, 2017.

June B. Brown,
General Counsel.

[FR Doc. 2017-21745 Filed 10-6-17; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-SC-17-0060; SC17-929-1]

Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Request for Approval of a New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agency's intent to request emergency approval from the Office of Management and Budget (OMB) for a new information collection for cranberry handlers, where applicable, to provide prior affirmative consent authorizing five forms needed to implement and facilitate compliance with a handler withhold volume regulation for the 2017-18 season under the marketing order for cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

DATES: Comments must be received by December 11, 2017. Pursuant to the Paperwork Reduction Act, comments on the information collection burden that would result from this notice must be received by December 11, 2017.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at www.regulations.gov. Written comments may also be submitted to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250-0237; Fax: (202) 720-8938. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324-3375, Fax: (863) 291-8614, or Email:

Doris.Jamieson@ams.usda.gov or
Christian.Nissen@ams.usda.gov.

SUPPLEMENTARY INFORMATION:

Overview of This Information Collection

Agency: Agricultural Marketing Service (AMS).

Title: Cranberries grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Marketing Order No. 929.

OMB Number: 0581-NEW.

Type of Request: New Information Collection.

Abstract: The information requirements in this request are essential to carry out the intent of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act", to provide the respondents the type of service they request, and to administer the cranberry marketing order program. The United States Department of Agriculture (USDA) is responsible for overseeing Marketing Agreement and Order No. 929, as amended (7 CFR part 929), regulating the handling of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, hereinafter referred to as the "order." The order is effective under the Act.

On August 31, 2017, the Cranberry Marketing Committee (Committee) recommended establishing a handler withhold volume regulation for the 2017-18 season in response to historically high inventory levels for cranberries. Following the recommendation for the handler withhold, the Committee developed the forms necessary to effectively carry out the handler withhold. Given that the industry has begun harvesting the 2017-18 crop, these forms need to be effective immediately.

On September 15, 2017, the Committee unanimously recommended that cranberry handlers covered under the order provide the Committee with a report indicating the anticipated total quantity of cranberries acquired by the handler, the amount withheld from handling, and the disposition of such

withheld cranberries during the crop year. This form, titled "Handler Withholding Report," will be submitted directly to the Committee by handlers by June 1, 2018. This report will give the Committee background data on how each handler plans to meet the requirements of the handler withhold volume regulation.

The Committee also recommended that handlers covered under the order submit a report certifying whenever a disposal of withheld cranberries is made. This report will contain information regarding the volume, the form of disposed cranberries, and information on the container type. This form, titled "Handler Disposal Certification," will be submitted directly to the Committee by handlers following each disposal activity. This information collection provides the Committee with data regarding the amount of cranberries diverted and the information needed to help track handler compliance with the recommended handler withhold.

The Committee also recommended that handlers provide the Committee with a record of withheld cranberries disposed of in non-commercial outlets. This form, titled "Handler Application for Outlets for Withheld Fruit," will be submitted directly to the Committee by handlers to provide information regarding the type, form, and volume of cranberries disposed of in noncompetitive outlets. Handlers will submit this form prior to each disposal activity of this type to provide the Committee with the opportunity to review and approve the requested outlet. This information collection provides the Committee with information on the noncompetitive outlets used to meet the requirements for withheld cranberries, and is necessary for the Committee to track compliance with the recommended handler withhold.

The Committee also recommended that handlers submit a report confirming the third-party receipt of withheld fruit. This form, titled "Third-Party Confirmation of Receipt of Withheld Fruit," will include certification by outlets receiving withheld cranberries for use in a noncompetitive outlet. This form needs to be filed after each shipment of withheld fruit received by noncompetitive outlets, such as charities. This report contains information on the type, form, and volume of withheld fruit received. This reporting requirement helps track the disposition of withheld cranberries and facilitates compliance with the recommended handler withhold.

The Committee also recommended establishing a form for handlers to use to appeal any denial of a request made for disposing of cranberries in a noncompetitive outlet. This form, titled "Handler Withholding Appeal," will need to be submitted by the handler making the appeal within 30 days of the denial. This form will include information on why the handler is making the appeal and what additional information is being provided.

The order authorizes the Committee to collect certain information as required. The information collected will only be used by authorized representatives of the USDA, including the AMS Specialty Crops Program regional and headquarters staff, and authorized employees of the Committee. All proprietary information will be kept confidential in accordance with the Act and the order.

The Committee developed these forms to effectively carry out a handler withhold volume regulation for the 2017–18 season. The purpose of these forms will be to ensure compliance with the recommended handler withhold.

Upon OMB approval of the new forms and the information collection package, AMS will request OMB approval to merge the new forms and this information collection in the currently approved information collection OMB control number 0581–0189, Fruit Crops.

The new information collection under the order is as follows:

Handler Withholding Report (CMC–JUN)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.08 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 0.8 hours.

Handler Disposal Certification (CMC–DISP)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.17 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota,

Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 20.4 hours.

Handler Application for Outlets for Withheld Fruit (CMC–OUT)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.08 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 9.6 hours.

Third-Party Confirmation of Receipt of Withheld Fruit (CMC–CONF)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.05 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 6 hours.

Handler Withholding Appeal (CMC–APPL)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.08 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 0.8 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will

have practical utility; (2) the accuracy of the Agency's estimate of the burden of the 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.

Dated: October 4, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017-21735 Filed 10-6-17; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Volunteer Application and Agreement for Natural and Cultural Resources Agencies

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with revision of a currently approved information collection entitled, Volunteer Application for Natural Resources Agencies.

DATES: Comments must be received in writing on or before December 11, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Merlene Mazyck, Volunteers & Service, Forest Service, USDA, 201 14th St. SW., Washington, DC 20250-1125. Comments also may be submitted via email to: ncoyote@fs.fed.us.

The public may inspect comments received at Forest Service, USDA, 201 14th St. SW., Washington, DC during normal business hours. Visitors are encouraged to call ahead to 202-205-0650 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT:

Merlene Mazyck, Volunteers & Service, 202-205-0650. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, between 8 a.m. and 8 p.m., Eastern Standard time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title: Volunteer Service Packet for Natural & Cultural Resources.

OMB Number: 0596-0080.

Expiration Date of Approval: 12/31/2017.

Type of Request: Extension with Revision.

Abstract: The collected information is needed by participating natural resource agencies to manage agency volunteer programs. Information is collected from potential and selected volunteers of all ages. Those under the age of 18 years must have written consent from a parent or guardian.

Participating Agencies

The volunteer programs of the following natural resource agencies are included:

Department of Agriculture: U.S. Forest Service, and Natural Resources Conservation Service;

Department of the Interior: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs, Office of Surface Mining Reclamation and Enforcement, and U.S. Geological Survey;

Department of Defense: U.S. Army Corps of Engineers;

Department of Commerce: National Oceanic and Atmospheric Administration—Office of National Marine Sanctuaries.

Forms

OF-301 Volunteer Application: Individuals interested in volunteering may access the National Federal volunteer opportunities Web site (<http://www.volunteer.gov>), individual agency Web sites, and/or contact agencies to request a Volunteer Application (OF-301).

Applicants provide name, address, telephone number, age, preferred work categories, available dates, preferred location, indication of physical limitations, and lodging preferences. Information collected using this form assists agency volunteer coordinators and other personnel in matching volunteers with agency opportunities appropriate for an applicant's skills and physical condition and availability. Signature of a parent or guardian is mandatory for applicants under 18 years of age.

OF-301A Volunteer Service Agreement: This form is used by participating resource agencies to document agreements for volunteer services between a Federal agency and individual or group volunteers, including international volunteers. Signature of parent or guardian is

mandatory for applicants under 18 years of age.

OF-301B Volunteer Group Sign-up: This form is used by participating resource agencies to document awareness and understanding by individuals in groups about the volunteer activities between a Federal agency and a partner organization with group participants. Signature of parent or guardian is mandatory for applicants under 18 years of age.

Estimate of Annual Burden: 15 minutes per form.

Type of Respondents: Individuals.

Estimated Annual Number of Respondents: 500,000.

Estimated Annual Number of Responses per Respondent: 2.5.

Estimated Total Annual Burden on Respondents: 125,000 hours.

Comment is invited:

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: September 22, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017-21667 Filed 10-6-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Urban Forest in Atlanta, GA

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the

Forest Service is seeking comments from all interested individuals and organizations on a renewal of the information collection, Environmental Justice and the Urban Forest in Atlanta, GA.

DATES: Comments must be received in writing on or before December 11, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Cassandra Johnson Gaither, Forestry Sciences Lab, 320 Green St., Athens, GA 30602. Comments also may be submitted via facsimile to (706) 559-4266 or by email to: cjohnson09@fs.fed.us.

The public may inspect comments received at Forestry Sciences Lab, 320 Green St., Athens, GA 30602 during normal business hours. Visitors are encouraged to call ahead to (706) 559-4264 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Cassandra Johnson Gaither, U.S. Forest Service, Southern Research Station, 706-559-4270. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Environmental Justice and the Urban Forest in Atlanta, GA.

OMB Number: 0596-0237.

Expiration Date of Approval:

Type of Request: Renewal.

Abstract: This information collection will gather data on city of Atlanta residents' interest in and engagement with the city's urban forest. The urban forest is defined as trees on both public spaces (e.g., parks) and on private residences. Engagement is defined as people's interest and awareness of city trees, interest in tree maintenance at both the household and community level, and their participation in decisions about whether trees should be maintained. The information collection also gathers data on social stressors such as crime rates, affordable housing, and stormwater management. The data is intended to provide information on the broader context from which people make decisions about engaging with city trees. If people lack basic needs such as access to healthy foods and safe neighborhoods, it's unlikely that they would demonstrate a high degree of engagement with the city's urban forest. Taken together, these data on people's ability to engage with the urban forest and constraints to doing so provide an indication of environmental justice with respect to Atlanta's urban forest.

Environmental justice, in its broader sense, has to do with people's physical proximity to both environmental burdens and the access to environmental goods or amenities like urban parks and forests, and tree-lined streets.

This information collection addresses environmental justice from the perspective of urban trees and how this resource may contribute to environmental justice in a given community or neighborhood.

The survey will be conducted face-to-face at the household using electronic devices. Neighborhood residents trained in appropriate data collection techniques will collect the information. Data on city of Atlanta residents' interest in and engagement with city trees will be collected. This includes information about engagement at both the household and community level. For instance, at the household level, questions are asked about the ability and knowledge that people may have about city trees. And at the community level, questions are asked about a community's political strength and how this may affect that community's ability to command tree planting by the city.

Data will be collected from residents in the city of Atlanta. If the information proposed herein is not collected, efforts to understand how urban dwellers in large, southern cities like Atlanta are connected to urban green spaces will be diminished.

Type of Respondents: City of Atlanta residents.

Estimated Annual Number of Respondents: 1900.

Estimated Annual Number of Responses per Respondent: 1 minute.

Estimated Total Annual Burden on Respondents: 212 hours.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: September 27, 2017.

Felipe Sanchez,

Acting Associate Deputy Chief, Research & Development.

[FR Doc. 2017-21681 Filed 10-6-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection: Federal and Non-Federal Financial Assistance Instruments

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the revision of a currently approved information collection, OMB 0596-0217, Federal and Non-Federal Financial Assistance Instruments.

DATES: Comments must be received in writing on or before December 11, 2017 to be assured of consideration.

Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Jacqueline Henry, USDA Forest Service, Branch Chief for Grants and Agreements Policy, 1400 Independence Ave. SW., Mailstop 1138, Washington, DC 20250.

Comments also may be submitted via facsimile to 703-605-4776 or by email to: Jacquelinehenry@fs.fed.us.

The public may inspect comments received at USDA Forest Service, 1400 Independence Ave. SW., Washington, DC 20250, during normal business hours. Visitors are encouraged to call ahead to 703-605-4776 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Jacqueline Henry, Branch Chief, Grants and Agreements Policy, telephone 703-605-4776.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, 7 days a week, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Federal and Non-Federal Financial Assistance Instruments.

OMB Number: 0596-0217.

Expiration Date of Approval: 02/28/2018.

Type of Request: Extension with revision of a currently approved information collection.

Abstract: In order to perform specific Forest Service activities, Congress created several authorities to assist the Agency in carrying out its mission. The Forest Service issues Federal Financial Assistance (FFA) awards, which are grants and cooperative agreements, as authorized by the Federal Grants and Cooperative Agreements Act (FGCAA). This collection includes the following forms:

- (1) Federal Financial Assistance Standard Forms,
- (2) Pre-certification forms,
- (3) Award and administrative related correspondence, and
- (4) A new questionnaire related to a recipient's accounting system and financial management capabilities.

In addition to FFA, Congress created specific authorizations for acts outside the scope of the FGCAA. Appropriations language was developed to convey authority for the Forest Service to enter into relationships that are outside the scope of the FGCAA. The Forest Service implements these authorizations using instruments such as collection agreements, FGCAA exempted agreements, memorandums of understanding, and other agreements which mutually benefit participating parties. These instruments fall outside the scope of the Federal Acquisition Regulations (FAR) and often require financial plans and statements of work. Forest Service employees collect information from cooperating parties from the pre-award to the closeout stage via telephone calls, emails, postal mail, and person-to-person meetings to create, develop, and administer these funded and non-funded agreements. The multiple means for respondents to communicate their responses include forms, non-forms, electronic documents, face-to-face, telephone, and Internet. The scope of information collected varies; however, it typically includes the project type, project scope, financial plan, statement of work, and cooperator's business information.

The Forest Service would not be able to create, develop, and administer these funded and non-funded agreements without the collected information. The Agency would also be unable to develop or monitor projects, make or receive payments, or identify financial and accounting errors.

Estimate of Annual Burden: 1 to 4 hours annually per person.

Type of Respondents: Non-profit and for profit institutions; institutions of higher education; State, local, and Native American tribal governments, individuals; foreign governments; and organizations.

Estimated Annual Number of Respondents: 15,000.

Estimated Annual Number of Responses per Respondent: 1 to 4.

Estimated Total Annual Burden on Respondents: 28,000 hours.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Dated: September 25, 2017.

Andria Weeks,

Acting Associate Deputy Chief, Business Operations.

[FR Doc. 2017-21680 Filed 10-6-17; 8:45 am]

BILLING CODE 3411-15-P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: October 16, 2017, 1:00 p.m. e.d.t.

PLACE: U.S. Chemical Safety and Hazard Investigation Board, 1750 Pennsylvania Ave. NW., Suite 910, Washington, DC 20006.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on October 16, 2017, starting at 1:00 p.m. EDT in Washington, DC, at the CSB offices located at 1750 Pennsylvania Avenue NW., Suite 910. The Board will discuss open investigations, an update on

recommendations, the status of audits from the Office of the Inspector General, and financial and organizational updates. An opportunity for public comment will be provided.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the **CONTACT PERSON FOR FURTHER INFORMATION**, at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number to join the conference: Dial in Number: 888-862-6557 Confirmation Number: 45765401.

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less, but commenters may submit written statements for the record.

CONTACT PERSON FOR MORE INFORMATION: Hillary Cohen, Communications Manager, at public@csb.gov or (202) 446-8094. Further information about this public meeting can be found on the CSB Web site at: www.csb.gov.

Dated: October 4, 2017.

Raymond C. Porfiri,

Deputy General Counsel.

[FR Doc. 2017-21821 Filed 10-5-17; 11:15 am]

BILLING CODE 6350-01-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Louisiana Advisory Committee To Discuss Hearing Preparations for Barriers to Voting Report

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules

and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Louisiana Advisory Committee (Committee) will hold a meeting on Tuesday, October 10, 2017, at 2:00 p.m. Central for a discussion on Barriers to Voting in Louisiana.

DATES: The meeting will be held on Tuesday, October 10, 2017, at 2:00 p.m. Central.

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

Public Call Information: Dial: 888-208-1815, Conference ID: 9544831.

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: 888-208-1815, conference ID: 9544831. 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 David Barreras at dbarreras@usccr.gov. Persons who desire additional information may contact the Midwestern Regional Office at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights,

Louisiana Advisory Committee link (<http://www.facadatabase.gov/committee/committee.aspx?cid=251&aid=17>). Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion of Barriers to Voting—

Hearing preparations
Next Steps
Public Comment
Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance that this project will inform the Commission's FY2018 statutory enforcement report on voting rights and is therefore under a very tight timeline.

Dated: September 27, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-21033 Filed 10-6-17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee for a Meeting To Review and Discuss a Draft Report Regarding Civil Rights and Voter Participation in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Tuesday, October 24, 2017, at 12:00 p.m. CST for the purpose of reviewing and discussing a draft report regarding civil rights and voting in the state.

DATES: The meeting will be held on Tuesday, October 24, 2017, at 12:00 p.m. CST, Public Call Information: Dial: 800-474-8920, Conference ID: 6700535.

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnaroski, DFO, at mwojnaroski@usccr.gov or 312-353-8311.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the call in

information listed above. 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 to the Committee 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, Illinois Advisory Committee link (<http://www.facadatabase.gov/committee/meetings.aspx?cid=246>). Select "meeting details" and then "documents" to download. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call

Discussion: Draft Report, Voting Rights in Illinois

Public Comment

Future Plans and Actions

Adjournment

Dated: October 3, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-21657 Filed 10-6-17; 8:45 am]

BILLING CODE 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, October 20, 2017, at 1 p.m. EST for the purpose of discussing civil rights concerns in the state.

DATES: The meeting will be held on Friday, October 20, 2017, at 1 p.m. EST, Public Call Information: Dial: 888-430-8678, Conference ID: 8364198.

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: 888-430-8678, conference ID: 8364198. 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: Potential Civil Rights issues in Michigan for study
Public Comment
Future Plans and Actions
Adjournment

Dated: October 3, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-21658 Filed 10-6-17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Vermont Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Vermont Advisory Committee to the Commission will convene by conference call at 11:00 a.m. (EDT) on: Friday, October 27, 2017. The purpose of the meeting is for planning future projects and discuss draft housing report.

DATES: Friday, October 27, 2017, at 11:00 a.m. EDT.

Public Call-In Information:
Conference call-in number: 1-888-455-2238 and conference call 5295473.

FOR FURTHER INFORMATION CONTACT: Ivy Davis at ero@usccr.gov or by phone at 202-376-7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1-888-455-2238 and conference call 5295473. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1-800-977-8339 and providing the operator with the toll-free conference call-in number: 1-888-455-2238 and conference call 5295473.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376-7548, or emailed to Evelyn Bohor at ero@usccr.gov. Persons who desire additional information may contact the Eastern Regional Office at (202) 376-7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at <https://database.faca.gov/committee/meetings.aspx?cid=278>, click the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, www.usccr.gov, or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

Friday, October 27, 2017

- Rollcall
- Discussion of Draft Housing Report
- Plan Future Projects

- Next Steps
- Other Business
- Adjourn

Dated: October 3, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-21654 Filed 10-6-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received

petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below.

Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[9/20/2017 through 9/30/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Solmet Technologies, Inc	2716 Shepler Church Avenue SW., Canton, OH 44706.	9/20/2017	The firm manufactures large steel forgings, primarily for boring and sinking machinery.
I.G. Marston Co., Inc	8 Mear Road, Holbrook, MA 02343.	9/28/2017	The firm manufactures custom, non-metallic components such as washers, gaskets, seals, tags, insulators, and discs made of plastic, rubber, neoprene, nylon, and many other non-metallic materials.
Micromatic Spring and Stamping Co., Inc.	45 North Church Street, Addison, IL 60101.	9/28/2017	The firm manufactures springs, stampings, and wire forms made of iron or steel wire.
Development Associates, Inc	300 Old Baptist Road, North Kingstown, RI 02852.	9/29/2017	The firm manufactures two-part polyurethane resins (clear polyurethane resin which is auto-grade, non-yellowing, UV-stable, and mercury-free; clear polyurethane coating; clear urethane resin; urethane adhesive; epoxy primer; and wire and cable coating) for many applications.
Automatic Machine Products Co	400 Constitution Drive, Taunton, MA 02780.	9/29/2017	The firm manufactures refrigeration and air-conditioning safety, pressure, and complete shut-off valves and related assemblies, fittings, and components, all of steel and brass.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which

these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,
Program Analyst.

[FR Doc. 2017-21656 Filed 10-6-17; 8:45 am]

BILLING CODE 3510-WH-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015-2016

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

SUMMARY: On April 6, 2017, the Department of Commerce (the Department) published the preliminary

results of the 2015-2016 administrative review of the antidumping duty (AD) order on circular welded carbon steel pipes and tubes (pipes and tubes) from Thailand. This review covers two manufacturers/exporters of the subject merchandise, Saha Thai Steel Pipe (Public) Company, Ltd. (Saha Thai) and Pacific Pipe Public Company Limited (Pacific Pipe). The period of review (POR) is March 1, 2015, through February 29, 2016. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we made certain changes to our preliminary findings for Saha Thai. The final weighted-average dumping margins for the reviewed producers/exporters are listed below in the section entitled "Final Results of Review."

DATES: October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Toni Page, 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) 482-1398.

SUPPLEMENTARY INFORMATION:

Background

On April 6, 2017, the Department published in the **Federal Register** the *Preliminary Results*.¹ For a history of events that have occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.² The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Order

The products covered by the antidumping order are certain circular welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches. For a full description of the scope of this order, please see the accompanying Issues and Decision Memorandum.³

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of issues raised, and to which we responded, in the Issues and Decision Memorandum, is attached to this notice as an Appendix.

Final Determination of No Shipments

The Department preliminarily found that Pacific Pipe had no shipments and, therefore, no reviewable transactions during the POR. The Department received no further comments or

information that refute this finding. Thus, the Department continues to find that Pacific Pipe had no reviewable transactions during the POR.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, and for the reasons explained in the Issues and Decision Memorandum, we have made certain changes to Saha Thai’s margin calculation.

Final Results of Review

As a result of our review, we determine the following weighted-average dumping margin exists for the period March 1, 2015, through February 29, 2016:

Producer/exporter	Weighted-average dumping margin (percent)
Saha Thai Steel Pipe (Public) Company, Ltd	1.36
Pacific Pipe Company Limited	*

* No shipments or sales subject to this review. The company has an individual rate from a prior segment of the proceeding in which the firm had shipments or sales.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b)(1), the Department determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise, in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of the final results of review.

For Saha Thai, we will base the assessment rate for the corresponding entries on the margin listed above. Additionally, because the Department determined that Pacific Pipe had no shipments of subject merchandise during the POR, any suspended entries that entered under Pacific Pipe’s name will be liquidated at the all-others rate effective during the POR.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company

under review will be equal to the weighted-average dumping margin established in the final results of this review; (2) for previously reviewed or investigated companies not listed above in the Final Results of Review, including those for which the Department may determine had no shipments during the POR, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the “all-others” rate of 15.67 percent established in the less-than-fair-value investigation.⁴ These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notifications to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the 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 conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

The Department is issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

⁴ See *Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes from Thailand*, 51 FR 8341 (March 11, 1986).

¹ See *Circular Welded Carbon Steel Pipes and Tubes from Thailand: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Finding of No Shipments; 2015–2016*, 82 FR 16793 (April 6, 2017) (*Preliminary Results*).

² See “Circular Welded Carbon Steel Pipes and Tubes from Thailand: Decision Memorandum for the Final Results of Antidumping Duty Administrative Review; 2015–2016,” dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

³ See Issues and Decision Memorandum for a full description of the scope of order.

Dated: October 3, 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

Summary

Background

Scope of the Order

Determination of No Shipments for Pacific Pipe

Discussion of the Issues

1. Whether to Disregard Saha Thai's Reported Pipe Specification/Grade Designations
2. Whether to Adjust Saha Thai's Reported Coil Costs
3. Whether to Grant a Duty Drawback Adjustment to Saha Thai
4. Whether to Revise the Date Range for Saha Thai's Home Market and U.S. Sales

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-870]

Certain Oil Country Tubular Goods From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2015-2016

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain oil country tubular goods (OCTG) from the Republic of Korea (Korea). The period of review (POR) is September 1, 2015 through August 31, 2016. This review covers 31 producers/exporters of the subject merchandise. The Department preliminarily determines that NEXTEEL Co., Ltd. (NEXTEEL) and SeAH Steel Corporation (SeAH), the two companies selected for individual examination, sold subject merchandise in the United States at prices below normal value during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Victoria Cho or Deborah Scott, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone:

(202) 482-5075 or (202) 482-2657, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department initiated this administrative review on November 9, 2016.¹ We selected two mandatory respondents in this review, NEXTEEL and SeAH. For a detailed description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum, dated concurrently with these preliminary results and hereby adopted by this notice.²

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). Access to ACCESS is available to registered users at <http://access.trade.gov> and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/index.html>. A list of the topics discussed in the Preliminary Decision Memorandum is attached to this notice as Appendix 1. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is certain OCTG, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.*, whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the order also covers OCTG coupling stock. For the full text of the scope of the

order, see the Preliminary Decision Memorandum.

Methodology

The Department is conducting this administrative review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

Among the companies under review, Hyundai RB Co., Ltd. (Hyundai RB), Samsung, Samsung C&T Corporation (Samsung C&T), and SeAH Besteel Corporation (SeAH Besteel) properly filed certifications reporting that they had no exports, sales, or entries of subject merchandise to the United States during the POR.³ Based on the certifications submitted by these companies and our analysis of information from U.S. Customs and Border Protection (CBP), we preliminarily determine that Hyundai RB, Samsung, Samsung C&T, and SeAH Besteel had no shipments during the POR. For a full explanation of the Department's analysis, see the Preliminary Decision Memorandum.

The Department finds that it is not appropriate to preliminarily rescind the review with respect to these companies but, rather, intends to complete the review with respect to these companies and issue appropriate instructions to CBP based on the final results of this review.

Rates for Non-Examined Companies

The statute and the Department's regulations do not address the establishment of a rate to be applied to companies not selected for examination when the Department limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 78778 (November 9, 2016).

² See Memorandum, "Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Certain Oil Country Tubular Goods from the Republic of Korea; 2015-2016," dated October 2, 2017 (Preliminary Decision Memorandum).

³ See Letter from Hyundai RB, "Oil Country Tubular Goods from the Republic of Korea: No Shipment Letter," dated December 9, 2016; Letter from Samsung and Samsung C&T, "Oil Country Tubular Goods from the Republic of Korea: No Shipment Letter," dated December 9, 2016; and Letter from SeAH Besteel, "Administrative Review of the Antidumping Order on Oil Country Tubular Goods from Korea for the 2015-16 Review Period—No Shipments Letter," dated December 7, 2016.

investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.”

In this review, we have preliminarily calculated weighted-average dumping margins for NEXTEEL and SeAH that are not zero, *de minimis*, or determined entirely on the basis of facts available. Accordingly, the Department preliminarily has assigned to the companies not individually examined (see Appendix 2 for a full list of these companies) a margin of 17.98 percent, which is the weighted average of NEXTEEL’s and SeAH’s calculated weighted-average dumping margins.⁴

Preliminary Results of Review

The Department preliminarily determines that, for the period September 1, 2015 through August 31, 2016, the following weighted-average dumping margins exist:

Producer or exporter	Weighted-average dumping margin (percent)
NEXTEEL Co., Ltd.	46.37
SeAH Steel Corporation	6.66
Non-examined companies	19.68

Disclosure, Public Comment, and Opportunity To Request a Hearing

We intend to disclose the calculations performed for these preliminary results of review to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, the content of which is limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.⁵ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each

argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.⁶ Case and rebuttal briefs should be filed using ACCESS⁷ and must be served on interested parties.⁸ Executive summaries should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via the Department’s electronic records system, ACCESS. An electronically filed request must be received successfully in its entirety by 5:00 p.m. Eastern Time within 30 days of the date of publication of this notice.⁹ Requests should contain: (1) The party’s name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined.¹⁰ Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any case or rebuttal briefs, no later than 120 days after the date of publication of this notice, unless extended.¹¹

Assessment Rates

Upon completion of this administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

For any individually examined respondent whose weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent) in the final results of this review, if the respondent reported reliable entered values, we will calculate importer-specific *ad valorem* assessment rates for the merchandise based on the ratio of the total amount of dumping calculated for the examined sales made to each

importer and the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). If the respondent has not reported reliable entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total sales quantity associated with those transactions. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with 19 CFR 351.106(c)(2). If a respondent’s weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews*, i.e., “{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis*, no antidumping duties will be assessed.”¹²

For entries of subject merchandise during the POR produced by NEXTEEL or SeAH for which the producer did not know its merchandise was destined for the United States, or for any respondent for which we have a final determination of no shipments, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹³

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the companies listed in the final results of review will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in

⁴ For more information regarding the calculation of this margin, see Memorandum, “Calculation of the Margin for Non-Examined Companies,” dated October 2, 2017. As the weighting factor, we relied on the publicly ranged sales data reported in NEXTEEL’s and SeAH’s quantity and value charts.

⁵ See 19 CFR 351.309(d).

⁶ See 19 CFR 351.309(c)(2) and (d)(2).

⁷ See generally 19 CFR 351.303.

⁸ See 19 CFR 351.303(f).

⁹ See 19 CFR 351.310(c).

¹⁰ See 19 CFR 351.310(d).

¹¹ See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

¹² See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

¹³ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

which they were reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 5.24 percent,¹⁴ the all-others rate established in the less-than-fair-value investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

The Department is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 2, 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 1

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Preliminary Determination of No Shipments
5. Rates for Non-Examined Companies
6. Duty Absorption
7. Affiliation
8. Discussion of the Methodology
9. Currency Conversion
10. Recommendation

Appendix 2

List of Companies Not Individually Examined

BDP International
Daewoo America
Daewoo International Corporation
Dong-A Steel Co. Ltd.

Dong Yang Steel Pipe
Dongbu Incheon Steel
DSEC
Erndtbruecker Eisenwerk and Company
Hansol Metal
Husteel Co., Ltd.
Hyundai HYSCO
Hyundai Steel Company¹⁵
ILJIN Steel Corporation
Jim And Freight Co., Ltd.
Kia Steel Co. Ltd.
KSP Steel Company
Kukje Steel
Kurvers
POSCO Daewoo Corporation
POSCO Daewoo America
Steel Canada
Sumitomo Corporation
TGS Pipe
Yonghyun Base Materials
ZEECO Asia

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-912]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Rescission of New Shipper Review; 2015-2016

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

SUMMARY: The Department of Commerce (Department) is conducting an administrative review (AR) and a new shipper review (NSR) of the antidumping duty order on certain new pneumatic off-the-road tires (OTR tires) from the People's Republic of China (PRC). The period of review (POR) for the AR and NSR is September 1, 2015, through August 31, 2016. The administrative review covers six exporters of the subject merchandise. We preliminarily determine that Weihai Zhongwei Rubber Co., Ltd. (Zhongwei), one of three companies selected for individual examination, made sales of subject merchandise in the United States at prices below normal value (NV) during the POR. We also

¹⁵ On September 21, 2016, the Department published the final results of a changed circumstances review with respect to OCTG from Korea, finding that Hyundai Steel Corporation is the successor-in-interest to Hyundai HYSCO for purposes of determining antidumping duty cash deposits and liabilities. *See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Oil Country Tubular Goods From the Republic of Korea*, 81 FR 64873 (September 21, 2016). Hyundai Steel Company is also known as Hyundai Steel Corporation and Hyundai Steel Co. Ltd.

preliminarily determine to rescind the new shipper review initiated for Carlisle (Meizhou) Rubber Manufacturing Co., Ltd. (Carlisle Meizhou), and CTP Distribution (HK) Limited (CTP HK) (collectively, Carlstar). We invite interested parties to comment on these preliminary results.

DATES: Effective October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Alex Rosen, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-7814.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2016, the Department initiated a new shipper review of exports of subject merchandise made by CTP Distribution (HK) Limited (CTP HK), produced in the PRC by Carlisle (Meizhou) Rubber Manufacturing Co., Ltd. (Carlisle Meizhou).¹ On November 9, 2016, the Department initiated the eighth administrative review of the antidumping duty order on OTR tires from the PRC.³ On March 2, 2017, the

¹ The NSR was requested by Carlstar Group LLC (formerly dba CTP Transportation Products) (Carlstar Group), a U.S. producer of OTR tires, and an importer of subject merchandise concerning merchandise produced by Carlisle Meizhou, its affiliated producer of OTR tires from the PRC, and exported by CTP HK, an affiliated trading company located in Hong Kong (collectively, Carlstar).

² See letter from Carlstar, "New Pneumatic Off-The-Road Tires from the People's Republic of China Entry of Appearance and Request for New Shipper Review," dated September 20, 2016 (NSR Request); see also *Initiation of Antidumping Duty New Shipper Review*, 81 FR 76560 (November 3, 2016) (NSR Initiation).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Review*, 81 FR 78778 (November 9, 2016) (*Initiation Notice*). The Department initiated on the following: Cheng Shin Rubber Industry Ltd. (Chengshin), Guizhou Tyre Co., Ltd., Guizhou Tyre Import and Export Co., Ltd. (GTC), Qingdao Milestone Tyres Co. Ltd. (Milestone), Qingdao Qihang Tyre Co. Ltd. (Qihang), Shandong Zhenhai Group Co., Ltd. (Zhenhai), Trelleborg Wheel Systems (Xingtai) Co., Ltd. (TWS), Weihai Zhongwei Rubber Co., Ltd. (Zhongwei), Weifang Jintongda Tyre Co., Ltd. (Jintongda), and Zhongce Rubber Group Company Limited (Zhongce). The Department previously collapsed GTC and Guizhou Tyre Import and Export Corporation (GTCIE) into a single entity in the original investigation, see *Certain New Pneumatic Off-The-Road Tires from the People's Republic of China; Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 9278, 9283 (February 20, 2008), unchanged in *Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 40485 (July 15, 2008). This decision is unchallenged in the instant review; thus, the Department continues to treat GTC and GTCIE as a single entity (collectively, GTC).

¹⁴ See *Certain Oil Country Tubular Goods From the Republic of Korea: Notice of Court Decision Not in Harmony With Final Determination*, 81 FR 59603 (August 30, 2016).

Department aligned the NSR with the AR.⁴ On April 4, 2017, the Department rescinded the review for three exporters for which the AR was initiated.⁵ On May 17, 2017, we extended the time limit for the preliminary results of review by 120 days, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), to October 2, 2017.⁶ For a complete description of the events that followed the initiation of these reviews, see the Preliminary Decision Memorandum.⁷ A list of topics included in the Preliminary Decision Memorandum is included as an Appendix to this notice.

Scope of the Order ⁸

The merchandise covered by this order includes new pneumatic tires designed for off-the-road and off-highway use, subject to certain exceptions. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00, 4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00, 4011.93.40.00, 4011.93.80.00, 4011.94.40.00, and 4011.94.80.00. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.

Preliminary Rescission of the New Shipper Review

In accordance with 19 CFR 351.214(c), an exporter or producer may request a NSR within one year of the date on which subject merchandise was

⁴ See memorandum to the file, "Waiver of Time Limits for New Shipper Review and Align with Concurrent Administrative Review," dated March 2, 2017 (Alignment Memo).

⁵ See *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Notice of Partial Rescission of the Antidumping Duty Administrative Review; 2015–2016*, 82 FR 16348 (April 4, 2017).

⁶ See memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Extension of Deadline for Preliminary Results of 2015–2016 Antidumping Duty Administrative Review and New Shipper Review," dated May 17, 2017.

⁷ See memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review and Preliminary Rescission of New Shipper Review: Certain New Pneumatic Off-the-Road Tires from the People's Republic of China; 2015–2016," dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

⁸ For a complete description of the scope of the order, see the Preliminary Decision Memorandum.

first entered, or withdrawn from warehouse, for consumption, or, if the exporter or producer cannot establish the date of the first entry, then the date on which it first shipped the merchandise for export to the United States.

As discussed in the Preliminary Decision Memorandum and Preliminary NSR Rescission Memorandum,⁹ the Department preliminarily finds that Carlstar's request for review was not timely filed within one year of the date the subject merchandise produced and exported by Carlstar or its predecessor was first entered into the United States, pursuant to 19 CFR 351.214(c) of the Department's regulations.

Because we find that Carlstar's request for review was not timely filed, we are preliminarily determining that Carlstar's request did not meet the requirements of 19 CFR 351.214(c), and are rescinding the new shipper review for Carlstar. Because much of the factual information used in our analysis involves business proprietary information, a full discussion of the basis for our preliminary determination is set forth in the Preliminary NSR Rescission Memorandum.

Separate Rates

The Department preliminarily determines that information placed on the record by the mandatory respondent, Zhongwei, as well as two separate rate applicants, Qihang and Shandong Zhen tai, demonstrates that these companies are entitled to receive separate rates. For additional information, see the Preliminary Decision Memorandum.

PRC-Wide Entity

The Department's policy regarding conditional review of the PRC-wide entity applies to these reviews.¹⁰ Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in the AR or NSR, the entity is not under review and the entity's rate (*i.e.*, 105.31 percent) is not

⁹ See memorandum to the file, "New Shipper Review of the Antidumping Duty Order on New Pneumatic Off-The-Road Tires from the People's Republic of China: Preliminary Rescission Memorandum for Carlstar," dated concurrently with this memorandum (Preliminary NSR Rescission Memorandum).

¹⁰ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

subject to change.¹¹ Aside from the separate rate companies discussed above, the Department considers all other companies¹² for which a review was requested, including the mandatory respondent GTC, to be ineligible for a separate rate based on information provided. For additional information, see the Preliminary Decision Memorandum.

Methodology

The Department is conducting these reviews in accordance with section 751(a)(1)(B) and 751(a)(2)(A) of the Act. Export and constructed export prices were calculated in accordance with sections 772(a) and (b) of the Act. Because the PRC is a nonmarket economy within the meaning of section 771(18) of the Act, normal value (NV) has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>, and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Rate for Separate Rate Companies Not Individually Examined

The statute and the Department's regulations do not address the establishment of a rate to be applied to respondents not selected for individual examination when the Department limits its examination of companies subject to the administrative review pursuant to section 777A(c)(2)(B) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the

¹¹ See *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 80 FR 20197 (April 15, 2015).

¹² These companies include the mandatory respondent, Guizhou Tyre Co., Ltd and Guizhou Tyre Import and Export Co., Ltd. (GTC), separate rate applicant, Cheng Shin Rubber Industry Ltd., and non-responsive respondent, Qingdao Milestone Tyres Co. Ltd.

all-others rate in an investigation, for guidance when calculating the rate for respondents not individually examined in an administrative review. Section 735(c)(5)(A) of the Act articulates a preference for not calculating an all-others rate using rates which are zero, *de minimis* or based entirely on facts available (FA).¹³ Accordingly, the Department's usual practice has been to determine the dumping margin for companies not individually examined by averaging the weighted-average dumping margins for the individually examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available.¹⁴ Consistent with this practice, in the AR, we preliminarily calculated a weighted-average dumping margin for Zhongwei that is above *de minimis* and not based entirely on FA; therefore, the Department preliminarily assigns to Qihang and Zhentai the weighted-average margin calculated for Zhongwei as the separate rate for this review.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period September 1, 2015, through August 31, 2016:

Exporter	Weighted-average dumping margin (percent)
Weihai Zhongwei Rubber Co., Ltd	4.54
Shandong Zhentai Group Co., Ltd	4.54
Qingdao Qihang Tyre Co. Ltd ..	4.54

Additionally, the Department preliminarily determines that Cheng Shing, GTC, and Qingdao Milestone are part of the PRC-wide entity.

Disclosure, Public Comment and Opportunity To Request a Hearing

The Department intends to disclose the calculations used in our analysis to parties in these reviews within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

¹³ See *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part*, 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

¹⁴ See *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part*, 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

Interested parties may submit case briefs within 30 days after the date of publication of these preliminary results of review in the **Federal Register**.¹⁵ Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the time limit for filing case briefs.¹⁶ Parties who submit arguments are requested to submit with the argument (a) a statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.¹⁷ Parties submitting briefs should do so pursuant to the Department's electronic filing system, ACCESS.¹⁸

Any interested party may request a hearing within 30 days of publication of this notice.¹⁹ Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.²⁰

The Department intends to issue the final results of these reviews, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by these reviews.²¹ The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of these reviews.

For assessment purposes, the Department applied the assessment rate calculation method adopted in Assessment Rate Modification.²² For any individually examined respondent whose weighted-average dumping

¹⁵ See 19 CFR 351.309(c)(1)(ii).

¹⁶ See 19 CFR 351.309(d)(1)–(2).

¹⁷ See 19 CFR 351.309(c)(2), (d)(2).

¹⁸ See 19 CFR 351.303 (for general filing requirements).

¹⁹ See 19 CFR 351.310(c).

²⁰ See 19 CFR 351.310(d).

²¹ See 19 CFR 351.212(b).

²² See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Assessment Rate Modification*) in the manner described in more detail in the Preliminary Decision Memorandum.

margin is above *de minimis* (i.e., 0.50 percent) in the final results of these reviews, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific ad valorem rate is greater than *de minimis*, the Department will instruct CBP to collect the appropriate duties at the time of liquidation.²³ Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific ad valorem rate is zero or *de minimis*, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²⁴ For the respondents that were not selected for individual examination in the administrative review and that qualified for a separate rate, the assessment rate will be based on the average of the mandatory respondents.²⁵

Pursuant to the Department's practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during the administrative review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (i.e., at that exporter's rate) will be liquidated at the PRC-wide rate.²⁶

Because we are preliminarily rescinding the new shipper review of Carlstar, we are not making a determination as to whether Carlstar qualifies for a separate rate. Therefore, if the Department proceeds to final rescission, Carlstar will remain part of the PRC-wide entity and, accordingly, any entries covered by this new shipper review will be assessed at the PRC-wide rate. If we do not proceed to final rescission, we will calculate an importer-specific assessment rate for Carlstar, consistent with 19 CFR 351.212(b)(1) and will instruct CBP to assess AD duties on all appropriate entries covered by the NSR if the importer-specific assessment rate calculated in the final results of the NSR is above *de minimis*.

²³ See 19 CFR 351.212(b)(1).

²⁴ See 19 CFR 351.106(c)(2).

²⁵ See Preliminary Decision Memorandum.

²⁶ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these reviews for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Because we preliminarily did not calculate a dumping margin for Carlstar or grant Carlstar a separate rate in this new shipper review, as noted above, we find that Carlstar continues to be part of the PRC-wide entity. The cash deposit rate for the PRC-wide entity is 105.31 percent. These cash deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: October 2, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Determination To Rescind The New Shipper Review
- V. Discussion of Methodology
 - A. Non-Market Economy Country
 - B. Surrogate Country and Surrogate Value Data
 - C. Surrogate Country
 - D. Separate Rates
 - E. Margin for the Companies Individually Examined
 - F. Margin for the Separate Rate Companies Not Individually Examined
 - G. Margin for Companies Not Receiving a Separate Rate
 - H. Date of Sale
 - I. Comparisons to Normal Value
 - J. Export Price
 - K. Value-Added Tax
 - L. Normal Value
 - M. Factor Valuations
 - N. Currency Conversion
- VI. Adjustment Under Section 777A(f) of the Act
- VII. Recommendation

[FR Doc. 2017-21748 Filed 10-6-17; 8:45 am]

BILLING CODE 3510-DS-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and a service from the Procurement List that were previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before November 5, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202-4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Amy B. Jensen, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products and service are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):

6532-00-926-9964—Smock, Mans Dental Operating
 6532-00-926-9975—Smock, Mans Dental Operating
 6532-00-926-9976—Smock, Mans Dental Operating
 6532-00-159-4881—Smock, Mans Dental Operating

Mandatory Source(s) of Supply: Human Technologies Corporation, Utica, NY
Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s):

5510-00-NSH-0044—Stakes/Lath, Survey, Wood
 5510-00-NSH-0045—Stakes/Lath, Survey, Wood
 5510-00-NSH-0046—Stakes/Lath, Survey, Wood
 5510-00-NSH-0047—Stakes/Lath, Survey, Wood
 5510-00-NSH-0048—Stakes/Lath, Survey, Wood
 5510-00-NSH-0049—Stakes/Lath, Survey, Wood
 5510-00-NSH-0050—Stakes/Lath, Survey, Wood
 5510-00-NSH-0051—Stakes/Lath, Survey, Wood
 5510-00-NSH-0052—Stakes/Lath, Survey, Wood
 5510-00-NSH-0053—Stakes/Lath, Survey, Wood
 5510-00-NSH-0054—Stakes/Lath, Survey, Wood
 5510-00-NSH-0055—Stakes/Lath, Survey, Wood
 5510-00-NSH-0056—Stakes/Lath, Survey, Wood
 5510-00-NSH-0057—Stakes/Lath, Survey, Wood
 5510-00-NSH-0058—Stakes/Lath, Survey, Wood
 5510-00-NSH-0059—Stakes/Lath, Survey, Wood
 5510-00-NSH-0060—Stakes/Lath, Survey, Wood
 5510-00-NSH-0061—Stakes/Lath, Survey, Wood
 5510-00-NSH-0062—Stakes/Lath, Survey, Wood
 5510-00-NSH-0063—Stakes/Lath, Survey, Wood
 5510-00-NSH-0064—Stakes/Lath, Survey, Wood
 5510-00-NSH-0065—Stakes/Lath, Survey, Wood
 5510-00-NSH-0066—Stakes/Lath, Survey, Wood
 5510-00-NSH-0067—Stakes/Lath, Survey, Wood

5510-00-NSH-0068—Stakes/Lath, Survey, Wood
 5510-00-NSH-0069—Stakes/Lath, Survey, Wood
 5510-00-NSH-0070—Stakes/Lath, Survey, Wood
 5510-00-NSH-0071—Stakes/Lath, Survey, Wood
 5510-00-NSH-0072—Stakes/Lath, Survey, Wood
 5510-00-NSH-0073—Stakes/Lath, Survey, Wood
 5510-00-NSH-0074—Stakes/Lath, Survey, Wood
 5510-00-NSH-0075—Stakes/Lath, Survey, Wood
 5510-00-NSH-0076—Stakes/Lath, Survey, Wood
 5510-00-NSH-0077—Stakes/Lath, Survey, Wood
 5510-00-NSH-0078—Stakes/Lath, Survey, Wood
 5510-00-NSH-0079—Stakes/Lath, Survey, Wood
 5510-00-NSH-0080—Stakes/Lath, Survey, Wood
 5510-00-NSH-0081—Stakes/Lath, Survey, Wood
 5510-00-NSH-0082—Stakes/Lath, Survey, Wood
 5510-00-NSH-0083—Stakes/Lath, Survey, Wood
 5510-00-NSH-0084—Stakes/Lath, Survey, Wood
 5510-00-NSH-0085—Stakes/Lath, Survey, Wood
 5510-00-NSH-0086—Stakes/Lath, Survey, Wood
 5510-00-NSH-0087—Stakes/Lath, Survey, Wood
 5510-00-NSH-0088—Stakes/Lath, Survey, Wood
 5510-00-NSH-0089—Stakes/Lath, Survey, Wood
 5510-00-NSH-0090—Stakes/Lath, Survey, Wood
 5510-00-NSH-0091—Stakes/Lath, Survey, Wood
 5510-00-NSH-0092—Stakes/Lath, Survey, Wood
 5510-00-NSH-0093—Stakes/Lath, Survey, Wood
 5510-00-NSH-0094—Stakes/Lath, Survey, Wood
 5510-00-NSH-0095—Stakes/Lath, Survey, Wood
 5510-00-NSH-0096—Stakes/Lath, Survey, Wood
 5510-00-NSH-0097—Stakes/Lath, Survey, Wood
 5510-00-NSH-0101—Stakes/Lath, Survey, Wood
 5510-00-NSH-0102—Stakes/Lath, Survey, Wood
 5510-00-NSH-0103—Stakes/Lath, Survey, Wood
 5510-00-NSH-0104—Stakes/Lath, Survey, Wood
 5510-00-NSH-0105—Stakes/Lath, Survey, Wood
 5510-00-NSH-0106—Stakes/Lath, Survey, Wood

Mandatory Source(s) of Supply: Siskiyou Opportunity Center, Inc., Mt. Shasta, CA
Contracting Activity: Dept of Agriculture, Forest Service, Klamath National Forest

NSN(s)—Product Name(s): 8470-00-NSH-0030—Improved Oxygen Harness
Mandatory Source(s) of Supply: Employment Source, Inc., Fayetteville, NC
Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division

Service

Service Type: Mail and Messenger Service
Mandatory for: Naval Facilities Engineering Command (NAVFAC): Southern Division Charleston, SC
Mandatory Source(s) of Supply: Palmetto Goodwill Services, North Charleston, SC
Contracting Activity: Dept of the Navy, Navy Facilities Engineering Command

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017-21653 Filed 10-6-17; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Office of the Secretary of Defense (OSD), DoD.

ACTION: Notice of board membership.

SUMMARY: This notice announces the appointment of the Department of Defense, Fourth Estate, Performance Review Board (PRB) members, to include the Office of the Secretary of Defense, Joint Staff, Defense Field Activities, U.S. Court of Appeals for the Armed Forces, and the following Defense Agencies: Defense Advanced Research Projects Agency, Defense Commissary Agency, Defense Contract Audit Agency, Defense Contract Management Agency, Defense Finance and Accounting Service, Defense Health Agency, Defense Information Systems Agency, Defense Legal Services Agency, Defense Logistics Agency, Defense Prisoners of War/Missing in Action Accounting Agency, Defense Security Cooperation Agency, Defense Threat Reduction Agency, Missile Defense Agency, and Pentagon Force Protection Agency. The PRB shall provide fair and impartial review of Senior Executive Service and Senior Professional performance appraisals and make recommendations regarding performance ratings and performance awards to the Deputy Secretary of Defense.

DATES: The board membership is applicable beginning on September 14, 2017.

FOR FURTHER INFORMATION CONTACT: Laura E. Devlin, Assistant Director for Office of the Secretary of Defense Senior

Executive Management Office, Office of the Deputy Chief Management Officer, Department of Defense, (703) 693-8373.

SUPPLEMENTARY INFORMATION: The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the Office of the Secretary of Defense PRB with specific PRB panel assignments being made from this group. Executives listed will serve a one-year renewable term, beginning September 14, 2017.

Office of the Secretary of Defense

Authorizing Official—Patrick M. Shanahan, Deputy Secretary of Defense

Principal Executive Representative—Michael L. Rhodes

Chairperson—Glenda H. Scheiner

PRB Panel Members

ABERCROMBIE, CARA L.
 ATKINSON, MICHELLE C.
 ATWOOD, III, GEORGE W.
 BAKER, JAMES H.
 BALLARD, JAMES L.
 BANKS, ROXANNE J.
 BARNA, STEPHANIE A.
 BEEBE, MATTHEW R.
 BENJAMIN, MICHAEL A.
 BLANKS, JULIE A.
 BOOTH, SR., WILLIAM H.
 BRENNAN, KENNETH M.
 CASE, MARCIA A.
 CONKLIN, PAMELA F.
 ENGLANDER, KEITH L.
 ESHENBRENNER, BRIAN W.
 GARRETT, RONNA ROWE
 HANDELMAN, KENNETH B.
 HIGGINS, MAUREEN B.
 JOHNSON, DAVID E.
 KIYOKAWA, GUY T.
 KOFFSKY, PAUL S.
 LEIST, JR., MICHAEL N.
 LEWIS, ALAN D.
 MCAFEE, MARY ANN S.
 MCCORMICK, BETH M.
 MEYERS, KAREN F.
 MICHELLI, THOMAS P.
 MOOREFIELD, FREDERICK D.
 POTOCHNEY, PETER J.
 RATHBUN, JANE O.
 REEVES-FLORES, NANCY
 SALAZAR, TERESA M.
 SANDERS, DAVID D.
 SCHLEIEN, STEVEN L.
 SCHLESS, SCOTT R.
 TINSLEY, ROSALIE W.
 THOMPSON, LAUREN C.
 TRAMBLE, SYLANA A.
 WATSON, KENNETH D.
 WEATHERINGTON, DYKE D.
 WILUSZ, JOSEPH-PAUL
 VETTER, RUTH M.

Dated: October 4, 2017.

Aaron Siegel,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

[FR Doc. 2017-21771 Filed 10-6-17; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Regents, Uniformed Services University of the Health Sciences; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Board of Regents, Uniformed Services University of the Health Sciences will take place.

DATES: Friday, November 3, 2017, open to the public from 8:00 a.m. to 10:45 a.m. Closed session will occur from approximately 10:50 a.m. to 11:50 a.m.

ADDRESSES: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Everett Alvarez Jr. Board of Regents Room (D3001), Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: Jennifer Nuetzi James, 301-295-3066 (Voice), 301-295-1960 (Facsimile), jennifer.nuetzi-james@usuhs.edu (Email). Mailing address is 4301 Jones Bridge Road, A1020, Bethesda, Maryland 20814. Web site: <https://www.usuhs.edu/vpe/bor>.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.140 and 102-3.150.

Purpose of the Meeting: The purpose of the meeting is to provide advice and recommendations to the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness, on academic and administrative matters critical to the full accreditation and successful operation of USU. These actions are necessary for USU to pursue its mission, which is to educate, train and comprehensively prepare uniformed services health professionals, officers, scientists and leaders to support the Military and Public Health

Systems, the National Security and National Defense Strategies of the United States, and the readiness of our Uniformed Services.

Agenda: The actions scheduled to occur include the review of the minutes from the Board meeting held on August 1, 2017; recommendations regarding the awarding of associate, baccalaureate and post-baccalaureate degrees; recommendations regarding the approval of faculty appointments and promotions; and recommendations regarding award nominations. The USU President will provide a report on recent actions affecting academic and operational aspects of USU. Member reports will include an Academics Summary consisting of reports from the Armed Forces Radiobiology Research Institute (AFRRI), USU Faculty Senate, Henry M. Jackson Foundation for the Advancement of Military Medicine (HJF), and Vice President for Information and Education Technology. Member Reports will also include a Finance and Administration Summary consisting of reports from the Senior Vice President, Southern Region; Senior Vice President, Western Region; Vice President for Finance and Administration; Vice President for External Affairs; and Assistant Vice President for Accreditation and Organizational Assessment. There will be reports from the Dean of the F. Edward Hébert School of Medicine, Dean of the Daniel K. Inouye Graduate School of Nursing, Executive Dean of the Postgraduate Dental College, and Dean of the College of Allied Health Sciences. There will also be reports on the USU Organizational Structure and the USU School of Medicine Regional Education and Academic Support. A closed session will be held, after the open session, to discuss active investigations and personnel actions.

Meeting Accessibility: Pursuant to Federal statutes and regulations (5 U.S.C., Appendix, 5 U.S.C. 552b, and 41 CFR 102-3.140 through 102-3.165) and the availability of space, the meeting is open to the public from 8:00 a.m. to 10:45 a.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact Jennifer Nuetzi James no later than five business days prior to the meeting, at the address and phone number noted in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 5 U.S.C. 552b(c)(2, 5-7), the Department of Defense has determined that the portion of the meeting from 10:50 a.m. to 11:50 a.m. shall be closed to the public. The Under Secretary of Defense (Personnel and Readiness), in consultation with the Office of the Department of Defense

General Counsel, has determined in writing that this portion of the Board's meeting will be closed as the discussion will disclose sensitive personnel information, will include matters that relate solely to the internal personnel rules and practices of the agency, will involve allegations of a person having committed a crime or censuring an individual, and may disclose investigatory records compiled for law enforcement purposes.

Written Statements: Pursuant to section 10(a)(3) of the Federal Advisory Committee Act of 1972 and 41 CFR 102-3.140, the public or interested organizations may submit written comments to the Board about its approved agenda pertaining to this meeting or at any time regarding the Board's mission. Individuals submitting a written statement must submit their statement to the Designated Federal Officer at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written statements that do not pertain to a scheduled meeting of the Board may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at the planned meeting, then these statements must be received at least 5 calendar days prior to the meeting, otherwise, the comments may not be provided to or considered by the Board until a later date. The Designated Federal Officer will compile all timely submissions with the Board's Chair and ensure such submissions are provided to Board Members before the meeting.

Dated: October 4, 2017.

Aaron Siegel,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

[FR Doc. 2017-21761 Filed 10-6-17; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Government-Industry Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics), Department of Defense (DoD).

ACTION: Federal advisory committee meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal advisory committee meeting of the Government-Industry Advisory Panel. This meeting is open to the public.

DATES: The meeting will be held from 9:00 a.m. to 5:00 p.m. on Wednesday and Thursday, October 25 and 26, 2017. Public registration will begin at 8:45 a.m. on each day. For entrance into the meeting, you must meet the necessary requirements for entrance into the Pentagon. For more detailed information, please see the following link: <http://www.pfpa.mil/access.html>.

ADDRESSES: Pentagon Library, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155. The meeting room will be displayed on the information screen for both days. The Pentagon Library is located in the Pentagon Library and Conference Center (PLC2) across the Corridor 8 bridge.

FOR FURTHER INFORMATION CONTACT: LTC Robert McDonald, Office of the Assistant Secretary of Defense (Acquisition), 3600 Defense Pentagon, Washington, DC 20301-3600, email: Robert.L.McDonald.mil@mail.mil, phone: 571-256-9006 or Peter Nash, email: peter.b.nash3.ctr@mail.mil, phone: 703-693-5111.

SUPPLEMENTARY INFORMATION:

Purpose of the Meetings: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150. The Government-Industry Advisory Panel will review sections 2320 and 2321 of title 10, United States Code (U.S.C.), regarding rights in technical data and the validation of proprietary data restrictions and the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interest of the taxpayers and the national defense. The scope of the panel is as follows: (1) Ensuring that the Department of Defense (DoD) does not pay more than once for the same work, (2) Ensuring that the DoD contractors are appropriately rewarded for their innovation and invention, (3) Providing for cost-effective procurement, sustainment, modification, and upgrades to the DoD systems, (4) Encouraging the private sector to invest in new products, technologies, and processes relevant to the missions of the DoD, and (5) Ensuring that the DoD has appropriate access to innovative products, technologies, and processes developed by the private sector for commercial use.

Agenda: This will be the twenty-second meeting of the Government-Industry Advisory Panel and continued recurring teleconference meetings. The

panel will cover details of 10 U.S.C. 2320 and 2321, begin understanding the implementing regulations and detail the necessary groups within the private sector and government to provide supporting documentation for their review of these codes and regulations during follow-on meetings. Agenda items for this meeting will include the following: (1) Final review of tension point information papers; (2) Rewrite FY17 NDAA 2320 and 2321 language; (3) Review Report Framework and Format for Publishing; (4) Comment Adjudication & Planning for follow-on meeting.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the October 25-26 meeting will be available as requested or at the following site: <https://www.facadatabase.gov/committee/committee.aspx?cid=2561&aid=41>. It will also be distributed upon request.

Minor changes to the agenda will be announced at the meeting. All materials will be posted to the FACA database after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin upon publication of this meeting notice and end three business days (October 20) prior to the start of the meeting. All members of the public must contact LTC McDonald or Mr. Nash at the phone number or email listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for Pentagon escort, if necessary. Public attendees should arrive at the Pentagon's Visitor's Center, located near the Pentagon Metro Station's south exit and adjacent to the Pentagon Transit Center bus terminal with sufficient time to complete security screening no later than 8:30 a.m. on October 25-26. To complete security screening, please come prepared to present two forms of identification of which one must be a pictured identification card.

Government and military DoD CAC holders are not required to have an escort, but are still required to pass through the Visitor's Center to gain access to the Building. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number to the Designated Federal Officer (DFO) listed in the **FOR FURTHER INFORMATION CONTACT** section. Any interested person

may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access.

Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact LTC McDonald, the committee DFO, or Mr. Nash at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102-3.105(j) and 102-3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Government-Industry Advisory Panel about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to LTC McDonald, the committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Government-Industry Advisory Panel for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the panel until its next meeting. Please note that because the panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three

(3) business days in advance to the committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the panel's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described in this paragraph, will be allotted no more than five (5) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO.

Dated: October 4, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017-21768 Filed 10-6-17; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record

communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic 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 or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP15-558-000	9-19-2017	Greater Reading Chamber & Economic Development Corporation.
2. CP15-558-000	9-22-2017	Elizabethtown Gas.
3. CP15-558-000	9-22-2017	The Greater Lehigh Valley Chamber of Commerce.
4. CP15-558-000	9-26-2017	The Lehigh Valley Economic Development Corporation.
Exempt:		
1. CP16-454-000, CP16-455-000	9-19-2017	FERC Staff. ¹
2. CP16-454-000, CP16-455-000	9-19-2017	FERC Staff. ²
3. CP15-544-000	9-20-2017	U.S. Senate. ³
4. CP06-05-013	9-26-2017	U.S. Senator Charles E. Schumer.
5. P-2305-036	9-27-2017	U.S. House Representative Mike Johnson.

Dated: October 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017-21731 Filed 10-6-17; 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 rate filings:

Docket Numbers: ER17-2507-000; ER17-2508-000; ER17-2509-000; ER17-2510-000; ER17-2511-000.

Applicants: RE Gaskell West LLC; RE Gaskell West 1 LLC, RE Gaskell West 3 LLC, RE Gaskell West 4 LLC, RE Gaskell West 5 LLC.

Description: Amendment to September 19, 2017 RE Gaskell West LLC, et al. tariff filing(s).

Filed Date: 9/22/17.

¹ Telephone Call Summary for call on 8/17/17 with RG Developers.

² Telephone Call Summary for call on 9/6/17 with RG Developers.

³ Senators Shelley Moore Capito, Richard Burr, Thom Tillis, and Luther Strange.

Accession Number: 20170922–5177.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER18–1–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2017–09–29 Reliability Services Phase 1b and 2 Amendment to be effective 2/15/2018.
Filed Date: 10/2/17.
Accession Number: 20171002–5000.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–2–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of Original Service Agreement No. 4625, Queue No. AB1–164 to be effective 10/1/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5087.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–3–000.
Applicants: Nylon Corporation of America.
Description: Baseline eTariff Filing: Application of Nylon Corporation of America for MBR Authorization to be effective 12/1/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5089.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–4–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC.
Description: § 205(d) Rate Filing: MAIT submits Interconnection Agreement SA No. 4578 to be effective 12/2/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5111.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–5–000.
Applicants: PacifiCorp.
Description: Tariff Cancellation: Term of PacifiCorp Energy Construction Agmt ? Pavant 2 to be effective 12/11/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5160.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–6–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE and CDWR Amended Cherry Valley SA and Amended Crafton Hills SA to be effective 12/1/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5161.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–7–000.
Applicants: Lamarr Energy, LLC.
Description: Baseline eTariff Filing: Market Based Rate Tariff to be effective 12/1/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5162.

Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–8–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: Cancellation of Rate Schedule Nos. 89 and 90 to be effective 12/31/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5168.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–9–000.
Applicants: BE Alabama LLC.
Description: Tariff Cancellation: MBR Tariff cancellation to be effective 12/1/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5243.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–10–000.
Applicants: Utility Contract Funding, L.L.C.
Description: Tariff Cancellation: MBR tariff cancellation to be effective 12/1/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5244.
Comments Due: 5 p.m. ET 10/23/17.
Docket Numbers: ER18–11–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1313R10 Oklahoma Gas and Electric Company NITSA and NOA to be effective 9/1/2017.
Filed Date: 10/2/17.
Accession Number: 20171002–5245.
Comments Due: 5 p.m. ET 10/23/17.
 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: October 2, 2017.
Nathaniel J. Davis, Sr.,
Deputy Secretary.
 [FR Doc. 2017–21676 Filed 10–6–17; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EL17–95–000]

California Public Utilities Commission, Transmission Agency of Northern California, Sacramento Municipal Utility District, M–S–R Public Power Agency, City of Santa Clara, California, State Water Contractors, Modesto Irrigation District, Northern California Power Agency v. Pacific Gas and Electric Company; Notice of Complaint

Take notice that on September 29, 2017, the California Public Utilities Commission, Transmission Agency of Northern California, Sacramento Municipal Utility District, M–S–R Public Power Agency, City of Santa Clara, California, doing business as Silicon Valley Power, State Water Contractors, Modesto Irrigation District, and Northern California Power Agency (collectively, Complainants) filed a formal complaint against Pacific Gas and Electric Company (Respondent) pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824(e), 825(e) (2012), and Rule 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206 (2017), alleging that Respondent's proposed Transmission Owner (TO) rates substantially exceed its cost of service and may well exceed the revenue requirement comprising its last clean rate. Complainants request that the Commission order an investigation into Respondent's TO rates and exercise its authority to establish the earliest possible refund effective date, all as more fully explained in the complaint.

Complainants certify that copies of the complaint were served on the contact for PG&E.

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 (2017). 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 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible online at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 19, 2017.

Dated: October 2, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017–21725 Filed 10–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–496–000]

Texas Eastern Transmission, LP; Notice of Request Under Blanket Authorization

Take notice that on September 28, 2017, Texas Eastern Transmission, LP (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP17–496–000 a prior notice request pursuant to sections 157.205 and 157.208 of the Commission’s regulations under the Natural Gas Act (NGA), and Columbia’s blanket certificate issued in Docket No. CP82–535–000, to offset and replace a segment of its 20-inch-diameter Line 1 pipeline in Linden and Woodbridge, New Jersey at a crossing of the Rahway River (Rahway River Pipe Replacement Project).

Specifically, Texas Eastern proposes to install a new, approximate 1,250-foot section of 20-inch diameter pipeline beneath the Rahway River. The new segment will replace the existing segment of Line 1 pipeline, only a small portion of which will be removed.

Texas Eastern states that the Rahway River Pipe Replacement Project is designed to ensure the continued safe operation of Texas Eastern’s pipeline

facilities. Texas Eastern asserts that the project will have no impact on the certificated capacity of its system, and there will be no abandonment or reduction in service to its customers. Texas Eastern estimates the cost of the project to be approximately \$20 million, 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, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Lisa A. Connolly, Director Rates and Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, by telephone at (713) 627–4102, by facsimile at (713) 627–5947, or by email at lisa.connolly@enbridge.com.

Any person or the Commission’s staff may, within 60 days after 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 and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), 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 filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time 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 commenters 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 commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission’s final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: October 4, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017–21832 Filed 10–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2577–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; York Haven Power Company, LLC

This is a supplemental notice in the above-referenced proceeding of York Haven Power Company, 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 October 23, 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: October 2, 2017.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2017-21678 Filed 10-6-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18-3-000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Nylon Corporation of America

This is a supplemental notice in the above-referenced proceeding of Nylon Corporation of America'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 October 23, 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: October 2, 2017.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2017-21679 Filed 10-6-17; 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 Number: PR17-64-000.
Applicants: Boardwalk Texas Intrastate, LLC.

Description: Tariff filing per 284.123(b)(2),(g): Petition for Rate Approval Under Optional Notice Procedures to be effective 10/1/2017; *Filing Type:* 1320.

Filed Date: 9/29/17.
Accession Number: 201709295085.
Comments Due: 5 p.m. ET 10/20/17.
284.123(g) Protests Due: 5 p.m. ET 11/28/17.

Docket Number: PR17-65-000.
Applicants: NorthWestern Corporation.

Description: Tariff filing per 284.123(b),(e): Revised Rate Schedules for Transportation and Storage Service (D2016.9.68) to be effective 9/1/2017; *Filing Type:* 980.

Filed Date: 9/29/17.
Accession Number: 201709295234.
Comments/Protests Due: 5 p.m. ET 10/20/17.

Docket Numbers: RP17-1094-000.
Applicants: Elba Express Company, L.L.C.

Description: § 4(d) Rate Filing: Interim Update of Fuel Retention Rates to be effective 11/1/2017.

Filed Date: 9/28/17.
Accession Number: 20170928-5048.
Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17-1095-000.
Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20170929 Housekeeping Filing to be effective 11/1/2017.

Filed Date: 9/28/17.
Accession Number: 20170928-5073.
Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17-1096-000.
Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20170928 Negotiated Rate to be effective 11/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5075.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1097–000.

Applicants: Young Gas Storage Company, Ltd.

Description: Annual Operational Purchases and Sales Report of Young Gas Storage Company, Ltd.

Filed Date: 9/28/17.

Accession Number: 20170928–5078.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1098–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Annual Operational Purchases and Sales Report of Wyoming Interstate Company, L.L.C.

Filed Date: 9/28/17.

Accession Number: 20170928–5079.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1099–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Triad Project—Recourse Rate Filing to be effective 11/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5086.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1100–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Tariff Cancellation: Termination of Maiden Lateral Surcharge 2017 to be effective 11/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5088.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1101–000.

Applicants: Texas Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (REGas 35433, 34955 to BP 36625, 36626) to be effective 10/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5093.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1102–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (APS Oct 2017) to be effective 10/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5106.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1103–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) Rate Filing: Virginia Soutside Expansion Project II Initial Rates to be effective 11/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5135.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1104–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: § 4(d) Rate Filing: MNUS FRQ 2017 Filing to be effective 11/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5136.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1105–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) Rate Filing: 2017 LNG Fuel Tracker Filing to be effective 11/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5149.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1106–000.

Applicants: Texas Eastern Transmission, LP.

Description: Compliance filing Implementation of True-Up Settlement Filing.

Filed Date: 9/28/17.

Accession Number: 20170928–5164.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP17–1107–000.

Applicants: Guardian Pipeline, L.L.C.

Description: § 4(d) Rate Filing: EPCR Semi-Annual Adjustment—Fall 2017 to be effective 11/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5003.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1108–000.

Applicants: Southwest Gas Storage Company.

Description: § 4(d) Rate Filing: Fuel Filing on 9–29–17 to be effective 11/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5012.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1109–000.

Applicants: Trunkline Gas Company, LLC.

Description: § 4(d) Rate Filing: Fuel Filing on 9–29–17 to be effective 11/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5027.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1110–000.

Applicants: Guardian Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Transporter Use Gas Annual Adjustment—Fall 2017 to be effective 11/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5032.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1111–000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: § 4(d) Rate Filing: Fuel Filing on 9–29–17 to be effective 11/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5036.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1112–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates Filing on 9–29–17 to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5058.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1113–000.

Applicants: ANR Pipeline Company.

Description: § 4(d) Rate Filing: ANR Antero Neg Rate Amendment to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5071.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1114–000.

Applicants: ANR Pipeline Company.

Description: § 4(d) Rate Filing: Collierville Non-Conforming Agreement to be effective 11/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5072.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1115–000.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: § 4(d) Rate Filing: Vol. 2 Neg. and Non-Conf. Flexible PLS—Tenaska October Amendment to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5086.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1116–000.

Applicants: Columbia Gulf

Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated & Non-Conforming Service Agreements—RXP to be effective 11/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5087.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1117–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Rate Service Agreements—Arsenal to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5093.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1118–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Pipeline Safety and Greenhouse Gas Cost Adjustment Mechanism—2017 to be effective 11/1/2017.

Filed Date: 9/29/17.

- Accession Number:* 20170929–5095.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1119–000.
Applicants: Cheniere Creole Trail Pipeline, L.P.
Description: Transportation Retainage Adjustment Informational Filing of Cheniere Creole Trail Pipeline, L.P.
Filed Date: 9/29/17.
Accession Number: 20170929–5097.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1120–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Connecticut Expansion Project to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5117.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1121–000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) Rate Filing: Fuel Requirement November 2017 to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5123.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1122–000.
Applicants: Cimarron River Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Tracker 2017—Winter Season Rates to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5126.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1123–000.
Applicants: National Fuel Gas Supply Corporation.
Description: § 4(d) Rate Filing: GT&C Section 42 Tracker Filing to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5127.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1124–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: 2017 Fuel Tracker Filing to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5130.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1125–000.
Applicants: WBI Energy Transmission, Inc.
Description: Annual Penalty Revenue Credit Report of WBI Energy Transmission, Inc.
Filed Date: 9/29/17.
Accession Number: 20170929–5152.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1126–000.
Applicants: Gulf South Pipeline Company, LP.
- Description:* § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Atlanta 8438 to various eff 10–1–17) to be effective 10/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5156.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1127–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Petrohawk 41455 to Texla 48549) to be effective 10/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5157.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1128–000.
Applicants: Dominion Energy Transmission, Inc.
Description: § 4(d) Rate Filing: DETI—New Market (CP14–497) Transportation Service & Negotiated Rate Agreements to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5183.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1129–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20170929 Negotiated Rate to be effective 10/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5196.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1130–000.
Applicants: Dominion Energy Transmission, Inc.
Description: § 4(d) Rate Filing: DETI—2017 Annual EPCA to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5198.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1131–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Connecticut Expansion Project—Recourse Rate Filing to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5206.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1132–000.
Applicants: Dominion Energy Transmission, Inc.
Description: § 4(d) Rate Filing: DETI—2017 Annual TCRA to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5208.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1133–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Permanent Release—Talen 910663 to NJR 911437 to be effective 10/1/2017.
- Filed Date:* 9/29/17.
Accession Number: 20170929–5233.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1134–000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) Rate Filing: Creditworthiness Update to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5235.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1135–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Non-Conforming—MarketLink_NJR to be effective 10/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5245.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1136–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Update List of Non-Conforming Service Agreements (MktLink_PPL to NJR) to be effective 10/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5258.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1137–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Lebanon Extension Negotiated Rates—Gulfport/Hamilton to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5262.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1138–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Early Termination/Modification of Serv Agmts and New Neg Rate Agmts to be effective 11/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5263.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1139–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: NRA—Permanent Release from Cargill to Macquarie 511007 to be effective 10/1/2017.
Filed Date: 9/29/17.
Accession Number: 20170929–5293.
Comments Due: 5 p.m. ET 10/11/17.
Docket Numbers: RP17–1140–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Oct 2017 to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5292.

Comments Due: 5 p.m. ET 10/11/17.

Docket Numbers: RP17–1141–000.

Applicants: ConocoPhillips Company.

Description: Petition of

ConocoPhillips Company For Limited Waiver And Request For Expedited Action And Shortened Comment Period.

Filed Date: 9/29/17.

Accession Number: 20170929–5305.

Comments Due: 5 p.m. ET 10/6/17.

Docket Numbers: RP17–598–001.

Applicants: Great Lakes Gas Transmission Limited Par.

Description: Compliance filing Compliance to RP17–598 to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5116.

Comments Due: 5 p.m. ET 10/11/17.

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: October 2, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21677 Filed 10–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7569–006]

University of Notre Dame; Notice of Application Accepted for Filing, 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. *Type of Application:* Application to amend 5 MW exemption from licensing.

b. *Project No.:* 7569–006.

c. *Date Filed:* April 24, 2017, and supplemented on September 21, 2017.

d. *Applicant:* University of Notre Dame.

e. *Name of Project:* South Bend Hydroelectric Project.

f. *Location:* The project is located on the St. Joseph River in St. Joseph County, Indiana.

g. *Filed Pursuant to:* 18 CFR 4.104 (2016).

h. *Applicant Contact:* Mr. Paul A. Kempf, University of Notre Dame, 100 Facilities Building, Notre Dame, IN 46556, (574) 631–0142.

i. *FERC Contact:* Jennifer Polardino, (202) 502–6437, or Jennifer.Polardino@ferc.gov.

j. *Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission.*

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or 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. Please include the project number (P–7569–006) on any comments, motions to intervene, protests, or recommendations filed.

k. *Project as Authorized:* The South Bend project consists of: (1) An existing reservoir with a surface area of 150 acres and a storage capacity of 800 acre-feet at a pool elevation of 680 feet mean sea level; (2) an existing concrete and timber-crib dam approximately 18-foot-high and 435 feet long; (3) powerhouse containing one 50-kilowatt (kW) and two 890 kW generating units, for a total authorized capacity of 1,830 kW; and (4) appurtenant facilities.

l. *Description of Request:* The exemptee requests approval to amend the exemption for the South Bend Hydroelectric Project with the following modifications to the project's facilities: ten 250 kilowatt (kW) units for a total generating capacity of 2,500 kW; a 390-foot-long conveyance channel, a coarse trash rack at the inlet to the conveyance channel; a secondary trash rack with a

traveling brush; and a 1.5 mile long, 1.47 kilovolt transmission line buried from the hydro site to the tie-in point at the Notre Dame campus. The proposed modifications would require changes to the project's boundary.

m. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. 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, call 1–866–208–3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *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.

p. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, 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). All comments, motions to intervene, or protests should relate to project works

which are the subject of the license amendment. 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 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. 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: October 3, 2017.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2017-21730 Filed 10-6-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL18-4-000]

Notice of Petition for Partial Waiver; Indiana Municipal Power Agency, Indiana Utility Regulatory Commission

Take notice that on October 3, 2017, pursuant to section 292.402 of the Federal Energy Regulatory Commission's (Commission) Rules and Regulations,¹ Indiana Municipal Power Agency (IMPA) on behalf of itself and its authorizing member municipal cities (Authorizing Members) that are nonregulated electric utilities, and the Indiana Utility Regulatory Commission (Indiana Commission) on behalf of those Authorizing Members subject to Indiana Commission rate regulation, filed a joint request for a partial waiver of certain obligations imposed on IMPA and its Authorizing Members through the Commission's regulations² implementing section 210 of the Public Utility Regulatory Policies Act of 1978, as amended,³ as more fully explained in the petition.

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 Petitioner.

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 October 24, 2017.

Dated: October 3, 2017.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2017-21728 Filed 10-6-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: ER10-1342-004; ER10-1886-007; ER17-742-001.

Applicants: CP Bloom Wind LLC, CP Energy Marketing (US) Inc., Decatur Energy Center, LLC.

Description: Supplement to July 21, 2017 Notice of Change in Status and Limited Request for Privileged Treatment of CP Bloom Wind LLC, et al.
Filed Date: 10/2/17.

Accession Number: 20171002-5321.
Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER10-2564-007; ER10-2600-007; ER10-2289-007; EL17-9-000.

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

Description: Amendment to October 17, 2016 Notification of Changes in Status of Tucson Electric Power Company, et al.

Filed Date: 9/25/17.

Accession Number: 20170925-5121.

Comments Due: 5 p.m. ET 10/16/17.

Docket Numbers: ER17-2583-000.

Applicants: Southwest Power Pool, Inc.

Description: Informational Filing of True-Up and Final Relocation of Revenue Requirements for the Balanced Portfolio of Southwest Power Pool, Inc.

Filed Date: 9/29/17.

Accession Number: 20170929-5330.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER18-12-000.

Applicants: Midcontinent Independent System Operator, Inc., Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: 2017-10-02 Filing to revise NSP Attachment O for Abandoned Plant Incentive to be effective 12/1/2017.

Filed Date: 10/2/17.

Accession Number: 20171002-5246.

Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER18-13-000.

Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: PPL Electric submits ECSA, SA No. 4809 with MAIT to be effective 10/3/2017.

Filed Date: 10/2/17.

Accession Number: 20171002-5298.

Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER18-14-000.

Applicants: Sierra Pacific Power Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 27—Annual BPA—GTA Update 2017 to be effective 10/31/2017.

Filed Date: 10/2/17.

Accession Number: 20171002-5299.

Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER18-15-000.

Applicants: Westwood Generation, LLC.

Description: Compliance filing: Westwood Generation, LLC Informational Filing and Request for Waiver to be effective 10/27/2017.

Filed Date: 10/2/17.

Accession Number: 20171002-5318.

Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER18-16-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Southwestern Public Service Company

¹ 18 CFR 292.402.

² 18 CFR 292.303(a), .303(b).

³ 16 U.S.C. 824a-3.

Formula Rate Revisions to be effective 10/20/2014.

Filed Date: 10/3/17.

Accession Number: 20171003–5032.

Comments Due: 5 p.m. ET 10/24/17.

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: October 3, 2017,

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21726 Filed 10–6–17; 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: EC17–197–000.

Applicants: Aspen Generating, LLC, Buchanan Generation, LLC, Allegheny Energy Supply Company, LLC.

Description: Joint Application of Aspen Generating, LLC, et al. for Approval Under Section 203 of the Federal Power Act and Request for a Shortened Comment Period.

Filed Date: 9/29/17.

Accession Number: 20170929–5308.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: EC17–198–000.

Applicants: West Penn Power Company.

Description: Application for Authorization Pursuant to Section 203(a)(1)(b) of the Federal Power Act of West Penn Power Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5310.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: EC17–199–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC.

Description: Application for Authorization Pursuant to Section 203(a)(1)(b) of the Federal Power Act of Mid-Atlantic Interstate Transmission, LLC.

Filed Date: 9/29/17.

Accession Number: 20170929–5311.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: EC17–200–000.

Applicants: The Potomac Edison Company.

Description: Application for Authorization Pursuant to Section 203(a)(1)(b) of the Federal Power Act of The Potomac Edison Company. Also submitted Attachments 2 and 3.

Filed Date: 9/29/17.

Accession Number: 20170929–5315;

20170929–5316; 20170929–5320.

Comments Due: 5 p.m. ET 10/20/17.

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

Docket Numbers: ER10–2214–003.

Applicants: Zion Energy LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5178.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER12–954–003.

Applicants: Calpine Mid Merit, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5170.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER13–1589–001.

Applicants: RockGen Energy, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5180.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER14–873–001.

Applicants: Calpine New Jersey Generation, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5171.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER14–874–001.

Applicants: Calpine Bethlehem, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5166.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER14–875–001.

Applicants: Calpine Mid-Atlantic Generation, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5167.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER14–2762–003.

Applicants: Pine Bluff Energy, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5182.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER15–2495–001.

Applicants: Calpine New Jersey Generation, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5172.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER15–2735–003.

Applicants: Garrison Energy Center LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 9/29/17.

Accession Number: 20170929–5176.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2566–000.

Applicants: Calpine Mid-Atlantic Generation, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective 12/31/9998.

Filed Date: 9/29/17.

Accession Number: 20170929–5168.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2575–000.

Applicants: Allegheny Energy Supply Company, LLC.

Description: Compliance filing: Informational Filing re Planned Transfer and eTariff record (original ER05–1417) to be effective 6/1/2014.

Filed Date: 9/29/17.

Accession Number: 20170929–5204.

Comments Due: 5 p.m. ET 10/20/17.

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

Docket Numbers: ES17–60–000.

Applicants: Trans-Allegheny Interstate Line Company.

Description: Application for Authorization Under Section 204(a) of the Federal Power Act to Issue Short-Term Debt Securities of Trans-Allegheny Interstate Line Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5297.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ES17–61–000.

Applicants: The Potomac Edison Company.

Description: Application for Authorization Under Section 204(a) of the Federal Power Act to Issue Short-Term Debt Securities of The Potomac Edison Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5298.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ES17–62–000.

Applicants: Pennsylvania Power Company.

Description: Application for Authorization Under Section 204(a) of the Federal Power Act to Issue Short-Term Debt Securities of Pennsylvania Power Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5299.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ES17–63–000.

Applicants: Pennsylvania Electric Company.

Description: Application for Authorization Under Section 204(a) of the Federal Power Act to Issue Short-Term Debt Securities of Pennsylvania Electric Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5300.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ES17–64–000.

Applicants: Monongahela Power Company.

Description: Application for Authorization Under Section 204(a) of the Federal Power Act to Issue Short-Term Debt Securities of Monongahela Power Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5301.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ES17–65–000.

Applicants: Allegheny Generating Company.

Description: Application for Authorization Under Section 204(a) of the Federal Power Act to Issue Short-Term Debt Securities of Allegheny Generating Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5302.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ES17–66–000.

Applicants: Jersey Central Power & Light Company.

Description: Application for Authorization Under Section 204(a) of

the Federal Power Act to Issue Short-Term Debt Securities of Jersey Central Power & Light Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5303.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ES17–67–000.

Applicants: Metropolitan Edison Company.

Description: Application for Authorization Under Section 204(a) of the Federal Power Act to Issue Short-Term Debt Securities of Metropolitan Edison Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5304.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ES17–68–000.

Applicants: West Penn Power Company.

Description: Application for Authorization Under Section 204(a) of the Federal Power Act to Issue Short-Term Debt Securities of West Penn Power Company.

Filed Date: 9/29/17.

Accession Number: 20170929–5307.

Comments Due: 5 p.m. ET 10/20/17.

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

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

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

Dated: October 2, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21675 Filed 10–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–7–000]

Lamarr Energy, 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 Lamarr Energy, 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 October 23, 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: October 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017-21729 Filed 10-6-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

NYISO Electric System Planning Working Group Meeting

October 10, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2017-10-10.

NYISO Business Issues Committee Meeting

October 11, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2017-10-11>.

NYISO Operating Committee Meeting

October 12, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2017-10-12>.

NYISO Management Committee Meeting

October 25, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2017-10-25>.

NYISO Electric System Planning Working Group Meeting

October 26, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2017-10-26.

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER13-102.

New York Independent System Operator, Inc., Docket No. ER15-2059.

New York Independent System Operator, Inc., Docket No. ER17-2327.

New York Transco, LLC, Docket No. ER15-572.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502-8622 or James.Eason@ferc.gov.

Dated: October 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017-21732 Filed 10-6-17; 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 rate filings:

Docket Numbers: ER11-2154-007.

Applicants: Twin Eagle Resource Management, LLC.

Description: Amendment to June 30, 2017 Triennial Market Power Update for the Northeast Region of Twin Eagle Resource Management, LLC.

Filed Date: 10/3/17.

Accession Number: 20171003-5073.

Comments Due: 5 p.m. ET 10/24/17.

Docket Numbers: ER17-2538-001.

Applicants: AEP Generation Resources Inc.

Description: Tariff Amendment: Reactive Supply and Voltage Control Stuart Amendment to be effective 10/1/2017.

Filed Date: 10/3/17.

Accession Number: 20171003-5089.

Comments Due: 5 p.m. ET 10/24/17.

Docket Numbers: ER18-17-000.

Applicants: PJM Interconnection, L.L.C.

Description: Request for Limited Tariff Waiver Request of PJM Interconnection, L.L.C.

Filed Date: 10/2/17.

Accession Number: 20171002-5338.

Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER18-18-000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Navopache NITSA and NOA to be effective 10/1/2017.

Filed Date: 10/3/17.

Accession Number: 20171003-5114.

Comments Due: 5 p.m. ET 10/24/17.

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

Docket Numbers: ES18-1-000.

Applicants: Massachusetts Electric Company.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Massachusetts Electric Company.

Filed Date: 10/3/17.

Accession Number: 20171003-5072.

Comments Due: 5 p.m. ET 10/24/17.

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: October 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017-21727 Filed 10-6-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI17-11-000]

Merchant Hydro Developers LLC; Notice of Declaration of Intention and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No.:* DI17-11-000.

c. *Date Filed:* September 14, 2017.

d. *Applicant:* Merchant Hydro Developers LLC.

e. *Name of Project:* Pennsylvania Pump Storage Project.

f. *Location:* The proposed Pennsylvania Pump Storage Project would be located near the Town of Shenandoah, in Schuylkill County, Pennsylvania.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b) (2012).

h. *Applicant and Agent Contact:* Merchant Hydro Developers LLC, c/o Adam R. Rousselle, Sr., 5710 Oak Crest Drive, Doylestown, PA 45150, telephone: (267) 254-6107; email: arousselle@merchanthydro.com.

i. *FERC Contact:* Any questions on this notice should be addressed to Jennifer Polardino, (202) 502-6437, or email: Jennifer.Polaridino@ferc.gov.

j. *Deadline for filing comments, protests, and motions to intervene is:* 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene 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 DI17-11-000.

k. *Description of Project:* The proposed closed-loop Pennsylvania Pump Storage Project would consist of: (1) Two new roller-compacted concrete or rock fill dams; (2) two new upper reservoirs with a combined surface area of 470 acres and 11,050 acre-feet of usable storage capacity at a water surface elevation of about 1,750 feet mean sea level (msl); (3) a new lower reservoir, including an existing abandoned existing mine pit with a surface area of 135 acres and 13,200 acre-feet of usage storage capacity at a water surface elevation between 1,140-1,210 feet msl; (4) intakes; (5) a 50-foot-high, 175-foot-long, 100-foot-wide powerhouse with 2 to 3 generating units having a total installed capacity of 500 megawatts; (6) four 7-foot-diameter, 5,280-foot-long penstocks; (7) a transmission line connecting the generating units with PPL Electric Utilities' Wheelabrator Frackville Energy's electric distribution system and/or the Locust Wind Farm adjacent to the proposed project; and (8) appurtenant facilities. Merchant Hydro Developers LLC states that it will use only groundwater from an underground abandoned mine to initially charge and seasonally refill the upper reservoirs. The applicant proposes to transport groundwater to its upper reservoirs using underground pumping equipment and intakes.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the project would affect the interests of interstate or foreign commerce. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) would be located on a non-navigable stream over which Congress has Commerce Clause jurisdiction and would be constructed or enlarged after 1935.

l. *Locations of the Application:* This filing may be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. 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, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above and in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371.

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, and .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:* All filings must bear in all capital letters the title "COMMENTS", "PROTESTS", and "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: October 2, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-21724 Filed 10-6-17; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2017-0297; FRL-9963-91]

Agency Information Collection Activities; Proposed Renewal of an Existing Collection; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, entitled: "Safer Detergent Stewardship Initiative (SDSI) Program" and identified by EPA ICR No. 2261.04 and OMB Control No. 2070-0171, represents the renewal of an existing ICR that is scheduled to expire on March 31, 2018. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before December 11, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2017-0297, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Chen Wen, Chemistry, Economics & Sustainable Strategies Division (7409-M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW.,

Washington, DC 20460-0001; telephone number: (202) 564-8849; email address: wen.chen@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:**I. What information is EPA particularly interested in?**

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Safer Detergent Stewardship Initiative (SDSI) Program.

ICR number: EPA ICR No. 2261.04.

OMB control number: OMB Control No. 2070-0171.

ICR status: This ICR is currently scheduled to expire on March 31, 2018. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the

related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Safer Detergent Stewardship Initiative (SDSI) is a voluntary program administered by the EPA to offer resources and recognition to businesses involved in the transition to safer surfactants. Surfactants are a major ingredient in cleaning products such as detergents, cleaners, airplane deicers and fire-fighting foams. Safer surfactants are those that break down quickly to non-polluting compounds. Under SDSI, businesses that have fully transitioned to safer surfactants, or (for non-profits, academic institutions, etc.), and document outstanding efforts to encourage the use of safer surfactants, are granted Champion status. At this level, the participant is listed on the EPA SDSI Web site as a champion and may use a special logo in their literature to help explain their participation in the program. Businesses that commit to a full and timely transition to safer surfactants, and/or (for non-profits, academic institutions, etc.), document outstanding efforts to encourage the use of safer surfactants, are granted Partner status. This category provides recognition of significant accomplishments towards the use of safer surfactants. Partners will be listed on the EPA SDSI Web site and may be granted recognition as a Champion in the future if appropriate. This information collection addresses reporting activities that support the administration of the SDSI program.

Responses to this collection of information are voluntary. Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 10 hours per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this ICR are establishments or organizations engaged in formulating, producing, purchasing or distributing surfactants or products containing surfactants.

Estimated total number of potential respondents: 4.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 40 hours.

Estimated total annual costs: \$2,788. This includes an estimated burden cost of \$2,788 and an estimated cost of \$0 for capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is a decrease of 100 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's expectation, based on past experience, that significantly fewer respondents will apply for recognition as Champions or Partners in the next three years. This change is an adjustment.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: September 22, 2017.

Louise P. Wise,

Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2017-21781 Filed 10-6-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0316; FRL-9967-71]

Tetrachlorvinphos; Notice of Receipt of Request To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of a request by the

registrant to voluntarily cancel their registrations of certain products containing the pesticide tetrachlorvinphos (TCVP). The request would not terminate the last TCVP products registered for use in the United States. EPA intends to grant this request at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the request, or unless the registrant withdraws its request. If this request is granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before November 9, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2008-0316, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Khue Nguyen, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: 703-347-0248; email address: nguyen.khue@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale,

distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

II. Background on the Receipt of Request To Cancel

This notice announces receipt by EPA of a request from the registrant Bayer Healthcare, LLC to cancel certain TCVP product registrations. TCVP is an organophosphate insecticide registered for use on livestock and livestock premises and as pet collars and pet dust/powders in residential settings. In a letter dated July 7, 2017, Bayer Healthcare, LLC requested EPA to cancel certain pesticide product registrations identified in Table 1 of Unit III. Specifically, Bayer stated that the pesticide product registrations identified in Table 1 were TCVP pet collar products that were never commercialized. Bayer noted that since the products identified in Table 1 were not in the channels of trade, no existing stocks provision is required for these products. The registrant's request will not terminate the last TCVP products registered in the United States.

III. What action is the agency taking?

This notice announces receipt by EPA of a request from a registrant to cancel certain TCVP product registrations. The affected products and the registrant making the request are identified in Tables 1 and 2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines

that there are substantive comments that warrant further review of this request, EPA intends to issue an order canceling the affected registrations.

TABLE 1—TCVP PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Company
11556–164	Americare Rabon Flea & Tick Collar for Dogs	Bayer Healthcare, LLC.
11556–165	Americare Rabon Flea & Tick Collar for Cats	Bayer Healthcare, LLC.

Table 2 of this unit includes the name and address of record for the registrant of the products listed in Table 1 of this unit. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANT REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company name and address
11556	Bayer Healthcare, LLC., P.O. Box 390, Shawnee Mission, KS 66201–0390.

IV. What is the agency’s authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The TCVP registrant has requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

V. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use deletion should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the request for voluntary cancellation is granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to this request for cancellation of product registrations, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 of Unit III.

For this voluntary cancellation request, the registrant indicates that the products listed in Table 1 of Unit III are not in the channels of trade because they were never commercialized. Therefore, no existing stocks provision is needed. The cancellation will be effective on the date of publication of the cancellation order in the **Federal Register**. Thereafter, the registrant will be prohibited from selling or distributing the products identified in Table 1 of Unit III, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Authority: 7 U.S.C. 136 *et seq.*

Dated: September 19, 2017.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division,
Office of Pesticide Programs.

[FR Doc. 2017–21795 Filed 10–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0879; FRL–9966–71]

Environmental Modeling Public Meeting; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An Environmental Modeling Public Meeting (EMPM) will be held on Wednesday, October 18, 2017. This Notice announces the location and time for the meeting and provides tentative agenda topics. The EMPM provides a public forum for EPA and its stakeholders to discuss current issues related to modeling pesticide fate, transport, and exposure for pesticide risk assessments in a regulatory context.

DATES: The meeting will be held on October 18, 2017 from 9:00 a.m. to 4:30 p.m. Requests to participate in the meeting must be received on or before October 20, 2017.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Office of Pesticide Programs (OPP), One Potomac Yard (South Building), First Floor Conference Center (S–1200), 2777 S. Crystal Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Stephen Wentz or Jessica Joyce, Environmental Fate and Effects Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–0001 and (703) 347–8191; fax number: (703) 305–0204; email address: wente.stephen@epa.gov and joyce.jessica@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are required to

conduct testing of chemical substances under the Toxic Substances Control Act (TSCA), the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Agriculture, Forestry, Fishing and Hunting NAICS code 11
- Utilities NAICS code 22
- Professional, Scientific and Technical NAICS code 54

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

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2009-0879, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

II. Background

On a biannual interval, an Environmental Modeling Public Meeting is held for presentation and discussion of current issues related to modeling pesticide fate, transport, and exposure for risk assessment in a regulatory context. Meeting dates and abstract requests are announced through the “empmlist” forum on the LYRIS list server at https://lists.epa.gov/read/all_forums/.

III. How can I request to participate in this meeting?

You may submit a request to participate in this meeting to the person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered Confidential Business Information (CBI). Requests to participate in the meeting, identified by docket ID number EPA-

HQ-OPP-2009-0879, must be received on or before October 20, 2017.

IV. Tentative Theme for the Meeting

Assessing Exposure and Risk to Pollinators and Plants: The 2017 Fall EMPM will provide a forum for presentations on methods for assessing pesticide exposure and risk to pollinators and plants. Potential pollinator topics include novel risk assessment approaches and advances in model development. In regard to terrestrial and wetland plants, potential topics include the status of the EPA’s new exposure model and investigations of variability inherent in seedling emergence and vegetative vigor toxicity studies. Updates on ongoing topics will also be provided, *e.g.*, synergy, fumigant guidance, seed exposure modeling for terrestrial vertebrates, the Spatial Aquatic Model (SAM), and methods for interpreting pesticide surface water monitoring data.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 2, 2017.

Marietta Echeverria,

Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. 2017-21784 Filed 10-6-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2005-0023; FRL-9968-27-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Clean Water Act Section 404 State-Assumed Programs (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), “Clean Water Act Section 404 State-Assumed Programs” (EPA ICR No. 0220.13, OMB Control No. 2040-0168) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension, which is currently approved through November 30, 2017. Public comments on the ICR renewal were requested via the **Federal Register** (82 FR 30861) published on July 3, 2017, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost

to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 9, 2017.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OW-2005-0023, to (1) EPA online using www.regulations.gov (our preferred method), by email ow-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Kathy Hurld, Office of Wetlands, Oceans, and Watersheds, Wetlands Division (4502T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202-566-1269; fax number: 202-566-1349; email address: hurld.kathy@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

Abstract: Section 404(g) of the Clean Water Act (CWA) authorizes states and tribes to assume the section 404 permit program for discharges of dredged or fill material into certain Waters of the U.S. This ICR covers the collection of information EPA needs to perform its program approval and oversight responsibilities and the state/tribe needs to implement its program.

To request to assume the CWA section 404 permit program, states/tribes must demonstrate that they meet the statutory and regulatory requirements (40 CFR 233) for an approvable program. Specified information and documents

must be submitted by the state/tribe to EPA to request assumption and must be sufficient to enable EPA to undertake a thorough analysis of the state/tribal program. Once the required information and documents are submitted and EPA has a complete assumption request package, the statutory time clock for EPA's decision to either approve or disapprove the state/tribe's assumption request starts. The information contained in the assumption request submission is provided to the Army Corps of Engineers, U.S. Fish and Wildlife Service and U.S. National Marine Fisheries Service and to the public for review and comment.

States/tribes with assumed programs must be able to issue permits that assure compliance with all applicable statutory and regulatory requirements, including the 404(b)(1) Guidelines. Sufficient information must be provided in the application so that states/tribes and federal agencies reviewing the permit can evaluate, avoid, minimize and compensate for any anticipated impacts resulting from the proposed project. EPA's assumption regulations establish required elements that must be included in the state/tribe's permit application, so that sufficient information is available to make a thorough analysis of anticipated impacts. (40 CFR 233.30). These minimum information requirements generally reflect the information that must be submitted when applying for a section 404 permit from the Army Corps of Engineers.

EPA has an oversight role for assumed 404 permitting programs to ensure that state/tribal programs comply with applicable requirements and that state/tribal permit decisions adequately consider, avoid, minimize and compensate for anticipated impacts. States/tribes must evaluate their programs annually and submit the results in a report to EPA. EPA's assumption regulations establish minimum requirements for the annual report (40 CFR 233.52).

The information included in the state/tribe's assumption request and the information included in a permit application is made available for public review and comment. The information included in the annual report to EPA is made available to the public. EPA does not make any assurances of confidentiality for this information. (CWA section 404(h); CWA section 404(j); 40 CFR 230.10, 233.20, 233.21, 233.34, and 233.50; and 33 CFR 325)

Form Numbers: None.

Respondents/affected entities: States/tribes requesting assumption of the CWA section 404 permit program; states/tribes with approved assumed

programs; and permit applicants in states/tribes with assumed programs.

Respondent's obligation to respond: Required to obtain or retain a benefit (40 CFR 233).

Estimated number of respondents: 2 states/tribes requesting program assumption; 11,900 permit applications; and 4 states/tribes that will submit an annual report.

Frequency of response: Once for states/tribes to request assumption; annually for states/tribes submitting the annual report; and once for permit applicants when requesting a permit.

Total estimated burden: 119,707 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: Costs to states for assumed Section 404 permit programs will vary widely by state and permit, however there are no capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 28,747 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase reflects an increase in hours spent reviewing each permit.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017-21655 Filed 10-6-17; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK

[Public Notice: 2017-6009]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Banks of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

The Application for Short Term Letter of Credit Export Credit Insurance Policy is used to determine the eligibility of the applicant and the transaction for EXIM assistance under its insurance program. EXIM customers are able to submit this form on paper or electronically.

DATES: Comments must be received on or before December 11, 2017 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on WWW.REGULATIONS.GOV or by mail

to Mardel West, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC.

SUPPLEMENTARY INFORMATION: This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine eligibility of the applicant for EXIM assistance.

The application tool can be reviewed at: <https://www.exim.gov/sites/default/files/pub/pending/eib92-34.pdf>.

Title and Form Number: EIB 92-34 Application for Short-Term Letter of Credit Export Credit Insurance Policy.

OMB Number: 3048-0009.

Type of Review: Regular.

Need and Use: This form is used by a financial institution (or broker acting on its behalf) to obtain approval for coverage of a short-term letter of credit. The information allows the EXIM staff to make a determination of the eligibility of the applicant and transaction for EXIM assistance under its programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 11.

Estimated Time per Respondent: 1 hr.

Annual Burden Hours: 11.

Frequency of Reporting of Use: On occasion.

Government Expenses:

Reviewing Time per Year: 11 hours.

Average Wages per Hour: \$42.50.

Average Cost per Year: \$468

(time*wages).

Benefits and Overhead: 20%.

Total Government Cost: \$561.

Bassam Doughman,

IT Specialist.

[FR Doc. 2017-21769 Filed 10-6-17; 8:45 am]

BILLING CODE 6690-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0944]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the

following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 11, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501-3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information

collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060-0944.
Title: Cable Landing License Act—47 CFR 1.767; 1.768; Executive Order 10530.

Form Number: Submarine Cable Landing License Application.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit.

Number of Respondents and Responses: 38 respondents; 94 responses.

Estimated Time per Response: 0.50 hour to 17 hours.

Frequency of Response: On occasion reporting requirement, Quarterly reporting requirement, Recordkeeping requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34-39, Executive Order 10530, section 5(a), and the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)-(j), 155, 303(r), 309, 403.

Total Annual Burden: 421 hours.

Total Annual Cost: \$88,505.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve a three-year extension of OMB Control No. 3060-0944. There are no changes in the number of respondents, responses, annual burden hours and annual costs.

The information will be used by the Commission staff in carrying out its duties under the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34-39, Executive Order 10530, section 5(a), and the Communications Act of 1934, as amended. The information collections are necessary largely to determine whether and under what conditions the Commission should grant a license for proposed submarine cables landing in the United States, including applicants that are, or are affiliated with, foreign carriers in the destination market of the proposed submarine cable. Pursuant to Executive Order No. 10530, the Commission has been delegated the President's authority under the Cable Landing License Act to grant cable landing licenses, provided that the Commission must obtain the approval of

the State Department and seek advice from other government agencies as appropriate. If the collection is not conducted or is conducted less frequently, applicants will not obtain the authorizations necessary to provide telecommunications services and facilities, and the Commission will be unable to carry out its mandate under the Cable Landing License Act and Executive Order 10530. In addition, without the collection, the United States would jeopardize its ability to fulfill the U.S. obligations as negotiated under the World Trade Organization (WTO) Basic Telecom Agreement because certain of these information collection requirements are imperative to detecting and deterring anticompetitive conduct. They are also necessary to preserve the Executive Branch agencies' and the Commission's ability to review foreign investments for national security, law enforcement, foreign policy, and trade concerns.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2017-21756 Filed 10-6-17; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act of 1974; Matching Program.

AGENCY: Federal Communications Commission.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the *Privacy Act of 1974*, as amended ("Privacy Act"), this document announces the establishment of a computer matching program the Federal Communications Commission ("FCC" or "Commission" or "Agency") and the Universal Service Administrative Company (USAC) will conduct with four non-Federal agencies. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of the Universal Service Fund (USF) Lifeline program, which is administered by USAC under the direction of the FCC. More information about this program is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before November 9, 2017. This computer matching program will commence on November 9, 2017 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Mr. Leslie F. Smith, Privacy Manager, Information Technology (IT), Room 1–C216, FCC, 445 12th Street SW., Washington, DC 20554, or to Leslie.Smith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie F. Smith, (202) 418–0217, or Leslie.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), or Veterans and Survivors Pension Benefit. In a Report and Order adopted on March 31, 2016, the Commission ordered USAC to create a National Lifeline Eligibility Verifier (“National Verifier”), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

Participating Non-Federal Agencies

- Colorado Office of Information Technology;
- Mississippi Department of Human Services;
- New Mexico Human Services Department; and
- Utah Department of Workforce Services.

Authority for Conducting the Matching Program

47 U.S.C. 254; 47 CFR 54.400 *et seq.*; *Lifeline and Link Up Reform and Modernization, et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4006–21, paras. 126–66 (2016) (*2016 Lifeline Modernization Order*).

Purpose(s)

In the *2016 Lifeline Modernization Order*, the FCC required USAC to develop and operate a National Lifeline Eligibility Verifier (National Verifier) to improve efficiency and reduce waste, fraud, and abuse in the Lifeline program. The stated purpose of the National Verifier is “to increase the

integrity and improve the performance of the Lifeline program for the benefit of a variety of Lifeline participants, including Lifeline providers, subscribers, states, community-based organizations, USAC, and the Commission.” 31 FCC Rcd 3962, 4006, para. 126. To help determine whether Lifeline applicants and subscribers are eligible for Lifeline benefits, the Order contemplates that a USAC-operated Lifeline Eligibility Database (LED) will communicate with information systems and databases operated by other Federal and State agencies. *Id.* at 4011–2, paras. 135–7.

Categories of Individuals

The categories of individuals whose information is involved in this matching program include, but are not limited to, those individuals (residing in a single household) who have applied for Lifeline benefits; are currently receiving Lifeline benefits; are individuals who enable another individual in their household to qualify for Lifeline benefits; are minors whose status qualifies a parent or guardian for Lifeline benefits; are individuals who have received Lifeline benefits; or are individuals acting on behalf of an eligible telecommunications carrier (ETC) who have enrolled individuals in the Lifeline program.

Categories of Records

The categories of records involved in the matching program include, but are not limited to, a Lifeline applicant or subscriber’s full name; physical and mailing addresses; partial Social Security number or Tribal ID number; date of birth; qualifying person’s full name (if qualifying person is different from subscriber); qualifying person’s physical and mailing addresses; qualifying person’s partial Social Security number or Tribal ID number, and qualifying person’s date of birth. The National Verifier will transfer these data elements to the source agencies, which will respond either “yes” or “no” that the individual is enrolled in a Lifeline-qualifying assistance program.

System(s) of Records

The USAC records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline Program, a notice of which the FCC published at 82 FR 38686 (Aug. 15, 2017). The August 15, 2017 notice is an update to this system of records that reflects the new uses involved in operating this matching program and it modified the system of records, notice of which the FCC previously had published at 78 FR 73535 (Dec. 6, 2013).

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 2017–21757 Filed 10–6–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination, 10403—First State Bank, Cranford, New Jersey

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10403—First State Bank, Cranford, New Jersey (Receiver) has been authorized to take all actions necessary to terminate the Receivership Estate of First State 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 October 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: October 4, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2017–21708 Filed 10–6–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10368—First Heritage Bank, Snohomish, Washington

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10368—First Heritage Bank, Snohomish, Washington (Receiver) has been authorized to take all actions necessary to terminate the Receivership Estate of First Heritage 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 October 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: October 4, 2017.

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. 2017-21707 Filed 10-6-17; 8:45 am]

BILLING CODE 6714-01-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0157; Docket 2017-0053; Sequence 6]

Submission for OMB Review; Architect-Engineer Qualifications (Standard Form 330)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement for the Architect-Engineer Qualifications form, SF 330. A notice was published in the **Federal Register** on April 12, 2017. No comments were received.

DATES: Submit comments on or before November 9, 2017.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000-0157. Select the link "Comment Now" that corresponds with "Information Collection 9000-0157, SF 330." Follow the instructions provided

on the screen. Please include your name, company name (if any), and "Information Collection 9000-0157, SF 330," on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Mr. Poe/IC 9000-0157.

Instructions: Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover Sr. Procurement Analyst, Contract Policy Division, GSA, at 202-501-1448, or email curtis.glover@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal agencies use the Standard Form (SF) 330 to obtain information from architect-engineer (A-E) firms about their professional qualifications. Federal agencies select firms for A-E contracts on the basis of professional qualifications as required by 40 U.S.C. Chapter 11, Selection of Architects Engineers, and Part 36 of the Federal Acquisition Regulation (FAR).

SF 330, Part I is used by all executive agencies to obtain information from architect-engineer firms interested in a particular project. The information on the form is reviewed by a selection panel to assist in the selection of the most qualified architect-engineer firm to perform the specific project. The form is designed to provide a uniform method for architect-engineer firms to submit information on experience, personnel, and capabilities of the architect-engineer firm to perform, along with information on the consultants they expect to collaborate with on the specific project.

SF 330, Part II is used by all executive agencies to obtain general uniform information about a firm's experience in architect-engineering projects. Architect-engineer firms are encouraged to update the form annually. The information obtained on this form is used to determine if a firm should be solicited for architect-engineer projects.

The number of new Architectural Services contracts (NAICS code 541310) awarded in FPDS-NG for FY 2016 was 3,256. The public burden hours have been reduced due to the reduction in

the number of new Architectural Services contracts awarded in FY 2016 listed in FPDS-NG.

B. Annual Reporting Burden

Respondents: 3,256.

Responses per Respondent: 4.

Total Responses: 13,024.

Hours per Response: 29.

Total Burden Hours: 377,696.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. Please cite OMB Control No. 9000-0157, Architect-Engineer Qualifications, SF 330, in all correspondence.

Dated: September 28, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2017-21719 Filed 10-6-17; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-FY-1078; Docket No. CDC-0920-0088]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public

burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Public Health Associate Program (PHAP) Alumni Assessment.

DATES: CDC must receive written comments on or before December 11, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2017-0088 by any of the following methods:

- *Federal eRulemaking Portal:* Regulations.gov. Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to Regulations.gov.

Please note: Submit all Federal comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Public Health Associate Program (PHAP) Alumni Assessment (OMB Control No. 0920-1078, Exp. 08/31/2018)—Revision—Office for State, Tribal Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) works to protect America from health, safety and security threats, both foreign and in the U.S. CDC strives to fulfill this mission, in part, through a competent and capable public health workforce. One mechanism to developing the public health workforce is through training programs like the Public Health Associate Program (PHAP).

The mission of PHAP is to train and provide experiential learning to early career professionals who contribute to the public health workforce. PHAP targets recent graduates with bachelors or masters degrees who are beginning a career in public health. Each year, CDC enrolls a new cohort of up to 200 associates in the program. Associates are CDC employees who complete two-year assignments in a host site (*i.e.*, a state, tribal, local, or territorial health department or non-profit organization). Host sites design their associates' assignments to meet their agency's unique needs while also providing on-the-job experience that prepare associates for future careers in public health. At host sites, members of the public health workforce (referred to as "host site supervisors") mentor associates. PHAP's goal is that alumni will seek employment within the public

health system (*i.e.*, federal, state, tribal, local, or territorial health agencies, or non-governmental organizations), focusing on public health, population health, or health care.

CDC began ongoing systematic PHAP evaluation efforts in 2014. Evaluation priorities focus on continuously learning about program processes and activities to improve the program's quality and documenting program outcomes to demonstrate impact and inform decision making about future program direction.

The purpose of this project is to collect information from two key stakeholder groups (host site supervisors and alumni) via two distinct surveys. The information collected will enable CDC to: (a) Learn about program processes and activities to improve the program's quality, and (b) document program outcomes to demonstrate impact and inform decision making about future program direction. CDC may publish the results of these surveys in peer-reviewed journals and/or in non-scientific publications such as practice reports and/or fact sheets. Project revisions include the following adjustments: (1) Expansion from one data collection instrument to two (both of which will inform improvements to the Public Health Associate Program (PHAP) and document evidence of quality and value); and (2) name change to reflect this adjustment from "Public Health Associate Program (PHAP) Alumni Assessment" to "Public Health Associate Program (PHAP): Assessment of Quality and Value."

The respondent universe is comprised of PHAP host site supervisors and PHAP alumni. CDC will administer both surveys electronically and provide a link to the survey Web sites in the email invitation. CDC will deploy the PHAP Host Site Supervisor survey every year to all active PHAP host site supervisors. The total estimated burden is 20 minutes per respondent per survey.

CDC will administer the PHAP Alumni Survey at three different time points (1 year post-graduation, 3 years post-graduation, and 5 years post-graduation) to PHAP alumni. Assessment questions will remain consistent at each administration (*i.e.*, 1 year, 3 years, or 5 years post-PHAP graduation). However, CDC will update the language for each survey administration to reflect the appropriate time period. The total estimated burden is 8 minutes per respondent per survey. The total annualized estimated burden is 213 hours. There are no costs to respondents except their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
PHAP Host Site Supervisors	PHAP Host Site Supervisor Survey	400	1	20/60	133
PHAP Alumni	PHAP Alumni Survey	600	1	8/60	80
Total .....	.....	.....	.....	.....	213

Leroy A. Richardson,
*Chief, Information Collection Review Office,
 Office of Scientific Integrity, Office of the
 Associate Director for Science, Office of the
 Director, Centers for Disease Control and
 Prevention.*

[FR Doc. 2017-21753 Filed 10-6-17; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND
 HUMAN SERVICES**

**Centers for Disease Control and
 Prevention**

[60Day-17-17BAW; Docket No. CDC-2017-0083]

**Proposed Data Collection Submitted
 for Public Comment and
 Recommendations**

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the *Paul Coverdell National Acute Stroke Program (2015-2020) Evaluation*.

DATES: CDC must receive written comments on or before December 11, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2017-0083 by any of the following methods:

- *Federal eRulemaking Portal:* Regulations.gov. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and

Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Paul Coverdell National Acute Stroke Program (2015-2020) Evaluation—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), Division for Heart Disease and Stroke Prevention (DHDSPP), requests a three-year OMB approval for a new collection.

The CDC is the primary Federal agency for protecting health and promoting quality of life through the prevention and control of disease, injury, and disability. CDC is committed to programs that reduce the health and economic consequences of the leading causes of death and disability, thereby ensuring a long, productive, healthy life for all people.

Stroke remains a leading cause of serious, long-term disability and is the fifth leading cause of death in the United States after heart disease, cancer, chronic lower respiratory diseases, and accidents. Estimates indicate that approximately 795,000 people suffer a first-ever or recurrent stroke each year with more than 130,000 deaths annually. Although there have been significant advances in preventing and treating stroke, the rising prevalence of heart disease, diabetes, and obesity has increased the relative risk for stroke, especially in African American populations. Moreover, stroke's lifetime direct cost of health care and indirect cost of lost productivity is staggering and imposes a substantial societal economic burden. Coverdell-funded state programs are in the forefront of developing and implementing system-change efforts to improve emergency response systems, enhance the quality

of care for stroke, and improve transitions across stroke systems of care, including pre-event; transitions from EMS to acute care in hospitals; and transitions from hospitals to home, rehabilitation, stroke specialist care, and primary care providers.

When Congress directed the Centers for Disease Control and Prevention (CDC) to establish the Paul Coverdell National Acute Stroke Program (PCNASP) in 2001, CDC intended to monitor trends in stroke and stroke care, with the ultimate mission of improving the quality of care for stroke patients in the United States. Since 2015, CDC has funded and provided technical assistance to nine state health departments to develop comprehensive stroke systems of care. A comprehensive system of care improves quality of care by creating seamless transitions for individuals experiencing stroke. In such a system, pre-hospital providers, in-hospital providers, and early post-hospital providers coordinate patient hand-offs and ensure continuity of care. CDC contracted with RTI International to conduct a national evaluation of the state health departments awarded grants

in 2015 to assess their implementation in their state-based contexts and progress toward short- and intermediate-term outcomes.

CDC and RTI International propose to collect information from all nine funded PCNASP grantees to gain insight into the effectiveness of implementation of their quality improvement strategies, development (and use) of a data integrated management system, and partner collaboration in building comprehensive state-wide stroke systems of care. The information collection will focus on describing PCNASP specific contributions to effective state-based stroke systems of care and the costs associated with this work.

Two components of the information collection include: (1) Program implementation cost data collection from program partners using a cost and resource utilization tool; and (2) telephone interviews with key program stakeholders, such as the PCNASP principal investigator, program manager, quality improvement specialist, data analyst/program evaluator, and partner support staff.

Cost data collection will focus on a stratified sample of partners' cumulative spending to support PCNASP activities, spending by reporting period, and spending associated with specific PCNASP strategies related to building comprehensive state-wide stroke systems of care. Interview questions will target how each grantee implemented its strategies, challenges encountered and how they were overcome, factors that facilitated implementation, lessons learned along the way, and observed outcomes and improvements.

The information to be collected does not currently exist for large scale, statewide programs that employ multiple combinations of strategies led by state public health departments to build comprehensive stroke systems of care. The insights to be gained from this data collection will be critical to improving immediate efforts and achieving the goals of spreading and replicating state-level strategies that are proven programmatically and are cost-effective in contributing to a higher quality of care for stroke patients.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Partner Program Manager	Cost Resource and Utilization Tool	205	2	2	820
Principal Investigator	Telephonic Interviews	9	1	1	9
Grantee Program Manager	Telephonic Interviews	9	1	1	9
Quality Improvement Specialist	Telephonic Interviews	9	1	1	9
Data Analyst/Program Evaluator	Telephonic Interviews	9	1	1	9
Partner Support Staff	Telephonic Interviews	18	1	1	18
Total .....	.....	.....	.....	.....	874

Leroy A. Richardson,
*Chief, Information Collection Review Office,
 Office of Scientific Integrity, Office of the
 Associate Director for Science, Office of the
 Director, Centers for Disease Control and
 Prevention.*

[FR Doc. 2017-21751 Filed 10-6-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-17-1071; Docket No. CDC-2017-0087]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal

agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. In order to work continuously to ensure that our programs are effective and meet our customers' needs, the National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC) seeks to obtain Office of Management and Budget approval of a generic information collection request to collect qualitative feedback on our service delivery.

DATES: CDC must receive written comments on or before December 11, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2017-0087 by any of the following methods:

- *Federal eRulemaking Portal:*

Regulations.gov. Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*. *Please note:* Submit all Federal comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are

publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
 2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
 3. Enhance the quality, utility, and clarity of the information to be collected; and
 4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB Control Number 0920-1071, Expires 6/30/2018)—Extension—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC/NCEZID is seeking a three-year extension of OMB Control Number 0920-1071 to continue collecting routine customer feedback on agency service delivery.

Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. In order to work continuously to ensure that our

programs are effective and meet our customers' needs, the National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC) (hereafter the "Agency") seeks to obtain OMB approval of a generic clearance to collect qualitative feedback on our service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Since gaining approval in June 2015, NCEZID has utilized 16,800 responses and 2,029, burden hours for nine separate information collection projects.

There is no cost to respondents other than the time to participate.

Authorizing legislation comes from Section 301 of the Public Health Service Act (42 U.S.C. 241).

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General public	Online surveys	1,500	1	30/60	750
	Focus groups	800	1	2	1,600
	In-person surveys	1,000	1	30/60	500
	Usability testing	1,500	1	30/60	750
	Customer comment cards	1,000	1	15/60	250
Total .....	.....	.....	.....	.....	3,850

Leroy A. Richardson,
Chief, Information Collection Review Office,
Office of Scientific Integrity, Office of the
Associate Director for Science, Office of the
Director, Centers for Disease Control and
Prevention.

[FR Doc. 2017-21752 Filed 10-6-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-17-17AZI; Docket No. CDC-2017-
0075]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and
Prevention (CDC), Department of Health
and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease
Control and Prevention (CDC), as part of
its continuing effort to reduce public
burden and maximize the utility of
government information, invites the
general public and other Federal
agencies to take this opportunity to
comment on proposed and/or
continuing information collections, as
required by the Paperwork Reduction
Act of 1995. This notice invites
comment on a proposed study titled
“Understanding Decisions and Barriers
about PrEP Use and Uptake among Men
Who Have Sex with Men.” This study
will provide insight on individual and
community level PrEP-related decision-
making, and identify barriers and
facilitators to successful PrEP initiation
and PrEP acceptability.

DATES: CDC must receive written
comments on or before December 11,
2017.

ADDRESSES: You may submit comments,
identified by Docket No. CDC-2017-
0075 by any of the following methods:

- *Federal eRulemaking Portal:*
Regulations.gov. Follow the instructions
for submitting comments.

- *Mail:* Leroy A. Richardson,
Information Collection Review Office,
Centers for Disease Control and
Prevention, 1600 Clifton Road NE., MS-
D74, Atlanta, Georgia 30329.

Instructions: All submissions received
must include the agency name and
Docket Number. CDC will post, without
change, all relevant comments to
Regulations.gov.

*Please note: Submit all Federal
comments through the Federal*

*eRulemaking portal (regulations.gov) or
by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To
request more information on the
proposed project or to obtain a copy of
the information collection plan and
instruments, contact Leroy A.
Richardson, Information Collection
Review Office, Centers for Disease
Control and Prevention, 1600 Clifton
Road NE., MS-D74, Atlanta, Georgia
30329; phone: 404-639-7570; Email:
omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the
Paperwork Reduction Act of 1995 (PRA)
(44 U.S.C. 3501-3520), Federal agencies
must obtain approval from the Office of
Management and Budget (OMB) for each
collection of information they conduct
or sponsor. In addition, the PRA also
requires Federal agencies to provide a
60-day notice in the **Federal Register**
concerning each proposed collection of
information, including each new
proposed collection, each proposed
extension of existing collection of
information, and each reinstatement of
previously approved information
collection before submitting the
collection to the OMB for approval. To
comply with this requirement, we are
publishing this notice of a proposed
data collection as described below.

The OMB is particularly interested in
comments that will help:

1. Evaluate whether the proposed
collection of information is necessary
for the proper performance of the
functions of the agency, including
whether the information will have
practical utility;
2. Evaluate the accuracy of the
agency’s estimate of the burden of the
proposed collection of information,
including the validity of the
methodology and assumptions used;
3. Enhance the quality, utility, and
clarity of the information to be
collected; and
4. Minimize the burden of the
collection of information on those who
are to respond, including through the
use of appropriate automated,
electronic, mechanical, or other
technological collection techniques or
other forms of information technology,
e.g., permitting electronic submissions
of responses.
5. Assess information collection costs.

Proposed Project

Understanding Decisions and Barriers
about PrEP Use and Uptake among Men
Who Have Sex With Men—New—
National Center for HIV/AIDS, Viral
Hepatitis, STD, and TB Prevention
(NCHHSTP), Centers for Disease Control
and Prevention (CDC).

Background and Brief Description

This project involves original,
formative research toward improving
the uptake and adherence necessary to
achieve efficacious levels of protection
offered by pre-exposure prophylaxis
(PrEP) among the most affected
population. HIV incidence and
prevalence are higher among gay,
bisexual, and other men who have sex
with men (MSM) than any other risk
group in the U.S. Approximately half of
all diagnosed HIV infections are among
gay, bisexual, and other MSM. The
FDA-approved PrEP regimen, daily
Tenofovir/emtricitabine (aka Truvada®),
has shown greater than 90% efficacy in
reducing HIV infections among MSM
when taken in accordance with its
prescribed daily schedule. In 2014, CDC
published clinical practice guidelines
for the use of PrEP in high-risk
populations, and began national
promotion of PrEP as an effective HIV
prevention strategy for MSM. While
hailed as an HIV-prevention “game-
changer,” in reality PrEP uptake has
been slow. Some studies report a wide
range in the percentages of MSM (28–
81%) interested in PrEP. In addition,
other studies indicate that specific cities
have alarmingly low rates of PrEP
uptake (for example, the estimate for
Atlanta is 2%). Moreover, recent survey
findings have shown that less than 1 in
10 MSM on PrEP are adherent to their
PrEP regimen; adherence is necessary to
optimize efficacy.

In order to develop effective programs
that increase PrEP uptake among MSM
at greatest risk for HIV, studies are
needed to better understand the
decisions men make about their HIV
prevention needs. Qualitative methods
will be used to explore in-depth the
“Whys” and “How’s” of MSM’s
decisions to refuse or use PrEP, and
barriers and challenges to successfully
undertake a PrEP medication regimen.
Quantitative methods will be used to
understand the HIV risk behavior
context, attitudes towards PrEP, health
seeking behavior, and acceptability of
new modes of PrEP delivery (that differ
from current recommendation of daily
PrEP and that are in development or
discussion) and emerging biomedical
HIV prevention options.

The purpose of this research is to
explore decisions, barriers, and
facilitators about PrEP use among MSM:
(1) Who were offered PrEP but refused
it; (2) who were interested in or started
a PrEP regimen but did not follow
through; and (3) who are eligible for
PrEP per CDC guidelines (report
condomless anal sex within last 3
months).

This study will provide insight on individual and community level PrEP-related decision-making, and identify barriers and facilitators to successful PrEP initiation and PrEP acceptability. Findings will improve programming, in line with the CDC Division of HIV/AIDS Prevention goal of high-impact

prevention to reduce HIV infections in the United States. Findings will also assist the CDC and frontline public health programs in identifying and designing programs and intervention approaches that encourage, support, and maintain appropriate PrEP uptake among eligible MSM and anticipate

future HIV prevention needs, including anticipated changes in PrEP delivery.

The total annual burden hours are 335. There are no costs to the respondents other than their time, travel costs, and the total estimated annual burden hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
General Public—Adults	Screener #1	600	1	5/60	50
General Public—Adults	Consent Forms	300	1	1/60	5
General Public—Adults	In-depth Interview Guide	60	1	45/60	45
General Public—Adults	Focus Group Moderator Guide	60	1	1	60
General Public—Adults	Eligibility verification (verification of continuing eligibility).	300	1	5/60	25
General Public—Adults	Behavioral Assessment	300	1	30/60	150
Total					335

Leroy A. Richardson,
*Chief, Information Collection Review Office,
 Office of Scientific Integrity, Office of the
 Associate Director for Science, Office of the
 Director, Centers for Disease Control and
 Prevention.*

[FR Doc. 2017-21750 Filed 10-6-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Re-designation of the Delivery Area for the Passamaquoddy Tribe at Indian Township

AGENCY: Indian Health Service, Department of Health and Human Services.

ACTION: Final Notice.

SUMMARY: This final notice advises the public that the Indian Health Service (IHS) has decided to expand the geographic boundaries of the Purchased/Referred Care Delivery Area (PRCDA) for the Passamaquoddy Tribe's reservation at Indian Township (Passamaquoddy at Indian Township or Tribe) in the State of Maine.

DATES: October 10, 2017.

Inspection of Public Comments: The IHS published a **Federal Register** Notice entitled, "Notice To Propose the Re-Designation of the Service Delivery Area for the Passamaquoddy Tribe at Indian Township," on March 8, 2017 (82 FR 12968), and did not receive any comments regarding the notice.

FOR FURTHER INFORMATION CONTACT: Terri Schmidt, Acting Director, Office of

Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mailstop: 10E85C, Rockville, Maryland 20857. Telephone (301) 443-2694 (This is not a toll free number).

SUPPLEMENTARY INFORMATION: The Passamaquoddy PRCDA previously covered Aroostook and Washington Counties in the State of Maine. The expanded PRCDA for the Tribe's reservation at Indian Township includes Hancock County in the State of Maine. This notice only relates to the expansion of the Tribe's PRCDA for the Indian Township reservation.

The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420; H. Rept. 96-1353) includes the intent of Congress to fund and provide Purchased/Referred Care (PRC) to the Passamaquoddy Tribe. The Passamaquoddy Tribe has two reservations: Indian Township and Pleasant Point. The PRCDA for the Indian Township reservation is Aroostook County, Maine, and Washington County, Maine. The PRCDA for the Pleasant Point reservation is Washington County, Maine, south of State Route 9, and Aroostook County, Maine.

Background: The IHS currently provides services under regulations codified at 42 CFR part 136, subparts A through C. Subpart C defines a PRCDA, formerly referred to as a Contract Health Service Delivery Area or Purchased/Referred Care Service Delivery Area, as the geographic area within which PRC will be made available by the IHS to members of an identified Indian community who reside in the area. Residence in a PRCDA by a person who

is within the scope of the Indian health program, as set forth in 42 CFR 136.12, creates no legal entitlement to PRC, only potential eligibility for services. Services needed but not available at an IHS or Tribal facility are provided under the PRC program depending on the availability of funds, the person's relative medical priority, and the actual availability and accessibility of alternate resources in accordance with the regulations.

As applicable to the Tribes, these regulations provide that, unless otherwise designated, a PRCDA shall consist of a county that includes all or part of a reservation and any county or counties that have a common boundary with the reservation, 42 CFR 136.22(a)(6). The regulations also provide that after consultation with the Tribal governing body or bodies on those reservations included within the PRCDA, the Secretary may from time to time, re-designate areas within the United States for inclusion in or exclusion from a PRCDA. The regulations require that certain criteria must be considered before any re-designation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribe;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of PRC, 42 CFR 136.22(b).

Additionally, the regulations require that any re-designation of a PRCDA must be made in accordance with the Administrative Procedures Act (5 U.S.C. 553). See 42 CFR 136.22(c). In compliance with this requirement, we are publishing this final notice.

The Passamaquoddy Tribe is a federally recognized Tribe with two separate reservations, Indian Township and Pleasant Point, located approximately 50 miles apart. Each respective reservation elects its own governing body and each reservation has a separate PRCDA. The Indian Township reservation of the Passamaquoddy Tribe has a PRCDA consisting of Aroostook and Washington Counties in the State of Maine. The PRCDA for the Passamaquoddy Tribe's reservation at Pleasant Point is Washington County, Maine, south of State Route 9, and Aroostook County, Maine. The IHS adopted a PRCDA for each of the Passamaquoddy Tribe's reservations for the purposes of administering benefits under the IHS PRC program. Thus, members of the Tribe who reside outside of Aroostook and Washington Counties do not reside

within the PRCDA of the Passamaquoddy Tribe and they are currently not eligible for PRC services from the Tribe.

The Passamaquoddy Tribe has a significant number of members who are not residents of Aroostook and Washington Counties. According to Tribal estimates, 257 enrolled Passamaquoddy members reside in Hancock County in the State of Maine and remain actively involved with the Tribe, but they are not currently eligible for PRC services. The Tribe provides direct services to its members by operating a clinic in Washington County.

Under 42 CFR 136.23, those otherwise eligible Indians who do not reside on a reservation but reside within a PRCDA must be either members of the Tribe or maintain close economic and social ties with the Tribe. In this case, in applying the aforementioned PRCDA re-designation criteria required by operative regulations, the following findings are made:

1. By expanding, the Tribe estimates the current eligible population will be increased by 257.
2. The Tribe has determined that these 257 individuals are socially and economically affiliated with the Tribe.

3. The expanded area, Hancock County, Maine, maintains a common boundary with Washington County, Maine, the county in which the Tribe's Indian Township reservation is located.

4. The Tribe will use its existing Federal allocation for PRC funds to provide services to the expanded population. No additional financial resources will be allocated by the IHS to the Tribe to provide services to Tribal members residing in Hancock County.

The IHS did not receive comments in response to the notice proposing to expand the Tribe's PRCDA. Accordingly, the purpose of this **Federal Register** notice is to notify the public that the IHS has decided to expand the PRCDA of the Passamaquoddy Tribe's Indian Township reservation to include Hancock County in the State of Maine. This final notice will expand the current PRCDA for the Tribe's reservation at Indian Township to include Hancock County in the State of Maine. This final notice does not change or expand the PRCDA for the Tribe's Pleasant Point reservation. No additional financial resources will be allocated by the IHS to the Tribe to provide services to Tribal members residing in Hancock County in the State of Maine.

PURCHASED/REFERRED CARE DELIVERY AREAS

Tribe/reservation	County/state
Ak Chin Indian Community	Pinal, AZ.
Alabama-Coushatta Tribes of Texas	Polk, TX. ¹
Alaska	Entire State. ²
Arapahoe Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Aroostook Band of Micmacs	Aroostook, ME. ³
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana.	Daniels, MT, McCone, MT, Richland, MT, Roosevelt, MT, Sheridan, MT, Valley, MT.
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin.	Ashland, WI, Iron, WI.
Bay Mills Indian Community, Michigan	Chippewa, MI.
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	Glacier, MT, Pondera, MT.
Brigham City Intermountain School Health Center, Utah—Permanently Closed on May 17, 1984.	(4).
Burns Paiute Tribe	Harney, OR.
California	Entire State, except for the counties listed in the footnote. ⁵
Catawba Indian Nation	All Counties in SC, ⁶ Cabarrus, NC, Cleveland, NC, Gaston, NC, Mecklenburg, NC, Rutherford, NC, Union, NC.
Cayuga Nation	Alleghany, NY, ⁷ Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota.	Corson, SD, Dewey, SD, Haakon, SD, Meade, SD, Perkins, SD, Potter, SD, Stanley, SD, Sully, SD, Walworth, SD, Ziebach, SD.
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana	Chouteau, MT, Hill, MT, Liberty, MT.
Chitimacha Tribe of Louisiana	St. Mary Parish, LA.
Cocopah Tribe of Arizona	Yuma, AZ, Imperial, CA.
Coeur D'Alene Tribe	Benewah, ID, Kootenai, ID, Latah, ID, Spokane, WA, Whitman, WA.
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California.	La Paz, AZ, Riverside, CA, San Bernardino, CA, Yuma, AZ.
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Flathead, MT, Lake, MT, Missoula, MT, Sanders, MT.
Confederated Tribes and Bands of the Yakama Nation	Klickitat, WA, Lewis, WA, Skamania, W, ⁸ Yakima, WA.
Confederated Tribes of Siletz Indians of Oregon	Benton, OR, ⁹ Clackamas, OR, Lane, OR, Lincoln, OR, Linn, OR, Marion, OR, Multnomah, OR, Polk, OR, Tillamook, OR, Washington, OR, Yamhill, OR.
Confederated Tribes of the Chehalis Reservation	Grays Harbor, WA, Lewis, WA, Thurston, WA.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Confederated Tribes of the Colville Reservation	Chelan, WA, ¹⁰ Douglas, WA, Ferry, WA, Grant, WA, Lincoln, WA, Okanogan, WA, Stevens, WA.
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	Coos, OR, ¹¹ Curry, OR, Douglas, OR, Lane, OR, Lincoln, OR.
Confederated Tribes of the Goshute Reservation, Nevada and Utah	Nevada, Juab, UT, Toole, UT.
Confederated Tribes of the Grand Ronde Community of Oregon	Marion, OR, Multnomah, OR, Polk, OR, ¹² Tillamook, OR, Washington, OR, Yamhill, OR.
Confederated Tribes of the Umatilla Indian Reservation	Umatilla, OR, Union, OR.
Confederated Tribes of the Warm Springs Reservation of Oregon	Clackamas, OR, Jefferson, OR, Linn, OR, Marion, OR, Wasco, OR.
Coquille Indian Tribe	Coos, OR, Curry, OR, Douglas, OR, Jackson, OR, Lane, OR.
Coushatta Tribe of Louisiana	Allen Parish, LA, Elton, LA. ¹³
Cow Creek Band of Umpqua Tribe of Indians	Coos, OR, ¹⁴ Deshutes, OR, Douglas, OR, Jackson, OR, Josephine, OR, Klamath, OR, Lane, OR.
Cowlitz Indian Tribe	Clark, WA, Cowlitz, WA, King, WA, Lewis, WA, Peirce, WA, Skamania, WA, Thurston, WA, Columbia, OR, ¹⁵ Kittitas, WA, Wahkiakum, WA.
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota	Brule, SD, Buffalo, SD, Hand, SD, Hughes, SD, Hyde, SD, Lyman, SD, Stanley, SD.
Crow Tribe of Montana	Big Horn, MT, Carbon, MT, Treasure, MT, ¹⁶ Yellowstone, MT, Big Horn, WY, Sheridan, WY.
Eastern Band of Cherokee Indians	Cherokee, NC, Graham, NC, Haywood, NC, Jackson, NC, Swain, NC.
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Flandreau Santee Sioux Tribe of South Dakota	Moody, SD.
Forest County Potawatomi Community, Wisconsin	Forest, WI, Marinette, WI, Oconto, WI.
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.	Blaine, MT, Phillips, MT.
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon.	Nevada, Malheur, OR.
Fort McDowell Yavapai Nation, Arizona	Maricopa, AZ.
Fort Mojave Indian Tribe of Arizona, California and Nevada	Nevada, Mohave, AZ, San Bernardino, CA.
Gila River Indian Community of the Gila River Indian Reservation, Arizona.	Maricopa, AZ, Pinal, AZ.
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan	Antrim, MI, ¹⁷ Benzie, MI, Charlevoix, MI, Grand Traverse, MI, Leelanau, MI, Manistee, MI.
Hannahville Indian Community, Michigan	Delta, MI, Menominee, MI.
Haskell Indian Health Center	Douglas, KS. ¹⁸
Havasupai Tribe of the Havasupai Reservation, Arizona	Coconino, AZ.
Ho-Chunk Nation of Wisconsin	Adams, WI, ¹⁹ Clark, WI, Columbia, WI, Crawford, WI, Dane, WI, Eau Claire, WI, Houston, MN, Jackson, WI, Juneau, WI, La Crosse, WI, Marathon, WI, Monroe, WI, Sauk, WI, Shawano, WI, Vernon, WI, Wood, WI.
Hoh Indian Tribe	Jefferson, WA.
Hopi Tribe of Arizona	Apache, AZ, Coconino, AZ, Navajo, AZ.
Houlton Band of Maliseet Indians	Aroostook, ME. ²⁰
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona	Coconino, AZ, Mohave, AZ, Yavapai, AZ.
Iowa Tribe of Kansas and Nebraska	Brown, KS, Doniphan, KS, Richardson, NE.
Jamestown S'Klallam Tribe	Clallam, WA, Jefferson, WA.
Jena Band of Choctaw Indians	Grand Parish, LA, ²¹ LaSalle Parish, LA, Rapides, LA.
Jicarilla Apache Nation, New Mexico	Archuleta, CO, Rio Arriba, NM, Sandoval, NM.
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona.	Coconino, AZ, Mohave, AZ, Kane, UT.
Kalispel Indian Community of the Kalispel Reservation	Pend Oreille, WA, Spokane, WA.
Kewa Pueblo, New Mexico	Sandoval, NM, Santa Fe, NM.
Keweenaw Bay Indian Community, Michigan	Baraga, MI, Houghton, MI, Ontonagon, MI.
Kickapoo Traditional Tribe of Texas	Maverick, TX. ²²
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas	Brown, KS, Jackson, KS.
Klamath Tribes	Klamath, OR. ²³
Koi Nation of Northern California (formerly known as Lower Lake Rancheria, California).	Lake, CA, Sonoma, CA. ²⁴
Kootenai Tribe of Idaho	Boundary, ID.
Lac Courte Oreilles Band of Superior Chippewa Indians of Wisconsin ..	Sawyer, WI.
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin.	Iron, WI, Oneida, WI, Vilas, WI.
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan	Gogebic, MI.
Little River Band of Ottawa Indians, Michigan	Kent, MI, ²⁵ Muskegon, MI, Newaygo, MI, Oceana, MI, Ottawa, MI, Manistee, MI, Mason, MI, Wexford, MI, Lake, MI.
Little Traverse Bay Bands of Odawa Indians, Michigan	Alcona, MI, ²⁶ Alger, MI, Alpena, MI, Antrim, MI, Benzie, MI, Charlevoix, MI, Cheboygan, MI, Chippewa, MI, Crawford, MI, Delta, MI, Emmet, MI, Grand Traverse, MI, Iosco, MI, Kalkaska, MI, Leelanau, MI, Luce, MI, Mackinac, MI, Manistee, MI, Missaukee, MI, Montmorency, MI, Ogemaw, MI, Oscoda, MI, Otsego, MI, Presque Isle, MI, Schoolcraft, MI, Roscommon, MI, Wexford, MI.
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota	Brule, SD, Buffalo, SD, Hughes, SD, Lyman, SD, Stanley, SD.
Lower Elwha Tribal Community	Clallam, WA.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Lower Sioux Indian Community in the State of Minnesota	Redwood, MN, Renville, MN.
Lummi Tribe of the Lummi Reservation	Whatcom, WA.
Makah Indian Tribe of the Makah Indian Reservation	Clallam, WA.
Mashantucket Pequot Indian Tribe	New London, CT. ²⁷
Mashpee Wampanoag Tribe	Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA, ²⁸
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan	Allegan, MI, ²⁹ Barry, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Menominee Indian Tribe of Wisconsin	Langlade, WI, Menominee, WI, Oconto, WI, Shawano, WI.
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico	Chaves, NM, Lincoln, NM, Otero, NM.
Miccosukee Tribe of Indians	Broward, FL, Collier, FL, Miami-Dade, FL, Hendry, FL.
Minnesota Chippewa Tribe, Minnesota, Bois Forte Band (Nett Lake)	Itasca, MN, Koochiching, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Fond du Lac Band	Carlton, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Grand Portage Band	Cook, MN.
Minnesota Chippewa Tribe, Minnesota, Leech Lake Band	Beltrami, MN, Cass, MN, Hubbard, MN, Itasca, MN.
Minnesota Chippewa Tribe, Minnesota, Mille Lacs Band	Aitkin, MN, Kanebec, MN, Mille Lacs, MN, Pine, MN.
Minnesota Chippewa Tribe, Minnesota, White Earth Band	Becker, MN, Clearwater, MN, Mahnomen, MN, Norman, MN, Polk, MN.
Mississippi Band of Choctaw Indians	Attala, MS, Jasper, MS, ³⁰ Jones, MS, Kemper, MS, Leake, MS, Neshoba, MS, Newton, MS, Noxubee, MS, Scott, MS, ³¹ Winston, MS.
Mohegan Tribe of Indians of Connecticut	Fairfield, CT, Hartford, CT, Litchfield, CT, Middlesex, CT, New Haven, CT, New London, CT, Tolland, CT, Windham, CT.
Muckleshoot Indian Tribe	King, WA, Pierce, WA.
Narragansett Indian Tribe	Washington, RI. ³²
Navajo Nation, Arizona, New Mexico, & Utah	Apache, AZ, Bernalillo, NM, Cibola, NM, Coconino, AZ, Kane, UT, McKinley, NM, Montezuma, CO, Navajo, AZ, Rio Arriba, NM, Sandoval, NM, San Juan, NM, San Juan, UT, Socorro, NM, Valencia, NM.
Nevada	Entire State. ³³
Nez Perce Tribe	Clearwater, ID, Idaho, ID, Latah, ID, Lewis, ID, Nez Perce, ID.
Nisqually Indian Tribe	Pierce, WA, Thurston, WA.
Nooksack Indian Tribe	Whatcom, WA.
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.	Big Horn, MT, Carter, MT, ³⁴ Rosebud, MT.
Northwestern Band of Shoshone Nation	Box Elder, UT. ³⁵
Nottawaseppi Huron Band of the Pottawatomi, Michigan	Allegan, MI, ³⁶ Barry, MI, Branch, MI, Calhoun, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Oglala Sioux Tribe	Bennett, SD, Cherry, NE, Custer, SD, Dawes, NE, Fall River, SD, Jackson, SD, ³⁷ Mellette, SD, Pennington, SD, Shannon, SD, Sheridan, NE, Todd, SD.
Ohkay Owingeh, New Mexico	Rio Arriba, NM.
Oklahoma	Entire State. ³⁸
Omaha Tribe of Nebraska	Burt, NE, Cuming, NE, Monona, IA, Thurston, NE, Wayne, NE.
Oneida Nation	Brown, WI, Outagamie, WI.
Oneida Nation of New York	Chenango, NY, Cortland, NY, Herkimer, NY, Madison, NY, Oneida, NY, Onondaga, NY.
Onondaga Nation	Onondaga, NY.
Paiute Indian Tribe of Utah	Iron, UT, ³⁹ Millard, UT, Sevier, UT, Washington, UT.
Pamunkey Indian Tribe	Caroline, Hanover, Henrico, King William, King and Queen, New Kent, Richmond (Independent City). ⁴⁰
Pascua Yaqui Tribe of Arizona	Pima, AZ. ⁴¹
Passamaquoddy Tribe	Aroostook, ME, ⁴² Hancock, ME, ⁴³ Washington, ME.
Penobscot Nation	Aroostook, ME, ⁴⁵ Penobscot, ME.
Poarch Band of Creeks	Baldwin, AL, ⁴⁶ Elmore, AL, Escambia, AL, Mobile, AL, Monroe, AL, Escambia, FL.
Pokagon Band of Pottawatomi Indians, Michigan and Indiana	Allegan, MI, ⁴⁷ Berrien, MI, Cass, MI, Elkhart, IN, Kosciusko, IN, La Porte, IN, Marshall, IN, St. Joseph, IN, Starke, IN, Van Buren, MI.
Ponca Tribe of Nebraska	Boyd, NE, ⁴⁸ Burt, NE, Charles Mix, SD, Douglas, NE, Hall, NE, Holt, NE, Knox, NE, Lancaster, NE, Madison, NE, Platte, NE, Pottawatomie, IA, Sarpy, NE, Stanton, NE, Wayne, NE, Woodbury, IA.
Port Gamble S'Klallam Tribe	Kitsap, WA.
Prairie Band of Pottawatomi Nation	Jackson, KS.
Prairie Island Indian Community in the State of Minnesota	Goodhue, MN.
Pueblo of Acoma, New Mexico	Cibola, NM.
Pueblo of Cochiti, New Mexico	Sandoval, NM, Santa Fe, NM.
Pueblo of Isleta, New Mexico	Bernalillo, NM, Torrance, NM, Valencia, NM.
Pueblo of Jemez, New Mexico	Sandoval, NM.
Pueblo of Laguna, New Mexico	Bernalillo, NM, Cibola, NM, Sandoval, NM, Valencia, NM.
Pueblo of Nambe, New Mexico	Santa Fe, NM.
Pueblo of Picuris, New Mexico	Taos, NM.
Pueblo of Pojoaque, New Mexico	Rio Arriba, NM, Santa Fe, NM.
Pueblo of San Felipe, New Mexico	Sandoval, NM.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Pueblo of San Ildefonso, New Mexico	Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Sandia, New Mexico	Bernalillo, NM, Sandoval, NM.
Pueblo of Santa Ana, New Mexico	Sandoval, NM.
Pueblo of Santa Clara, New Mexico	Los Alamos, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Taos, New Mexico	Colfax, NM, Taos, NM.
Pueblo of Tesuque, New Mexico	Santa Fe, NM.
Pueblo of Zia, New Mexico	Sandoval, NM.
Puyallup Tribe of the Puyallup Reservation	King, WA, Pierce, WA, Thurston, WA.
Quechan Tribe of the Fort Yuma Indian Reservation, Arizona and California.	Yuma, AZ, Imperial, CA.
Quileute Tribe of the Quileute Reservation	Clallam, WA, Jefferson, WA.
Quinault Indian Nation	Grays Harbor, WA, Jefferson, WA.
Rapid City, South Dakota	Pennington, SD. ⁴⁹
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Bayfield, WI.
Red Lake Band of Chippewa Indians, Minnesota	Beltrami, MN, Clearwater, MN, Koochiching, MN, Lake of the Woods, MN, Marshall, MN, Pennington, MN, Polk, MN, Roseau, MN.
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	Bennett, SD, Cherry, NE, Gregory, SD, Lyman, SD, Mellette, SD, Todd, SD, Tripp, SD.
Sac & Fox Nation of Missouri in Kansas and Nebraska	Brown, KS, Richardson, NE.
Sac & Fox Tribe of the Mississippi in Iowa	Tama, IA.
Saginaw Chippewa Indian Tribe of Michigan	Arenac, MI, ⁵⁰ Clare, MI, Isabella, MI, Midland, MI, Missaukee, MI.
Saint Regis Mohawk Tribe	Franklin, NY, St. Lawrence, NY.
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.	Maricopa, AZ.
Samish Indian Nation	Clallam, WA, ⁵¹ Island, WA, Jefferson, WA, King, WA, Kitsap, WA, Pierce, WA, San Juan, WA, Skagit, WA, Snohomish, WA, Whatcom, WA.
San Carlos Apache Tribe of the San Carlos Reservation, Arizona	Apache, AZ, Cochise, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Pinal, AZ.
San Juan Southern Paiute Tribe of Arizona	Coconino, AZ, San Juan, UT.
Santee Sioux Nation, Nebraska	Bon Homme, SD, Knox, NE.
Sauk-Suiattle Indian Tribe	Snohomish, WA, Skagit, WA.
Sault Ste. Marie Tribe of Chippewa Indians, Michigan	Alger, MI, ⁵² Chippewa, MI, Delta, MI, Luce, MI, Mackinac, MI, Marquette, MI, Schoolcraft, MI.
Seminole Tribe of Florida	Broward, FL, Collier, FL, Miami-Dade, FL, Glades, FL, Hendry, FL.
Seneca Nation of Indians	Alleghany, NY, Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Shakopee Mdewakanton Sioux Community of Minnesota	Scott, MN.
Shinnecock Indian Nation	Nassau, NY, ⁵³ Suffolk, NY.
Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation	Pacific, WA.
Shoshone-Bannock Tribes of the Fort Hall Reservation	Bannock, ID, Bingham, ID, Caribou, ID, Lemhi, ID, ⁵⁴ Power, ID.
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota.	Codington, SD, Day, SD, Grant, SD, Marshall, SD, Richland, ND, Roberts, SD, Sargent, ND, Traverse, MN.
Skokomish Indian Tribe	Mason, WA.
Skull Valley Band of Goshute Indians of Utah	Tooele, UT.
Snoqualmie Indian Tribe	King, WA, ⁵⁵ Snohomish, WA, Pierce, WA, Island, WA, Mason, WA.
Sokaogon Chippewa Community, Wisconsin	Forest, WI.
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado ..	Archuleta, CO, La Plata, CO, Montezuma, CO, Rio Arriba, NM, San Juan, NM.
Spirit Lake Tribe, North Dakota	Benson, ND, Eddy, ND, Nelson, ND, Ramsey, ND.
Spokane Tribe of the Spokane Reservation	Ferry, WA, Lincoln, WA, Stevens, WA.
Squaxin Island Tribe of the Squaxin Island Reservation	Mason, WA.
St. Croix Chippewa Indians of Wisconsin	Barron, WI, Burnett, WI, Pine, MN, Polk, WI, Washburn, WI.
Standing Rock Sioux Tribe of North & South Dakota	Adams, ND, Campbell, SD, Corson, SD, Dewey, SD, Emmons, ND, Grant, ND, Morton, ND, Perkins, SD, Sioux, ND, Walworth, SD, Ziebach, SD.
Stillaguamish Tribe of Indians of Washington	Snohomish, WA.
Stockbridge Munsee Community, Wisconsin	Menominee, WI, Shawano, WI.
Suquamish Indian Tribe of the Port Madison Reservation	Kitsap, WA.
Swinomish Indian Tribal Community	Skagit, WA.
Tejon Indian Tribe	Kern, CA. ⁵⁶
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota ..	Dunn, ND, Mercer, ND, McKenzie, ND, McLean, ND, Mountrail, ND, Ward, ND.
Tohono O'odham Nation of Arizona	Maricopa, AZ, Pima, AZ, Pinal, AZ.
Tonawanda Band of Seneca	Genesee, NY, Erie, NY, Niagara, NY.
Tonto Apache Tribe of Arizona	Gila, AZ.
Trenton Service Unit, North Dakota and Montana	Divide, ND, ⁵⁷ McKenzie, ND, Williams, ND, Richland, MT, Roosevelt, MT, Sheridan, MT.
Tulalip Tribes of Washington	Snohomish, WA.
Tunica-Biloxi Indian Tribe	Avoyelles, LA, Rapides, LA. ⁵⁸
Turtle Mountain Band of Chippewa Indians of North Dakota	Rolette, ND.
Tuscarora Nation	Niagara, NY.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Carbon, UT, Daggett, UT, Duchesne, UT, Emery, UT, Grand, UT, Rio Blanco, CO, Summit, UT, Uintah, UT, Utah, UT, Wasatch, UT.
Ute Mountain Ute Tribe	Apache, AZ, La Plata, CO, Montezuma, CO, San Juan, NM, San Juan, UT.
Wampanoag Tribe of Gay Head (Aquinnah)	Dukes, MA, ⁵⁹ Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA. ⁶⁰
Washoe Tribe of Nevada & California	Nevada, California except for the counties listed in footnote.
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona	Apache, AZ, Coconino, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Navajo, AZ.
Wilton Rancheria, California	Sacramento, CA. ⁶¹
Winnebago Tribe of Nebraska	Dakota, NE, Dixon, NE, Monona, IA, Thurston, NE, Wayne, NE, Woodbury, IA.
Yankton Sioux Tribe of South Dakota	Bon Homme, SD, Boyd, NE, Charles Mix, SD, Douglas, SD, Gregory, SD, Hutchinson, SD, Knox, NE.
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona	Yavapai, AZ.
Yavapai-Prescott Indian Tribe	El Paso, TX. ⁶²
Ysleta Del Sur Pueblo of Texas	Apache, AZ, Cibola, NM, McKinley, NM, Valencia, NM.
Zuni Tribe of the Zuni Reservation, New Mexico	

¹ Public Law 100-89, Restoration Act for Ysleta Del Sur and Alabama and Coshatta Tribes of Texas establishes service areas for "members of the Tribe" by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

² Entire State of Alaska is included as a CHSDA by regulation (42 CFR 136.22(a)(1)).

³ Aroostook Band of Micmacs was recognized by Congress on November 26, 1991, through the Aroostook Band of Micmac Settlement Act. Aroostook County, ME, was defined as the SDA.

⁴ Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Brigham City Intermountain School Health Center, Utah (Pub. L. 88-358). The Brigham Intermountain School Health Center was renamed to Intermountain Inter-Tribal School in 1974 and was permanently closed on May 17, 1984.

⁵ Entire State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, is designated a CHSDA (25 U.S.C. 1680).

⁶ The counties were recognized after the January 1984 CHSDA FRN was published, in accordance with Public Law 103-116, Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, dated October 27, 1993.

⁷ There is no reservation for the Cayuga Nation; the service delivery area consists of those counties identified by the Cayuga Nation.

⁸ Skamania County, WA, has historically been a part of the Yakama Service Unit population since 1979.

⁹ In order to carry out the Congressional intent of the Siletz Restoration Act, Public Law 95-195, as expressed in H. Report No. 95-623, at page 4, members of the Confederated Tribes of Siletz Indians of Oregon residing in these counties are eligible for contract health services.

¹⁰ Chelan County, WA, has historically been a part of the Colville Service Unit population since 1970.

¹¹ Pursuant to Public Law 98-481 (H. Rept. No. 98-904), Coos, Lower Umpqua and Siuslaw Restoration Act, members of the Tribe residing in these counties were specified as eligible for Federal services and benefits without regard to the existence of a Federal Indian reservation.

¹² The Confederated Tribes of Grand Ronde Community of Oregon were recognized by Public Law 98-165 which was signed into law on November 22, 1983, and provides for eligibility in these six counties without regard to the existence of a reservation.

¹³ The CHSDA for the Coshatta Tribe of Louisiana was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(6)) to include city limits of Elton, LA.

¹⁴ Cow Creek Band of Umpqua Tribe of Indians recognized by Public Law 97-391, signed into law on December 29, 1983. House Rept. No. 97-862 designates Douglas, Jackson, and Josephine Counties as a service area without regard to the existence of a reservation. The IHS later administratively expanded the CHSDA to include the counties of Coos, OR, Deschutes, OR, Klamath, OR, and Lane, OR.

¹⁵ The Cowlitz Indian Tribe was recognized in July 2002 as documented at 67 FR 46329, July 12, 2002. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93-638. The CHSDA was administratively expanded to include Columbia County, OR, Kittitas, WA, and Wahkiakum County, WA, as published at 67 FR 46329, December 21, 2002.

¹⁶ Treasure County, MT, has historically been a part of the Crow Service Unit population.

¹⁷ The counties listed have historically been a part of the Grand Traverse Service Unit population since 1980.

¹⁸ Haskell Indian Health Center has historically been a part of Kansas Service Unit since 1979. Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Haskell Indian Health Center (H. Rept. No. 95-392).

¹⁹ CHSDA counties for the Ho-Chunk Nation of Wisconsin were designated by regulation (42 CFR 136.22(a)(5)). Dane County, WI, was added to the reservation by the Bureau of Indian Affairs in 1986.

²⁰ Public Law 97-428 provides that any member of the Houlton Band of Maliseet Indians in or around the Town of Houlton shall be eligible without regard to existence of a reservation.

²¹ The Jena Band of Choctaw Indian was Federally acknowledged as documented at 60 FR 28480, May 31, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93-638.

²² Kickapoo Traditional Tribe of Texas, formerly known as the Texas Band of Kickapoo, was recognized by Public Law 97-429, signed into law on January 8, 1983. The Act provides for eligibility for Kickapoo Tribal members residing in Maverick County without regard to the existence of a reservation.

²³ The Klamath Indian Tribe Restoration Act (Pub. L. 99-398, Sec. 2(2)) states that for the purpose of Federal services and benefits "members of the tribe residing in Klamath County shall be deemed to be residing in or near a reservation".

²⁴ The Koi Nation of Northern California, formerly known as the Lower Lake Rancheria, was reaffirmed by the Secretary of the Bureau of Indian Affairs on December 29, 2000. The counties listed were designated administratively as the SDA, to function as a PRCD, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93-638.

²⁵ The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103-324, Sec. 4(b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93-638.

²⁶ The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103-324, Sec. 4(b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93-638.

²⁷ Mashantucket Pequot Indian Claims Settlement Act, Public Law 98–134, signed into law on October 18, 1983, provides a reservation for the Mashantucket Pequot Indian Tribe in New London County, CT.

²⁸ The Mashpee Wampanoag Tribe was recognized in February 2007, as documented at 72 FR 8007, February 22, 2007. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

²⁹ The Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan was recognized in October 1998, as documented at 63 FR 56936, October 23, 1998. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

³⁰ Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

³¹ Scott County, MS, has historically been a part of the Choctaw Service Unit population since 1970.

³² The Narragansett Indian Tribe was recognized by Public Law 95–395, signed into law September 30, 1978. Lands in Washington County, RI, are now Federally restricted and the Bureau of Indian Affairs considers them as the Narragansett Indian Reservation.

³³ Entire State of Nevada is included as a CHSDA by regulation (42 CFR 136.22(a)(2)).

³⁴ Carter County, MT, has historically been a part of the Northern Cheyenne Service Unit population since 1979.

³⁵ Land of Box Elder County, Utah, was taken into trust for the Northwestern Band of Shoshoni Nation in 1986.

³⁶ The Nottawaseppi Huron Band of the Potawatomi, Michigan, formerly known as the Huron Band of Potawatomi, Inc., was recognized in December 1995, as documented at 60 FR 66315, December 21, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

³⁷ Washabaugh County, SD, merged and became part of Jackson County, SD, in 1983; both were/are CHSDA counties for the Oglala Sioux Tribe.

³⁸ Entire State of Oklahoma is included as a CHSDA by regulation (42 CFR 136.22(a)(3)).

³⁹ Paiute Indian Tribe of Utah Restoration Act, Public Law 96–227, provides for the extension of services for the Paiute Indian Tribe of Utah to these four counties without regard to the existence of a reservation.

⁴⁰ In the **Federal Register** on July 08, 2015 (80 FR 39144), the Pamunkey Indian Tribe was officially recognized as an Indian Tribe within the meaning of Federal law. The counties listed were designated administratively as the Tribe's PRCDA, as announced in the **Federal Register** on July 28, 2017 (82 FR 35227).

⁴¹ Legislative history (H.R. Report No. 95–1021) to Public Law 95–375, Extension of Federal Benefits to Pascua Yaqui Indians, Arizona, expresses congressional intent that lands conveyed to the Pascua Yaqui Tribe of Arizona pursuant to Act of October 8, 1964. (Pub. L. 88–350) shall be deemed a Federal Indian Reservation.

⁴² The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide contract health services to the Passamaquoddy Tribe and the Penobscot Nation.

⁴³ The Passamaquoddy Tribe has two reservations: Indian Township and Pleasant Point. The PRCDA for the Passamaquoddy Tribe at Indian Township, ME, is Aroostook County, ME, Washington County, ME, and Hancock County, ME. The PRCDA for the Passamaquoddy Tribe at Pleasant Point, ME, is Washington County, ME, south of State Route 9, and Aroostook County, ME.

⁴⁴ The Passamaquoddy Tribe's counties listed are designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

⁴⁵ The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide PRC to the Passamaquoddy Tribe and the Penobscot Nation.

⁴⁶ Counties in the Service Unit designated by Congress for the Poarch Band of Creek Indians (see H. Rept. 98–886, June 29, 1984; Cong. Record, October 10, 1984, Pg. H11929).

⁴⁷ Public Law 103–323 restored Federal recognition to the Pokagon Band of Potawatomi Indians, Michigan and Indiana, in 1994 and identified counties to serve as the SDA.

⁴⁸ The Ponca Restoration Act, Public Law 101–484, recognized members of the Ponca Tribe of Nebraska in Boyd, Douglas, Knox, Madison or Lancaster counties of Nebraska or Charles Mix county of South Dakota as residing on or near a reservation. Public Law 104–109 made technical corrections to laws relating to Native Americans and added Burt, Hall, Holt, Platte, Sarpy, Stanton, and Wayne counties of Nebraska and Pottawatomie and Woodbury counties of Iowa to the Ponca Tribe of Nebraska SDA.

⁴⁹ Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility, rather than the eligibility regulations. Historically services have been provided at Rapid City (S. Rept. No. 1154, FY 1967 Interior Approp. 89th Cong. 2d Sess.).

⁵⁰ Historically part of Isabella Reservation Area for the Saginaw Chippewa Indian Tribe of Michigan and the Eastern Michigan Service Unit population since 1979.

⁵¹ The Samish Indian Tribe Nation was Federally acknowledged in April 1996 as documented at 61 FR 15825, April 9, 1996. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

⁵² CHSDA counties for the Sault Ste. Marie Tribe of Chippewa Indians, Michigan, were designated by regulation (42 CFR 136.22(a)(4)).

⁵³ The Shinnecock Indian Nation was Federally acknowledged in June 2010 as documented at 75 FR 34760, June 18, 2010. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

⁵⁴ Lemhi County, ID, has historically been a part of the Fort Hall Service Unit population since 1979.

⁵⁵ The Snoqualmie Indian Tribe was Federally acknowledged in August 1997 as documented at 62 FR 45864, August 29, 1997. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

⁵⁶ On December 30, 2011 the Office of Assistant Secretary—Indian Affairs reaffirmed the Federal recognition of the Tejon Indian Tribe. The county listed was designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638. Kern County was not covered when Congress originally established the State of California as a CHSDA excluding certain counties including Kern County (25 U.S.C. 1680).

⁵⁷ The Secretary acting through the Service is directed to provide contract health services to Turtle Mountain Band of Chippewa Indians that reside in Trenton Service Unit, North Dakota and Montana, in Divide, Mackenzie, and Williams counties in the state of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the state of Montana (Sec. 815, Pub. L. 94–437).

⁵⁸ Rapides County, LA, has historically been a part of the Tunica Biloxi Service Unit population since 1982.

⁵⁹ According to Public Law 100–95, Sec. 12, members of the Wampanoag Tribe of Gay Head (Aquinnah) residing on Martha's Vineyard are deemed to be living on or near an Indian reservation for the purposes of eligibility for Federal services.

⁶⁰ The counties listed are designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

⁶¹ The Wilton Rancheria, California had Federal recognition restored in July 2009 as documented at 74 FR 33468, July 13, 2009. Sacramento County, CA, was designated administratively as the SDA, to function as a CHSDA. Sacramento County was not covered when Congress originally established the State of California as a CHSDA excluding certain counties including Sacramento County (25 U.S.C. 1680).

⁶² Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for "members of the Tribe" by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

Dated: October 2, 2017.

Michael D. Weahkee,

Assistant Surgeon General, U.S. Public Health Service, Acting Director, Indian Health Service.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Re-Designation of the Delivery Area for the Tolowa Dee-ni' Nation, Formerly Known as Smith River Rancheria

AGENCY: Indian Health Service, HHS.

ACTION: Final notice.

SUMMARY: The Secretary of the Department of Health and Human Services hereby issues this final notice to re-designate the Purchased/Referred Care Delivery Area (PRCDA) for the Tolowa Dee-ni' Nation (Tribe) (previously known as the Smith River Rancheria of Smith River, California), to provide Purchased/Referred Care (PRC) services to their Tribal members residing in Curry County, Oregon, which is in the Portland Area Indian Health Service (IHS). The Tolowa Dee-ni's Tribal Headquarters is located 3 miles south of the California-Oregon border in Northern California.

The entire State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, was designated by the IHS as a PRCDA, formerly known as a Contract Health Service Delivery Area, in accordance with statute. The current PRCDA for Tolowa Dee-ni' Tribal members is the statutorily specified California PRCDA. The expanded PRCDA for the Tolowa Dee-ni' Tribe includes the statutorily specified California PRCDA and Curry County in the State of Oregon.

DATES: This notice shall take effect on October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Terri Schmidt, Acting Director, Office of Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mail stop: 10E85C, Rockville, Maryland 20857. Telephone 301/443-2694 (This is not a toll free number).

SUPPLEMENTARY INFORMATION:

Background: The IHS currently provides services under regulations codified at 42 CFR part 136, subparts A through C. Subpart C defines a

Purchased/Referred Care Delivery Area (PRCDA) as the geographic area within which Purchased/Referred Care will be made available by the Indian Health Service (IHS) to members of an identified Indian community who reside in the Area. PRCDA's were previously known as Contract Health Service Delivery Areas (CHSDAs) and more recently, the IHS referred to them as Purchased/Referred Care Service Delivery Areas (PRCSDAs) or PRCDA's, but the IHS intends to consistently refer to them as PRCDA's going forward.

Residence in a PRCDA by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12, creates no legal entitlement to PRC, only potential eligibility for services. Services needed, but not available at an IHS/Tribal facility, are provided under the PRC program depending on the availability of funds, the person's relative medical priority, and the actual availability and accessibility of alternate resources in accordance with the regulations.

As applicable to the Tribes, these regulations provide that, unless otherwise designated, a PRCDA shall consist of a county that includes all or part of a reservation and any county or counties that have a common boundary with the reservation, 42 CFR 136.22(a)(6). The regulations also provide that after consultation with the Tribal governing body or bodies on those reservations included within the PRCDA, the Secretary may from time to time, re-designate areas within the United States for inclusion in or exclusion from a PRCDA. The regulations require that certain criteria must be considered before any re-designation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribe;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of PRC, 42 CFR 136.22(b).

Additionally, the regulations require that any re-designation of a PRCDA must be made in accordance with the Administrative Procedures Act (5 U.S.C. 553). See 42 CFR 136.22(c). In compliance with this requirement, we are publishing this final notice. Congress directed the IHS to designate the entire State of California as a

PRCDA, excluding certain counties, under section 810 of the Indian Healthcare Improvement Act, Public Law 94-437, as amended (25 U.S.C. 1680). The IHS has utilized the congressionally specified PRCDA for the purposes of administering PRC benefits to members of the Tribe. Thus, members of the Tribe who reside outside of the statutorily established California PRCDA do not reside within the Tolowa Dee-ni's current PRCDA and are currently not eligible for PRC services.

The IHS has historically established PRCDA's in accordance with Congressional intent but has preserved regulatory flexibility to re-designate areas as appropriate for inclusion in or exclusion from PRCDA under PRC regulations. One of the criteria for such re-designations is the geographic proximity of the expanded area to the existing reservation or PRCDA. Here, the IHS is expanding the Tribe's PRCDA beyond the geographic description in 25 U.S.C. 1680 to include a county adjacent to the Tribe's existing PRCDA, in a neighboring state. There are already PRCDA's that include part of the State of California and part of another state, for example, Cocopah Tribe of Arizona, (Yuma, Arizona, and Imperial, California); Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California, (La Paz, Arizona; Riverside, California; San Bernardino, California; and Yuma, Arizona); Fort Mojave Indian Tribe of Arizona, California and Nevada, (Nevada; Mohave, Arizona; San Bernardino, California); and the Quechan Tribe of Fort Yuma Indian Reservation, California and Arizona, (Yuma, Arizona; and Imperial, California).

The Tolowa Dee-ni' Tribe has a significant number of Tribal members who are not residents of California. The Tribe asserts that 177 Tribal members reside outside of its PRCDA, in Curry County, in the State of Oregon, and are not able to access PRC funds from either the California Area facility (Smith River Howonquet Indian Health Center) or from the closest Portland Area facility.

Under 42 CFR 136.23, those otherwise eligible Indians who do not reside on a reservation, but reside within a PRCDA must be either members of the Tribe or maintain close economic and social ties with the Tribe. In this case, in applying the aforementioned PRCDA re-designation criteria required by operative regulations codified at 42 CFR part 136, subpart C, the following findings are made:

1. By expanding, the Tribe estimates the current eligible population will be increased by 177.

2. The Tribe has determined that these 177 individuals are members of the Tribe and they are socially and economically affiliated with the Tribe.

3. The expanded area, including Curry County in the State of Oregon, maintains a common boundary with the State of California and the statutorily created California PRCDA.

4. Generally, the Tribal members located in Curry County in the State of Oregon currently do not use the Indian health system for their PRC health care needs. The Tribe will use its existing Federal allocation for PRC funds to provide services to the expanded population. No additional financial resources will be allocated at this time by the IHS to the Tribe to provide services to Tribal members residing in Curry County in the State of Oregon.

Public Comments: The Agency received 32 comments, 31 of which were timely. The Agency carefully reviewed the submissions. The IHS did not consider one (1) of these comments, because it was received after the closing date. Of the 31 timely comments, 28 commenters supported the proposal to expand the Tolowa Dee-ni' PRCDA into Curry County, Oregon. These included 27 commenters from the California Area and one Congressional commenter. There were three (3) commenters representing two Tribes from the Portland Area that opposed the PRCDA expansion. The IHS will address those comments below:

Comment: The majority of commenters indicated support for the proposed PRCDA expansion and support for providing PRC to the Tribe's members living in Curry County, Oregon.

Response: The IHS appreciates the comments in support of the expansion and agrees that the expansion would allow the Tribe to authorize PRC services for its members residing in Curry County, Oregon.

Comment: Two commenters believed that the IHS should not be relying upon the Tribe's estimate of its members living in Curry County, Oregon, and that the IHS should either produce its own estimate or verify the Tribe's figure.

Response: In 2014, the IHS prepared a study of the Tolowa Dee-ni' Tribe's roster of Tribal Citizens matched with patient user activity data from the National Patient Information Reporting System. The findings of the patient matching study were consistent with a previous request conducted in 2013 by the former IHS California Area Director.

The **Federal Register** Notice states that the Smith River Tribe has estimated that 177 of its Tribal members reside in Curry County, in the State of Oregon,

and they are not able to access PRC funds either at the California Area or the Portland Area. The IHS believes that this number is a fair approximation of the number of Smith River Tribal members residing in Curry County, given IHS's facility data, and recognizing that the Tribe has additional resources, such as a Tribal Membership Roll, to estimate the number of members residing in Curry County, Oregon, including those who have not yet sought services at IHS facilities and therefore would not be included in IHS data.

Comment: One commenter inquired about the "threshold" for expanding a PRCDA and whether there is a minimum number or percentage in terms of Tribal members.

Response: Each PRCDA expansion under consideration must be reviewed in accordance with the criteria set forth in 42 CFR 136.22(b), meaning this decision is a case-by-case determination based upon the facts of the particular expansion at issue. Regulations require the IHS to consider, among other factors, the "number of Indians residing in the area" of the proposed expansion, but the regulations do not require a minimum number or percentage.

Comment: One commenter asked why the IHS is advancing the proposal for the Tribe, after declining to accommodate requests from Oregon Tribes and whether this created a double standard.

Response: Previously, the IHS restricted certain PRCDA expansions based on the Agency's implementation of the regulatory "geographic proximity" requirement specified at 42 CFR 136.22(b)(3). While geographic proximity remains a necessary consideration in a PRCDA expansion, the IHS has reconsidered our previous position and recently adopted a more flexible approach. The IHS explained this change in an April 7, 2016, **Federal Register** Notice (81 FR 20388), "Notice of the Redesignation of the Service Delivery Area for the Wampanoag Tribe of Gay Head (Aquinnah)."

Comment: One commenter asked how the IHS verified that the Tribal members residing in Curry County, Oregon, are economically and socially affiliated with the Tribe.

Response: Under 42 CFR 136.22(b)(2), the IHS is required to consider whether "the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribes." The regulation does not require an independent investigation by the IHS on this issue. The IHS would typically defer to the Tribal governing body's determination, given the language in the

regulation and a Tribe's better position to make this conclusion. However, the IHS would note that the Tribe's estimate for the expanded population includes only its members residing in Curry County, Oregon, and its members are eligible for PRC under 42 CFR 136.23, as long as the members reside within the PRCDA.

Comment: Two commenters inquired about the financial aspects of the expansion, such as how this proposal would be paid for and what would be the motivation, since no additional funds are being provided to the Tribe.

Response: Tolowa Dee-ni' Tribal members living in Curry County, Oregon, are unfunded for both IHS direct care and PRC resources. A few Tribal members have sought direct services from Tribal health programs in Oregon. While these individuals can receive direct services at the Oregon programs, no funds are allocated to the Portland Area IHS or the California Area IHS to provide services to members of the Tolowa Dee-ni' Tribe residing in Curry County. The Agency is approving the requested PRCDA expansion to allow the Tolowa Dee-ni' Tribe to authorize the purchase of PRC services, within existing funds, for members of the Tribe who reside in Curry County. Without this expansion, such purchases would not be lawful and those Tribal members would not be eligible to receive PRC services. Since there are no additional funds being provided by the IHS for the PRCDA expansion, the Tribe's current level of PRC funding will be available to serve a larger population.

Comment: One commenter inquired about the potential future financial impact on Oregon Tribes and how this could be accurately measured, given the current data.

Response: Per Agency policy, expanding a PRCDA does not automatically increase the funding to a Tribe. Tribes will continue to use existing Federal allocation for PRC funds to provide services to expanding population until Congress appropriates additional funding. Each IHS Area will distribute future increases based on their own methodologies. The Tribe may benefit from future increases to PRC funding because of the additional active users from the PRCDA expansion, but the IHS determined that there will be very little to no financial impact as a result of the expansion on Portland Area Tribes.

Comment: One commenter inquired about the status of a proposed pilot project for an Area-wide PRCDA in the Portland Area IHS.

Response: The Coquille Tribe presented a suggestion for consideration

to the IHS Portland Area Funds Distribution Workgroup (FDWG). The FDWG is a Tribal consultative body that serves as a resource to the Portland Area Director on any Indian health system funds issue. The principal function of the FDWG is to develop recommendations regarding resource allocation within the Portland Area IHS. The IHS anticipates announcing a plan of action on this issue soon.

PURCHASED/REFERRED CARE DELIVERY AREAS

Tribe/reservation	County/state
Ak Chin Indian Community	Pinal, AZ.
Alabama-Coushatta Tribes of Texas	Polk, TX. ¹
Alaska	Entire State. ²
Arapahoe Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Aroostook Band of Micmacs	Aroostook, ME. ³
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana.	Daniels, MT, McCone, MT, Richland, MT, Roosevelt, MT, Sheridan, MT, Valley, MT.
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin.	Ashland, WI, Iron, WI.
Bay Mills Indian Community, Michigan	Chippewa, MI.
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	Glacier, MT, Pondera, MT.
Brigham City Intermountain School Health Center, Utah. Permanently Closed on May 17, 1984.	(4)
Burns Paiute Tribe	Harney, OR.
California	Entire State, except for the counties listed in the footnote. ⁵
Catawba Indian Nation	All Counties in SC, ⁶ Cabarrus, NC, Cleveland, NC, Gaston, NC, Mecklenburg, NC, Rutherford, NC, Union, NC.
Cayuga Nation	Alleghany, NY, ⁷ Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota.	Corson, SD, Dewey, SD, Haakon, SD, Meade, SD, Perkins, SD, Potter, SD, Stanley, SD, Sully, SD, Walworth, SD, Ziebach, SD.
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana	Chouteau, MT, Hill, MT, Liberty, MT.
Chitimacha Tribe of Louisiana	St. Mary Parish, LA.
Cocopah Tribe of Arizona	Yuma, AZ, Imperial, CA.
Coeur D'Alene Tribe	Benewah, ID, Kootenai, ID, Latah, ID, Spokane, WA, Whitman, WA.
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California.	La Paz, AZ, Riverside, CA, San Bernardino, CA, Yuma, AZ.
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Flathead, MT, Lake, MT, Missoula, MT, Sanders, MT.
Confederated Tribes and Bands of the Yakama Nation	Klickitat, WA, Lewis, WA, Skamania, WA, ⁸ Yakima, WA.
Confederated Tribes of Siletz Indians of Oregon	Benton, OR, ⁹ Clackamas, OR, Lane, OR, Lincoln, OR, Linn, OR, Marion, OR, Multnomah, OR, Polk, OR, Tillamook, OR, Washington, OR, Yamhill, OR.
Confederated Tribes of the Chehalis Reservation	Grays Harbor, WA, Lewis, WA, Thurston, WA.
Confederated Tribes of the Colville Reservation	Chelan, WA, ¹⁰ Douglas, WA, Ferry, WA, Grant, WA, Lincoln, WA, Okanogan, WA, Stevens, WA.
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	Coos, OR, ¹¹ Curry, OR, Douglas, OR, Lane, OR, Lincoln, OR.
Confederated Tribes of the Goshute Reservation, Nevada and Utah	Nevada, Juab, UT, Toole, UT.
Confederated Tribes of the Grand Ronde Community of Oregon	Marion, OR, Multnomah, OR, Polk, OR, ¹² Tillamook, OR, Washington, OR, Yamhill, OR.
Confederated Tribes of the Umatilla Indian Reservation	Umatilla, OR, Union, OR.
Confederated Tribes of the Warm Springs Reservation of Oregon	Clackamas, OR, Jefferson, OR, Linn, OR, Marion, OR, Wasco, OR.
Coquille Indian Tribe	Coos, OR, Curry, OR, Douglas, OR, Jackson, OR, Lane, OR.
Coushatta Tribe of Louisiana	Allen Parish, LA, Elton, LA. ¹³
Cow Creek Band of Umpqua Tribe of Indians	Coos, OR, ¹⁴ Deshutes, OR, Douglas, OR, Jackson, OR, Josephine, OR, Klamath, OR, Lane, OR.
Cowlitz Indian Tribe	Clark, WA, Cowlitz, WA, King, WA, Lewis, WA, Peirce, WA, Skamania, WA, Thurston, WA, Columbia, OR, ¹⁵ Kittitas, WA, Wahkiakum, WA.
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota	Brule, SD, Buffalo, SD, Hand, SD, Hughes, SD, Hyde, SD, Lyman, SD, Stanley, SD.
Crow Tribe of Montana	Big Horn, MT, Carbon, MT, Treasure, MT, ¹⁶ Yellowstone, MT, Big Horn, WY, Sheridan, WY.
Eastern Band of Cherokee Indians	Cherokee, NC, Graham, NC, Haywood, NC, Jackson, NC, Swain, NC.
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Flandreau Santee Sioux Tribe of South Dakota	Moody, SD.
Forest County Potawatomi Community, Wisconsin	Forest, WI, Marinette, WI, Oconto, WI.
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.	Blaine, MT, Phillips, MT.
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon.	Nevada, Malheur, OR.
Fort McDowell Yavapai Nation, Arizona	Maricopa, AZ.
Fort Mojave Indian Tribe of Arizona, California and Nevada	Nevada, Mohave, AZ, San Bernardino, CA.
Gila River Indian Community of the Gila River Indian Reservation, Arizona.	Maricopa, AZ, Pinal, AZ.
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan	Antrim, MI, ¹⁷ Benzie, MI, Charlevoix, MI, Grand Traverse, MI, Leelanau, MI, Manistee, MI.
Hannahville Indian Community, Michigan	Delta, MI, Menominee, MI.
Haskell Indian Health Center	Douglas, KS. ¹⁸

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Havasupai Tribe of the Havasupai Reservation, Arizona	Coconino, AZ.
Ho-Chunk Nation of Wisconsin	Adams, WI, ¹⁹ Clark, WI, Columbia, WI, Crawford, WI, Dane, WI, Eau Claire, WI, Houston, MN, Jackson, WI, Juneau, WI, La Crosse, WI, Marathon, WI, Monroe, WI, Sauk, WI, Shawano, WI, Vernon, WI, Wood, WI.
Hoh Indian Tribe	Jefferson, WA.
Hopi Tribe of Arizona	Apache, AZ, Coconino, AZ, Navajo, AZ.
Houlton Band of Maliseet Indians	Aroostook, ME. ²⁰
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona	Coconino, AZ, Mohave, AZ, Yavapai, AZ.
Iowa Tribe of Kansas and Nebraska	Brown, KS, Doniphan, KS, Richardson, NE.
Jamestown S'Klallam Tribe	Clallam, WA, Jefferson, WA.
Jena Band of Choctaw Indians	Grand Parish, LA, ²¹ LaSalle Parish, LA, Rapides, LA.
Jicarilla Apache Nation, New Mexico	Archuleta, CO, Rio Arriba, NM, Sandoval, NM.
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona.	Coconino, AZ, Mohave, AZ, Kane, UT.
Kalispel Indian Community of the Kalispel Reservation	Pend Oreille, WA, Spokane, WA.
Kewa Pueblo, New Mexico	Sandoval, NM, Santa Fe, NM.
Keweenaw Bay Indian Community, Michigan	Baraga, MI, Houghton, MI, Ontonagon, MI.
Kickapoo Traditional Tribe of Texas	Maverick, TX. ²²
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas	Brown, KS, Jackson, KS.
Klamath Tribes	Klamath, OR. ²³
Koi Nation of Northern California (formerly known as Lower Lake Rancheria, California).	Lake, CA, Sonoma, CA. ²⁴
Kootenai Tribe of Idaho	Boundary, ID.
Lac Courte Oreilles Band of Superior Chippewa Indians of Wisconsin	Sawyer, WI.
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin.	Iron, WI, Oneida, WI, Vilas, WI.
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan	Gogebic, MI.
Little River Band of Ottawa Indians, Michigan	Kent, MI, ²⁵ Muskegon, MI, Newaygo, MI, Oceana, MI, Ottawa, MI, Manistee, MI, Mason, MI, Wexford, MI, Lake, MI.
Little Traverse Bay Bands of Odawa Indians, Michigan	Alcona, MI, ²⁶ Alger, MI, Alpena, MI, Antrim, MI, Benzie, MI, Charlevoix, MI, Cheboygan, MI, Chippewa, MI, Crawford, MI, Delta, MI, Emmet, MI, Grand Traverse, MI, Iosco, MI, Kalkaska, MI, Leelanau, MI, Luce, MI, Mackinac, MI, Manistee, MI, Missaukee, MI, Montmorency, MI, Ogemaw, MI, Oscoda, MI, Otsego, MI, Presque Isle, MI, Schoolcraft, MI, Roscommon, MI, Wexford, MI.
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota	Brule, SD, Buffalo, SD, Hughes, SD, Lyman, SD, Stanley, SD.
Lower Elwha Tribal Community	Clallam, WA.
Lower Sioux Indian Community in the State of Minnesota	Redwood, MN, Renville, MN.
Lummi Tribe of the Lummi Reservation	Whatcom, WA.
Makah Indian Tribe of the Makah Indian Reservation	Clallam, WA.
Mashantucket Pequot Indian Tribe	New London, CT. ²⁷
Mashpee Wampanoag Tribe	Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA, ²⁸
Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan	Allegan, MI, ²⁹ Barry, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Menominee Indian Tribe of Wisconsin	Langlade, WI, Menominee, WI, Oconto, WI, Shawano, WI.
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico	Chaves, NM, Lincoln, NM, Otero, NM.
Miccosukee Tribe of Indians	Broward, FL, Collier, FL, Miami-Dade, FL, Hendry, FL.
Minnesota Chippewa Tribe, Minnesota, Bois Forte Band (Nett Lake)	Itasca, MN, Koochiching, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Fond du Lac Band	Carlton, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Grand Portage Band	Cook, MN.
Minnesota Chippewa Tribe, Minnesota, Leech Lake Band	Beltrami, MN, Cass, MN, Hubbard, MN, Itasca, MN.
Minnesota Chippewa Tribe, Minnesota, Mille Lacs Band	Aitkin, MN, Kanebec, MN, Mille Lacs, MN, Pine, MN.
Minnesota Chippewa Tribe, Minnesota, White Earth Band	Becker, MN, Clearwater, MN, Mahnomen, MN, Norman, MN, Polk, MN.
Mississippi Band of Choctaw Indians	Attala, MS, Jasper, MS, ³⁰ Jones, MS, Kemper, MS, Leake, MS, Neshoba, MS, Newton, MS, Noxubee, MS, ³¹ Scott, MS, ³² Winston, MS.
Mohegan Tribe of Indians of Connecticut	Fairfield, CT, Hartford, CT, Litchfield, CT, Middlesex, CT, New Haven, CT, New London, CT, Tolland, CT, Windham, CT.
Muckleshoot Indian Tribe	King, WA, Pierce, WA.
Narragansett Indian Tribe	Washington, RI. ³³
Navajo Nation, Arizona, New Mexico, & Utah	Apache, AZ, Bernalillo, NM, Cibola, NM, Coconino, AZ, Kane, UT, McKinley, NM, Montezuma, CO, Navajo, AZ, Rio Arriba, NM, Sandoval, NM, San Juan, NM, San Juan, UT, Socorro, NM, Valencia, NM.
Nevada	Entire State. ³⁴
Nez Perce Tribe	Clearwater, ID, Idaho, ID, Latah, ID, Lewis, ID, Nez Perce, ID.
Nisqually Indian Tribe	Pierce, WA, Thurston, WA.
Nooksack Indian Tribe	Whatcom, WA.
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.	Big Horn, MT, Carter, MT, ³⁵ Rosebud, MT.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Northwestern Band of Shoshone Nation	Box Elder, UT. ³⁶
Nottawaseppi Huron Band of the Pottawatomis, Michigan	Allegan, MI, ³⁷ Barry, MI, Branch, MI, Calhoun, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Oglala Sioux Tribe	Bennett, SD, Cherry, NE, Custer, SD, Dawes, NE, Fall River, SD, Jackson, SD, ³⁸ Mellette, SD, Pennington, SD, Shannon, SD, Sheridan, NE, Todd, SD.
Ohkay Owingeh, New Mexico	Rio Arriba, NM.
Oklahoma	Entire State. ³⁹
Omaha Tribe of Nebraska	Burt, NE, Cuming, NE, Monona, IA, Thurston, NE, Wayne, NE.
Oneida Nation	Brown, WI, Outagamie, WI.
Oneida Nation of New York	Chenango, NY, Cortland, NY, Herkimer, NY, Madison, NY, Oneida, NY, Onondaga, NY.
Onondaga Nation	Onondaga, NY.
Paiute Indian Tribe of Utah	Iron, UT, ⁴⁰ Millard, UT, Sevier, UT, Washington, UT.
Pamunkey Indian Tribe	Caroline, Hanover, Henrico, King William, King and Queen, New Kent, Richmond (Independent City). ⁴¹
Pascua Yaqui Tribe of Arizona	Pima, AZ. ⁴²
Passamaquoddy Tribe	Aroostook, ME, ⁴³ Hancock, ME, ⁴⁵ Washington, ME.
Penobscot Nation	Aroostook, ME ⁴⁶ , Penobscot, ME.
Poarch Band of Creeks	Baldwin, AL, ⁴⁷ Elmore, AL, Escambia, AL, Mobile, AL, Monroe, AL, Escambia, FL.
Pokagon Band of Pottawatomis Indians, Michigan and Indiana	Allegan, MI, ⁴⁸ Berrien, MI, Cass, MI, Elkhart, IN, Kosciusko, IN, La Porte, IN, Marshall, IN, St. Joseph, IN, Starke, IN, Van Buren, MI.
Ponca Tribe of Nebraska	Boyd, NE, ⁴⁹ Burt, NE, Charles Mix, SD, Douglas, NE, Hall, NE, Holt, NE, Knox, NE, Lancaster, NE, Madison, NE, Platte, NE, Pottawatomie, IA, Sarpy, NE, Stanton, NE, Wayne, NE, Woodbury, IA.
Port Gamble S'Klallam Tribe	Kitsap, WA.
Prairie Band of Pottawatomis Nation	Jackson, KS.
Prairie Island Indian Community in the State of Minnesota	Goodhue, MN.
Pueblo of Acoma, New Mexico	Cibola, NM.
Pueblo of Cochiti, New Mexico	Sandoval, NM, Santa Fe, NM.
Pueblo of Isleta, New Mexico	Bernalillo, NM, Tarrant, NM, Valencia, NM.
Pueblo of Jemez, New Mexico	Sandoval, NM.
Pueblo of Laguna, New Mexico	Bernalillo, NM, Cibola, NM, Sandoval, NM, Valencia, NM.
Pueblo of Nambe, New Mexico	Santa Fe, NM.
Pueblo of Picuris, New Mexico	Taos, NM.
Pueblo of Pojoaque, New Mexico	Rio Arriba, NM, Santa Fe, NM.
Pueblo of San Felipe, New Mexico	Sandoval, NM.
Pueblo of San Ildefonso, New Mexico	Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Sandia, New Mexico	Bernalillo, NM, Sandoval, NM.
Pueblo of Santa Ana, New Mexico	Sandoval, NM.
Pueblo of Santa Clara, New Mexico	Los Alamos, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Taos, New Mexico	Colfax, NM, Taos, NM.
Pueblo of Tesuque, New Mexico	Santa Fe, NM.
Pueblo of Zia, New Mexico	Sandoval, NM.
Puyallup Tribe of the Puyallup Reservation	King, WA, Pierce, WA, Thurston, WA.
Quechan Tribe of the Fort Yuma Indian Reservation, Arizona and California	Yuma, AZ, Imperial, CA.
Quileute Tribe of the Quileute Reservation	Clallam, WA, Jefferson, WA.
Quinault Indian Nation	Grays Harbor, WA, Jefferson, WA.
Rapid City, South Dakota	Pennington, SD. ⁵⁰
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Bayfield, WI.
Red Lake Band of Chippewa Indians, Minnesota	Beltrami, MN, Clearwater, MN, Koochiching, MN, Lake of the Woods, MN, Marshall, MN, Pennington, MN, Polk, MN, Roseau, MN.
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	Bennett, SD, Cherry, NE, Gregory, SD, Lyman, SD, Mellette, SD, Todd, SD, Tripp, SD.
Sac & Fox Nation of Missouri in Kansas and Nebraska	Brown, KS, Richardson, NE.
Sac & Fox Tribe of the Mississippi in Iowa	Tama, IA.
Saginaw Chippewa Indian Tribe of Michigan	Arenac, MI, ⁵¹ Clare, MI, Isabella, MI, Midland, MI, Missaukee, MI.
Saint Regis Mohawk Tribe	Franklin, NY, St. Lawrence, NY.
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona	Maricopa, AZ.
Samish Indian Nation	Clallam, WA, ⁵² Island, WA, Jefferson, WA, King, WA, Kitsap, WA, Pierce, WA, San Juan, WA, Skagit, WA, Snohomish, WA, Whatcom, WA.
San Carlos Apache Tribe of the San Carlos Reservation, Arizona	Apache, AZ, Cochise, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Pinal, AZ.
San Juan Southern Paiute Tribe of Arizona	Coconino, AZ, San Juan, UT.
Santee Sioux Nation, Nebraska	Bon Homme, SD, Knox, NE.
Sauk-Suiattle Indian Tribe	Snohomish, WA, Skagit, WA.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Sault Ste. Marie Tribe of Chippewa Indians, Michigan	Alger, MI, ⁵³ Chippewa, MI, Delta, MI, Luce, MI, Mackinac, MI, Marquette, MI, Schoolcraft, MI.
Seminole Tribe of Florida	Broward, FL, Collier, FL, Miami-Dade, FL, Glades, FL, Hendry, FL.
Seneca Nation of Indians	Alleghany, NY, Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Shakopee Mdewakanton Sioux Community of Minnesota	Scott, MN.
Shinnecock Indian Nation	Nassau, NY, ⁵⁴ Suffolk, NY.
Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation	Pacific, WA.
Shoshone-Bannock Tribes of the Fort Hall Reservation	Bannock, ID, Bingham, ID, Caribou, ID, Lemhi, ID, ⁵⁵ Power, ID.
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada	Nevada, Owyhee, ID.
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota	Codington, SD, Day, SD, Grant, SD, Marshall, SD, Richland, ND, Roberts, SD, Sargent, ND, Traverse, MN.
Skokomish Indian Tribe	Mason, WA.
Skull Valley Band of Goshute Indians of Utah	Tooele, UT.
Snoqualmie Indian Tribe	King, WA, ⁵⁶ Snohomish, WA, Pierce, WA, Island, WA, Mason, WA.
Sokaogon Chippewa Community, Wisconsin	Forest, WI.
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado ..	Archuleta, CO, La Plata, CO, Montezuma, CO, Rio Arriba, NM, San Juan, NM.
Spirit Lake Tribe, North Dakota	Benson, ND, Eddy, ND, Nelson, ND, Ramsey, ND.
Spokane Tribe of the Spokane Reservation	Ferry, WA, Lincoln, WA, Stevens, WA.
Squaxin Island Tribe of the Squaxin Island Reservation	Mason, WA.
St. Croix Chippewa Indians of Wisconsin	Barron, WI, Burnett, WI, Pine, MN, Polk, WI, Washburn, WI.
Standing Rock Sioux Tribe of North & South Dakota	Adams, ND, Campbell, SD, Corson, SD, Dewey, SD, Emmons, ND, Grant, ND, Morton, ND, Perkins, SD, Sioux, ND, Walworth, SD, Ziebach, SD.
Stillaguamish Tribe of Indians of Washington	Snohomish, WA.
Stockbridge Munsee Community, Wisconsin	Menominee, WI, Shawano, WI.
Suquamish Indian Tribe of the Port Madison Reservation	Kitsap, WA.
Swinomish Indian Tribal Community	Skagit, WA.
Tejon Indian Tribe	Kern, CA. ⁵⁷
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota ..	Dunn, ND, Mercer, ND, McKenzie, ND, McLean, ND, Mountrail, ND, Ward, ND.
Tohono O'odham Nation of Arizona	Maricopa, AZ, Pima, AZ, Pinal, AZ.
Tonawanda Band of Seneca	Genesee, NY, Erie, NY, Niagara, NY.
Tolowa Dee-ni' Nation (formerly known as Smith River Rancheria of California)	California, Curry, OR. ⁵⁸
Tonto Apache Tribe of Arizona	Gila, AZ.
Trenton Service Unit, North Dakota and Montana	Divide, ND, ⁵⁹ McKenzie, ND, Williams, ND, Richland, MT, Roosevelt, MT, Sheridan, MT.
Tulalip Tribes of Washington	Snohomish, WA.
Tunica-Biloxi Indian Tribe	Avoyelles, LA, Rapides, LA. ⁶⁰
Turtle Mountain Band of Chippewa Indians of North Dakota	Rolette, ND.
Tuscarora Nation	Niagara, NY.
Upper Sioux Community, Minnesota	Chippewa, MN, Yellow Medicine, MN.
Upper Skagit Indian Tribe	Skagit, WA.
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Carbon, UT, Daggett, UT, Duchesne, UT, Emery, UT, Grand, UT, Rio Blanco, CO, Summit, UT, Uintah, UT, Utah, UT, Wasatch, UT.
Ute Mountain Ute Tribe	Apache, AZ, La Plata, CO, Montezuma, CO, San Juan, NM, San Juan, UT.
Wampanoag Tribe of Gay Head (Aquinnah)	Dukes, MA, ⁶¹ Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA. ⁶²
Washoe Tribe of Nevada & California	Nevada, California except for the counties listed in footnote.
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona	Apache, AZ, Coconino, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Navajo, AZ.
Wilton Rancheria, California	Sacramento, CA. ⁶³
Winnebago Tribe of Nebraska	Dakota, NE, Dixon, NE, Monona, IA, Thurston, NE, Wayne, NE, Woodbury, IA.
Yankton Sioux Tribe of South Dakota	Bon Homme, SD, Boyd, NE, Charles Mix, SD, Douglas, SD, Gregory, SD, Hutchinson, SD, Knox, NE.
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona	Yavapai, AZ.
Yavapai-Prescott Indian Tribe	Yavapai, AZ.
Ysleta Del Sur Pueblo of Texas	El Paso, TX. ⁶⁴
Zuni Tribe of the Zuni Reservation, New Mexico	Apache, AZ, Cibola, NM, McKinley, NM, Valencia, NM.

¹ Public Law 100-89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for "members of the Tribe" by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

² Entire State of Alaska is included as a CHSDA by regulation (42 CFR 136.22(a)(1)).

³ Aroostook Band of Micmacs was recognized by Congress on November 26, 1991, through the Aroostook Band of Micmac Settlement Act. Aroostook County, ME, was defined as the SDA.

⁴Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Brigham City Intermountain School Health Center, Utah (Pub. L. 88–358). The Brigham Intermountain School Health Center was renamed to Intermountain Inter-Tribal School in 1974 and was permanently closed on May 17, 1984.

⁵Entire State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, is designated a CHSDA (25 U.S.C. 1680).

⁶The counties were recognized after the January 1984 CHSDA FRN was published, in accordance with Public Law 103–116, Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, dated October 27, 1993.

⁷There is no reservation for the Cayuga Nation; the service delivery area consists of those counties identified by the Cayuga Nation.

⁸Skamania County, WA, has historically been a part of the Yakama Service Unit population since 1979.

⁹In order to carry out the Congressional intent of the Siletz Restoration Act, Public Law 95–195, as expressed in H. Report No. 95–623, at page 4, members of the Confederated Tribes of Siletz Indians of Oregon residing in these counties are eligible for contract health services.

¹⁰Chelan County, WA, has historically been a part of the Colville Service Unit population since 1970.

¹¹Pursuant to Public Law 98–481 (H. Rept. No. 98–904), Coos, Lower Umpqua and Siuslaw Restoration Act, members of the Tribe residing in these counties were specified as eligible for Federal services and benefits without regard to the existence of a Federal Indian reservation.

¹²The Confederated Tribes of Grand Ronde Community of Oregon were recognized by Public Law 98–165 which was signed into law on November 22, 1983, and provides for eligibility in these six counties without regard to the existence of a reservation.

¹³The CHSDA for the Coushatta Tribe of Louisiana was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(6)) to include city limits of Elton, LA.

¹⁴Cow Creek Band of Umpqua Tribe of Indians recognized by Public Law 97–391, signed into law on December 29, 1983. House Rept. No. 97–862 designates Douglas, Jackson, and Josephine Counties as a service area without regard to the existence of a reservation. The IHS later administratively expanded the CHSDA to include the counties of Coos, OR, Deschutes, OR, Klamath, OR, and Lane, OR.

¹⁵The Cowlitz Indian Tribe was recognized in July 2002 as documented at 67 FR 46329, July 12, 2002. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638. The CHSDA was administratively expanded to include Columbia County, OR, Kittitas, WA, and Wahkiakum County, WA, as published at 67884 FR December 21, 2009.

¹⁶Treasure County, MT, has historically been a part of the Crow Service Unit population.

¹⁷The counties listed have historically been a part of the Grand Traverse Service Unit population since 1980.

¹⁸Haskell Indian Health Center has historically been a part of Kansas Service Unit since 1979. Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Haskell Indian Health Center (H. Rept. No. 95–392).

¹⁹CHSDA counties for the Ho-Chunk Nation of Wisconsin were designated by regulation (42 CFR 136.22(a)(5)). Dane County, WI, was added to the reservation by the Bureau of Indian Affairs in 1986.

²⁰Public Law 97–428 provides that any member of the Houlton Band of Maliseet Indians in or around the Town of Houlton shall be eligible without regard to existence of a reservation.

²¹The Jena Band of Choctaw Indian was Federally acknowledged as documented at 60 FR 28480, May 31, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

²²Kickapoo Traditional Tribe of Texas, formerly known as the Texas Band of Kickapoo, was recognized by Public Law 97–429, signed into law on January 8, 1983. The Act provides for eligibility for Kickapoo Tribal members residing in Maverick County without regard to the existence of a reservation.

²³The Klamath Indian Tribe Restoration Act (Pub. L. 99–398, Sec. 2(2)) states that for the purpose of Federal services and benefits “members of the tribe residing in Klamath County shall be deemed to be residing in or near a reservation”.

²⁴The Koi Nation of Northern California, formerly known as the Lower Lake Rancheria, was reaffirmed by the Secretary of the Bureau of Indian Affairs on December 29, 2000. The counties listed were designated administratively as the SDA, to function as a PRCD, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

²⁵The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103–324, Sec. 4(b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

²⁶The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103–324, Sec. 4(b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

²⁷Mashantucket Pequot Indian Claims Settlement Act, Public Law 98–134, signed into law on October 18, 1983, provides a reservation for the Mashantucket Pequot Indian Tribe in New London County, CT.

²⁸The Mashpee Wampanoag Tribe was recognized in February 2007, as documented at 72 FR 8007, February 22, 2007. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

²⁹The Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan was recognized in October 1998, as documented at 63 FR 56936, October 23, 1998. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

³⁰Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

³¹Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

³²Scott County, MS, has historically been a part of the Choctaw Service Unit population since 1970.

³³The Narragansett Indian Tribe was recognized by Public Law 95–395, signed into law September 30, 1978. Lands in Washington County, RI, are now Federally restricted and the Bureau of Indian Affairs considers them as the Narragansett Indian Reservation.

³⁴Entire State of Nevada is included as a CHSDA by regulation (42 CFR 136.22(a)(2)).

³⁵Carter County, MT, has historically been a part of the Northern Cheyenne Service Unit population since 1979.

³⁶Land of Box Elder County, Utah, was taken into trust for the Northwestern Band of Shoshoni Nation in 1986.

³⁷The Nottawaseppi Huron Band of the Potawatomi, Michigan, formerly known as the Huron Band of Potawatomi, Inc., was recognized in December 1995, as documented at 60 FR 66315, December 21, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

³⁸Washabaugh County, SD, merged and became part of Jackson County, SD, in 1983; both were/are CHSDA counties for the Oglala Sioux Tribe.

³⁹Entire State of Oklahoma is included as a CHSDA by regulation (42 CFR 136.22(a)(3)).

⁴⁰Paiute Indian Tribe of Utah Restoration Act, Public Law 96–227, provides for the extension of services for the Paiute Indian Tribe of Utah to these four counties without regard to the existence of a reservation.

⁴¹In the **Federal Register** on July 08, 2015 (80 FR 39144), the Pamunkey Indian Tribe was officially recognized as an Indian Tribe within the meaning of Federal law. The counties listed were designated administratively as the Tribe's PRCD, as announced in the **Federal Register** on July 28, 2017 (82 FR 35227).

⁴²Legislative history (H.R. Report No. 95–1021) to Public Law 95–375, Extension of Federal Benefits to Pascua Yaqui Indians, Arizona, expresses congressional intent that lands conveyed to the Pascua Yaqui Tribe of Arizona pursuant to Act of October 8, 1964. (Pub. L. 88–350) shall be deemed a Federal Indian Reservation.

⁴³The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide contract health services to the Passamaquoddy Tribe and the Penobscot Nation.

⁴⁴The Passamaquoddy Tribe has two reservations: Indian Township and Pleasant Point. The PRCDA for the Passamaquoddy Tribe at Indian Township, ME, is Aroostook County, ME, Washington County, ME, and Hancock County, ME. The PRCDA for the Passamaquoddy Tribe at Pleasant Point, ME, is Washington County, ME, south of State Route 9, and Aroostook County, ME.

⁴⁵The Passamaquoddy Tribe's counties listed are designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

⁴⁶The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide PRC to the Passamaquoddy Tribe and the Penobscot Nation.

⁴⁷Counties in the Service Unit designated by Congress for the Poarch Band of Creek Indians (see H. Rept. 98–886, June 29, 1984; Cong. Record, October 10, 1984, Pg. H11929).

⁴⁸Public Law 103–323 restored Federal recognition to the Pokagon Band of Potawatomi Indians, Michigan and Indiana, in 1994 and identified counties to serve as the SDA.

⁴⁹The Ponca Restoration Act, Public Law 101–484, recognized members of the Ponca Tribe of Nebraska in Boyd, Douglas, Knox, Madison or Lancaster counties of Nebraska or Charles Mix county of South Dakota as residing on or near a reservation. Public Law 104–109 made technical corrections to laws relating to Native Americans and added Burt, Hall, Holt, Platte, Sarpy, Stanton, and Wayne counties of Nebraska and Pottawatomie and Woodbury counties of Iowa to the Ponca Tribe of Nebraska SDA.

⁵⁰Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility, rather than the eligibility regulations. Historically services have been provided at Rapid City (S. Rept. No. 1154, FY 1967 Interior Approp. 89th Cong. 2d Sess.).

⁵¹Historically part of Isabella Reservation Area for the Saginaw Chippewa Indian Tribe of Michigan and the Eastern Michigan Service Unit population since 1979.

⁵²The Samish Indian Tribe Nation was Federally acknowledged in April 1996 as documented at 61 FR 15825, April 9, 1996. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

⁵³CHSDA counties for the Sault Ste. Marie Tribe of Chippewa Indians, Michigan, were designated by regulation (42 CFR 136.22(a)(4)).

⁵⁴The Shinnecock Indian Nation was Federally acknowledged in June 2010 as documented at 75 FR 34760, June 18, 2010. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

⁵⁵Lemhi County, ID, has historically been a part of the Fort Hall Service Unit population since 1979.

⁵⁶The Snoqualmie Indian Tribe was Federally acknowledged in August 1997 as documented at 62 FR 45864, August 29, 1997. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

⁵⁷On December 30, 2011 the Office of Assistant Secretary-Indian Affairs reaffirmed the Federal recognition of the Tejon Indian Tribe. The county listed was designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

⁵⁸The counties listed are designated administratively as the SDA, to function as a PRC SDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

⁵⁹The Secretary acting through the Service is directed to provide contract health services to Turtle Mountain Band of Chippewa Indians that reside in Trenton Service Unit, North Dakota and Montana, in Divide, Mackenzie, and Williams counties in the state of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the state of Montana (Sec. 815, Pub. L. 94–437).

⁶⁰Rapides County, LA, has historically been a part of the Tunica Biloxi Service Unit population since 1982.

⁶¹According to Public Law 100–95, Sec. 12, members of the Wampanoag Tribe of Gay Head (Aquinnah) residing on Martha's Vineyard are deemed to be living on or near an Indian reservation for the purposes of eligibility for Federal services.

⁶²The counties listed are designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

⁶³The Wilton Rancheria, California had Federal recognition restored in July 2009 as documented at 74 FR 33468, July 13, 2009. Sacramento County, CA, was designated administratively as the SDA, to function as a CHSDA. Sacramento County was not covered when Congress originally established the State of California as a CHSDA excluding certain counties including Sacramento County (25 U.S.C. 1680).

⁶⁴Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coshatta Tribes of Texas establishes service areas for “members of the Tribe” by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

Dated: October 2, 2017.

Michael D. Weahkee,

*RADM, Assistant Surgeon General, U.S.
Public Health Service, Acting Director, Indian
Health Service.*

[FR Doc. 2017–21758 Filed 10–6–17; 8:45 a.m.]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NIH Clinical Center Research Hospital Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and

need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The portion of the meeting devoted to the identification and evaluation of specific candidates for consideration for leadership positions in the Clinical Center will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B) and 552b(c)(6), Title 5 U.S.C., as amended. Premature disclosure of potential candidates and their qualifications, as well as the discussions by the committee, could significantly frustrate NIH's ability to recruit these individuals and the consideration of personnel qualifications, performance, and the competence of individuals as candidates would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: NIH Clinical Center Research Hospital Board.

Date: October 20, 2017.

Open: 9:00 a.m. to 3:45 p.m.

Agenda: Patient Safety Racking and Reporting System; Quality Improvement Assessment Results; IRB Consolidation.

Place: National Institutes of Health Building 31, 31 Center Drive, Bethesda, MD 20892.

Closed: 3:45 p.m. to 5:00 p.m.

Agenda: Identification of Candidates for Leadership Role.

Place: National Institutes of Health Building 31, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Gretchen Wood, Staff Assistant, Office of the Director, National Institutes of Health, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301–496–4272, woodgs@od.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: October 3, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-21690 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Second Stage Review.

Date: November 6, 2017.

Time: 7:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, Bethesda/Chevy Chase, Room 7301, Waverly Street, Bethesda, MD 20814.

Contact Person: Jeannette L. Johnson, Ph.D., National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue,

Suite 2C212, Bethesda, MD 20892, 301-402-7705, johnsonj9@nia.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 3, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-21685 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIA.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute On Aging, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA.

Date: November 14-15, 2017.

Closed: November 14, 2017, 8:00 a.m. to 8:20 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: November 14, 2017, 8:20 a.m. to 11:50 a.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: November 14, 2017, 11:50 a.m. to 1:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: November 14, 2017, 1:00 p.m. to 2:05 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: November 14, 2017, 2:05 p.m. to 2:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: November 14, 2017, 2:30 p.m. to 4:00 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: November 14, 2017, 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: November 15, 2017, 8:00 a.m. to 8:20 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Open: November 15, 2017, 8:20 a.m. to 11:40 a.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Closed: November 15, 2017, 11:40 a.m. to 12:40 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor Conference Room, 251 Bayview Boulevard, Baltimore, MD 21224.

Contact Person: Luigi Ferrucci, MD, Ph.D., Scientific Director, National Institute on Aging, 251 Bayview Boulevard, Suite 100, Room 4C225, Baltimore, MD 21224, 410-558-8110, LF27Z@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 3, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-21686 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Specification for Postal Security Devices and Indicia (Postmarks); Correction

AGENCY: National Institutes of Health, Department of Health and Human Services.

ACTION: Notice; correction.

SUMMARY: The Department of Health and Human Services, National Institutes of Health published a document in the **Federal Register** on October 2, 2017, contemplating the modification of grant of an Exclusive Patent License to Encephal Therapeutics, Inc., located in Winston-Salem, North Carolina, to practice the inventions embodied in the patent applications listed in the Supplementary Information section of this notice. The document contained an incorrect date of signature.

FOR FURTHER INFORMATION CONTACT: Richard Rodriguez, 240-276-6661.

Correction

In the **Federal Register** of October 2, 2017, in FR Doc. 2017-21048, on page 45866, in the second column, correct the "Dated: September 22, 2107" caption to read: "Dated: September 22, 2017".

Dated: October 3, 2017.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2017-21689 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Health Informatics and Biostatistical Methods.

Date: October 20, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Rafael Semansky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2040M, Bethesda, MD 20892, 301-496-5749, semanskyrm@csr.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group, Biostatistical Methods and Research Design Study Section.

Date: October 26-27, 2017.

Time: 8:00 a.m. to 5:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005.

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892, 301-435-1116, kozelp@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Integrative Neuroscience.

Date: October 27, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ying-Yee Kong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5185, Bethesda, MD 20892, ying-yee.kong@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Acute Brain Injury and Recovery.

Date: October 30, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892-7846, 301-435-1254, yakovleva@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pulmonary Diseases.

Date: October 31–November 1, 2017.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: George M. Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892, 301-435-0696, barnasg@csr.nih.gov.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiac Contractility, Hypertrophy, and Failure Study Section.

Date: November 1-2, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7814, Bethesda, MD 20892, 301-435-2365, aitouche@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Myalgic Encephalomyelitis/Chronic Fatigue Syndrome.

Date: November 1, 2017.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jana Drgonova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301-827-2549, jdrgonova@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 3, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-21682 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Metabolic Reprogramming to Improve Immunotherapy.
Date: October 30, 2017.

Time: 11:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806-2515, chatterm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Medical Imaging Investigations.

Date: October 31, 2017.

Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301-435-0484, mohsenim@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Alcohol and Cocaine.

Date: November 1-2, 2017.

Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301-435-1119, selmanom@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Surgical Disparities Research.

Date: November 1, 2017.

Time: 10:00 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Claire E. Gutkin, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3106,

MSC 7808, Bethesda, MD 20892, 301-594-3139, gutkincl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Project Cooperative Agreements.

Date: November 1, 2017.

Time: 3:00 p.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404-7419, rosenzweign@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Pilot Clinical Trials for The Spectrum of Alzheimer's Disease.

Date: November 1, 2017.

Time: 12:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Wind Cowles, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, Bethesda, MD 20892, 301-437-7872, cowleshw@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Molecular and Cellular Substrates of Complex Brain Disorders.

Date: November 2-3, 2017.

Time: 8:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.

Place: Hotel Zoe San Francisco, 425 North Point St., San Francisco, CA 94133.

Contact Person: Brian H. Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301-827-7490, brianscott@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomedical Sensing, Measurement and Instrument.

Date: November 2-3, 2017.

Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Inna Gorshkova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-1784, gorshkoi@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Immunology.

Date: November 2-3, 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: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016F, Bethesda, MD 20892, 301-435-0908, lguo@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Hematology and Vascular Pathobiology.

Date: November 2-3, 2017.

Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301-408-9497, zouai@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Integrative Neuroscience.

Date: November 2, 2017.

Time: 1:00 p.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892-7814, 301-435-1787, borzanj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Drug Discovery and Mechanisms of Antimicrobial Resistance.

Date: November 2, 2017.

Time: 1:00 p.m. to 2:15 p.m.
Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: Guangyong Ji, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892, 301-435-1146, jig@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 3, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-21683 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute on Aging; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 on Aging Special Emphasis Panel; Chronic Statin Use and Influenza Vaccine Responses in Older Adult.

Date: October 31, 2017.

Time: 2:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Ave., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301-402-7704, mikhaili@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 3, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-21687 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Dental & Craniofacial Research; 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 Dental and Craniofacial Research Special Emphasis Panel; Small Research Grant for Oral Health Data Analysis and Statistical Methodology Development.

Date: November 2, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Guo He Zhang, MPH, Ph.D., Scientific Review Officer, Scientific Review Branch, Natl Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard Suite, 672, Bethesda, MD 20892, zhanggu@mail.nih.gov.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR Clinical Trials and Studies SEP.

Date: November 13, 2017.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Latarsha J. Carithers, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCR, 6701 Democracy Boulevard, Suite 672, Bethesda, MD 20892, 301-594-4859, latarsha.carithers@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: October 3, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-21688 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Heart, Lung, and Blood Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the NHLBI Special Emphasis Panel.

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 Heart, Lung, and Blood Institute Special Emphasis Panel; Stem Cell—Derived Blood Products.

Date: October 24, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Kristin Goltry, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, 301-435-0297, goltrykl@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 3, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-21684 Filed 10-6-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection**

[1651-0025]

Agency Information Collection Activities: Report of Diversion

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than November 9, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to dhsdeskofficer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information collection was previously published in the **Federal Register** (82 FR 37105) on August 8, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The comments that are submitted will be

summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Report of Diversion.

OMB Number: 1651-0025.

Form Number: CBP Form 26.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected on Form 26.

Type of Review: Extension (without change).

Abstract: CBP Form 26, *Report of Diversion*, is used to track vessels traveling coastwise from U.S. ports to other U.S. ports when a change occurs in scheduled itineraries. This form is initiated by the vessel owner or agent to notify and request approval by CBP for a vessel to divert while traveling coastwise from a U.S. port to another U.S. port, or a vessel traveling to a foreign port having to divert to a U.S. port when a change occurs in the vessel itinerary. CBP Form 26 collects information such as the name and nationality of the vessel, the expected port and date of arrival, and information about any related penalty cases, if applicable. This information collection is authorized by 46 U.S.C. 60105 and is provided for in 19 CFR 4.91. CBP Form 26 is accessible at http://www.cbp.gov/sites/default/files/documents/CBP%20Form%2026_0.pdf.

Affected Public: Businesses.

Estimated Number of Respondents: 1,400.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Number of Total Annual Responses: 2,800.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 233.

Dated: October 4, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017-21737 Filed 10-6-17; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0001]

Agency Information Collection

Activities: Cargo Manifest/Declaration, Stow Plan, Container Status Messages and Importer Security Filing

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; revision of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than November 9, 2017 to be assured of consideration).

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to dhsdeskofficer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information

collection was previously published in the **Federal Register** (82 FR 35982) on August 2, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Cargo Manifest/Declaration, Stow Plan, Container Status Messages and Importer Security Filing.

OMB Number: 1651-0001.

Form Numbers: CBP Forms 1302, 1302A, 7509, 7533.

Abstract: This OMB approval includes the following existing information collections: CBP Form 1302 (or electronic equivalent); CBP Form 1302A (or electronic equivalent); CBP Form 7509 (or electronic equivalent); CBP Form 7533 (or electronic equivalent); Manifest Confidentiality; Vessel Stow Plan (Import); Container Status Messages; and Importer Security Filing, Electronic Ocean Export Manifest; Electronic Air Export Manifest; Electronic Rail Export Manifest; and Vessel Stow Plan (Export). CBP is proposing to add a new information collection for the Air Cargo Advance Screening (ACAS) Pilot Program.

CBP Form 1302: The master or commander of a vessel arriving in the United States from abroad with cargo on board must file CBP Form 1302, *Inward Cargo Declaration*, or submit the information on this form using a CBP-approved electronic equivalent. CBP

Form 1302 is part of the manifest requirements for vessels entering the United States and was agreed upon by treaty at the United Nations Inter-government Maritime Consultative Organization (IMCO). This form and/or electronic equivalent, is provided for by 19 CFR 4.5, 4.7, 4.7a, 4.8, 4.33, 4.34, 4.38, 4.84, 4.85, 4.86, 4.91, 4.93 and 4.99 and is accessible at: http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201302_0.pdf.

CBP Form 1302A: The master or commander of a vessel departing from the United States must file CBP Form 1302A, *Cargo Declaration Outward With Commercial Forms*, or CBP-approved electronic equivalent, with copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the manifest. This form and/or electronic equivalent, is provided for by 19 CFR 4.62, 4.63, 4.75, 4.82, and 4.87-4.89 and is accessible at: http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201302_0.pdf.

Electronic Ocean Export Manifest: CBP began a pilot in 2015 to electronically collect ocean export manifest information. This information is transmitted to CBP in advance via the Automated Export System (AES) within the Automated Commercial Environment (ACE).

CBP Form 7509: The aircraft commander or agent must file Form 7509, *Air Cargo Manifest*, with CBP at the departure airport, or respondents may submit the information on this form using a CBP-approved electronic equivalent. CBP Form 7509 contains information about the cargo onboard the aircraft. This form, and/or electronic equivalent, is provided for by 19 CFR 122.35, 122.48, 122.48a, 122.52, 122.54, 122.73, 122.113, and 122.118, and is accessible at: http://www.cbp.gov/sites/default/files/documents/CBP%20Form%207509_0.pdf.

Air Cargo Advance Screening (ACAS): CBP began a pilot in 2012 announced via a notice published in **Federal Register** on October 24, 2012 (77 FR 65006). The ACAS pilot is a voluntary test in which participants agree to submit a subset of the required 19 CFR 122.48a data elements at the earliest point practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States. The ACAS pilot data is transmitted to CBP via a CBP-approved electronic data interchange system. Currently, the ACAS pilot data consists of:

- (1) Air waybill number
- (2) Total quantity based on the smallest external packing unit

- (3) Total weight
- (4) Cargo description
- (5) Shipper name and address
- (6) Consignee name and address

Electronic Air Export Manifest: CBP began a pilot in 2015 to electronically collect air export manifest information. This information is transmitted to CBP in advance via ACE's AES.

CBP Form 7533: The master or person in charge of a conveyance files CBP Form 7533, *Inward Cargo Manifest for Vessel Under Five Tons, Ferry, Train, Car, Vehicle, etc.*, which is required for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico, otherwise than by sea, with baggage or merchandise. Respondents may also submit the information on this form using a CBP-approved electronic equivalent. CBP Form 7533, and/or electronic equivalent, is provided for by 19 CFR 123.4, 123.7, 123.61, 123.91, and 123.92, and is accessible at: http://www.cbp.gov/sites/default/files/documents/CBP%20Form%207533_0.pdf.

Electronic Rail Export Manifest: CBP began a pilot in 2015 to electronically collect the rail export manifest information. This information is transmitted to CBP in advance via ACE's AES.

Manifest Confidentiality: An importer or consignee (inward) or a shipper (outward) may request confidential treatment of its name and address contained in manifests by following the procedure set forth in 19 CFR 103.31.

Vessel Stow Plan (Import): For all vessels transporting goods to the United States, except for any vessel exclusively carrying bulk cargo, the incoming carrier is required to electronically submit a vessel stow plan no later than 48 hours after the vessel departs from the last foreign port that includes information about the vessel and cargo. For voyages less than 48 hours in duration, CBP must receive the vessel stow plan prior to arrival at the first port in the U.S. The vessel stow plan is provided for by 19 CFR 4.7c.

Vessel Stow Plan (Export): CBP began a pilot in 2015 to electronically collect a vessel stow plan for vessels transporting goods from the United States, except for any vessels exclusively carrying bulk cargo. The exporting carrier is required to electronically submit a vessel stow plan in advance.

Container Status Messages (CSMs): For all containers destined to arrive within the limits of a U.S. port from a foreign port by vessel, the incoming carrier must submit messages regarding

the status of events if the carrier creates or collects a container status message (CSM) in its equipment tracking system reporting an event. CSMs must be transmitted to CBP via a CBP-approved electronic data interchange system. These messages transmit information regarding events such as the status of a container (full or empty); booking a container destined to arrive in the United States; loading or unloading a container from a vessel; and a container arriving or departing the United States. CSMs are provided for by 19 CFR 4.7d.

Importer Security Filing (ISF): For most cargo arriving in the United States by vessel, the importer, or its authorized agent, must submit the data elements listed in 19 CFR 149.3 via a CBP-approved electronic interchange system within prescribed time frames. Transmission of these data elements provide CBP with advance information about the shipment.

Current Actions: CBP is proposing that this information collection be extended with no change to the burden hours resulting from the proposed

revision to the information collection associated with the Air Cargo Advance Screening pilot, as there is no change to the data being collected, only to the timing of the collection. There are no changes to the existing information collections under this OMB approval. The burden hours are listed in the chart below.

Type of Review: Revision and Extension.

Affected Public: Businesses.

Collection	Total burden hours	Number of respondents	Number of responses per respondent	Total responses	Time per response
Air Cargo Manifest (CBP Form 7509)	366,600	215	6820.46	1,466,400	15 minutes.
Air Cargo Advance Screening Pilot (ACAS)					
Inward Cargo Manifest for Truck, Rail, Vehicles, Vessels, etc. (CBP Form 7533)	962,940	33,000	291.8	9,629,400	6 minutes.
Inward Cargo Declaration (CBP Form 1302)	1,500,000	10,000	300	3,000,000	30 minutes.
Cargo Declaration Outward With Commercial Forms (CBP Form 1302A)	10,000	500	400	200,000	3 minutes.
Importer Security Filing	17,739,000	240,000	33.75	8,100,000	2.19 hours.
Vessel Stow Plan (Import)	31,803	163	109	17,767	1.79 hours.
Vessel Stow Plan (Export)	31,803	163	109	17,767	1.79 hours.
Container Status Messages	23,996	60	4,285,000	257,100,000	0.0056 minutes.
Request for Manifest Confidentiality	1,260	5,040	1	5,040	15 minutes.
Electronic Air Export Manifest	121,711	260	5,640	1,466,400	5 minutes.
Electronic Ocean Export Manifest	5,000	500	400	200,000	1.5 minutes.
Electronic Rail Export Manifest	2,490	50	300	15,000	10 minutes.
TOTAL	20,796,603	289,996	.....	281,217,774	

Dated: October 4, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017-21738 Filed 10-6-17; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-HQ-WSFR-2017-N095; FF09W25000-178-FXGO166409WSFR0; OMB Control Number 1018-0100]

Agency Information Collection Activities; Administrative Procedures for U.S. Fish and Wildlife Service Financial Assistance Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the U.S. Fish and Wildlife Service (we, Service) is proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before December 11, 2017.

ADDRESSES: Send your comments on the information collection request (ICR) by mail to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to Info_Coll@fws.gov. Please reference Office of Management and Budget (OMB) Control Number "1018-0100" in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at Info_Coll@fws.gov, or by telephone at (703) 358-2503.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the

public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment

to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Information collection requirements associated with the administrative processes used to administer Service financial assistance programs are currently approved under four different OMB control numbers:

- 1018–0100, “Migratory Birds and Wetlands Conservation Grant Programs, 50 CFR 17 and 23”;
- 1018–0109, “Wildlife and Sport Fish Restoration Grants and Cooperative Agreements, 50 CFR 80, 81, 84, 85, and 86”;
- 1018–0123, “International Conservation Grant Programs”; and
- 1018–0154, “Wolf-Livestock Demonstration Project Grant Program.”

In this revision, we are consolidating all of the information collection requirements associated with the four OMB Control Numbers identified above into one control number, OMB Control No. 1018–0100, with a new title to more accurately reflect the purpose of the consolidated collection of information. Consolidation of OMB approvals into a single collection reduces burden on the public by ensuring consistency in the application and award administration processes across all Service financial assistance programs. If OMB approves this request, we will discontinue OMB Control Numbers 1018–0109, 1018–0123, and 1018–0154.

We issue financial assistance through grants and cooperative agreement awards to individuals; commercial organizations; institutions of higher education; non-profit organizations; foreign entities; and State, local, and Tribal governments. The Service administers a wide variety of financial assistance programs, authorized by Congress to address the Service’s mission, as listed in the Catalog of Federal Domestic Assistance (CFDA). The CFDA is a government-wide compendium of Federal programs, projects, services, and activities that provide assistance or benefits to the American public. It contains financial and non-financial assistance programs administered by departments and establishments of the Federal government. The CFDA listing includes program types and numbers, the specific type of assistance for each program, and includes the applicable authorities for each program within the description. A list of currently authorized Service financial assistance programs can be found at <https://www.cfda.gov/?s=agency&mode=form&tab=program&id=000710afb4d72c15f9fc20a83f7319d0>. The Service currently

manages the following types of assistance as categorized by the CFDA:

- Formula Grants
- Project Grants
- Project Grants (Discretionary)
- Cooperative Agreements (Discretionary Grants)
- Direct Payments with Unrestricted Use
- Use of Property, Facilities, and Equipment
- Provision of Specialized Services
- Advisory Services and Counseling
- Dissemination of Technical Information
- Training

Some assistance programs are mandatory and funds are awarded to eligible recipients according to a formula set by law or policy. Other programs are discretionary and award funds based on competitive selection and merit review processes. Mandatory grant recipients must give us specific, detailed project information during the application process so that we may ensure that projects are eligible for the mandatory funding, are substantial in character and design, and comply with all applicable Federal laws. Discretionary grant applicants must give us information as dictated by the program requirements and as requested in the notice of funding opportunity (NOFO), including that information that addresses ranking criteria. All recipients must submit financial and performance reports that contain information necessary for us to track costs and accomplishments. The rewardees’ reports must adhere to schedules and rules in 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which was effective as of December 26, 2014. Part 200 prescribes the information that Federal agencies must collect, and financial assistance recipients must provide, and also supports this information collection.

The Service uses the grant process to provide technical and financial assistance to other Federal agencies, States, local governments, Native American tribes, non-governmental organizations, citizen groups, and private landowners, for the conservation and management of fish and wildlife resources. The process begins with the submission of an application. The respective program reviews and prioritizes proposed projects based on their respective project selection criteria. Pending availability of funding, applicants can submit their application documents to the Service through the Federal *Grants.gov* Web site, when

solicited by the Service through a NOFO.

As part of this collection of information, the Service collects the following types of information requiring approval under the PRA:

A. *Application Package:* We use the information provided in applications to: (1) Determine eligibility under the authorizing legislation and applicable program regulations; (2) determine allowability of major cost items under the Cost Principles at 2 CFR 200; (3) select those projects that will provide the highest return on the Federal investment; and (4) assist in compliance with laws, as applicable, such as the National Environmental Policy Act, the National Historic Preservation Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The full application package (submitted by the applicant) generally include the following:

- Required Federal financial assistance application forms (SF–424 suite of forms, as applicable to specified project).
- Project Narrative—generally includes items such as:
 - Statement of need,
 - Project goals and objectives,
 - Methods used and timetable,
 - Description of key personnel qualifications,
 - Description of stakeholders or other relevant organizations/individuals involved and level of involvement,
 - Project monitoring and evaluation plan, and/or
 - Other pertinent project specific information.
- Pertinent project budget-related information—generally includes items such as:
 - Budget justification,
 - Indirect cost statement,
 - Federally-funded equipment list, and/or
 - Certifications and disclosures.

B. *Reporting Requirements:* Reporting requirements associated with financial assistance awards generally include the following types of reports:

- Performance reports,
- Financial reports, and
- Work plan and accomplishment reports.

C. *Recordkeeping Requirements:* In accordance with 2 CFR 200.333, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of 3 years after the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the

submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity (in the case of a subrecipient).

D. Amendments: Most awardees must explain and justify requests for amendments to terms of the grant. The information is used to determine the eligibility and allowability of activities and to comply with the requirements of 2 CFR 200.

Title of Collection: Administrative Procedures for U.S. Fish and Wildlife Service Financial Assistance Programs.

OMB Control Number: 1018-0100.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals; commercial organizations; institutions of higher education; non-profit organizations; foreign entities; and State, local, and Tribal governments.

Total Estimated Number of Annual Respondents: 7,110.

Total Estimated Number of Annual Responses: 10,745.

Estimated Completion Time per Response: Varies from 3 hours to 30 hours, depending on the activity.

Total Estimated Number of Annual Burden Hours: 189,615.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna L. Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2017-21734 Filed 10-6-17; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2017-0045; FXIA16710900000-178-FF09A30000]

Foreign Endangered and Threatened Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered and threatened species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before November 9, 2017.

ADDRESSES:

Submitting Comments: You may submit comments by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-HQ-IA-2017-0045.

- **U.S. mail or hand-delivery:** Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2017-0045; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

When submitting comments, please indicate the name of the applicant and the PRT# you are commenting on. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

Viewing Comments: Comments and materials we receive will be available for public inspection on <http://www.regulations.gov>, or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041-3803; telephone 703-358-2095.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, Government Information Specialist, Division of Management Authority, U.S. Fish and Wildlife Service Headquarters, MS: IA; 5275 Leesburg Pike, Falls Church, VA 22041-3803; telephone 703-358-2023; facsimile 703-358-2280.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **FOR FURTHER INFORMATION**. Please include the **Federal Register** notice publication date, the

PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, "Delivering an Efficient, Effective, and Accountable Government," and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; Jan. 26,

2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

We invite the public to comment on applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (16 U.S.C. 1531 *et seq.*; ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

Applicant: Zoological Society of San Diego, San Diego, CA; PRT-33261C

The applicant requests a permit to import one male captive-born Amur leopard (*Panthera pardus orientalis*) from the Parco Faunistico La Torbiera Zoo, Piemonte, Italy, to enhance the propagation or survival of the species. This notification is for a single import.

Applicant: St. Catherine's Island Foundation, Midway, GA; PRT-34507C

The applicant requests a permit to export 12 male captive-born ring-tailed lemurs (*Lemur catta*) to Australia Zoo, Queensland, Australia, to enhance the propagation or survival of the species. This notification is for a single export.

Applicant: Auburn University, Auburn, AL; PRT-33510C

The applicant requests a permit to import biological samples from captive-held Asian elephants (*Elephas maximus*) from Canada for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Columbus Zoo & Aquarium, Powell, Ohio; PRT-28059C

The applicant requests a permit to export two captive-born bonobo (*Pan paniscus*) to Germany to enhance the propagation or survival of the species. This notification is for a single export.

Applicant: Thomas Wright, Queen Creek, AZ; PRT-21374C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the golden parakeet (*Guaruba guarouba*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Ripley's Aquarium (Gatlinburg), L.L.C., Gatlinburg, TN; PRT-72630A

The applicant requests a renewal of a captive-bred wildlife registration under 50 CFR 17.21(g) for the jackass penguin

(*Spheniscus demersus*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Lucky 7 Exotics Ranch, Eden, TX; PRT-70470A

The applicant requests a renewal of a captive-bred wildlife registration under 50 CFR 17.21(g) for barasingha (*Rucervus duvaucelii*), Eld's deer (*Rucervus eldii*), Arabian oryx (*Oryx leucoryx*), and red lechwe (*Kobus leche*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants each request a permit to import sport-hunted trophies of a male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, to enhance the propagation or survival of the species.

Applicant: Ronald D. Urbanczyk, San Antonio, TX; PRT-36855C

Applicant: Richard Frank Rueden, New Berlin, WI; PRT-35535C

Applicant: John T. Tubbs, Belgrade, MT; PRT-33449C

IV. Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the **Federal Register** notice announcing the permit issuance date by searching regulations.gov under the permit number listed in this document.

V. Public Comments

You may submit your comments and materials concerning this notice by one of the methods listed in **ADDRESSES**. We will not consider comments sent by email or fax or to an address not listed in **ADDRESSES**.

If you submit a comment via regulations.gov, your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

We will post all hardcopy comments on regulations.gov.

VI. Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017-21660 Filed 10-6-17; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-HQ-ES-2017-N096;
FXHC1122090000-167-FF09E33000; OMB
Control Number 1018-0148]

Agency Information Collection Activities; Land-Based Wind Energy Guidelines

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before December 11, 2017.

ADDRESSES: Send your comments on the information collection request (ICR) by mail to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to *Info_Coll@fws.gov*. Please reference OMB Control Number 1018-0148 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov*, or by telephone at (703) 358-2503.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: As wind energy production increased, both developers and wildlife agencies recognize the need for a system to evaluate and address the potential negative impacts of wind energy projects on species of concern. As a result, the Service worked with the wind energy industry, conservation non-governmental organizations, federal and state agencies, Tribes, and academia to develop the voluntary Land-Based Wind Energy Guidelines (Guidelines; <http://www.fws.gov/windenergy>) to provide a structured, scientific process for addressing wildlife conservation concerns at all stages of land-based wind energy development. Released in 2012, the Guidelines promote effective communication among wind energy developers and Federal, State, tribal, and local conservation agencies. When used in concert with appropriate regulatory tools, the Guidelines are the best practical approach for conserving species of concern.

The Guidelines discuss various risks to species of concern from wind energy projects, including collisions with wind

turbines and associated infrastructure; loss and degradation of habitat from turbines and infrastructure; fragmentation of large habitat blocks into smaller segments that may not support sensitive species; displacement and behavioral changes; and indirect effects such as increased predator populations or introduction of invasive plants. The Guidelines assist developers in identifying species of concern that may potentially be affected by proposed projects, including, but not limited to:

- Migratory birds;
- Bats;
- Bald and golden eagles, and other birds of prey;
- Prairie chickens and sage grouse; and
- Listed, proposed, or candidate endangered and threatened species.

The Guidelines follow a tiered approach. The wind energy developer begins at Tier 1 or Tier 2, which entails gathering of existing data to help identify any potential risks to wildlife and their habitats at proposed wind energy project sites. The developer then proceeds through subsequent tiers, as appropriate, to collect information in increasing detail until the level of risk is adequately ascertained and a decision on whether or not to develop the site can be made. Many projects may not proceed beyond Tier 1 or 2, when developers become aware of potential barriers, including high risks to wildlife. Developers would only have an interest in adhering to the Guidelines for those projects that proceed beyond Tier 1 or 2.

At each tier, wind energy developers and operators should retain documentation to provide to the Service. Such documentation may include copies of correspondence with the Service, results of pre- and post-construction studies conducted at project sites, bird and bat conservation strategies, or any other record that supports a developer's adherence to the Guidelines. The extent of the documentation will depend on the conditions of the site being developed. Sites with greater risk of impacts to wildlife and habitats will likely involve more extensive communication with the Service and longer durations of pre- and post-construction studies than sites with little risk.

Distributed or community-scale wind energy projects are unlikely to have significant adverse impacts to wildlife and their habitats. The Guidelines recommend that developers of these small-scale projects conduct the desktop analysis described in Tier 1 or Tier 2 using publicly available information to determine whether they should communicate with the Service. Since such project designs usually include a single turbine associated with existing development, conducting a Tier 1 or Tier 2 analysis for distributed or community-scale wind energy projects should incur limited non-hour burden costs. For such projects, if there is no potential risk identified, a developer will have no need to communicate with the Service regarding the project or to conduct studies described in Tiers 3, 4, and 5.

Adherence to the Guidelines is voluntary. Following the Guidelines does not relieve any individual, company, or agency of the responsibility to comply with applicable laws and regulations. Developers of wind energy projects have a responsibility to comply with the law; for example, they must obtain incidental take authorization for species protected by the Endangered Species Act and/or Bald and Golden Eagle Protection Act.

Title of Collection: Land-Based Wind Energy Guidelines.

OMB Control Number: 1018–0148.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Developers and operators of wind energy facilities.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$7,187,265. Costs will depend on the size and complexity of issues associated with each project. These expenses may include, but are not limited to: Travel expenses for site visits, studies conducted, and meetings with the Service and other Federal and State agencies; training in survey methodologies; data management; special transportation, such as all-terrain vehicles or helicopters; equipment needed for acoustic, telemetry, or radar monitoring, and carcass storage.

Requirement	Total estimated number of annual respondents	Number of responses each	Total estimated number of annual responses	Estimated completion time per response (hours)	Total estimated number of annual burden hours
Tier 1 (Desktop Analysis)					
Reporting	40	1	40	80	3,200
Recordkeeping				1	40
Tier 2 (Site Characterization)					
Reporting	35	1	35	366	12,810
Recordkeeping				3	105
Tier 3 (Pre-construction studies)					
Reporting	30	1	30	14,690	440,700
Recordkeeping				5	150
Tier 4 (Post-construction fatality monitoring and habitat studies)					
Reporting	45	1	45	4,018	180,810
Recordkeeping				5	225
Tier 5 (Other post-construction studies)					
Reporting	10	1	10	6,934	69,340
Recordkeeping				5	50
Totals	160		160		707,430

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna L. Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2017-21733 Filed 10-6-17; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM950000L13400000.BX0000]

Notice of Filing of Plats of Survey, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of Plats of Survey.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management (BLM), Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

FOR FURTHER INFORMATION CONTACT:

These plats will be available for inspection in the New Mexico State

Office, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, New Mexico. Copies may be obtained from this office upon payment. Contact Carlos Martinez at 505-954-2096, or by email at cjmarti@blm.gov, for assistance. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours.

SUPPLEMENTARY INFORMATION:

New Mexico Principal Meridian, New Mexico (NM)

The plat, in three sheets, representing the dependent resurvey and survey, in Townships 13 & 14 North, Range 17 West, of the New Mexico Principal Meridian, accepted September 6, 2017, for Group 1186 NM. This survey was executed at the request of the Bureau of Indian Affairs, Southwest Region, and is necessary for the management of these lands.

The plat representing the dependent resurvey and survey in Township 19 North, Range 9 East, of the New Mexico Principal Meridian, accepted May 25, 2017, for Group 1120 NM. This survey was executed at the request of the Bureau of Indian Affairs, Southwest Region, for the Pojoaque Pueblo, and is necessary for the management of these lands.

The plat representing the dependent resurvey and survey in Township 18

North, Range 10 East, of the New Mexico Principal Meridian, accepted June 8, 2017, for Group 1180 NM. This survey was executed at the request of the U.S. Forest Service, Region 3, and is necessary for the management of these lands.

The plat representing the dependent resurvey and survey in Township 23 North, Range 5 East, of the New Mexico Principal Meridian, accepted September 26, 2017, for Group 1171 NM. This survey was executed at the request of the U.S. Army Corps of Engineers, and is necessary for the management of these lands.

The plat representing the dependent resurvey and survey in Township 27 North, Range 20 West, of the New Mexico Principal Meridian, accepted August 9, 2017, for Group 1177 NM. This survey was executed at the request of the Bureau of Indian Affairs, Navajo Region, and is necessary for the management of these lands.

The Supplemental plat representing Township 29 North, Range 11 East, of the New Mexico Principal Meridian, accepted July 13, 2017, for Group 1187 NM. This survey was executed at the request of the Bureau of Land Management, Taos District Office, and is necessary for the management of these lands.

The Supplemental plat representing Township 21 North, Range 10 East, of the New Mexico Principal Meridian, accepted December 14, 2016, for Group

1185 NM. This survey was executed at the request of the U.S. Forest Service, Region 3, and is necessary for the management of these lands.

Indian Meridian, Oklahoma (OK)

The plat representing the dependent resurvey and survey in Township 29 North, Range 23 East, of the Indian Meridian, accepted December 2, 2016, for Group 219 OK. This survey was executed at the request of the Bureau of Indian Affairs, Eastern Oklahoma Region, and is necessary for the management of these lands.

The plat representing the dependent resurvey and survey in Township 24 North, Range 4 East, of the Indian Meridian, accepted July 11, 2017, for Group 235 OK. This survey was executed at the request of the Bureau of Indian Affairs, Eastern Oklahoma Region, and is necessary for the management of these lands.

Authority: These plats are scheduled for official filing 30 days from this notice of publication in the **Federal Register**, as provided for in the BLM Manual, Section 2097—Opening Orders and 43 U.S.C. Chap. 3.

If a protest against a survey, in accordance with 43 CFR 4.450–2, of any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the New Mexico State Director, in the New Mexico State Office, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, within 30 days of the publication of the **Federal Register** notice, stating they are protesting.

A statement of reasons for a protest may be filed with the Notice of Protest to the State Director or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

Dated: October 3, 2017.

Charles I. Doman,

Chief Cadastral Surveyor for New Mexico.

[FR Doc. 2017–21736 Filed 10–6–17; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A0067F 178S180110; S2D2D SS08011000 SX066A00 33F 17XS501520; OMB Control Number 1029–0118]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Federal Inspections and Monitoring

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are proposing to renew an information collection to request continued approval to collect and process citizen complaints and requests for inspection.

DATES: Interested persons are invited to submit comments on or before November 9, 2017.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at OIRA_Submission@omb.eop.gov; or via facsimile to (202) 395–5806. Please provide a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240, or by email to jtrelease@osmre.gov. Please refer to OMB Control Number 1029–0118 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at jtrelease@osmre.gov, or by telephone at (202) 208–2783. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting

comments on this collection of information was published on June 21, 2017 (82 FR 28353). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of OSMRE; (2) is the estimate of burden accurate; (3) how might OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Title: 30 CFR part 842—Federal inspections and monitoring.

OMB Control Number: 1029–0118.

Abstract: For purposes of information collection, this part establishes the procedures for any person to notify the Office of Surface Mining Reclamation and Enforcement in writing of any violation that may exist at a surface coal mining operation. The information will be used to investigate potential violations of the Act or applicable State regulations.

Bureau Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households.

Total Estimated Number of Annual Respondents: 38.

Total Estimated Number of Annual Responses: 38.

Estimated Completion Time per Response: 1 hour.

Total Estimated Number of Annual Burden Hours: 38.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: \$0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: August 22, 2017.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2017-21703 Filed 10-6-17; 8:45 am]

BILLING CODE 4310-05-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 IoT Devices and Components Thereof (IoT, The Internet of Things (Iot)—Web Applications Displayed on a Web Browser)*, DN 3263; 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

Lakshmi Arunachalam, Ph.D. on October 3, 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 IoT devices and components thereof (IoT, the Internet of Things (IoT)—web applications displayed on a web browser). The complaint names as respondents: International Business Machines Corporation of Armonk, NY; IBM India Pvt Ltd. of India; SAP America, Inc. of Newtown Square, PA; SAP SE—Walldorf of Germany; Apple Inc. of Cupertino, CA; JPMorgan Chase and Company of New York, NY; The United States Office of the Attorney General, U.S. Department of Justice of Washington, DC; U.S.; United States Patent and Trademark Office of Alexandria, VA; Patent Trial and Appeal Board, United States Patent and Trademark Office of Alexandria, VA; Facebook, Inc. of Menlo Park, CA; Microsoft Corporation of Redmond, WA; Samsung Electronics America, Inc. of Ridgefield Park, NJ; Samsung Electronics Co., Ltd. of Korea; Eclipse Foundation, Inc., and its Members of Canada; Fiserv Inc. of Brookfield, WI; Fiserv India Pvt. Ltd. of India; Wells Fargo Bank of San Francisco, CA; Citigroup, Citibank of New York, NY; Citizen's Financial Group, Inc. of Providence, RI; Fulton Financial Corporation of Lancaster, PA; J.C. Penny Corporation, Inc. and J.C. Penny Company, Inc. of Plano, TX; U-Haul International, Inc. of Phoenix, AZ; Avis Rent A Car System, LLC, Avis Budget Group, and Payless Car Rental of Parsippany, NJ; Hertz Global Holdings, Inc., The Hertz Corporation, Dollar Rent A Car, and Thrifty Car Rental of Estero, FL; Ace Rent A Car of Indianapolis, IN; Enterprise Holdings, Enterprise Rent-A-Car, National Car Rental, and Alamo Rent A Car of Clayton/St. Louis, MO; Presidio Bank of San Francisco, CA; Fremont Bancorporation and Fremont Bank of Fremont, CA; Heritage Bank of Commerce, and Focus Bank of San Jose, CA; and Bridge Bank of San Jose, CA. The complainant requests that the Commission issue a limited exclusion, 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. 3263") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

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: October 4, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017-21763 Filed 10-6-17; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Mobile Alliance

Notice is hereby given that, on September 7, 2017, pursuant to Section

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Open Mobile Alliance ("OMA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Cisco Systems, Inc., Seattle, WA; Mind Reader, Hangzhou City, PEOPLE'S REPUBLIC OF CHINA; Itron, Inc. Fort Worth, TX; and NewNet Communication Technologies, Inc., Bedford, NS, CANADA have been added as parties to this venture.

Also, Anritsu Ltd., Bedfordshire, UNITED KINGDOM has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OMA intends to file additional written notifications disclosing all changes in membership.

On March 18, 1998, OMA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 31, 1998 (63 FR 72333).

The last notification was filed with the Department on January 26, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 6, 2017 (82 FR 12639).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017-21744 Filed 10-6-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Silicon Integration Initiative, Inc.

Notice is hereby given that, on September 7, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Silicon Integration Initiative, Inc. ("Si2") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were

filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Analog Rails, Chandler, AZ; Avatar Integrated Systems, Inc., Santa Clara, CA; D.E. Shaw Research, New York, NY; DXCorr Design, Inc., Sunnyvale, CA; Intento Design, Paris, FRANCE; Invecas, Inc., Santa Clara, CA; Juspertor GmbH, Unterhaching, GERMANY; NVMEEngines, Morgan Hill, CA; Sage Design Automation, Santa Clara, CA; Savarti Company Limited, Ho Chi Minh City, VIETNAM; Tower Semiconductor, Ltd., Migdal HaEmek, ISRAEL; and Google, Inc., Mountain View, CA, have been added as parties to this venture.

Also, Concept Engineering GmbH, Freiburg, GERMANY; Kenji Morohasi, Yokohama, JAPAN; Lumerical Solutions, Inc., Vancouver, CANADA; SA Magillem Design Services, Paris, FRANCE; Monozukuri S.p.A., Rome, ITALY; Robust Chip Inc., Pleasanton, CA; Silicon Frontline Technology, Campbell, CA; and Spectral Design & Test Inc., Somerville, NY, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Si2 intends to file additional written notifications disclosing all changes in membership.

On December 30, 1988, Si2 filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 13, 1989 (54 FR 10456).

The last notification was filed with the Department on May 9, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2016 (81 FR 37212).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017-21746 Filed 10-6-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1110-0053]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: FBI eFOIA Form

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Federal Bureau of Investigation, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until December 11, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Leanna Ramsey, FOIA Public Information Officer, Federal Bureau of Investigation, 170 Marcel Drive Winchester, VA 22602.

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 Bureau of Justice Statistics, 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:* Reinstatement of the FBI eFOIA form with changes, a previously approved collection for which approval has expired.
2. *The Title of the Form/Collection:* FBI eFOIA form.
3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: The applicable component within the Department of Justice is the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The general public who wish to make online FOIA request will be the most affected group. This information collection is to allow the Federal Bureau of Investigation to accept and responded to FOIA requester as defined in 28 CFR part 16.3.

(a) How made and addressed. You may make a request for records of the Department of Justice by writing directly to the Department component that maintains those records. You may find the Department's "Freedom of Information Act Reference Guide"—which is available electronically at the Department's World Wide Web site, and is available in paper form as well—helpful in making your request. For additional information about the FOIA, you may refer directly to the statute. If you are making a request for records about yourself, see § 16.41(d) for additional requirements. If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) will help the processing of your request. Your request should be sent to the component's FOIA office at the address listed in appendix I to part 16. In most cases, your FOIA request should be sent to a component's central FOIA office. For records held by a field office of the Federal Bureau of Investigation (FBI) or the Immigration and Naturalization Service (INS), however, you must write directly to that FBI or INS field office address, which can be found in most telephone books or by calling the component's central FOIA office. (The functions of each component are summarized in part 0 of this title and in the description of the Department and its components in the "United States Government Manual," which is issued annually and is available in most libraries, as well as for sale from the Government Printing Office's Superintendent of Documents. This manual also can be accessed electronically at the Government Printing Office's World Wide Web site (which can be found at http://www.access.gpo.gov/su_docs.) If you cannot determine where within the Department to send your request, you may send it to the FOIA/PA Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW.,

Washington, DC 20530-0001. That office will forward your request to the component(s) it believes most likely to have the records that you want. Your request will be considered received as of the date it is received by the proper component's FOIA office. For the quickest possible handling, you should mark both your request letter and the envelope "Freedom of Information Act Request." (b) Description of records sought. You must describe the records that you seek in enough detail to enable Department personnel to locate them with a reasonable amount of effort. Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if you want records about a court case, you should provide the title of the case, the court in which the case was filed, and the nature of the case. If known, you should include any file designations or descriptions for the records that you want. As a general rule, the more specific you are about the records or type of records that you want, the more likely the Department will be able to locate those records in response to your request. If a component determines that your request does not reasonably describe records, it shall tell you either what additional information is needed or why your request is otherwise insufficient. The component also shall give you an opportunity to discuss your request so that you may modify it to meet the requirements of this section. If your request does not reasonably describe the records you seek, the agency's response to your request may be delayed.

(c) Agreement to pay fees. If you make a FOIA request, it shall be considered an agreement by you to pay all applicable fees charged under § 16.11, up to \$25.00, unless you seek a waiver of fees. The component responsible for responding to your request ordinarily will confirm this agreement in an acknowledgement letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 21,406 FOI/PA requests are completed annually. These requests can be submitted via free-form letter, email or the eFOIA form. In FY 2017, approximately 16,402 online eFOIA forms were submitted. An average of 8 minutes per respondent is needed to complete form the eFOIA form. The estimated range of burden for respondents is expected to be between 4 minutes to 12 minutes for completion.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is .5 hours. It is estimated that respondents will take .5 hour to complete a questionnaire. The burden hours for collecting respondent data sum to 250 hours 500 respondents × .5 hours = 250 hours).

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: October 4, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017-21740 Filed 10-6-17; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

189th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 189th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on November 7-8, 2017.

The meeting will take place in C5521 Room 4, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 on November 7, from 1 p.m. to approximately 5:00 p.m. On November 8, the meeting will start at 9:00 a.m. and conclude at approximately 4:00 p.m., with a break for lunch. The morning session on November 8 will be in C5521 Room 4. The afternoon session on November 8 will take place in Room S-2508 at the same address. The purpose of the open meeting on November 7 and the morning of November 8 is for the Advisory Council members to finalize the recommendations they will present to the Secretary. At the November 8 afternoon session, the Council members will receive an update from leadership of the Employee Benefits Security Administration (EBSA) and present their recommendations.

The Council recommendations will be on the following issues: (1) Reducing the Burden and Increasing the

Effectiveness of Mandated Disclosures with respect to Employment-Based Health Benefit Plans in the Private Sector, and (2) Mandated Disclosure for Retirement Plans—Enhancing Effectiveness for Participants and Sponsors. Descriptions of these topics are available on the Advisory Council page of the EBSA Web site at www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council.

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before October 31, 2017 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in rich text, Word, or pdf format transmitted to good.larry@dol.gov. It is requested that statements not be included in the body of an email. Statements deemed relevant by the Advisory Council and received on or before October 31 will be included in the record of the meeting and will be available by contacting the EBSA Public Disclosure Room. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693-8668. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by October 31, 2017 at the address indicated.

Signed at Washington, DC, this 3rd day of October 2017.

Timothy D. Hauser,

Deputy Assistant Secretary for Program Operations, Employee Benefits Security Administration.

[FR Doc. 2017-21760 Filed 10-6-17; 8:45 am]

BILLING CODE 4510-29-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-2017-067]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving notice that it has submitted to OMB for approval the information collection described in this notice. We invite you to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: OMB must receive written comments at the address below on or before November 9, 2017.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, desk officer for NARA, by mail to Office of Management and Budget; New Executive Office Building; Washington, DC 20503; fax to 202-395-5167; or by email to Nicholas_A_Fraser@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information or copies of the proposed information collection and supporting statement to Tamee Fechhelm by phone at 301-837-1694 or by fax at 301-837-0319.

SUPPLEMENTARY INFORMATION:

Information Collection Process

Pursuant to the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*), we invite the public and other Federal agencies to comment on information collections we propose to renew. We submit proposals to renew information collections first through a public comment period and then to OMB for review and approval pursuant to the PRA. We published a notice of proposed renewal for this information collection on July 20, 2017 (82 FR 33520), and we received no comments. We have therefore submitted the described information collection to OMB for approval.

Request for Comments

We invite comments on: (a) Whether collecting this information is necessary for proper performance of the agency's functions, including whether the information will have practical utility; (b) the accuracy of our estimate of the information collection's burden on respondents; (c) ways to enhance the quality, utility, and clarity of the information we propose to collect; (d) ways to minimize the burden on respondents of collecting the information, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources people need to provide the

information, including time to review instructions, process and maintain the information, search data sources, and respond.

Specifics on This Information Collection

Title: National Archives Public Vaults Survey.

OMB number: 3095-0062.

Agency form number: N/A.

Abstract: The information collection is prescribed by E.O. 12862 issued September 11, 1993, which requires Federal agencies to survey their customers concerning customer service. The general purpose of this voluntary data collection is to measure customer satisfaction with the Public Vaults and identify additional opportunities for improving the customers' experience.

Type of review: Regular.

Affected public: Individuals who visit the Public Vaults in Washington, DC.

Estimated number of respondents: 1,050.

Estimated time per response: 10 minutes.

Frequency of response: On occasion (when an individual visits the Public Vaults in Washington, DC).

Estimated total annual burden hours: 175 hours.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2017-21699 Filed 10-6-17; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's ad hoc Committee on Nominating the NSB Class of 2018-2024, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: October 13, 2017 from 5:00-7:00 p.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Committee Chair's welcome and remarks; introduction to scoring results; discussion of non-consensus nominees; discussion of other nominees;

assignments of nominee narratives; explanation of next steps.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Brad Gutierrez, bgutierr@nsf.gov, 703-292-7000.

Please refer to the National Science Board Web site www.nsf.gov/nsb for additional information. You may find meeting information and any updates (time, place, matters to be considered, or status of meeting) at <https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine>.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017-21968 Filed 10-5-17; 4:15 pm]

BILLING CODE 7555-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, October 31, 2017.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED:

57128 Highway Accident Report: *Motorcoach Collision with Combination Vehicle After Traffic Break on Interstate 10, Palm Springs, California, October 23, 2016*

NEWS MEDIA CONTACT: Telephone: (202) 314-6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314-6305 or by email at Rochelle.McCallister@ntsb.gov by Wednesday, October 11, 2017.

The public may view the meeting via a live or archived webcast by accessing a link under "News & Events" on the NTSB home page at www.nts.gov.

Schedule updates, including weather-related cancellations, are also available at www.nts.gov.

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314-6403 or by email at bingc@ntsb.gov.

FOR MEDIA INFORMATION CONTACT: Eric Weiss at (202) 314-6100 or by email at eric.weiss@ntsb.gov.

Dated: October 5, 2017.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2017-21845 Filed 10-5-17; 11:15 am]

BILLING CODE 7533-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-285; NRC-2017-0202]

Omaha Public Power District; Fort Calhoun Station, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing exemptions in response to a May 4, 2017, request, as supplemented by letter dated June 5, 2017, from Omaha Public Power District (OPPD or the licensee). The licensee requested that Fort Calhoun Station (FCS), Unit No. 1, be granted a permanent partial exemption from regulations that require retention of records for certain systems, structures, and components (SSCs) until the termination of the operating license.

DATES: The exemption was issued on October 4, 2017.

ADDRESSES: Please refer to Docket ID NRC-2017-0202 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0202. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

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

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

FOR FURTHER INFORMATION CONTACT:

James Kim, Office of Nuclear Reactor Regulation, telephone: 301-415-4125; email: *James.Kim@nrc.gov*; U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Background

The FCS is a single unit Combustion Engineering pressurized-water reactor located in Fort Calhoun, Nebraska. The FCS was granted Renewed Facility Operating License No. DPR-40 under part 54 of title 10 of the *Code of Federal Regulations* (10 CFR), on November 4, 2003. The operating license for FCS is held by OPPD.

On November 13, 2016, OPPD submitted the certifications, pursuant to 10 CFR 50.82(a)(1), of permanent cessation of operations and permanent removal of fuel from the reactor (ADAMS Accession No. ML16319A254). Decommissioning activities will be carried out by OPPD, and are described in the Post-Shutdown Decommissioning Activities Report submitted to the NRC on March 30, 2017 (ADAMS Accession No. ML17089A759). The SSCs that supported the generation of electric power are being prepared to enter the SAFSTOR phase. SAFSTOR, often considered "delayed DECON," involves initially removing all fuel and radioactive wastes and liquids, maintaining the facility in a condition that allows the decay of radioactivity to reduce radiation levels at the facility, and then decontaminating and dismantling the facility.

Completion of fuel transfer from the spent fuel pool (SFP) to an independent spent fuel storage installation (ISFSI) is scheduled for 2023. Preparation for dismantlement and license termination are scheduled to begin in 2059.

II. Request/Action

By letter dated May 4, 2017 (ADAMS Accession No. ML17125A073), as supplemented by letter dated June 5, 2017 (ADAMS Accession No. ML17186A327), OPPD filed a request for NRC approval of a permanent exemption from the following recordkeeping requirements: 10 CFR part 50, appendix B, Criterion XVII; 10 CFR 50.59(d)(3); and 10 CFR 50.71(c). The request was made pursuant to 10 CFR 50.12, "Specific exemptions."

The licensee is requesting NRC approval of an exemption from 10 CFR

part 50, appendix B, Criterion XVII, which requires certain records be retained consistent with regulatory requirements for a duration established by the licensee; 10 CFR 50.59(d)(3), which requires records to be maintained "until the termination of an operating license"; and 10 CFR 50.71(c) where records required by license condition or technical specifications (TSs) are to be retained until termination of the license.

The licensee is proposing to eliminate: (1) The records when the licensing basis requirements previously applicable to the nuclear power unit and associated structures, and components (SSCs) are no longer effective (*e.g.*, removed from the Final Safety Analysis Report (FSAR), as updated, and/or TSs by appropriate change mechanisms); and (2) the records for SSCs associated with safe storage of the fuel in the SFP, when spent nuclear fuel has been completely transferred from the SFP to dry storage, and the SFP is ready for demolition and the associated licensing bases are no longer effective.

The licensee cites precedents for records retention exemptions granted to Zion Nuclear Power Station, Units 1 and 2 (ADAMS Accession No. ML111260277); Millstone Power Station, Unit 1 (ADAMS Accession No. ML070110567); Rancho Seco Nuclear Generating Station (ADAMS Accession No. ML043310155); Haddam Neck Plant (ADAMS Accession No. ML052160088); Vermont Yankee Nuclear Power Station (ADAMS Accession No. ML15344A243); and San Onofre Nuclear Generating Station, Units 1, 2, and 3 (ADAMS Accession No. ML15355A055).

Records associated with residual radiological activity and with programmatic controls necessary to support decommissioning, such as security and quality assurance, are not affected by the exemption request because they will be retained as decommissioning records until the termination of the FCS license. Also, the licensee did not request an exemption associated with any other record keeping requirements for the storage of spent fuel at its ISFSI under 10 CFR part 50 or the general license requirements of 10 CFR part 72. No exemption was requested from the decommissioning records retention requirements of 10 CFR 50.75, or any other requirements of 10 CFR part 50 applicable to decommissioning and dismantlement.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the

requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security, and (2) when special circumstances are present.

The FCS permanently ceased power operations on October 24, 2016, and subsequently removed the spent fuel from the reactor to the SFP. The nuclear reactor and SSCs associated with the nuclear steam supply system and balance of plant that had supported power generation have been drained as necessary and retired in place. The licensee's general justification for eliminating records associated with FCS SSCs that have been or will be removed from service under the NRC license, dismantled, or demolished, is that these SSCs will not, in the future, serve any FCS functions regulated by the NRC. Subsequently, these SSCs can be removed from NRC licensing basis documents, such as TSs or the FSAR, as updated, by appropriate change mechanisms (*e.g.*, 10 CFR 50.59 or via NRC-approved TS changes, as applicable).

While OPPD intends to retain the records required by FCS license, as the project transitions from current plant conditions to fully dismantled with the fuel in dry storage, the regulatory and business needs for maintenance of most of the records will be obviated. As the SSCs are removed from the licensing basis and the need for the associated records is, on a practical basis, eliminated, the licensee proposes that they be exempted from the records retention requirements for SSCs and historical activities that are no longer relevant, thereby eliminating the associated regulatory and economic burdens of creating alternative storage locations, relocating records, and retaining irrelevant records.

The SSCs supporting the continued operation of the SFP must remain operable at FCS and will be configured for operational efficiency until the fuel is removed to permanent dry storage. The records associated with the SFP SSCs must be retained through the SFP's functional life. Similar to other plant records, when the SFP is emptied of fuel, drained, and prepared for demolition, there will be no safety-significant function or other regulatory need for retaining SFP SSCs related records. The SSCs that support the SFP will be removed from licensing basis documents by appropriate change mechanisms.

In addition, the FCS site will continue to be under NRC regulation until license termination, primarily due to residual

radioactivity. The operational, radiological, and other necessary programmatic controls (such as security and quality assurance) for the facility, as well as the implementation of controls for the defueled condition and decommissioning activities, will continue to be appropriately addressed through the 10 CFR part 50 licenses and current decommissioning plan documents such as the FSAR, as updated, and plant TSs.

The Exemption Is Authorized by Law

Paragraph 50.71(d)(2) allows for the granting of specific exemptions to the retention of records required by regulations. Paragraph 50.71(d)(2) states, in part, “. . . the retention period specified in the regulations in this part for such records shall apply unless the Commission, pursuant to § 50.12 of this part, has granted a specific exemption from the record retention requirements specified in the regulations in this part.”

Based on 10 CFR 50.71(d)(2), if the requirements of 10 CFR 50.12 are satisfied, an exemption from the recordkeeping requirements in 10 CFR part 50, appendix B, Criterion XVII; 10 CFR 50.59(d)(3); and 10 CFR 50.71(c), as requested by the licensee, is authorized by law.

Specific Exemption Presents No Undue Risk to Public Health and Safety

As SSCs are prepared for SAFSTOR and eventual decommission and dismantlement, they may be removed from NRC licensing basis documents through appropriate change mechanisms, such as through the process stipulated by 10 CFR 50.59 or through a license amendment request approved by the NRC. These change processes involve either a determination by the licensee or an approval by the NRC that the affected SSC no longer serves any safety purpose regulated by the NRC. Therefore, the removal of the SSC would not present an undue risk to the public health and safety. In turn, removal of the records associated with the affected SSC would not cause any additional impact to public health and safety.

The exemptions from the requested requirements of 10 CFR part 50, appendix B, Criterion XVII; 10 CFR 50.59(d)(3); and 10 CFR 50.71(c) are administrative in nature and will have no impact on future decommissioning activities or radiological effluents. The partial exemptions will only advance the schedule for the removal of the records. Because the content of the records pertains to SSCs that have already been removed from licensing basis documents, elimination of the

records on an advanced timetable will have no reasonable potential to present any undue risk to the public health and safety.

The Exemption Is Consistent With the Common Defense and Security

The elimination of records associated with SSCs, which have already been removed from the NRC's licensing basis documents, is administrative in nature, and does not involve information or involve activities that could potentially impact the common defense or security. After the SSCs are removed from the NRC's licensing basis documents by appropriate change mechanisms, they are determined to no longer serve the purpose of safe operation or maintain conditions that would affect the ongoing health and safety of workers or the public. Therefore, removal of the associated records will also present no potential for impacting the safe operation of the plant or the defense or security of the workers or the public.

The exemptions requested are administrative in nature and will merely advance the current schedule for removal of the specified records. Therefore, the partial exemptions from the recordkeeping requirements of 10 CFR part 50, appendix B, Criterion XVII; 10 CFR 50.59(d)(3); and 10 CFR 50.71(c), and for the types of records as specified above, are consistent with the common defense and security.

Special Circumstances

Pursuant to 10 CFR 50.12, the Commission will consider granting an exemption if special circumstances are present. Paragraph 50.12(a)(2) states, in part, “special circumstance are present whenever— . . . (ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.”

Appendix B of 10 CFR part 50, Criterion XVII, states, in part, “sufficient records shall be maintained to furnish evidence of activities affecting quality. . . . Records shall be identifiable and retrievable.”

Paragraph 50.59(d)(3) states, in part, “The records of changes in the facility must be maintained until the termination of an operating license under this part”

Paragraph 50.71(c), states, in part, “Records that are required by the regulations in this part or 10 CFR part 52 of this chapter, by license condition, or by TSs must be retained for the period specified by the appropriate regulation, license condition, or TS. If a retention period is not otherwise

specified, these records must be retained until the Commission terminates the facility license”

In the statements of consideration for the final rulemaking, “Retention Periods for Records,” effective July 26, 1988 (53 FR 19240; May 27, 1988), as a response to public comments during the rulemaking process, the NRC states that records must be retained “. . . so they will be available for examination by the Commission in any analysis following an accident, incident, or other problem involving public health and safety . . . [and] for NRC to ensure compliance with the safety and health aspects of the nuclear environment and for the NRC to accomplish its mission to protect the public health and safety.”

The statements of consideration express that the underlying purpose of the recordkeeping rule is to ensure that, in the event of an accident, incident, or condition that could impact public health and safety, the NRC has access to information in the records that would assist in the recovery from the event and prevent similar events or conditions, which would impact health and safety. These regulations do not consider the nature of the decommissioning process, in which safety-related SSCs are retired or disabled, and subsequently removed from the NRC's licensing basis documents by appropriate change mechanisms prior to the termination of the license.

Appropriate removal of an SSC from the licensing basis requires either a determination by the licensee or an approval by the NRC of whether the SSC has the potential to cause an accident, event, or other problem, which would adversely impact the public health and safety. It follows that at a nuclear power generation plant in the decommissioning stage, SSCs that have been retired from service and removed from licensing basis documents have already been determined, through that evaluation, to no longer have an adverse impact on public health and safety.

The records subject to removal under this exemption are associated with SSCs that are important to safety during power operation and operation of the SFP, but after permanent cessation of operations are not capable of causing an event, incident, or condition that would adversely impact public health and safety, as evidenced by their appropriate removal from the licensing basis documents. If the SSCs no longer have the potential to cause these scenarios, then it is reasonable to conclude that the records associated with these SSCs would not reasonably be necessary to assist the NRC in determining compliance and noncompliance, taking

action on possible noncompliance, and examining facts following an incident. Therefore, their retention would not serve the underlying purpose of the rule. Once removed from licensing basis documents, SSCs are no longer governed by the NRC's regulations, and therefore, are not subject to compliance with the safety and health aspects of the nuclear environment. Therefore, retention of these records does not serve the underlying purpose of the rule of maintaining compliance with the safety and health aspects of the nuclear environment or to accomplish the NRC's mission.

Records, which continue to serve the underlying purpose of the rule, that is, to maintain compliance and to protect public health and safety, will continue to be retained under regulations in 10 CFR part 50 and 10 CFR part 72. These retained records not subject to the exemption include those associated with programmatic controls, such as those pertaining to residual radioactivity, security, quality assurance, etc., and records associated with the ISFSI and spent fuel assemblies.

Paragraph 50.12(a)(2) states, in part, "Special circumstance are present whenever—. . . (iii) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted"

The retention of records required by 10 CFR part 50, appendix B, Criterion XVII, 10 CFR 50.59(d)(3), and 10 CFR 50.71(c) provides assurance that records associated with SSCs will be captured, indexed, and stored in an environmentally suitable and retrievable condition. Given the volume of records associated with the SSCs, compliance with the records retention rules results in a considerable cost to the licensee. Retention of the volume of records associated with these SSCs during the operations phase is appropriate to serve the underlying purpose of providing information to the Commission for examination in the case of an event, incident, or other problem involving the public health and safety, as discussed above. However, the cost effect of retaining operations phase records beyond the operations phase until the termination of the license was not fully considered or understood. Therefore, compliance with the rule would result in an undue cost in excess of that contemplated when the rule was adopted.

The granted exemptions apply to records that are associated with SSCs that had supported the operations phase of electricity generation and wet storage

of spent fuel assemblies, and that have been, or will be, retired in place, prepared for dismantlement, and removed from licensing basis documents. Records that continue to apply to retired SSCs during the SAFSTOR and decommissioning phase, such as records associated with programmatic controls pertaining to residual radioactivity, security, quality assurance, etc., and records associated with the ISFSI and spent fuel assemblies, will continue to be maintained in an environmentally suitable and retrievable condition.

Environmental Considerations

Under 10 CFR 51.22(c)(25), granting of an exemption from the requirements of any regulation in 10 CFR Chapter I is a categorical exclusion provided that (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought are among those identified in 10 CFR 51.22(c)(25)(vi).

The Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, has determined that approval of the exemption request involves no significant hazards consideration because allowing the licensee exemption from the recordkeeping requirements of 10 CFR part 50, appendix B, Criterion XVII; 10 CFR 50.59(d)(3); and 10 CFR 50.71(c), at the permanently shutdown and defueled FCS does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and no significant increase in individual or cumulative public or occupational radiation exposure. The exempted regulation is not associated with construction, so there is no significant construction impact. The exempted regulation does not concern the source term (*i.e.*, potential amount of radiation in an accident), nor mitigation. Therefore, there is no significant increase in the potential for,

or consequences from radiological accidents.

Allowing the licensee partial exemption from record retention requirements from which the exemption is sought involve recordkeeping requirements, reporting requirements of an administrative, managerial, or organizational nature.

Therefore, pursuant to 10 CFR 51.22(b) and 51.22(c)(25), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, part 50, appendix B, Criterion XVII; 10 CFR 50.59(d)(3); and 10 CFR 50.71(c) are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants OPPD's partial exemptions from 10 CFR part 50, appendix B, Criterion XVII; 10 CFR 50.59(d)(3); and 10 CFR 50.71(c) to advance the schedule to remove records associated with SSCs that have been removed from the NRC's licensing basis documents by appropriate change mechanisms.

Dated at Rockville, Maryland, this 4th day of October 2017.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017-21762 Filed 10-6-17; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2017-0201]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to

issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from September 12, 2017, to September 25, 2017. The last biweekly notice was published on September 26, 2017.

DATES: Comments must be filed by November 9, 2017. A request for a hearing must be filed by December 11, 2017.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0201. 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: Lynn Ronewicz, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1927, email: Lynn.Ronewicz@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2017-0201, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0201.

- *NRC's Agencywide Documents Access and Management System*

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

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

B. Submitting Comments

Please include Docket ID NRC-2017-0201, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

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

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

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in

the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer

will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition

must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding.

A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and

a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory

documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly-available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment, which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the "Obtaining Information and Submitting Comments" section of this document.

Dominion Nuclear Connecticut, Inc. (DNC), Docket Nos. 50-245, 50-336, and 50-423, Millstone Power Station, Unit Nos. 1, 2, and 3, New London County, Connecticut

Date of amendment request: June 15, 2017. A publicly-available version is in ADAMS under Accession No. ML17171A232.

Description of amendment request: The amendments would revise the

Renewed Facility Operating Licenses for Millstone Power Station, Unit Nos. 1, 2, and 3, by administratively changing the company name "Dominion Nuclear Connecticut, Inc." with "Dominion Energy Nuclear Connecticut, Inc."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment to each license is administrative in nature. DNC, which will be renamed Dominion Energy Nuclear Connecticut, Inc., will remain the licensee authorized to operate and possess the units, and its functions, powers, resources and management will not change. The proposed changes do not adversely affect accident initiators or precursors, and do not alter the design assumptions, conditions, or configuration of the plant or the manner in which the plant is operated and maintained. The ability of structures, systems, and components to perform their intended safety functions is not altered or prevented by the proposed changes, and the assumptions used in determining the radiological consequences of previously evaluated accidents are not affected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment to each license is purely administrative in nature. The functions of the licensee will not change. These changes do not involve any physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed), and installed equipment is not being operated in a new or different manner. Thus, no new failure modes are introduced.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed amendment to each license is administrative in nature. DNC, which will be renamed Dominion Energy Nuclear Connecticut, Inc., will remain the licensee authorized to operate and possess the units, and its functions will not change. The proposed changes do not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. There are no changes to setpoints at which protective actions are

initiated, and the operability requirements for equipment assumed to operate for accident mitigation are not affected.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Energy, Inc., 120 Tredegar Street, RS-2, Richmond, VA 23219.

NRC Branch Chief: James G. Danna.

Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One, Unit 1 (ANO-1), Pope County, Arkansas

Date of amendment request: July 17, 2017. A publicly-available version is in ADAMS under Accession No. ML17198F072.

Description of amendment request: The amendment would revise the Technical Specifications (TSs) for ANO-1 and would establish a new Completion Time in ANO-1 TS 3.7.5, "Emergency Feedwater (EFW) System," where one steam supply to the turbine driven EFW pump is inoperable concurrent with an inoperable motor-driven EFW train. The amendment would also establish changes to the TSs that establish specific Actions: (1) For when the motor driven EFW train is inoperable at the same time and; (2) for when the turbine-driven EFW train is inoperable either (a) due solely to one inoperable steam supply, or (b) due to reasons other than one inoperable steam supply.

The amendment request was submitted in accordance with NRC-approved Technical Specification Task Force (TSTF) Traveler, TSTF-412, Revision 3, "Provide Actions for One Steam Supply to Turbine Driven AFW [Auxiliary Feedwater]/EFW Pump Inoperable," with certain plant-specific deviations identified in the application. The availability of this TS improvement was published in the **Federal Register** on July 17, 2007 (72 FR 39089), as part of the consolidated line item improvement process (CLIP).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee affirmed the applicability of the model no significant hazards consideration determination, which is presented below:

1. Does the proposed change involve a significant increase in the probability or

consequences of any accident previously evaluated?

Response: No.

The Auxiliary/Emergency Feedwater (AFW/EFW) System is not an initiator of any design basis accident or event, and therefore the proposed changes do not increase the probability of any accident previously evaluated. The proposed changes to address the condition of one or two motor driven AFW/EFW trains inoperable and the turbine driven AFW/EFW train inoperable due to one steam supply inoperable do not change the response of the plant to any accidents.

The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not adversely affect the ability of structures, systems, and components (SSCs) to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed changes do not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated. Further, the proposed changes do not increase the types and amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures.

Therefore, the changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not result in a change in the manner in which the AFW/EFW System provides plant protection. The AFW/EFW System will continue to supply water to the steam generators to remove decay heat and other residual heat by delivering at least the minimum required flow rate to the steam generators. There are no design changes associated with the proposed changes. The changes to the Conditions and Required Actions do not change any existing accident scenarios, nor create any new or different accident scenarios.

The changes do not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements or eliminate any existing requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not impacted by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis.

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW., Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Robert J. Pascarelli.

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit 2 (ANO-2), Pope County, Arkansas

Date of amendment request: July 17, 2017. A publicly-available version is in ADAMS under Accession No. ML17198F356.

Description of amendment request: The amendment would revise the technical specifications (TSs) for ANO-2 by establishing Actions and Allowable Outage Times in TS 3.7.1.2, "Emergency Feedwater [EFW] System," for several combinations of inoperable EFW trains, consistent with NUREG-1432, "Standard Technical Specifications for Combustion Engineering Plants," Revision 4. Revision 4 of NUREG-1432 includes changes incorporated by Technical Specification Task Force (TSTF)-340, Revision 3, "Allow 7 Day Completion Time for a Turbine-Driven AFW [Auxiliary Feedwater] Pump Inoperable," and TSTF-412, Revision 3, "Provide Actions for One Steam Supply to Turbine Driven AFW/EFW Pump Inoperable." Certain proposed deviations from the NUREG-1432, Revision 4, TS changes are identified in the application.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes clarify the operability requirements of the EFW system and provide appropriate remedial actions to be performed respective to potential EFW configurations or out-of-service periods, consistent with the STS [standard technical specifications]. The EFW system is not an initiator of any design basis accident or event and, therefore, the proposed changes do not increase the probability of any accident previously evaluated. The EFW system is used to respond to accidents previously evaluated. The proposed change affects only the actions taken when portions of the EFW system are unavailable and does not affect the design of the EFW system.

The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not adversely affect the ability of structures, systems, and components (SSCs) to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed changes do not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated. Further, the proposed changes do not increase the types and amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not result in a change in the manner in which the EFW system provides plant protection. The EFW system will continue to supply water to the Steam Generators (SGs) to remove decay heat and other residual heat by delivering at least the minimum required flow rate to the SGs. There are no design changes associated with the proposed changes. The changes to the related TS Actions do not change any existing accident scenarios, nor create any new or different accident scenarios.

The changes do not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements or eliminate any existing requirements. The changes do not alter assumptions made in the safety analysis.

Therefore, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not alter the manner in which safety limits, limiting safety

system settings, or limiting conditions for operation are determined. The safety analysis acceptance criteria are not impacted by these changes. The proposed changes will not result in continued plant operation in a configuration outside the design basis.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW., Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Robert J. Pascarella.

Exelon Generation Company, LLC, Docket No. 50-219, Oyster Creek Nuclear Generating Station (Oyster Creek), Ocean County, New Jersey

Date of amendment request: August 30, 2017. A publicly-available version is available in ADAMS under Accession No. ML17242A211.

Description of amendment request: The amendment would revise the Oyster Creek Renewed Facility Operating License No. DPR-16, Section 2.C, License Condition (5) by replacing Boiling Water Reactor (BWR) Vessel and Internals Project technical report BWRVIP-18, Revision 0, as approved by NRC staff's Final Safety Evaluation Report dated December 2, 1999, with the latest BWRVIP-18 revision approved on December 21, 2016.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the License Condition 2.C.(5) requirements for inspection of Core Spray spargers, piping and associated components does not alter the use of the inspection methods and criteria used to determine the capability of the Core Spray System to perform its intended safety function that have been previously reviewed and approved by the NRC. The proposed change is in accordance with an NRC approved inspection and flaw evaluation guideline and as such, maintains required safety margins. The proposed change does not adversely affect accident initiators or precursors, nor does it alter the design

assumptions, conditions, or configuration of the facility or the manner in which the plant is operated and maintained.

The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not require any physical change to any plant SSCs nor does it require any change in systems or plant operations. The proposed change is consistent with the safety analysis assumptions and resultant consequences.

Incorporating NRC-approved inspection frequency and criteria for Core Spray spargers, piping and associated components has no physical effect on plant equipment and therefore, no impact on the course of plant transients.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed incorporation of NRC-approved inspection frequency and criteria for Core Spray spargers, piping and associated components is a change based upon previously approved documents and does not involve changes to the plant hardware or its operating characteristics. As a result, no new failure modes are being introduced. There are no hardware changes nor are there any changes in the method by which any plant systems perform a safety function. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed change.

The proposed change does not introduce any new accident precursors, nor does it involve any physical plant alterations or changes in the methods governing normal plant operation. The change does not alter assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through the design of the plant structures, systems, and components, and through the parameters for safe operation and setpoints for the actuation of equipment relied upon to respond to transients and design basis accidents. The use of inspection frequency and criteria for Core Spray spargers, piping and associated components in accordance with NRC-approved methods, guidelines, and criteria provides adequate assurance that the Core Spray System can perform its safety function as required by the plant-specific [loss-of-coolant accident (LOCA)]-analysis. Therefore, the proposed change does not decrease the margin of safety. The proposed change in inspection criteria maintains the current safety margin, which protects the fuel

cladding integrity during a postulated LOCA event, but does not change the requirements governing operation or availability of safety equipment assumed to operate to preserve the margin of safety. The change does not alter the behavior of plant equipment, which remains unchanged.

The proposed change to License Condition 2.C.(5) is consistent with NRC-approved methods, guidelines, and criteria and provides adequate assurance that the Core Spray System can perform its safety function as required by the plant-specific LOCA-analysis. No setpoints at which protective actions are initiated are altered by the proposed change. The proposed change does not alter the manner in which the safety limits are determined. This change is consistent with plant design and does not change the Technical Specification operability requirements; thus, previously evaluated accidents are not affected by this proposed change.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Branch Chief: Douglas A. Bradus.

NextEra Energy Seabrook, LLC, Docket No. 50-443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: July 28, 2017. A publicly-available version is in ADAMS under Accession No. ML17212A034.

Description of amendment request: The amendment would revise the direct current (DC) battery Technical Specifications 3.8.2.1, 3.8.2.2, 3.8.3.1, and 3.8.3.2 such that a DC electrical train is operable with one 100 percent capacity battery aligned to both DC buses in the associated electrical train. The amendment also proposes to remove a footnote to Surveillance Requirement 4.8.2.1 associated with DC battery checks.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The technical specification (TS) limiting conditions for operation and required actions associated with the proposed changes to the TS are not initiators of any accidents previously evaluated, so the probability of accidents previously evaluated is unaffected by the proposed changes. The proposed change does not alter the design, function, or operation of any plant structure, system, or component (SSC). The capability of any operable TS-required SSC to perform its specified safety function is not impacted by the proposed change. As a result, the outcomes of accidents previously evaluated are unaffected.

Therefore, the proposed changes do not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change does not challenge the integrity or performance of any safety-related systems. No plant equipment is installed or removed, and the changes do not alter the design, physical configuration, or method of operation of any plant SSC.

No physical changes are made to the plant, so no new causal mechanisms are introduced. Therefore, the proposed changes to the TS do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not challenge the integrity or performance of any safety-related systems. No plant equipment is installed or removed, and the changes do not alter the design, physical configuration, or method of operation of any plant SSC. No physical changes are made to the plant, so no new causal mechanisms are introduced.

Therefore, the proposed changes to the TS do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The ability of any operable SSC to perform its designated safety function is unaffected by the proposed changes. The proposed changes do not alter any safety analyses assumptions, safety limits, limiting safety system settings, or method of operating the plant. The changes do not adversely affect plant operating margins or the reliability of equipment credited in the safety analyses. With the proposed change, each DC electrical train remains fully capable of performing its safety function.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Managing Attorney, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408-0420.

NRC Branch Chief: James G. Danna.

Southern Nuclear Operating Company, Inc. (SNC), Docket Nos. 50-424, 50-425, 52-025, and 52-026, Vogtle Electric Generating Plant, Units 1, 2, 3, and 4, Burke County, Georgia

Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Southern Nuclear Operating Company, Inc., Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, City of Dalton, Georgia

Date of amendment request: August 30, 2017. A publicly-available version is in ADAMS under Accession No. ML17243A202.

Description of amendment request: The amendments would relocate the emergency operations facility for the eight units of the SNC nuclear fleet from the SNC corporate headquarters in Birmingham, Alabama, to a new location 1.3 miles away.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to relocate the consolidated EOF [emergency operations facility] within Birmingham, Alabama, requires no change to the required staff response time for supplementing onsite personnel in response to a radiological emergency. The relocated EOF is along the same major roadway and response personnel will be able to access the facility, using for the most part, the same path they currently use to travel to the corporate office. The license amendment does not request a change to the response time and the facility will be functional within the same timeframe as for the existing EOF. The functions and capabilities of the relocated EOF will continue to meet the applicable regulatory requirements. The proposed change has no effect on normal plant operation or on any accident initiator or precursors and does not impact the function of plant structures, systems, or components [(SSCs)]. The proposed change does not alter or prevent the ability of the emergency response organization to perform its intended functions to mitigate the consequences of an accident or event.

Therefore, the proposed change does not involve a significant increase in the

probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change only concerns implementation of the standard emergency plan by relocating the Corporate EOF a short distance (1.3 miles) from its current location. The new location will not change the time the facility will be functional to provide emergency response. The functions and capabilities of the relocated EOF will continue to meet the applicable regulatory requirements. The proposed change will not change the design function or operation of SSCs. The change does not impact the accident analysis for any of the SNC nuclear plants. The change does not involve a physical alteration of any of the plants, a change in the method of plant operation, or new operator actions. The proposed change does not introduce failure modes that could result in a new accident, and the change does not alter assumptions made in safety analyses.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change only impacts the implementation of the emergency plan by relocating the Corporate EOF a short distance (1.3 miles) within Birmingham, Alabama. The change does not affect staff response time or the time it takes to make the facility operational to perform its intended emergency response functions. The functions and capabilities of the relocated EOF will continue to meet the applicable regulatory requirements. Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.*, fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed change is associated with the emergency plan and does not impact operation of the plant or its response to transients or accidents. The change does not affect Technical Specifications. The change does not involve a change in the method of plant operation, and accident analyses will not be affected by the proposed change. Safety analyses acceptance criteria are not affected. The standard emergency plan and the plant annexes will continue to provide the required response staff for performing major tasks for the functional areas of the emergency plans.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Iverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: August 31, 2017. A publicly-available version is in ADAMS under Accession No. ML17243A088.

Description of amendment request: The requested amendments propose to depart from approved AP1000 Design Control Document by proposing changes to the combined license (COL) and the COL Appendix A, Technical Specifications. Specifically, the amendments, if approved, would revise the COL documents mentioned previously to reflect the proposed changes to the reactor coolant system and main steam line leakage detection systems for detection of leakage at all times and consideration of instrument sensitivities not accounted for.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The [reactor coolant system (RCS)] leakage detection systems provide early warning of abnormal degradation of the reactor coolant pressure boundary (RCPB) or the main steam lines inside containment so that actions can be taken to prevent pipe breaks. The change proposed to limiting condition for operation (LCO) 3.4.9 adds limited periods during which the containment sump level and/or containment atmosphere F18 particulate monitor are not required to be operable—during and for 2 hours after use of the containment purge flow path, and during in-containment refueling water storage tank (IRWST) gutter drain isolation valve closure and for 2 hours after reopening the valves—and proposes a compensatory increase in the frequency of the RCS inventory balance during these periods. Containment purge, containment venting and IRWST gutter drain isolation valve closure are evolutions associated with normal operating conditions. The probability of a leakage flow growing to a size that would cause pipe failure during and for 2 hours after IRWST gutter drain isolation valve inservice testing or a containment venting evolution is low because the durations of the test and venting

evolution are short. The probability of a leakage flow growing to a size that would cause pipe failure during and for 2 hours after a containment purge operation is low because containment purge operations at power are infrequent, and because containment purge in preparation for refueling is conducted concurrent with operations that will put the plant in operating modes for which LCO 3.4.9 is not applicable (MODES 5 and 6).

The RCS inventory balance method of leak detection is quantitative and remains available when the plant has been operating at steady state for at least 12 hours and the leakage instrumentation is not required to be operable. In addition, the leak detection instruments will remain functional and have sensitivities such that the instrumentation will still be useful as a leak detection aid to operators during a containment purge operation or IRWST gutter drain isolation valve inservice testing. The RCS leakage detection instrumentation is not credited with consequence mitigation during any accident previously evaluated.

Existing Required Action A.1 is intended to determine whether the remaining required containment sump level instrument is functioning properly when one of the required instruments is inoperable. Removal of Required Action A.1 does not increase the probability or consequences of an accident previously evaluated because a new Surveillance Requirement is proposed which will provide more appropriate monitoring to assess operability of the remaining required containment sump level channel.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The failure of the leak detection systems to detect small leaks in the reactor coolant pressure boundary could lead to large undetected leaks and possibly a loss of coolant accident. Loss of coolant accidents for a spectrum of pipe sizes and locations are already postulated in [Updated Final Safety Analysis Report (UFSAR)] Chapter 15, Section 15.6. Breaks in the main steam lines inside containment are also analyzed in UFSAR Chapter 15, Section 15.1. Unidentified leakage detection and operator action in response to unidentified leakage are not postulated for any of the design basis accident analyses described in UFSAR Chapter 15.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment does not reduce RCS leakage detection instrument availability with respect to IRWST gutter drain isolation valve closure or reactor power level. The changes to compensate for instrument sensitivities during containment purge

operation do not represent a significant portion of the expected operating time in MODES 1, 2, 3 and 4. The containment purge isolation valves are opened temporarily during plant startup to relieve containment pressure increase due to thermal expansion. Containment purge during power operation may be required to support containment entry—which is infrequent. The containment purge flow paths are also used for venting the containment atmosphere to control containment pressure differential as weather changes affect ambient pressure. When the containment purge system is not being used to support personnel access into containment or to control the containment atmospheric pressure, the containment air filtration system containment isolation valves are maintained in their normally closed position. The IRWST gutter drain isolation valves are cycled quarterly, but are normally maintained in the open position. Therefore, use of the containment purge flow paths and closure of the IRWST gutter drain isolation valves do not represent a significant portion of the time in power operation. In addition, the action to perform a RCS inventory balance on a greater frequency during these evolutions will provide more appropriate monitoring to assess operability of the leak detection instrumentation. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

Removing existing Required Action A.1 and adding surveillance of the containment sump level channels does not significantly decrease the margin of safety. The prescribed Action did not provide definitive information about instrument performance or operability. The new Surveillance Requirement proposed will provide a history of the operational performance of the containment sump level instrumentation that will better assist in the determination of instrument operability.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue, North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: May 23, 2017. A publicly-available version is in ADAMS under Accession No. ML17150A302.

Description of amendment request: The amendments would add operability requirements, required actions,

instrument settings, and surveillance requirements to the Technical Specifications (TSs) for the 4160 volt (V) emergency bus negative sequence voltage (open phase) protection function. Specifically, the proposed amendments would revise TS Table 3.7–2, “Engineered Safeguards Action, Instrument Operating Conditions”; Table 3.7–4, “Engineered Safety Feature System Initiation Limits Instrument Setting”; Table 4.1–1, “Minimum Frequencies for Check, Calibrations and Test of Instrument Channels”; and add new TS Action 27 Table Notation to Tables 3.7–2 and 3.7–3, “Instrument Operating Conditions for Isolation Functions.” The negative sequence voltage (open phase) protection function provides detection and isolation of one or two open phases (*i.e.*, an open phase condition) on a TS required offsite primary (preferred) power source and initiates transfer to the onsite emergency power source (*i.e.*, the emergency diesel generators (EDGs)).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change adds operability requirements, required actions, instrument settings, and surveillance requirements for the negative sequence voltage (open phase) protection function associated with the 4160V emergency buses. This system provides an additional level of undervoltage protection for Class 1E electrical equipment. The proposed change will promote reliability of the negative sequence voltage (open phase) protection circuitry in the performance of its design function of detecting and mitigating an open phase condition (OPC) on a required off-site primary power source and initiating transfer to the onsite emergency power source.

The new negative sequence voltage (open phase) protection function will further ensure the normally operating Class 1E motors/equipment, which are powered from the Class 1E buses, are appropriately isolated from a primary off-site power source experiencing a consequential OPC and will not be damaged. The addition of the negative sequence voltage (open phase) protection function will continue to allow the existing undervoltage protection circuitry to function as originally designed (*i.e.*, degraded and loss of voltage protection will remain in place and be unaffected by this change). The proposed change does not affect the probability of any accident resulting in a loss of voltage or degraded voltage condition on the Class 1E electrical buses and will enhance station response to mitigating the consequences of

accidents previously evaluated as this change further ensures continued operation of Class 1E equipment throughout accident scenarios.

Specific models and analyses were performed and demonstrated that the proposed negative sequence voltage (open phase) protection function, with the specified operability requirements, required actions, instrument settings, and surveillance requirements, will ensure the Class 1E system will be isolated from the off-site power source should a consequential OPC occur. The Class 1E motors will be subsequently sequenced back onto the Class 1E buses powered by the EDGs and will therefore not be damaged in the event of a consequential OPC under both accident and non-accident conditions. Therefore, the Class 1E loads will be available to perform their design basis functions should a loss-of-coolant accident (LOCA) occur concurrent with a loss-of-off-site power (LOOP) following an OPC. The loading sequence (*i.e.*, timing) of Class 1E equipment back onto the ESF [engineered safety feature] bus, powered by the EDG, is within the existing degraded voltage time delay.

The addition of the new negative sequence voltage (open phase) protection function will have no impact on accident initiators or precursors and does not alter the accident analysis assumptions.

Based on the above, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the requirements for the availability of the 4160V emergency buses during accident conditions. The proposed change does not alter assumptions made in the safety analysis and is consistent with those assumptions. The addition of the negative sequence voltage (open phase) protection function TS enhances the ability of plant operators to identify and respond to an OPC in an off-site, primary power source, thereby ensuring the station electric distribution system will perform its intended safety function as designed. The proposed TS change will promote negative sequence voltage (open phase) protection function performance reliability in a manner similar to the existing loss of voltage and degraded voltage protective circuitry.

The proposed change does not result in the creation of any new accident precursors; does not result in changes to any existing accident scenarios, and does not introduce any operational changes or mechanisms that would create the possibility of a new or different kind of accident. A failure mode and effects review was completed for postulated failure mechanisms of the new negative sequence voltage protection function and concluded that the addition of this protection function would not affect the existing loss of voltage and degraded voltage protection schemes; would not affect the number of occurrences of degraded voltage conditions that would cause the actuation of the existing Loss of Voltage, Degraded

Voltage or negative sequence voltage protection relays; would not affect the failure rate of the existing protection relays; and would not impact the assumptions in any existing accident scenario.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in a margin of safety?

Response: No.

The proposed change enhances the ability of the plant to identify and isolate (an) open phase(s) in an off-site, primary power source and transfer the power source for the 4160V emergency buses to the onsite emergency power system. The proposed change does not affect the dose analysis acceptance criteria, does not result in plant operation in a configuration outside the analyses or design basis, and does not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

With the addition of the new negative sequence voltage (open phase) protection function, the capability of Class 1E equipment to perform its safety function will be further assured and the equipment will remain capable of mitigating the consequences of previously analyzed accidents while maintaining the existing margin to safety currently assumed in the accident analyses.

Therefore, the proposed TS change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar St., RS-2, Richmond, VA 23219.

NRC Branch Chief: Michael T. Markley.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating

license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment, as indicated. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 15, 2016.

Brief description of amendments: The amendments modified Technical Specification (TS) 3.8.1, "AC Sources—Operating," to allow greater flexibility in performing Surveillance Requirements (SRs) by modifying Mode restriction notes in TS SRs 3.8.1.11, 3.8.1.16, 3.8.1.17, 3.8.1.19, 3.8.4.8, and 3.8.4.9. These proposed changes are consistent with Technical Specification Task Force (TSTF) Traveler TSTF-283-A, Revision 3, "Modify Section 3.8 Mode Restriction Notes."

Date of issuance: September 8, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 292 (Unit 1) and 288 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17178A234; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in Federal Register: April 25, 2017 (82 FR 19101).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 2017.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: January 11, 2017.

Brief description of amendments: The amendments modified Technical Specification (TS) 3.1.2, "Core Reactivity," to revise the Completion Times of Required Action A.1 and A.2 from 72 hours to 7 days. This proposed change is consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF-142-A, Revision 0, "Increase the Completion Time when the Core Reactivity Balance is Not Within Limit."

Date of issuance: September 8, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 297 (Unit 1) and 276 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17207A284; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in Federal Register: May 23, 2017 (82 FR 23618).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 2017.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: January 11, 2017.

Brief description of amendments: The amendments modified Technical Specification (TS) 3.6.3, "Containment Isolation Valves," to add a Note to TS Limiting Condition for Operation 3.6.3 Required Actions A.2, C.2, and E.2 to allow isolation devices that are locked, sealed, or otherwise secured to be verified by use of administrative means. The changes are consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF-269-A, Revision 2, "Allow administrative

means of position verification for locked or sealed valves.”

Date of issuance: September 18, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 298 (Unit 1) and 277 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17240A354; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in Federal Register: May 23, 2017 (82 FR 23619).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 18, 2017.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: January 11, 2017.

Brief description of amendments: The amendments modified Technical Specification (TS) 3.4.12, “Low Temperature Overpressure Protection (LTOP) System,” to increase the time allowed for swapping charging pumps to one hour. Additionally, an existing note in the Applicability section of TS 3.4.12 was reworded and relocated to the Limiting Condition for Operation section of TS 3.4.12 as Note 2. These proposed changes were consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF-285-A, Revision 1, “Charging Pump Swap LTOP Allowance.”

Date of issuance: September 25, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 299 (Unit 1) and 278 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17244A102; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in Federal Register: May 23, 2017 (82 FR 23620).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 25, 2017.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant (CNP), Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request:

December 14, 2016, as supplemented by letter dated May 26, 2017.

Brief description of amendments: The amendments revised the note regarding applicability of the limiting condition for operation for CNP Technical Specification 3.9.3, “Containment Penetrations.”

Date of issuance: September 21, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 337 (Unit No. 1) and 319 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML17214A550; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR-58 and DPR-74: Amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: February 28, 2017 (82 FR 12133). The supplemental letter dated May 26, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 21, 2017.

No significant hazards consideration comments received: No.

NextEra Energy Duane Arnold, LLC, Docket No. 50-331, Duane Arnold Energy Center (DAEC), Linn County, Iowa

Date of amendment request:

September 13, 2016, as supplemented by letters dated April 7, 2017, and June 19, 2017.

Brief description of amendment: The amendment made changes to the DAEC Emergency Plan to revise the staffing and the augmentation times for certain emergency response organization positions.

Date of issuance: September 21, 2017.

Effective date: As of the date of issuance and shall be implemented within 180 days.

Amendment No.: 301. A publicly-available version is in ADAMS under

Accession No. ML17220A026; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR-49: The amendment made changes to the DAEC Emergency Plan.

Date of initial notice in Federal Register: November 22, 2016 (81 FR 83877). The supplemental letters dated April 7, 2017, and June 19, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 21, 2017.

No significant hazards consideration comments received: No.

NextEra Energy Seabrook, LLC, Docket No. 50-443, Seabrook Station, Unit No. 1 (Seabrook), Rockingham County, New Hampshire

Florida Power & Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant (St. Lucie), Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: March 30, 2017.

Brief description of amendments: The amendments revised Technical Specification requirements to operate ventilation systems with charcoal filters from 10 hours to 15 minutes in accordance with TSTF-522, Revision 0, “Revise Ventilation System Surveillance Requirements to Operate for 10 hours per Month.”

Date of issuance: September 11, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 156 (Seabrook); 240 (St. Lucie, Unit No. 1) and 191 (St. Lucie, Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML17219A556; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF-86, DPR-67, and NPF-16: Amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: May 23, 2017 (82 FR 23627).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 11, 2017.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Units 1 and 2 (DCPP), San Luis Obispo County, California

Date of amendment request: October 25, 2016, as supplemented by letters dated June 21, 2017, and August 17, 2017.

Brief description of amendments: The amendments revised the Emergency Plan (E-Plan) for DCPP to adopt the Nuclear Energy Institute's (NEI's) revised Emergency Action Level (EAL) schemes described in NEI 99–01, Revision 6, "Development of Emergency Action Levels for Non-Passive Reactors," November 2012. Revision 6 of NEI 99–01 has been endorsed by the NRC by letter dated March 28, 2013. The currently approved E-Plan and associated EALs for DCPP are based on the guidance established in NEI 99–01, Revision 4 (NUMARC/NESP–007), "Methodology for Development of Emergency Action Levels," January 2003, except for security-related EALs, which are based on the guidance established in NEI 99–01, Revision 5, "Methodology for Development of Emergency Action Levels," February 2008.

Date of issuance: September 25, 2017.

Effective date: As of the date of issuance and shall be implemented within 365 days from the date of issuance.

Amendment Nos.: 231 (Unit 1) and 233 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17212A379; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Facility Operating Licenses.

Date of initial notice in Federal Register: December 6, 2016 (81 FR 87973). The supplemental letters dated June 21, 2017, and August 17, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 25, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: October 11, 2016, as supplemented by letters dated May 15, 2017, and June 30, 2017.

Brief description of amendments: The amendments add new Action Conditions (A, B, and C) to Technical Specification (TS) 3.8.9 that address an inoperable 600 Volt AC load center (LC) 1–2R. The amendments include appropriate Required Actions and associated Completion Times for an inoperable LC 1–2R. Appropriate corresponding changes were made to the remaining conditions to reflect these new conditions.

Date of issuance: September 15, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 213 (Unit 1) and 210 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17205A020; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–2 and NPF–8: The amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in Federal Register: December 20, 2016 (81 FR 92872). The supplemental letters dated May 15, 2017, and June 30, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 15, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: March 24, 2017, as supplemented by letter dated June 15, 2017.

Brief description of amendments: The amendments revised Technical Specification 3.7.9, "Ultimate Heat Sink (UHS)," to extend the completion time to restore one inoperable nuclear service cooling water (NSCW) basin transfer pump from 31 days to 46 days. Additionally, a new condition was added to address two inoperable NSCW basin transfer pumps.

Date of issuance: September 19, 2017.
Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 192 (Unit 1) and 175 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17213A133; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: May 9, 2017 (82 FR 21563).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 19, 2017.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–391, Watts Bar Nuclear Plant, Unit 2, Rhea County, Tennessee

Date of amendment request: December 21, 2016, as supplemented by letter dated May 19, 2017.

Brief description of amendment: The amendment revised Technical Specification (TS) Surveillance Requirements (SRs) 3.6.11.2 and 3.6.11.3 to modify the requirements for the total weight of stored ice, minimum weight of each ice basket, and average ice weight of sample baskets. The amendment also made conforming changes to TS Table SR 3.0.2–1.

Date of issuance: September 14, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 14. A publicly-available version is in ADAMS under Accession No. ML17215B037; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–96: Amendment revised the Facility Operating License and TSs.

Date of initial notice in Federal Register: March 28, 2017 (82 FR 15388). The supplemental letter dated May 19, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 14, 2017.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: October 11, 2016, as supplemented by letters dated May 18, 2017, and June 2, 2017.

Brief description of amendment: The amendment revised the Technical Specification (TS) requirements to reference and allow use of the NRC-approved core reload methodologies described in Westinghouse topical reports WCAP-16045-P-A, Revision 0, "Qualification of the Two-Dimensional Transport Code PARAGON"; WCAP-16045-P-A, Addendum 1-A, Revision 0, "Qualification of the NEXUS Nuclear Data Methodology"; and WCAP-10965-P-A, Addendum 2-A, Revision 0, "Qualification of the New Pin Power Recovery Methodology," for the Callaway Plant.

Date of issuance: September 15, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 217. A publicly-available version is in ADAMS under Accession No. ML17236A082; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF-30: The amendment revised the Operating License and TSs.

Date of initial notice in Federal Register: January 3, 2017 (82 FR 162). The supplemental letters dated May 18, 2017, and June 2, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 15, 2017.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 3rd day of October 2017.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017-21607 Filed 10-6-17; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-040 and 52-041; NRC-2009-0337]

Florida Power and Light Company; Turkey Point, Units 6 and 7

AGENCY: Nuclear Regulatory Commission.

ACTION: Combined license application; revised notice of hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding the application of Florida Power and Light Company (FPL) for combined licenses (COLs) to construct and operate two additional units (Units 6 and 7) at the Turkey Point site in Miami-Dade County, Florida. This mandatory hearing will concern safety and environmental matters relating to the requested COLs.

DATES: The hearing will be held on December 12, 2017, beginning at 9:00 a.m. Eastern Standard Time. For the schedule for submitting pre-filed documents and deadlines affecting Interested Government Participants, see Section V of the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID 52-040 and 52-041 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *NRC's Electronic Hearing Docket:* You may obtain publicly available documents related to this hearing online at <http://www.nrc.gov/about-nrc/regulatory/adjudicatory.html>.

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

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

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

FOR FURTHER INFORMATION CONTACT: Denise McGovern, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-0681; email: Denise.McGovern@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission hereby gives notice that, pursuant to Section 189a of the Atomic Energy Act of 1954, as amended (the Act), it will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding FPL's June 30, 2009, application for COLs under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), to construct and operate two additional units (Units 6 and 7) at the Turkey Point site in Miami-Dade County, Florida (<http://www.nrc.gov/reactors/new-reactors/col/turkey-point.html>). The Commission had previously scheduled this hearing for February 9, 2017, and later, for October 5, 2017.¹ This mandatory hearing will concern safety and environmental matters relating to the requested COLs, as more fully described below. Participants in the hearing are not to address any contested issues in their written filings or oral presentations.

II. Evidentiary Uncontested Hearing

The Commission will conduct this hearing beginning at 9:00 a.m. Eastern Standard Time on December 12, 2017, at the U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The hearing on these issues will continue on subsequent days, if necessary.

III. Presiding Officer

The Commission is the presiding officer for this proceeding.

IV. Matters To Be Considered

The matter at issue in this proceeding is whether the review of the application by the Commission's staff has been adequate to support the findings found in 10 CFR 52.97 and 10 CFR 51.107. Those findings that must be made for each COL are as follows:

Issues Pursuant to the Atomic Energy Act of 1954, as Amended

The Commission will determine whether (1) the applicable standards and requirements of the Act and the

¹ See 81 FR 89,995 (Dec. 13, 2016) and 82 FR 34,995 (Jul. 27, 2017).

Commission's regulations have been met; (2) any required notifications to other agencies or bodies have been duly made; (3) there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of the Act, and the Commission's regulations; (4) the applicant is technically and financially qualified to engage in the activities authorized; and (5) issuance of the license will not be inimical to the common defense and security or the health and safety of the public.

Issues Pursuant to the National Environmental Policy Act (NEPA) of 1969, as Amended

The Commission will (1) determine whether the requirements of Sections 102(2)(A), (C), and (E) of NEPA and the applicable regulations in 10 CFR part 51 have been met; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; (3) determine, after weighing the environmental, economic, technical, and other benefits against environmental and other costs, and considering reasonable alternatives, whether the combined licenses should be issued, denied, or appropriately conditioned to protect environmental values; and (4) determine whether the NEPA review conducted by the NRC staff has been adequate.

V. Schedule for Submittal of Pre-filed Documents

No later than November 7, 2017, unless the Commission directs otherwise, the NRC staff and the applicant shall submit a list of its anticipated witnesses for the hearing.

No later than November 7, 2017, unless the Commission directs otherwise, the applicant shall submit its pre-filed written testimony. The NRC staff submitted its testimony on December 2, 2016.

The Commission issued written questions on September 1, 2017. Responses to these questions are due on November 7, 2017, unless the Commission directs otherwise.

VI. Interested Government Participants

No later than November 6, 2017, any interested State, local government body, or affected, Federally recognized Indian Tribe may file with the Commission a statement of any issues or questions to which the State, local government body, or Indian Tribe wishes the Commission to give particular attention as part of the uncontested hearing process. Such statement may be accompanied by any

supporting documentation that the State, local government body, or Indian Tribe sees fit to provide. Any statements and supporting documentation (if any) received by the Commission using the agency's E-filing system² by the deadline indicated above will be made part of the record of the proceeding. The Commission will use such statements and documents as appropriate to inform its pre-hearing questions to the NRC staff and applicant, its inquiries at the oral hearing and its decision following the hearing. The Commission may also request, prior to November 8, 2017, that one or more particular States, local government bodies, or Indian Tribes send one representative each to the evidentiary hearing to answer Commission questions and/or make a statement for the purpose of assisting the Commission's exploration of one or more of the issues raised by the State, local government body, or Indian Tribe in the pre-hearing filings described above. The decision whether to request the presence of a representative of a State, local government body, or Indian Tribe at the evidentiary hearing to make a statement and/or answer Commission questions is solely at the Commission's discretion. The Commission's request will specify the issue or issues that the representative should be prepared to address.

States, local governments, or Indian Tribes should be aware that this evidentiary hearing is separate and distinct from the NRC's contested hearing process. Issues within the scope of contentions that have been admitted or contested issues pending before the Atomic Safety and Licensing Board or the Commission in a contested proceeding for a COL application are outside the scope of the uncontested proceeding for that COL application. In addition, although States, local governments, or Indian Tribes participating as described above may take any position they wish, or no position at all, with respect to issues regarding the COL application or the NRC staff's associated environmental

² The process for accessing and using the agency's E-filing system is described in the June 18, 2010, notice of hearing that was issued by the Commission for this proceeding. See Florida Power and Light Company; Combined License Application for the Turkey Point Units 6 and 7; Notice of Hearing, Opportunity To Petition for Leave To Intervene and Associated Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation (75 FR 34,777). Participants who are unable to use the electronic information exchange (EIE), or who will have difficulty complying with EIE requirements in the time frame provided for submission of written statements, may provide their statements by electronic mail to hearingdocket@nrc.gov.

review that do fall within the scope of the uncontested proceeding (*i.e.*, issues that are not within the scope of admitted contentions or pending contested issues), they should be aware that many of the procedures and rights applicable to the NRC's contested hearing process due to the inherently adversarial nature of such proceedings are not available with respect to this uncontested hearing. Participation in the NRC's contested hearing process is governed by 10 CFR 2.309 (for persons or entities, including States, local governments, or Indian Tribes, seeking to file contentions of their own) and 10 CFR 2.315(c) (for interested States, local governments, and Indian Tribes seeking to participate with respect to contentions filed by others). Participation in this uncontested hearing does not affect the right of a State, local government, or Indian Tribe to participate in the separate contested hearing process.

Dated at Rockville, Maryland, this 3rd day of October, 2017.

For the Nuclear Regulatory Commission.
Annette L. Vietti-Cook,
Secretary of the Commission.

[FR Doc. 2017-21698 Filed 10-6-17; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on October 18, 2017, at 11545 Rockville Pike, Room T-2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, October 18, 2017-8:30 a.m. until 12:00 p.m.

The Subcommittee will discuss the State-Of-the-Art Reactor Consequence Analysis (SOARCA) Project, Sequoyah Integrated Deterministic and Uncertainty Analyses. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Hossein Nourbakhsh (Telephone 301-415-5622 or Email: Hossein.Nourbakhsh@nrc.gov), five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240-888-9835) to be escorted to the meeting room.

Dated: October 3, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017-21767 Filed 10-6-17; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016-72; MC2018-1 and CP2018-1; MC2018-2 and CP2018-2; MC2018-3 and CP2018-3]

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 a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 11, 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:

Table of Contents

- 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):* CP2016-72; *Filing Title:* Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Contract 177; *Filing Acceptance Date:* October 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Katalin K. Clendenin; *Comments Due:* October 11, 2017.

2. *Docket No(s):* MC2018-1 and CP2018-1; *Filing Title:* Request of the United States Postal Service to Add First-Class Package Service Contract 83 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* October 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Gregory Stanton; *Comments Due:* October 11, 2017.

3. *Docket No(s):* MC2018-2 and CP2018-2; *Filing Title:* Request of the United States Postal Service to Add First-Class Package Service Contract 84 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* October 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Gregory Stanton; *Comments Due:* October 11, 2017.

4. *Docket No(s):* MC2018-3 and CP2018-3; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 366 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* October 3, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Katalin K.

Clendenin; *Comments Due*: October 11, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,
Secretary.

[FR Doc. 2017-21754 Filed 10-6-17; 8:45 am]
BILLING CODE 7710-FW-P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1)*: October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 366 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2018-3, CP2018-3.

Elizabeth A. Reed,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2017-21664 Filed 10-6-17; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1)*: October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add First-Class Package Service Contract 84 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2018-2, CP2018-2.

Elizabeth A. Reed,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2017-21663 Filed 10-6-17; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1)*: October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add First-Class Package Service Contract 83 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2018-1, CP2018-1.

Elizabeth A. Reed,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2017-21662 Filed 10-6-17; 8:45 am]
BILLING CODE 7710-12-P

Railroad Retirement Board

Sunshine Act Meeting; Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on October 25, 2017, 10:00 a.m. at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

Portion open to the public:

(1) Executive Committee Reports

The person to contact for more information is Martha P. Rico, Secretary to the Board, Phone No. 312-751-4920.

Dated: October 5, 2017.

Martha P. Rico,
For the Board, Secretary to the Board.

[FR Doc. 2017-21853 Filed 10-5-17; 11:15 am]
BILLING CODE 7905-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81806; File No. SR-BatsBYX-2017-24]

Self-Regulatory Organizations; Bats BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.9, Orders and Modifiers, To Add New Optional Functionality to Minimum Quantity Orders

October 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 26, 2017, Bats BYX Exchange, Inc. ("Exchange" or "BYX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(6) thereunder,⁴ which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to add new optional functionality to Minimum Quantity Orders by amending paragraph (c)(5) of Exchange Rule 11.9, Orders and Modifiers. The Exchange also proposes to amend paragraph (e)(3) of Exchange Rule 11.9 to make certain clarifying, non-substantive changes. The proposed amendments are identical changes its affiliate, Bats EDGX Exchange, Inc. ("EDGX"), recently filed with and were published by the Commission for immediate effectiveness.⁵ The Exchange

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See EDGX Rules 11.6(h), 11.8(b)(3), and 11.10(e)(3). See also Securities Exchange Act

also proposes to add language to the description of Minimum Quantity Orders to further describe their current operation on BYX and to harmonize the rule with that of EDGX.⁶

The text of the proposed rule change is available at the Exchange's Web site at www.bats.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add new optional functionality to Minimum Quantity Orders by amending paragraph (c)(5) of Exchange Rule 11.9, Orders and Modifiers. The Exchange also proposes to amend paragraph (e)(3) of Exchange Rule 11.9 to make certain clarifying, non-substantive changes. The proposed amendments are identical to changes recently filed by Exchange's affiliate EDGX and were published by the Commission for immediate effectiveness.⁷ The Exchange also proposes to add language to the description of Minimum Quantity Orders to further describe their current operation on BYX and to harmonize the rule with that of EDGX.⁸ The Exchange does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on EDGX. The Exchange notes that the proposed rule text is based on BYX rules and is different only to the extent necessary to conform to the

Exchange's current rules. Each of these changes are described in detail below.

Exchange Rule 11.9(c)(5), Proposed Individual Minimum Size and Harmonization With EDGX Rule 11.6(h)

A Minimum Quantity Order enables a User⁹ to specify a minimum share amount at which the order will execute. A Minimum Quantity Order will not execute unless the volume of contra-side liquidity available to execute against the order meets or exceeds the designated minimum. Specifically, a Minimum Quantity Order is a limit order to buy or sell that will only execute if a specified minimum quantity of shares can be obtained. Orders with a specified minimum quantity will only execute against multiple, aggregated orders if such executions would occur simultaneously.¹⁰ The Exchange will only honor a specified minimum quantity on BYX Only Orders¹¹ that are non-displayed or Immediate-or-Cancel ("IOC") Orders¹² and will disregard a minimum quantity on any other order.

First, the Exchange proposes to add new optional functionality that would enhance the utility of Minimum Quantity Orders by amending paragraph (c)(5) of Exchange Rule 11.9. In sum, the proposal would permit an incoming Minimum Quantity Order to forego executions where multiple resting orders could otherwise be aggregated to satisfy the order's minimum quantity.

The Exchange has observed that some market participants avoid sending large Minimum Quantity Orders to the Exchange out of concern that such orders may interact with small orders entered by professional traders, possibly adversely impacting the execution of their larger order. Institutional orders are often much larger in size than the average order in the marketplace. To facilitate the liquidation or acquisition of a large position, market participants tend to submit multiple orders into the market that may only represent a fraction of the overall institutional position to be executed. Various strategies used by institutional market participants to execute large orders are intended to limit price movement of the security at issue. Executing in small sizes, even if in the aggregate it meets the order's minimum quantity, may

impact the market for that security such that the additional orders the market participant has yet to enter into the market may be more costly to execute. If an institution is able to execute in larger sizes, the contra-party to the execution is less likely to be a participant that reacts to short term changes in the stock price, and as such, the price impact to the stock may be less acute when larger individual executions are obtained.¹³ As a result, these orders are often executed away from the Exchange in dark pools or other exchanges that offer the same functionality as proposed herein,¹⁴ or via broker-dealer internalization.

To attract larger Minimum Quantity Orders, the Exchange proposes to add new optional functionality that would enhance the utility of Minimum Quantity Orders. In sum, the proposal would permit a User to elect that its incoming Minimum Quantity Order execute solely against one or more resting individual orders, each of which must satisfy the order's minimum quantity condition. In such case, the order would forego executions where multiple resting orders could otherwise be aggregated to satisfy the order's minimum quantity, but do not individually satisfy the minimum quantity condition.¹⁵ As discussed above, under the current rule a Minimum Quantity Order will execute upon entry against any number of smaller contra-side orders that, in aggregate, meet the minimum quantity set by the User. This default behavior will remain. For example, assume there are two orders to sell resting on the BYX Book¹⁶—the first for 300 shares and a second for 400 shares, with the 300 share order having time priority ahead of the 400 share order. If a User entered a Minimum Quantity Order to buy 1,000 shares at \$10.00 with a minimum quantity of 500 shares, and the order was marketable against the two resting sell orders for 300 and 400 shares, the

¹³ The Commission has long recognized this concern: "[a]nother type of implicit transaction cost reflected in the price of a security is short-term price volatility caused by temporary imbalances in trading interest. For example, a significant implicit cost for large investors (who often represent the consolidated investments of many individuals) is the price impact that their large trades can have on the market. Indeed, disclosure of these large orders can reduce the likelihood of their being filled." See Securities Exchange Act Release No. 42450 (February 23, 2000), 65 FR 10577, 10581 (February 28, 2000) (SR-NYSE-99-48).

¹⁴ See *supra* note 5.

¹⁵ If no election is made, the System will aggregate multiple resting orders to satisfy the incoming order's minimum quantity.

¹⁶ The term "BYX Book" is defined as "the System's electronic file of orders." See Exchange Rule 1.5(e).

Release No. 81457 (August 22, 2017), 82 FR 40812 (August 28, 2017) (SR-BatsEDGX-2017-34).

⁶ See EDGX Rule 11.9(h) (describing the operation of the Minimum Execution Quantity order instructions, which is functionally identical to the BYX Minimum Quantity Order).

⁷ See *supra* note 5.

⁸ See EDGX Rule 11.9(h) (describing the operation of the Minimum Execution Quantity order instructions, which is functionally identical to the BYX Minimum Quantity Order).

⁹ The term "User" is defined as "any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3." See Exchange Rule 1.5(cc).

¹⁰ Today, the System will aggregate multiple resting orders to satisfy the incoming order's minimum quantity and a User cannot elect for the incoming order to execute against a single resting contra-side order.

¹¹ See Exchange Rule 11.9(c)(4).

¹² See Exchange Rule 11.9(b)(1).

System¹⁷ would aggregate both sell orders for purposes of meeting the minimum quantity, thus resulting in executions of 300 shares and then 400 shares respectively with the remaining 300 shares of the Minimum Quantity Order being posted to the BYX Book with a minimum quantity restriction of 300 shares.

The proposed new optional functionality will not allow aggregation of smaller executions to satisfy the minimum quantity of an incoming Minimum Quantity Order. Using the same scenario as above, but with the proposed new functionality and a minimum quantity requirement of 400 shares selected by the User, the Minimum Quantity Order would not execute against the two sell orders because the 300 share order with time priority at the top of the BYX Book is less than the incoming order's 400 share Minimum Execution Quantity [sic]. The new functionality will cause the Minimum Quantity Order to be cancelled or posted to the BYX Book, non-displayed, in accordance with the characteristics of the underlying order type¹⁸ when encountering an order with time priority that is of insufficient size to satisfy the minimum execution requirement. If posted, the Minimum Quantity Order will operate as it does currently and will only execute against individual orders that satisfy its minimum quantity as proposed herein. The Exchange notes that the User entering the Minimum Quantity Order has expressed its intention not to execute against liquidity below a certain minimum size, and therefore, cedes execution priority when it would lock an order against which it would otherwise execute if it were not for the minimum execution size restriction. The Exchange proposes to add language to paragraph (c)(5) of Rule 11.9 to make clear that the order would cede execution priority in such in [sic] scenario.

As amended, the description of a Minimum Quantity Order under paragraph (c)(5) of Exchange Rule 11.9 would set forth the default behavior of Minimum Quantity Orders that execute upon entry against a single order or multiple aggregated orders simultaneously. Amended Rule 11.9(c)(5) would set forth the proposed

optional functionality where a User may alternatively specify that the incoming order's minimum quantity condition be satisfied by each order resting on the BYX Book that would execute against the order with the minimum quantity condition. If there are such orders, but there are also orders that do not satisfy the minimum quantity condition, the incoming Minimum Quantity Order will execute against orders resting on the BYX Book in accordance with Rule 11.12, Priority of Orders, until it reaches an order that does not satisfy the minimum quantity condition at which point it would be posted to the BYX Book or cancelled in accordance with the terms of the order. If, upon entry, there are no orders that satisfy the minimum quantity condition resting on the BYX Book, the order will either be posted to the BYX Book or cancelled in accordance with the terms of the order.

The Exchange also proposes to re-price incoming Minimum Quantity Orders where that order may cross an order posted on the BYX Book. Specifically, where there is insufficient size to satisfy an incoming order's minimum quantity condition and that incoming order, if posted at its limit price, would cross an order(s) resting on the BYX Book, the order with the minimum quantity condition will be re-priced to and ranked at the locking price. For example, an order to buy at \$11.00 with a minimum quantity condition of 500 shares is entered and there is an order resting on the BYX Book to sell 200 shares at \$10.99. The resting order to sell does not contain sufficient size to satisfy the incoming order's minimum quantity condition of 500 shares. The price of the incoming buy order, if posted to the BYX Book, would cross the price of the resting sell order. In such case, to avoid an internally crossed book, the System will re-price the incoming buy order to \$10.99, the locking price. This behavior is similar to how the Exchange currently reprices non-displayed orders that cross the Protected Quotation of an external market.¹⁹ In addition, both the Investors Exchange, Inc. ("IEX") and the Nasdaq Stock Market LLC ("Nasdaq") also re-price similar orders to avoid an internally crossed book.²⁰

Second, the Exchange proposes to add language to the description of Minimum Quantity Orders to further describe their current operation on BZX and to harmonize the rule with that of its affiliate, EDGX, as described in EDGX

Rule 11.6(h).²¹ The Exchange does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on EDGX. The Exchange notes that the proposed rule text is based on BYX rules and is different only to the extent necessary to conform to the Exchange's current rules. The Exchange notes that, but for the proposed changes discussed above, the current operation of Minimum Quantity Orders on the Exchange and the Minimum Execution Quantity instruction on EDGX is identical.

The Exchange, therefore, proposes to amend the description of the Minimum Execution Quantity [sic] instruction to clarify its operation upon order entry and when the order is posted to the BYX Book. The Exchange proposes to clarify that upon entry, and by default, an order with a Minimum Execution Quantity [sic] will execute against a single order or multiple aggregated orders simultaneously. A User may also specify that the order only against [sic] orders that individually satisfy the order's minimum quantity condition, as proposed herein. Once posted to the BYX Book,²² the order may only execute against individual incoming orders with a size that satisfies the minimum quantity condition. Any shares remaining after a partial execution will continue to be executed at a size that is equal to or exceeds the quantity provided in the instruction. Where the number of shares remaining after a partial execution are [sic] less than the quantity provided in the order, the Minimum Quantity Order shall be equal to the number of shares remaining. The Exchange also proposed to clarify that a Minimum Quantity Order is not eligible to be routed to another Trading Center in accordance with Exchange Rule 11.13, Order Execution and Routing. These proposed changes would provide additional specificity to the operation of Minimum Quantity Orders and would harmonize the rule with the description of the Minimum Execution Quantity instruction under EDX [sic] Rule 11.6(h).

Exchange Rule 11.9(e)(3), Replace Messages

The Exchange also proposes to amend paragraph (e)(3) of Rule 11.9 to make certain clarifying, non-substantive

¹⁷ The term "System" is defined as "the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away. See Exchange Rule 1.5(aa).

¹⁸ See *supra* notes 11 and 12 for a description of the functionality associated with orders that may also be Minimum Quantity Orders.

¹⁹ See Exchange Rule 11.9(g)(4).

²⁰ See Nasdaq Rule 4703(e). See IEX Rule 11.190(h)(2).

²¹ See EDGX Rule 11.9(h) describing the operation of the Minimum Execution Quantity order instructions, which is functionally identical to the BYX Minimum Quantity Order.

²² Orders will only post to the BYX Book if they are designated with a TIF instruction that allows for posting. For example, an order with a TIF of IOC or FOK will never post to the BYX Book.

changes. The proposed change would harmonize the description of Replace messages under Exchange Rule 11.9(e)(3) with EDGX Rule 11.10(e)(3). Exchange Rule 11.9(e)(3) currently states that other than changing a limit order to a market order, only the price, stop price, the sell long or sell short indicator, Max Floor²³ of a Reserve Order [sic], and quantity terms of the order may be changed with a Replace message. If a User desires to change any other terms of an existing order, the existing order must be cancelled and a new order must be entered. As amended, paragraph (e)(3) of Rule 11.9 would specify that the Max Floor is associated with a Reserve Order and to replace the phrase “and quantity terms” with the word “size”. The Exchange believes these changes will provide additional specificity to the rule and ensure the rule uses terminology consistent with the description of Replace messages and their impact on an order’s priority under Exchange Rule 11.12(a)(4).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act²⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act²⁵ in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Exchange Rule 11.6(h), Proposed Individual Minimum Size

The proposed rule change would remove impediments to and promote just and equitable principles of trade because it would provide Users with optional functionality that enhances the use of the Minimum Execution Quantity [sic] instruction. These proposed amendments are identical to changes recently proposed by EDGX that were published by the Commission for immediate effectiveness.²⁶ The proposed change to the functioning of Minimum Quantity Orders will provide market participants, including institutional firms who ultimately represent individual retail investors in many cases, with better control over their orders, thereby providing them

with greater potential to improve the quality of their order executions. Currently, the rule allows Users to designate a minimum acceptable quantity on an order that may aggregate multiple executions to meet the minimum quantity requirement. Once posted to the book, however, the minimum quantity requirement is equivalent to a minimum execution size requirement. The Exchange is now proposing to provide Users with control over the execution of their Minimum Quantity Orders by allowing them an option to designate the minimum individual execution size upon entry. The control offered by the proposed change is consistent with the various types of control currently provided by exchange order types. For example, the Exchange and other exchanges offer limit orders, which allow a market participant control over the price it will pay or receive for a stock.²⁷ Similarly, exchanges offer order types that allow market participants to structure their trading activity in a manner that is more likely to avoid certain transaction cost related economic outcomes.²⁸

As discussed above, the functionality proposed herein would enable Users to avoid transacting with smaller orders that they believe ultimately increases the cost of the transaction. Because the Exchange does not have this functionality, market participants, such as large institutions that transact a large number of orders on behalf of retail investors, have avoided sending large orders to the Exchange to avoid potentially more expensive transactions.²⁹ In this regard, the Exchange notes that the proposed new optional functionality may improve the Exchange’s market by attracting more order flow. Such new order flow will further enhance the depth and liquidity on the Exchange, which supports just and equitable principals of trade. Furthermore, the proposed modification to Minimum Quantity Orders is consistent with providing market participants with greater control over the nature of their executions so that they may achieve their trading goals and improve the quality of their executions. Moreover, the proposed optional functionality for Minimum Quantity Orders is also substantially similar to that offered by Nasdaq and IEX, both of

²⁷ See Exchange Rule 11.9(a)(1).

²⁸ For example, the BYX Post Only Order. See Exchange Rule 11.9(c)(6).

²⁹ As noted, the proposal is designed to attract liquidity to the Exchange by allowing market participants to designate a minimum size of a contra-side order to interact with, thus providing them with functionality available to them on dark markets.

which have been recently approved by the Commission.³⁰

The Exchange also believes that re-pricing incoming Minimum Quantity Orders where they may cross an order posted on the BYX Book promotes just and equitable principles of trade because it enables the Exchange to avoid an internally crossed book. The proposed re-pricing is identical to how EDGX reprices orders with a Minimum Quantity instruction³¹ and is similar to how BYX reprices non-displayed orders that cross an external market.³² In addition, both IEX and Nasdaq also re-price minimum quantity orders to avoid an internally crossed book. In certain circumstances, Nasdaq re-prices buy (sell) orders to one minimum price increment below (above) the lowest (highest) price of such orders.³³ IEX re-prices non-displayed orders, such as minimum quantity orders, that include a limit price more aggressive than the midpoint of the NBBO to the midpoint of the NBBO.³⁴

In addition, the additional proposed changes to the description of Minimum Quantity Orders would better align Exchange rules and system functionality with identical functionality and rules on its affiliate, EDGX. Consistent descriptions of identical functionality between the Exchange and EDGX will reduce complexity and avoid potential investor confusion. The proposed rule changes do not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on EDGX. The Exchange notes that the proposed rule text is based on applicable BYX rules; the proposed language of the Exchange’s Rules differs only to extent necessary to conform to existing Exchange rule text or to account for details or descriptions included in the Exchange’s Rules.

Clarification to Exchange Rule 11.9(e)(3)

The Exchange believes the proposed amendments to paragraph (e)(3) of Rule

³⁰ See Nasdaq Rule 4703(e) (defining Minimum Quantity). See also Securities Exchange Act Release No. 73959 (December 30, 2014), 80 FR 582 (January 6, 2015) (order approving new optional functionality for Minimum Quantity Orders). See IEX Rule 11.190(b)(11) and Supplementary Material .03 (defining Minimum Quantity Orders and MinExec with Cancel Remaining and MinExec with AON Remaining). See also Securities Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41141 (June 23, 2016) (order approving the IEX exchange application, which included IEX’s Minimum Quantity Orders). See also IEX Rule 11.190(d)(3) (allowing the minimum quantity size of an order to be changed via a replace message).

³¹ See *supra* note 5.

³² See BYX Rule 11.9(g)(4).

³³ See Nasdaq Rule 4703(e).

³⁴ See IEX Rule 11.190(h)(2).

²³ See Exchange Rule 11.9(c)(1).

²⁴ 15 U.S.C. 78f(b).

²⁵ 15 U.S.C. 78f(b)(5).

²⁶ See *supra* note 5.

11.9 are also consistent with the Act in that they will provide additional specificity to the rules. In particular, the amendments to paragraph (e)(3) of Rule 11.10 [sic] will ensure the rule uses terminology consistent with the description of Replace messages and their impact on an order's priority under Exchange Rule 11.12(a)(4). Also, the Exchange notes that the proposed change would harmonize the description of Replace messages under Exchange Rule 11.9(e)(3) with EDGX Rule 11.10(e)(3).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. On the contrary, the Exchange believes the proposed rule change promotes competition because it will enable the Exchange to offer functionality substantially similar to that offered by Nasdaq and IEX.³⁵ In addition, the proposed amendments to paragraph (e)(3) of Rule 11.10 [sic] would not have any impact on competition as they simply provide additional details to the rule and do not alter current System functionality. Therefore, the Exchange does not believe the proposed rule change will result in any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on 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: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act³⁶ and paragraph (f)(6) of Rule 19b-4 thereunder.³⁷ As required by Rule 19b-4(f)(6)(iii), the Exchange has given the Commission written notice of its intent to file the proposed rule change,

along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BatsBYX-2017-24 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-BatsBYX-2017-24. 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-BatsBYX-2017-24, and should be submitted on or before October 31, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁸

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2017-21673 Filed 10-6-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81803; File No. SR-ISE-2017-85]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Obsolete Text From Options Regulatory Fee Rule

October 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 25, 2017, Nasdaq ISE, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove obsolete rule text from the Schedule of Fees at Chapter VII, Section C, entitled "Options Regulatory Fee."

The text of the proposed rule change is set forth below. Proposed deletions are enclosed in [brackets].

* * * * *

Nasdaq ISE

Schedule of Fees

* * * * *

³⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³⁵ See *supra* note 30.

³⁶ 15 U.S.C. 78s(b)(3)(A).

³⁷ 17 CFR 240.19b-4.

VII. Legal & Regulatory

* * * * *

C. Options Regulatory Fee

[\$0.0039 per contract side. Effective August 1, 2017, t]The ORF shall be \$0.0016 per contract side.

The Options Regulatory Fee (“ORF”) is assessed by ISE to each ISE Member for options transactions cleared by The Options Clearing Corporation (“OCC”) in the customer range where: (1) the execution occurs on ISE or (2) the execution occurs on another exchange and is cleared by an ISE Member. The ORF is collected by OCC on behalf of ISE from (1) ISE clearing members for all customer transactions they clear or (2) non-members for all customer transactions they clear that were executed on ISE. ISE uses reports from OCC when assessing and collecting ORF. The Exchange will notify Members via an Options Trader Alert of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change.

* * * * *

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently amended its Options Regulatory Fee or “ORF” located in the Schedule of Fees at Chapter VII, Section C.³ At that time the rule text reflected the current fee and the proposed amendment which took effect on August 1, 2017. For clarity and ease of reference, the Exchange proposes to remove the outdated reference to the prior ORF.

This rule change is non-substantive and merely serves to update the rule text.

³ See Securities Exchange Act Release No. 81345 (August 8, 2017), 82 FR 37939 (August 14, 2017) (SR-ISE-2017-071).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁵ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by removing obsolete rule text.

The Exchange proposes to remove outdated references to ORF prior to August 1, 2017. The Exchange believes this rule change will provide clarity and ease of reference when Members review the ORF rule.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is a non-substantive amendment to remove obsolete rule text.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁶ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

⁶ 15 U.S.C. 78s(b)(3)(A)(iii).

⁷ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-ISE-2017-85 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-ISE-2017-85. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission’s Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-

2017–85 and should be submitted on or before October 31, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2017–21670 Filed 10–6–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32847; 812–14803]

EntrepreneurShares Series Trust, et al.

October 3, 2017.

AGENCY: Securities and Exchange Commission (“Commission”).

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(f) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (“Funds”) to issue shares redeemable in large aggregations (“Creation Units”); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (“NAV”); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (“Funds of Funds”) to acquire shares of the Funds; (f) certain Funds (“Feeder Funds”) to create and redeem Creation Units in-kind in a master-feeder structure; and (g) certain Funds to issue Shares in less than Creation Unit size to investors participating in a distribution reinvestment program.

APPLICANTS: EntrepreneurShares Series Trust (the “Trust”), a Delaware statutory trust registered under the Act as an

open-end management investment company with multiple series, Capital Impact Advisors, LLC (the “Initial Adviser”), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940, and Rafferty Capital Markets, LLC (the “Distributor”), a Delaware limited liability company and broker-dealer registered under the Securities Exchange Act of 1934 (“Exchange Act”).

FILING DATES: The application was filed on July 21, 2017. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission’s Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 27, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

ADDRESSES: Applicants: Trust and Initial Adviser, 175 Federal Street, Suite 875, Boston, MA 02110; Distributor, 1010 Franklin Ave., Garden City, NY 11530.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 551–6817, or David J. Marcinkus, Branch Chief at (202) 551–6821 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission’s Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as index-based exchange traded funds (“ETFs”).¹

¹ Applicants request that the order apply to the initial fund and any additional series of the Trust, and any other existing or future open-end

Fund shares will be purchased and redeemed at their NAV in Creation Units (other than pursuant to a distribution reinvestment program), as described in the application. All orders to purchase Creation Units and all redemption requests will be placed by or through an “Authorized Participant,” which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will hold investment positions selected to correspond closely to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (“Affiliated Person”), or an affiliated person of an Affiliated Person (“Second-Tier Affiliate”), of the Trust or a Fund, of the Adviser, of any sub-adviser to or promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.²

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis, or issued in less than Creation Unit size to investors participating in a distribution reinvestment program. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (“Deposit Instruments”), and shareholders redeeming their shares will receive specified instruments (“Redemption Instruments”). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund’s portfolio (including cash

management investment company or existing or future series thereof (each, included in the term “Fund”), each of which will operate as an ETF, and their respective existing or future master funds, and will track a specified index comprised of domestic and/or foreign equity securities and/or domestic and/or foreign fixed income securities (each, an “Underlying Index”). Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each, an “Adviser”) and (b) comply with the terms and conditions of the application.

² Each Self-Indexing Fund will post on its Web site the identities and quantities of the investment positions that will form the basis for the Fund’s calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

⁸ 17 CFR 200.30–3(a)(12).

positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units (other than pursuant to a dividend reinvestment program).

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c-1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii)

excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second-Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.³ The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund ("Master Fund") beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from

³ The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2017-21661 Filed 10-6-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m. on Wednesday, October 11, 2017.

PLACE: Auditorium, Room L-002.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Commission will consider whether to propose amendments based on the recommendations in the staff's Report on Modernization and Simplification of Regulation S-K, as required by Section 72003 of the Fixing America's Surface Transportation Act, and to modernize and simplify certain disclosure requirements in Regulation S-K and related rules and forms. The Commission also will consider certain parallel amendments to investment company and investment adviser rules and forms.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551-5400.

Dated: October 4, 2017.

Brent J. Fields,
Secretary.

[FR Doc. 2017-21705 Filed 10-5-17; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81802; File No. SR–GEMX–2017–37]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Adopt New Corporate Governance and Related Processes Similar to Those of the Nasdaq Exchanges

October 3, 2017.

I. Introduction

On August 7, 2017, Nasdaq GEMX, LLC (“GEMX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² proposed rule changes to its corporate governance documents and trading rules to align its corporate governance framework to the structure of other exchanges owned by its ultimate parent company, Nasdaq, Inc. The proposed rule change was published for comment in the **Federal Register** on August 23, 2017.³ The Commission received no comments on the proposal. On September 20, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.⁴ This order approves the proposed rule change, as modified by Amendment No. 1.

II. Background

On June 21, 2016, the Commission approved a proposed rule change relating to a corporate transaction in which Nasdaq, Inc. would become the ultimate parent of GEMX (the “Nasdaq Acquisition”), Nasdaq ISE, LLC (“ISE”), and Nasdaq MRX, LLC (“MRX,” and together with GEMX and ISE, the “ISE Exchanges”).⁵ On June 30, 2016,

pursuant to this transaction, Nasdaq, Inc. acquired all of the capital stock of U.S. Exchange Holdings, Inc. (“Exchange Holdings”), and thereby became the indirect, ultimate parent of the ISE Exchanges.⁶ Nasdaq, Inc. is also the ultimate parent of NASDAQ BX, Inc. (“BX”), The NASDAQ Stock Market LLC (“Nasdaq”), and NASDAQ PHLX LLC (“Phlx” and, together with Nasdaq and BX, the “Nasdaq Exchanges”).⁷ The Commission notes that the corporate governance documents of GEMX, specifically its Second Amended and Restated Limited Liability Company Agreement (“Current LLC Agreement”) and its Constitution (“Current Constitution” and, together with the Current LLC Agreement, the “Current Governing Documents”) are rules of the Exchange, as are the governing documents of GEMX’s Upstream Owners,⁸ which include certain provisions that are designed to maintain the independence of GEMX’s self-regulatory functions (as well as the self-regulatory functions of the Upstream Owners’ other self-regulatory subsidiaries, *i.e.*, the Nasdaq Exchanges).⁹

The Exchange intends to effect a merger with a newly-formed Delaware limited liability company (“Merger”) under Nasdaq, Inc. that would result in GEMX as the surviving entity with new corporate governance documents. In connection with that Merger, the Exchange proposes various changes to its corporate governance documents and rules (“Rules”).¹⁰ Specifically, the Exchange proposes to: (1) Delete the Exchange’s Current LLC Agreement in its entirety and replace it with the New LLC Agreement, which is based on the limited liability company agreement of Nasdaq;¹¹ (2) delete the Exchange’s Current Constitution in its entirety and replace it with the New By-Laws, which

are based on the by-laws of Nasdaq;¹² and (3) amend certain of its Rules to reflect the replacement of the Current Governing Documents with the New Governing Documents.¹³

The Exchange represents that the proposed changes are designed to align the Exchange’s corporate governance framework with the existing structure of the Nasdaq Exchanges, particularly as it relates to the board and committee structure, nomination and election processes, and related governance practices.¹⁴ The Exchange also represents that it is not proposing any amendments to its ownership structure. The Exchange does not propose any amendments to the governing documents of its Upstream Owners.¹⁵ Thus, the provisions in the governing documents of these entities, which were designed to maintain the independence of GEMX’s self-regulatory functions, would remain unchanged. The Exchange also represents that it is not proposing any amendments to its Rules at this time, other than minor clarifying changes and technical amendments to reflect the changes to its governing documents as described in more detail below.¹⁶ The Exchange states that it intends to implement its proposed rule change no later than by the end of the fourth quarter of 2017.¹⁷

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁸ Specifically, as discussed in more detail below, the Commission finds that the proposed rule change is consistent with Sections 6(b)(1) and 6(b)(3) of the Act,¹⁹ which require, among other things, that a

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 81422 (August 17, 2017), 82 FR 40026 (“Notice”).

⁴ In Amendment No. 1, the Exchange made a technical correction to a typographical error in proposed By-Law Article III, Section 5(c). When the Exchange filed Amendment No. 1 with the Commission, it also submitted Amendment No. 1 to the public comment file for SR–GEMX–2017–37 (available at: <https://www.sec.gov/comments/sr-gemx-2017-37/gemx201737.htm>). Because Amendment No. 1 does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, it is not subject to notice and comment.

⁵ See Securities Exchange Act Release No. 78119 (June 21, 2016), 81 FR 41611 (June 27, 2016) (SR–ISE–2016–11; SR–ISEGemini–2016–05; SR–ISEMercury–2016–10) (“Nasdaq Acquisition Order”) (order approving Nasdaq, Inc.’s acquisition of ISE (f/k/a International Securities Exchange, LLC), GEMX (f/k/a ISE Gemini, LLC), and MRX (f/k/a ISE Mercury, LLC)).

⁶ See Notice, *supra* note 3, at 40027 n.3. Exchange Holdings is the sole owner of ISE Holdings, Inc. (“ISE Holdings,” and together with Exchange Holdings and Nasdaq, Inc., the “Upstream Owners”), which is the sole owner of 100% of the Exchange’s limited liability company interests. See *id.* at 40027; see also Nasdaq Acquisition Order, *supra* note 5, at 41611. ISE Holdings is also the sole direct owner of ISE and MRX. See Nasdaq Acquisition Order, *supra* note 5, at 41611.

⁷ See Notice, *supra* note 3, at 40027. See also Nasdaq Acquisition Order, *supra* note 5, at 41611. As a result of this transaction, the ISE Exchanges and the Nasdaq Exchanges became affiliates. See Nasdaq Acquisition Order, *supra* note 5, at 41611 n.8.

⁸ See Nasdaq Acquisition Order, *supra* note 5, at 41612.

⁹ See, e.g., Nasdaq Acquisition Order, *supra* note 5, at 41612–13.

¹⁰ The Rules as proposed to be amended pursuant to the proposed rule change are referred to herein as the “New Rules.”

¹¹ See Notice, *supra* note 3, at 40027 n.5.

¹² *Id.*

¹³ The Exchange’s affiliates, ISE and MRX, have submitted nearly identical proposed rule changes. The Commission approved the ISE proposal, and the MRX proposal has been published for public notice and comment. See Securities Exchange Act Release Nos. 81263 (July 31, 2017), 82 FR 36497 (August 4, 2017) (SR–ISE–2017–32) (“ISE Governance Order”) and 81795 (October 2, 2017) (SR–MRX–2017–18).

¹⁴ See Notice, *supra* note 3, at 40027.

¹⁵ See generally *id.*

¹⁶ See *id.* at 40027 and 40041–42.

¹⁷ See *id.* at 40027. The Exchange also states that it will alert its members in the form of a regulatory alert to provide notification of the implementation date. *Id.*

¹⁸ In approving these proposed rule changes, the Commission has considered the proposed rules’ impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

¹⁹ 15 U.S.C. 78f(b)(1) and (b)(3).

national securities exchange be so organized and have the capacity to carry out the purposes of the Act, and to comply and enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulation thereunder, and the rules of the exchange, and assure the fair representation of its members and persons associated with its members in the selection of its directors and administration of its affairs, and provide that one of more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer. Further, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,²⁰ which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and 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.

A. Ownership of the Exchange

GEMX is currently structured as a Delaware limited liability company (“Delaware LLC”)²¹ and, as discussed above, is a wholly-owned subsidiary of ISE Holdings. ISE Holdings, in turn is a wholly-owned subsidiary of Exchange Holdings, which is wholly-owned by Nasdaq, Inc. Pursuant to the Current LLC Agreement, ISE Holdings is defined as the Sole LLC Member.²² As the Sole LLC Member, ISE Holdings may assign all (but not less than all) of its interest in the Exchange, subject to prior approval by the Commission pursuant to the rule filing procedures under Section 19 of the Act.²³

Pursuant to the proposed rule change, GEMX will be merged with a newly formed Delaware LLC, whereby GEMX will be the surviving entity, governed by the New Governing Documents. ISE Holdings will continue to be the direct owner of GEMX and will be defined as the “Company Member” or “Sole LLC

Member” in the New LLC Agreement and New By-Laws.²⁴ Additionally, pursuant to the New LLC Agreement, ISE Holdings will not be permitted to assign, in whole or in part, its limited liability company interest in the Exchange, unless such transfer or assignment is filed with and approved by the Commission pursuant to the rule filing procedures under Section 19 of the Act.²⁵

The Commission believes that the proposed restrictions on ISE Holdings’ assignment of its ownership interest in GEMX, taken together with restrictions on voting and ownership limitations in the governing documents of GEMX’s Upstream Owners that were previously approved by the Commission,²⁶ are designed to minimize the potential that a person could improperly interfere with, or restrict the ability of, the Commission or GEMX to effectively carry out its regulatory oversight responsibilities under the Act. The Commission also notes that the restrictions on transfer of ownership interest in the Exchange will be similar to those currently in place. In this regard, the Commission believes the proposed rule change is consistent with Section 6(b)(1) of the Act²⁷ in particular, which requires that an exchange be organized and have the

²⁴ See New LLC Agreement, Schedule A; and New By-Laws, Article I(f).

²⁵ See New LLC Agreement, Section 20. Pursuant to Section 7.1 of the Current LLC Agreement, ISE Holdings may only assign all (but not less than all) of its ownership interest, and any assignment of ISE Holdings’ interest in GEMX would similarly be subject to approval by the Commission pursuant to the rule filing procedures under Section 19 of the Act.

²⁶ See Nasdaq Acquisition Order, *supra* note 5, at 41612–17 (discussing provisions, including voting and ownership limitations, in the governing documents of Nasdaq, Inc. and other Upstream Owners that are designed to maintain the independence of their self-regulatory subsidiaries); Securities Exchange Act Release No. 53705 (April 21, 2006), 71 FR 25260, 25262–63 (April 28, 2006) (“ISE HoldCo Order”) (order approving SR–ISE–2006–04) (discussing voting and ownership limitations in the governing documents of ISE Holdings); Securities Exchange Act Release No. 70050 (July 26, 2013), 78 FR 46622, 46622–23, 46625, 46627–29 (August 1, 2013) (“GEMX Approval Order”) (granting GEMX’s application for registration as a national securities exchange and discussing the provisions in the governing documents of ISE Holdings and other Upstream Owners that are designed to preserve the self-regulatory function of GEMX); and Securities Exchange Act Release No. 76998 (January 29, 2016), 81 FR 6066, 6067, 6069, 6071–73 (February 4, 2016) (“Mercury Exchange Approval”) (approving the registration of ISE Mercury, LLC as a national securities exchange and discussing the provisions in the governing documents of ISE Holdings and other Upstream Owners that are designed to preserve the self-regulatory function of the national securities exchanges they control, which includes GEMX).

²⁷ 15 U.S.C. 78(b)(1).

capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange.

B. Governance of the Exchange

The Exchange proposes to replace certain provisions pertaining to governance of the Exchange with related provisions that are based on provisions currently in the Nasdaq LLC Agreement and Nasdaq By-Laws.²⁸ These changes include, among others, provisions governing: The composition of the Exchange’s board of directors (“Board” or “Board of Directors,” and each member of the Board of Directors a “Director”); the process for nominating, electing, and removing Directors; the filling of vacancies on the Exchange’s Board; the Exchange’s board committee structure; and regulatory independence of the Exchange.²⁹

1. Board of Directors: Powers and Composition

Under the New Governing Documents, and consistent with the Current LLC Agreement,³⁰ the business and affairs of the Exchange will be managed under the discretion of its Board, which will be vested with the power to do any and all acts necessary or for the furtherance of the purposes described in the New LLC Agreement, including fulfilling the Exchange’s self-regulatory responsibilities as set forth in the Act.³¹ The new Board will also have the power to bind the Exchange and delegate powers,³² as it does today.³³

ISE Holdings, as the Sole LLC Member, may determine at any time, in its sole and absolute discretion, the number of Directors to constitute the Board of Directors.³⁴ However, at least 20% of the Directors must be “Member Representative Directors”³⁵ and the

²⁸ See Notice, *supra* note 3, at 40033–36.

²⁹ See *id.*

³⁰ See Current LLC Agreement, Article II, Section 2.2 and Article V, Sections 5.1 and 5.7; and Current Constitution, Article III, Section 3.1.

³¹ See New LLC Agreement, Sections 7, 8, and 9(a).

³² See New LLC Agreement, Section 9(b).

³³ See Current LLC Agreement, Article II, Section 2.2; and Current Constitution, Article V, Section 5.1.

³⁴ See New LLC Agreement, Section 9(a).

³⁵ See *id.* A “Member Representative Director” will be defined as a Director who has been elected or appointed after having been nominated by the Member Nominating Committee or by an Exchange Member pursuant to the New By-Laws and may be, but is not required to be, an officer, director, employee, or agent of an Exchange Member. See New By-Laws, Article I(r).

²⁰ 15 U.S.C. 78f(b)(5).

²¹ See Current LLC Agreement.

²² See *id.* The Current Constitution also defines ISE Holdings as the Sole LLC Member of the Exchange and permits assignment of its LLC interest as provided in the Current LLC Agreement. See Current Constitution, Section 1.1.

²³ See Current LLC Agreement, Section 7.1.

number of “Non-Industry Directors,” including at least one “Public Director” and at least one “issuer representative” (or if the Board consists of ten or more Directors, at least two issuer representatives), must equal or exceed the sum of the number of Industry Directors and Member Representative Directors.³⁶ Additionally, up to two Staff Directors may be elected to the Board.³⁷ A Director may not be subject to a statutory disqualification.³⁸ A Director will be removed upon a determination by the Board, by a majority vote of the remaining Directors, that the Director no longer satisfies the classification for which the Director was elected and that the Director’s continued service on the Board would violate the board composition requirements.³⁹

As discussed in more detail below,⁴⁰ the current Board was elected at the Exchange’s 2017 annual election of its Board (the “2017 Annual Election,” and such Board the “2017 Board”), which was held on June 19, 2017, pursuant to the Current Governing Documents. When the New Governing Documents become operative, the 2017 Board will appoint a Nominating Committee and a Member Nominating Committee.⁴¹ The

³⁶ See New By-Laws, Article III, Section 2(a). A “Non-Industry Director” will be defined as a Director (excluding an officer of the Exchange serving as a Director (“Staff Director”) who is (i) a Public Director; (ii) an officer, director, or employee of an issuer of securities listed on the Exchange; or (iii) any other individual who would not be an Industry Director. See New By-Laws, Article I(w). A “Public Director” will be defined as a Director who has no material business relationship with a broker or dealer, the Exchange or its affiliates, or FINRA. See New By-Laws, Article I(z). An “Industry Director” will be defined as a Director with direct ties to the securities industry as a result of connections to a broker-dealer, the Exchange or its affiliates, FINRA, or certain service providers to such entities. See Notice, *supra* note 3, at 40035 n.78. See also New By-Laws, Article I(m).

³⁷ See New By-Laws, Article I(m); see also Notice, *supra* note 3, at 40036 n.81 and accompanying text.

³⁸ See New By-Laws, Article III, Section 2(a).

³⁹ See New By-Laws, Article III, Section 2(b). If the remaining term of office of a removed Director is not more than six months, the Board will not be deemed to be in violation of the Article III, Section 2(a) composition requirements during the vacancy by virtue of such vacancy. See *id.*

⁴⁰ See *infra* notes 61–64, 66–67, and accompanying text.

⁴¹ See Notice, *supra* note 3, at 40037. The Nominating Committee will consist of no fewer than six and no more than nine members. The number of Non-Industry members on the Nominating Committee shall equal or exceed the number of Industry members on the Nominating Committee. If the Nominating Committee consists of six members, at least two shall be Public members, and if the Nominating Committee consists of seven or more members, at least three shall be Public members. The Member Nominating Committee shall consist of no fewer than three and no more than six members. All members of the Member Nominating Committee shall be a current

Member Nominating Committee will nominate candidates for each Member Representative Director position on the Board,⁴² as well as nominate candidates for appointment by the Board for each vacant or new position on a committee that is to be filled with a “Member Representative member”⁴³ under the New By-Laws.⁴⁴ If an Exchange Member⁴⁵ submits a timely and duly executed written nomination to the Secretary of the Exchange, additional candidates may be added to the List of Candidates⁴⁶ for the Member

associated person of a current Exchange Member, and the Board will appoint such individuals after appropriate consultation with representatives of Exchange Members. See New By-Laws, Article III, Sections 6(b)(i) and (iii). See also Notice, *supra* note 3, at 40040 (discussing the compositional requirements for, and responsibilities of, the Nominating Committee and Member Nominating Committee).

An “Industry member” will be a member of any committee appointed by the Board that is associated with a broker-dealer as defined in the New By-Laws, Article I(n). A “Non-Industry member” will be defined as a member of any committee appointed by the Board who is (i) a Public member; (ii) an officer or employee of an issuer of securities listed on the Exchange; or (iii) any other individual who would not be an Industry member. See New By-Laws, Article I(x). A “Public member” will be defined as a member of any committee appointed by the Board who has no material business relationship with a broker or dealer, the Exchange or its affiliates, or FINRA. See New By-Laws, Article I(aa).

⁴² Pursuant to the New By-Laws, Member Representative Directors shall be elected to the Board on an annual basis. See New By-Laws, Article II, Section 1(a).

⁴³ Pursuant to the New By-Laws, a “Member Representative member” will be defined as a member of any committee appointed by the Board who has been elected or appointed after having been nominated by the Member Nominating Committee pursuant to the By-Laws. See New By-Laws, Article I(s). As discussed further below, the required inclusion of such representatives on certain committees, and the process by which they are to be selected, is designed to comply with the fair representation requirements of Section 6(b)(3) of the Act. See *infra* note 98 and accompanying text. See also Notice, *supra* note 3, at 40034–35, 40042.

The Exchange states that the new Member Nominating Committee is responsible for: (i) the nomination for election of Member Representative Directors to the Board and (ii) the nomination for appointment of Member Representative members to the committees requiring such members. See Notice, *supra* note 3, at 40040.

⁴⁴ See New By-Laws, Article III, Section 6(b).

⁴⁵ “Exchange Member” will be defined as any registered broker or dealer that has been admitted to membership in the national securities exchange operated by GEMX. See New By-Laws, Article 1(u).

⁴⁶ “List of Candidates” will be defined as the list of candidates for Member Representative Director positions to be elected on an Election Date. See New By-Laws, Article 1(p).

“Election Date” will be defined as a date selected by the Board on an annual basis, on which Exchange Members may vote with respect to Member Representative Directors in the event of a Contested Election. See New By-Laws, Article 1(k). See also *infra* note 48 for the definition of “Contested Election.”

Representative Director positions.⁴⁷ These candidates, together with candidates nominated by the Member Nominating Committee, will then be presented to Exchange Members for election.⁴⁸ The Nominating Committee will nominate candidates for all other vacant or new Director positions on the Board.⁴⁹

The Commission believes that the proposed composition of the Exchange’s Board satisfies the requirements in

⁴⁷ See New By-Laws, Article II, Section 1(b). See also Notice, *supra* note 3, at 40033.

⁴⁸ If there is only one candidate for each Member Representative Director position to be elected on the annual election date, the Member Representative Directors shall be elected by ISE Holdings as the Sole LLC Member. If, as a result of the nomination and petition process, there are more Member Representative Directors candidates than the number of positions to be elected, each Exchange Member shall have the right to cast one vote for each Member Representative Director, and the candidates who receive the most votes shall be elected to the Member Representative Director positions. An Exchange Member, however, either alone or together with its affiliates, may not cast votes representing more than 20% of the votes cast for a candidate. See New By-Laws, Article II, Section 1(c) and Section 2. See also New By-Laws, Article 1(g) (defining “Contested Election” as an election for one or more Member Representative Directors for which the number of candidates on the List of Candidates exceeds the number of positions to be elected).

Under the Exchange’s Current Governing Documents, at least 30% of the directors on the Board are officers, directors, or partners of Exchange members (currently, six directors), and are elected by a plurality of the holders of Exchange Rights (the “Industry Directors,” or, as referred to herein, “Exchange Directors”), of which at least one must be elected by holders of PMM Rights, one must be elected by holders of CMM Rights, and one must be elected by holders of EAM Rights; provided, however, that the number of each type of Exchange Director will always be equal to one another. See Notice, *supra* note 3, at 40029. See also Current Constitution, Article III, Section 3.2. The Exchange states that this current structure was adopted to comply with the fair representation requirements of Section 6(b) of the Act. See Notice, *supra* note 3, at 40029. Because they give members a voice in the Exchange’s use of its self-regulatory authority, the Exchange believes that Exchange Directors serve the same function as Member Representative Directors on the boards of the Nasdaq Exchanges. See *id.*

The Exchange notes that the Commission has previously found the Nasdaq LLC Agreement’s (1) 20% Member Representative Director requirement, and (2) election process, provide fair representation of Nasdaq members, consistent with the requirements of Section 6(b) of the Act. See Notice, *supra* note 3, at 40029 n.18 (citing Securities Exchange Act Release No. 53128 (January 13, 2006), 71 FR 3550, 3553 (January 23, 2006) (“Nasdaq Exchange Order”) (granting the exchange registration of Nasdaq Stock Market, Inc.). The Commission notes that the Board compositional requirements and the process for electing Member Representative Directors in the New Governing Documents are based on the parallel requirements in the Nasdaq LLC Agreement and are identical to those recently approved by the Commission for ISE. See ISE Governance Order, *supra* note 13, at 36499–501.

⁴⁹ See New By-Laws, Article III, Section 6(b).

Section 6(b)(3) of the Act,⁵⁰ which requires in part that one or more directors be representative of issuers and investors and not be associated with a member of the exchange, or with a broker or dealer.⁵¹ The Commission previously has stated that the inclusion of public, non-industry representatives on exchange oversight bodies is an important mechanism to support an exchange's ability to protect the public interest,⁵² and that they can help to ensure that no single group of market participants has the ability to systematically disadvantage others through the exchange governance process.⁵³ As it has previously stated, the Commission believes that public directors can provide unbiased perspectives, which may enhance the ability of the Board to address issues in a non-discriminatory fashion and foster the integrity of the Exchange.⁵⁴

Section 6(b)(3) of the Act requires that "the rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer."⁵⁵ The Commission also believes that the proposed requirement that at least 20% of the Directors be Member Representative Directors, and the means by which they will be chosen by Exchange Members, is consistent with Section 6(b)(3) of the Act.⁵⁶ As the Commission previously has noted, this statutory requirement helps to ensure that members have a voice in the

Exchange's use of its self-regulatory authority, and that the Exchange is administered in a way that is equitable to all those persons who trade on its markets or through its facilities.⁵⁷ In addition, the Commission believes that the requirement that at least one director be a Public Director and one an issuer representative satisfies the requirements of Section 6(b)(3) of the Act.⁵⁸

2. Transition From Current Board Election Process to the New Election Process

In its filing, the Exchange states that, when it was acquired by Nasdaq, Inc., there were a number of harmonizing changes to its Board that resulted in a complete overlap of directors on the Boards of GEMX and the Nasdaq Exchanges (the "Post-Acquisition Board").⁵⁹ GEMX also states its belief that the Post-Acquisition Board satisfied the composition requirements contained in both the Current Constitution and the New By-Laws.⁶⁰ The Exchange states that the terms of the Directors on the Post-Acquisition Board ended at the 2017 Annual Election,⁶¹ and that all of the Directors on the 2017 Board are Directors that served on the Post-Acquisition Board. The Exchange believes that the 2017 Board satisfies both the board composition requirements in the Current Governing Documents, as well as in the New Governing Documents,⁶² and that once the New Governing Documents become operative, no additional actions with respect to the 2017 Board will be required under the Delaware Limited Liability Company Act.⁶³ Pursuant to the proposal, the 2017 Board will serve

until the Exchange's first annual election of Directors in 2018 ("2018 Board") in accordance with the processes under the New Governing Documents.⁶⁴

The Commission believes the Exchange's proposal to allow the 2017 Board to continue serving until the 2018 Board would be elected pursuant to the process in the New Governing Documents is consistent with the Act, and in particular Section 6(b)(3) of the Act.⁶⁵ The Exchange states that, although the 2017 Board was not nominated or voted upon in accordance with the New Governing Documents, it believes that the composition of the 2017 Board is consistent with the Act, as it still provides for the fair representation of members and has one or more directors that are representative of issuers and investors and not associated with a member of the exchange, broker, or dealer. Specifically, the Exchange states that six Directors are officers, directors, or partners of Exchange members, and were elected by a plurality of the holders of "Exchange Rights," as required by Section 3.2(b) of the Current Constitution.⁶⁶ These Exchange Directors were subject to the full petition and voting process by membership in accordance with Articles II and III of the Current Constitution, which process the Commission previously found to satisfy the requirements of the Act.⁶⁷ The Exchange believes that the Exchange Directors serve the same function as the Member Representative Directors under the proposed board structure, as both directorships give Exchange members a voice in the Exchange's use of its self-

⁵⁰ 15 U.S.C. 78f(b)(3).

⁵¹ The Commission also notes that it previously found the compositional requirements for the board of directors of Nasdaq, upon which GEMX's proposed requirements are based, to be consistent with Act. See Nasdaq Exchange Order, *supra* note 48, at 3553. See also ISE Governance Order, *supra* note 13, at 36500-01 (approving identical requirements for ISE).

⁵² See, e.g., Regulation of Exchanges and Alternative Trading Systems, Securities Exchange Act Release No. 40760 (December 8, 1998), 63 FR 70844 (December 22, 1998).

⁵³ See, e.g., Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73065, 73067 (December 7, 2012) ("MIAX Exchange Order") (granting the exchange registration of the Miami International Securities Exchange LLC).

⁵⁴ See, e.g., Securities Exchange Act Release No. 53382 (February 27, 2006), 71 FR 11251, 11261 (March 6, 2006) (order approving the New York Stock Exchange, Inc.'s business combination with Archipelago Holdings, Inc.); Nasdaq Exchange Order, *supra* note 48, at 3553; and Securities Exchange Act Release No. 62716 (August 13, 2010), 75 FR 51295, 51298 (August 19, 2010) (approving the application of BATS Y-Exchange, Inc. for registration as a national securities exchange); and ISE Governance Order, *supra* note 13, at 36501.

⁵⁵ *Id.*

⁵⁶ 15 U.S.C. 78f(b)(3).

⁵⁷ See, e.g., Nasdaq Exchange Order, *supra* note 48; Securities Exchange Act Release No. 58375 (August 18, 2008), 73 FR 49498 (August 21, 2008) (order granting the exchange registration of BATS Exchange, Inc.); and ISE Governance Order, *supra* note 13, at 36501.

⁵⁸ 15 U.S.C. 78f(b)(3).

⁵⁹ See Notice, *supra* note 3, at 40036.

⁶⁰ See *id.*

⁶¹ The Exchange states that it held its 2017 Annual Election on June 19, 2017, in accordance with the nomination, petition, and voting processes set forth in the Current Governing Documents. See *id.*

⁶² The Commission notes that if the Board of Directors in place at the time the New Governing Documents become effective does not satisfy the requirements in the New Governing Documents, the Exchange would need to comply with the procedures for removing Directors and filling vacancies pursuant to the New Governing Documents. See, e.g., *supra* notes 39, 42, and 47-49 and accompanying text.

⁶³ See Notice, *supra* note 3, at 40036. As discussed above, the Exchange proposes that, if approved, the New Governing Documents would be made effective no later than by the end of the fourth quarter of 2017. See *id.* at 40027; see also *supra* note 16 and accompanying text.

⁶⁴ See Notice, *supra* note 3, at 40037.

⁶⁵ See *supra* notes 50-58 and accompanying text (discussing the requirements of Section 6(b)(3) and the Commission's belief that the compositional requirements for the Board of Directors, and the process for electing such Directors under the New Governing Documents, are consistent with those requirements).

⁶⁶ See Notice, *supra* note 3, at 40029 and 40032-33 (discussing the Exchange's current process for the nomination and election of Directors, including the Exchange Directors). See also *supra* note 48.

"Exchange Rights" currently means, collectively, PMM Rights, CMM Rights, and EAM Rights, which are the trading and other rights associated with the Exchange's three classes of membership. See Rule 100(a)(17); Current LLC Agreement, Article VI; and Current Constitution, Section 13.1(n). See also Rules 100(a)(12), 100(a)(15), and 100(a)(36); and Current Constitution, Sections 13.1(f), 13.1(j), and 13.1(y). Under the New Rules, "Exchange Rights" will be defined in New Rule 100(a)(20) as the PMM Rights, CMM Rights, and EAM Rights, which will be defined in New Rules 100(a)(41), 100(a)(12), and 100(a)(16), respectively, and as discussed further below. See *infra* Section III.C. (discussing amendments to the Exchange's Rules).

⁶⁷ See Notice, *supra* note 3, at 40036; GEMX Approval Order, *supra* note 26.

regulatory authority.⁶⁸ The Exchange also notes that only its corporate governance structure would change under the proposed rule change, and that its membership has remained substantially the same both before and after the 2017 Annual Election.⁶⁹ Additionally, the Commission notes that, under the Current Governing Documents, the 2017 Board is required to include one Director that is a “Public Director.”⁷⁰

3. Committees of the Board

Pursuant to the New By-Laws, the Exchange may establish committees composed solely of Directors. Specifically, the Exchange may establish an Executive Committee and a Finance Committee, and shall establish a Regulatory Oversight Committee (“ROC”).⁷¹ The Exchange shall also establish certain committees not composed solely of Directors. Specifically, the Exchange shall establish a Nominating Committee and a Member Nominating Committee, which would be elected on an annual basis by ISE Holdings, as the Sole LLC Member,⁷² and a Quality of Markets

⁶⁸ See Notice, *supra* note 3, at 40036.

⁶⁹ See *id.*

⁷⁰ See Current Constitution, Section 3.2(b).

Pursuant to the Exchange’s Current Constitution, a “Public Director” means a non-industry representative who has no material relationship with a broker or dealer or any affiliate of a broker or dealer or the Exchange or any affiliate of the Exchange. See Current Constitution, Sections 3.2(b) and 13.1(z).

The term “non-industry representative” means any person who would not be considered an “industry representative,” as well as (i) a person affiliated with a broker or dealer that operates solely to assist the securities-related activities of the business of non-member affiliates, or (ii) an employee of an entity that is affiliated with a broker or dealer that does not account for a material portion of the revenues of the consolidated entity, and who is primarily engaged in the business of the non-member entity. See Current Constitution, Section 13.1(u).

The term “industry representative” means a person who is an officer, director, or employee of a broker or dealer or who has been employed in any such capacity at any time within the prior three (3) years, as well as a person who has a consulting or employment relationship with or has provided professional services to the Exchange and a person who had any such relationship or provided any such services to the Exchange at any time within the prior three (3) years. See Current Constitution, Section 13.1(r).

⁷¹ See New By-Laws, Article III, Section 5.

The Exchange states that the proposed provisions relating to the standing committees are substantially similar to the provisions in Section 9(g) of the Nasdaq LLC Agreement with respect to standing committees. See Notice, *supra* note 3, at 40030.

⁷² See New By-Laws, Article III, Section 6(b). See also *supra* note 41 (describing the compositional requirements of these committees).

The Board may also designate additional committees consisting of one or more Directors or other persons. See New LLC Agreement, Section 9(g).

Committee (“QMC”).⁷³ The New LLC Agreement will provide that, to the extent provided in the resolution of the Board, any committee that consists solely of one or more Directors shall have and may exercise all the powers and the authority of the Board in the management of the business and affairs of the Exchange.⁷⁴ The powers of any such committee would, however, be limited with respect to approving any matters pertaining to the self-regulatory function of the Exchange or relating to the structure of the market the Exchange regulates.⁷⁵

The Exchange proposes that the Executive Committee be an optional committee, to be appointed only if deemed necessary by the Board.⁷⁶ Because the Executive Committee will have the powers and authority of the Board in the management of the business and affairs of the Exchange between meetings of the Board, its composition must reflect that of the Board. Accordingly, if established, the number of Non-Industry Directors on the Executive Committee must equal or exceed the number of Industry Directors and the percentages of Public Directors and Member Representative Directors must be at least as great as the corresponding percentages on the Board as a whole.⁷⁷

The Board would retain oversight of the financial operations of the Exchange instead of delegating these functions to a standing committee, but would have the option to appoint a Finance Committee at the Board’s discretion.⁷⁸ The Finance Committee would advise the Board with respect to the oversight of the financial operations and conditions of the Exchange, including recommendations for the Exchange’s annual operating and capital budgets and proposed changes to the rates and fees charged by the Exchange.

The Exchange proposes to eliminate its current Finance and Audit Committee and to have the committee’s functions performed by Nasdaq, Inc.’s

⁷³ See New By-Laws, Article III, Section 6(c). See also *infra* note 98 and accompanying text (describing the compositional requirements of the QMC).

⁷⁴ See New LLC Agreement, Section 9(g)(v).

⁷⁵ See *id.* See also Notice, *supra* note 3, at 40031. The Exchange notes that the proposed limitation is based on substantially similar language in Section 5.2(ii) of MRX’s Constitution and is intended to assure the fair administration and governance of the Exchange. The Exchange does not have this limitation in Section 5.2 of its Current Constitution with respect to any Board committees set up by Board resolution, and is therefore proposing to follow the more current MRX standard. See Notice, *supra* note 3, at 40031 n.35.

⁷⁶ See New By-Laws, Article III, Section 5(a).

⁷⁷ See *id.*

⁷⁸ See New By-Laws, Article III, Section 5(b).

Audit Committee (“Nasdaq Audit Committee”), which is composed of at least three directors of Nasdaq, Inc., all of whom must satisfy the standards for independence set forth in Section 10A(m) of the Act⁷⁹ and Nasdaq’s rules.⁸⁰ The Exchange notes that the Nasdaq Audit Committee has broad authority to review the financial information that will be provided to shareholders of Nasdaq, Inc. and others; systems of internal controls; and audit, financial reporting, and legal and compliance processes.⁸¹ The Exchange states that, to the extent the current Finance and Audit Committee oversees the Exchange’s financial reporting process, its activities are duplicative of the activities of the Nasdaq Audit Committee, which is also charged with providing oversight over financial reporting and independent auditor selection for Nasdaq, Inc. and all of its subsidiaries.⁸² The Exchange also notes that the unconsolidated financial statements of the Exchange will still be prepared for each fiscal year.⁸³

The Exchange will also have a Regulatory Oversight Committee (“ROC”) under the New Governing Documents, which will have broad authority to oversee the adequacy and effectiveness of the Exchange’s regulatory and self-regulatory responsibilities.⁸⁴ The ROC will consist of three members, each of whom must

⁷⁹ See U.S.C. 78j–1(m).

⁸⁰ See Nasdaq, Inc. By-Laws, Section 4.13(g).

The current Finance and Audit Committee must be composed of at least three (3) and not more than five (5) directors, all of whom must be non-industry representatives and must be “financially literate” as determined by the Board. See Current Constitution, Article V, Section 5.5.

⁸¹ See Notice, *supra* note 3, at 40038.

⁸² See *id.*

⁸³ See *id.* The Commission notes that registered national securities exchanges have an ongoing requirement to comply with the requirements of Form 1, which include filing audited financial statements with the Commission on an annual basis. See Form 1, General Instructions A.2 and Exhibit I, 17 CFR 249.1; and 17 CFR 240.6a–2(b)(1) (requiring a national securities exchange to file each year, as an amendment to its Form 1, Exhibit I (which requires a Form 1 applicant to file audited financial statements), as of the latest fiscal year of the exchange).

⁸⁴ See New By-Laws, Article III, Section 5(c). Currently, the Exchange’s regulatory oversight activities are performed by the Exchange’s Corporate Governance Committee, which will not exist under the new governance structure. See Notice, *supra* note 3, at 40039–40.

The Exchange also states that regulatory oversight functions formerly performed by the Finance and Audit Committee may be assumed by the ROC, and that like the ROCs of the Nasdaq Exchanges, the GEMX ROC, because of its broad authority to oversee the adequacy and effectiveness of the Exchange’s self-regulatory responsibilities, will be able to maintain oversight over controls in tandem with the Nasdaq Audit Committee’s overall oversight responsibilities. See *id.* at 40038.

be a Public Director and an “independent director,” as defined in Nasdaq Rule 5605.⁸⁵

Pursuant to the New By-Laws, the Exchange will also have a Chief Regulatory Officer (“CRO”), as it does currently.⁸⁶ The new CRO will have general responsibility for the supervision of the regulatory operations of the Exchange and will meet with the ROC in executive session at regularly scheduled meetings of the ROC, and at any time upon request of the CRO or any member of the ROC.⁸⁷

The ROC will assess the Exchange’s regulatory performance, assist the Board in reviewing the regulatory plan and the overall effectiveness of the Exchange’s regulatory functions, review the Exchange’s regulatory budget and inquire into the adequacy of resources available in the budget for regulatory activities, and be informed about the compensation and promotion or termination of the CRO.⁸⁸

The Exchange also proposes that the Internal Audit Department of Nasdaq, Inc. (“Nasdaq Internal Audit Department”) would report to the Board on all Exchange-related internal audit matters and direct such reports to the new ROC.⁸⁹ In addition, to ensure that the Board retains authority to direct the Nasdaq Internal Audit Department’s activities with respect to the Exchange, the Nasdaq Internal Audit Department’s written procedures will stipulate that the ROC may, at any time, direct the Nasdaq Internal Audit Department to conduct an audit of a matter of concern and report the results of the audit both to the ROC and the Nasdaq Audit Committee.⁹⁰

The Exchange also proposes to eliminate its current Compensation Committee and its Corporate Governance Committee.⁹¹ The Compensation Committee is primarily

charged with reviewing and approving compensation policies and plans for the Chief Executive Officer and other senior executive officers of the Exchange.⁹² Under the new governance structure, the functions of the Compensation Committee will be performed by Nasdaq, Inc.’s management compensation committee or, to the extent that policies, programs, and practices must be established for any Exchange officers or employees who are not also officers or employees of Nasdaq, Inc., the full Board.⁹³ The Corporate Governance Committee is primarily charged with: (i) Nominating candidates for all vacant or new non-industry representative positions on the Board, (ii) overseeing the Exchange’s regulatory activities and program, and (iii) overseeing and evaluating the governance of the Exchange.⁹⁴ Under the new governance structure, the functions of the Corporate Governance Committee will be performed by the new Nominating Committee, the new ROC, or, if required, the full Board.⁹⁵

As discussed above, the Nominating Committee and Member Nominating Committee will have responsibility for, among other things, nominating candidates for election to the Board. On an annual basis, the members of these committees will nominate candidates for the succeeding year’s respective committees to be elected by ISE Holdings.⁹⁶

Finally, the Quality of Markets Committee (“QMC”) will have the following functions: (i) To provide advice and guidance to the Board on issues relating to the fairness, integrity, efficiency, and competitiveness of the information, order handling, and execution mechanisms of the Exchange from the perspective of investors, both individual and institutional, retail firms, market making firms, and other market participants; and (ii) to advise the Board with respect to national market system

plans and linkages between the facilities of the Exchange and other markets.⁹⁷ At least 20% of the QMC must be composed of Member Representative members, and the Non-Industry members on the QMC must equal or exceed the sum of Industry members and Member Representative members.⁹⁸

The Commission believes that the Exchange’s proposed committees, which are similar to the committees maintained by other exchanges,⁹⁹ are consistent with the Act, including Section 6(b)(1), which requires, in part, an exchange to be so organized and have the capacity to carry out the purposes of the Act.¹⁰⁰ The Commission further believes that the Exchange’s proposed committees, including their composition and the means by which committee members will be chosen, are consistent with Section 6(b)(3) of the Act because relevant committees provide for the fair representation of members in the administration of the Exchange’s affairs.¹⁰¹

4. Regulatory Independence

Certain provisions in GEMX’s Current Governing Documents, and those of its Upstream Owners, are designed to help maintain the independence of the regulatory functions of the Exchange.¹⁰² The New Governing Documents similarly include provisions designed to help maintain the independence of the regulatory functions of GEMX,¹⁰³ which

⁹⁷ See New By-Laws, Article III, Section 6(c)(i).

⁹⁸ See New By-Laws, Article III, Section 6(c)(ii). See also Notice, *supra* note 3, at 40040.

The Exchange also states that the function of Member Representative members on committees is to provide members a voice in the administration of the Exchange’s affairs on certain committees that are responsible for providing advice on any matters pertaining to the Exchange’s self-regulatory function or relating to its market structure. See Notice, *supra* note 3, at 40034. In order to ensure that its members have the opportunity to formally provide input on matters that are important to them, the Exchange states that at least 20% of the persons serving on any such committees will be individuals who will have been appointed by the Member Nominating Committee and will be representative of the Exchange’s membership. See *id.*

⁹⁹ See, e.g., Nasdaq By-Laws Article III, Sections 5–6; BX By-Laws, Article IV, Sections 4.13–14; Phlx By-Laws, Article V, Sections 5–2 to –3; ISE By-Laws Article III, Sections 5–6.

¹⁰⁰ 15 U.S.C. 78f(b)(1).

¹⁰¹ See 15 U.S.C. 78f(b)(3).

¹⁰² See, e.g., GEMX Approval Order, *supra* note 26, at 46627–29; Nasdaq Acquisition Order, *supra* note 5, at 41613–16; Securities Exchange Act Release No. 56955 (December 13, 2007), 72 FR 71979 (December 19, 2007) (SR–ISE–2007–101) (order approving acquisition of ISE Holdings by Eurex Frankfurt); and ISE HoldCo Order, *supra* note 26, at 25263–64.

¹⁰³ See Notice, *supra* note 3, at 40042. The Commission notes that the Exchange did not propose any amendments to the governing documents of its Upstream Owners.

⁸⁵ See New By-Laws, Article III, Section 5(c).

⁸⁶ See Notice, *supra* note 3, at 40041 (noting that, although not expressly in its Current Governing Documents, the position of Chief Regulatory Officer has long existed at the Exchange). See also New By-Laws, Article IV, Section 7.

In addition to the CRO, pursuant to the New LLC Agreement, the Exchange’s officers will include: A Chief Executive Officer, a President, Vice Presidents, a Chief Regulatory Officer, a Secretary, an Assistant Secretary, a Treasurer, and an Assistant Treasurer. See New By-Laws, Article IV, Sections 4–11.

⁸⁷ See New By-Laws, Article IV, Section 7. The CRO may also serve as the General Counsel of the Exchange. *Id.*

⁸⁸ See New By-Laws, Article III, Section 5(c).

⁸⁹ See Notice, *supra* note 3, at 40039 & n.104 (citing the Regulatory Oversight Committee Charter of Nasdaq, Phlx, and BX, available at <http://ir.nasdaq.com/corporate-governance-document.cfm?DocumentID=1097>).

⁹⁰ See *id.* at 40039.

⁹¹ See *id.* at 40039–40.

⁹² See *id.* at 40039. See also Current Constitution, Section 5.6.

⁹³ See Notice, *supra* note 3, at 40039.

⁹⁴ See *id.* See also Current Constitution, Section 5.4.

⁹⁵ See Notice, *supra* note 3, at 40039–40.

⁹⁶ See New By-Laws, Article III, Section 6(b). See also *supra* notes 42–49 and accompanying text. Additional candidates for the Member Nominating Committee may be nominated and elected by Exchange Members pursuant to a petition process. See *supra* notes 45–48 and accompanying text.

The Commission notes that under the New By-Laws, the Member Nominating Committee shall nominate candidates for each Member Representative Director position to be elected by Exchange Members or the Sole LLC Member, and for appointment by the Board for each vacant or new position on any committee that is to be filled with a Member Representative member. See New By-Laws, Article III, Section 6.

provisions are substantially similar to those included in the governing documents of other exchanges.¹⁰⁴ Specifically:

- The Exchange Board will be required, when evaluating any proposal, to take into account all factors that the Board deems relevant, including, without limitation, (1) the potential impact on: The integrity, continuity, and stability of the national securities exchange operated by the Exchange and the other operations of the Exchange; the ability to prevent fraudulent and manipulative acts and practices; and investors and the public, and (2) whether such proposal would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, or assist in the removal of impediments to or the perfection of the mechanisms for a free and open market and a national market system.¹⁰⁵

- All books and records of GEMX reflecting confidential information pertaining to the self-regulatory function of the Exchange (including but not limited to disciplinary matters, trading data, trading practices, and audit information) shall be retained in confidence by GEMX and its officers, directors, employees and agents; shall not be made available to persons other than to those officers, directors, employees, and agents of GEMX that have a reasonable need to know; and will not be used for any non-regulatory purpose.¹⁰⁶

¹⁰⁴ See, e.g., Nasdaq Exchange Order, *supra* note 48; MIAX Exchange Order, *supra* note 53; Mercury Exchange Approval, *supra* note 26; ISE Governance Order, *supra* note 13.

¹⁰⁵ See New By-Laws, Article III, Section 3. See also Notice, *supra* note 3, at 40037. Article III, Section 3 of the New By-Laws sets forth the factors to be considered by the Board when evaluating any proposal. See New By-Laws, Article III, Section 3. Further, the Exchange states that Article III, Section 3 of the New By-Laws recognizes the Exchange's status as a self-regulatory organization, and the provisions of Section 3, taken together, are designed to reinforce the notion that the Exchange is not solely a commercial enterprise, but rather a self-regulatory organization registered pursuant to, and subject to the obligations imposed by, the Act. See Notice, *supra* note 3, at 40037.

¹⁰⁶ The corresponding provision in GEMX's Current LLC Agreement prohibits the use of confidential information for any commercial purpose. See Current LLC Agreement, Article IV, Section 4.1(b). The Exchange proposes to modify the standard to prohibit the use of such information for any non-regulatory purpose. See Notice, *supra* note 3, at 40031 n.42; New LLC Agreement, Section 16. The Exchange states that this change is intended to replicate Section 4.1(b)(iii) of MRX's LLC Agreement, to emphasize the independence of the Exchange's regulatory function from its commercial interests. See Notice, *supra* note 3, at 40031 n. 42.

- The Exchange proposes that, as is currently the case, the books and records of GEMX must be maintained in the United States¹⁰⁷ and are subject at all times to examination by the Commission pursuant to the federal securities laws and the rules and regulations thereunder.¹⁰⁸
- Under the New LLC Agreement and New By-Laws, any amendments to those

The Exchange is not proposing that GEMX, and the Board on behalf of GEMX, shall not have the right to keep confidential from ISE Holdings, as the Sole LLC Member, any information that the Board would otherwise be permitted to keep confidential from the Sole LLC Member pursuant to Section 18–305(c) of the Delaware Limited Liability Company Act, 6 Del. C. § 18–101. Additionally, the Exchange is not proposing that ISE Holdings, as the Sole LLC Member and the Exchange's authorized representative, shall have an explicit right to examine the Exchange's books, records, and documents during normal business hours. See Notice, *supra* note 3, at 40031. Although such provisions are in the Nasdaq LLC Agreement (see Nasdaq LLC Agreement, Section 16), they are not in the Current Governing Documents of GEMX.

The Commission believes that the proposed provisions relating to the books and records of the Exchange are designed to maintain the independence of GEMX's self-regulatory function, and are consistent with the Act. The Commission notes that these provisions are substantially similar to those the Commission has previously found to be consistent with the Act in the context of the corporate governance structures of other exchanges. See, e.g., MIAX Exchange Order, *supra* note 53; Mercury Exchange Approval, *supra* note 26; ISE Governance Order, *supra* note 13.

The Commission also notes that the governing documents of GEMX's Upstream Owners provide that all books and records of GEMX reflecting confidential information pertaining to the self-regulatory function of the Exchange will be subject to confidentiality restrictions. See Certificate of Incorporation of ISE Holdings, Article Eleventh; Certificate of Incorporation of U.S. Exchange Holdings, Article Fourteenth; By-Laws of Nasdaq, Inc., Article XII, Section 12.1(b).

¹⁰⁷ See New LLC Agreement, Section 16; see also Current LLC Agreement, Article IV, Section 4.1.

¹⁰⁸ See New LLC Agreement, Section 16. The Commission notes that, as is currently the case, the requirement to keep such information confidential shall not limit the Commission's ability to access and examine such information or limit the ability of officers, directors, employees, or agents of GEMX to disclose such information to the Commission. See *id.* See also Current LLC Agreement, Article IV, Section 4.1(b).

The Exchange states that certain provisions in Section 16 of the New LLC Agreement are substantially similar to provisions in Section 16 of the Nasdaq LLC Agreement. See Notice, *supra* note 3, at 40031 n.40. The Exchange also states that it is retaining in the New LLC Agreement certain provisions from its Current LLC Agreement that are not in the governing documents of the Nasdaq Exchanges, such as those relating to where the Exchange's books and records must be maintained and who may access the books and records, in particular those books and records that contain confidential information pertaining to the self-regulatory function of the Exchange. See Notice, *supra* note 3, at 40031 & n. 41.

GEMX also states that the Nasdaq Exchanges will separately file proposed rule changes to harmonize the books and records provisions in their respective governing documents with the language in Section 16 of the New LLC Agreement. See Notice, *supra* note 3, at 40031 n.41.

documents will not become effective until filed with, or filed with and approved by, the Commission, as required under Section 19 of the Act and the rules promulgated thereunder.¹⁰⁹

- Additionally, as is currently the case pursuant to the Current LLC Agreement,¹¹⁰ Section 15 of the New LLC Agreement would prohibit the Exchange from using Regulatory Funds to pay dividends.¹¹¹

The Commission believes that the provisions discussed in this section, which are designed to help ensure the independence of the Exchange's regulatory function and facilitate the ability of the Exchange to carry out its responsibility and operate in a manner consistent with the Act, are appropriate and consistent with the requirements of the Act, particularly with Section 6(b)(1), which requires, in part, an exchange to be so organized and have the capacity to carry out the purposes of the Act.¹¹²

The Commission finds that proposed process regarding amendments to the New Governing Documents is consistent with Section 6(b)(1) of the Act, because it reflects the obligation of the Board to

¹⁰⁹ See New LLC Agreement, Section 27; New By-Laws, Article VIII, Section 1.

The Commission notes that, although the Current Constitution and Current LLC Agreement do not include a similar, explicit requirement regarding the filing of amendments pursuant to Section 19 of the Act, the Current Constitution and Current LLC Agreement, as rules of the Exchange, are nonetheless subject to the requirements of Section 19 of the Act and the rules and regulations thereunder.

Additionally, pursuant to the New By-Laws, either the Sole LLC Member or the vote of a majority of the whole Board may enact amendments to the By-Laws, and the Board may adopt emergency by-laws.

¹¹⁰ See Current LLC Agreement, Article III, Section 3.3.

¹¹¹ Specifically, pursuant to Section 15 of the New LLC Agreement, Regulatory Funds shall not be used non-regulatory purposes, but rather shall be used to fund the legal, regulatory, and surveillance operations of the Exchange, and the Exchange shall not make a distribution to the Sole LLC Member using Regulatory Funds. See New LLC Agreement, Section 15.

Consistent with Section 3.3 of the Current LLC Agreement, Schedule A of the New LLC Agreement defines "Regulatory Funds" as fees, fines, or penalties derived from the regulatory operations of the Exchange. However, Regulatory Funds do not include revenues derived from listing fees, market data revenues, transaction revenues, or any other aspect of the commercial operations of the Exchange even if a portion of such revenues are used to pay costs associated with the regulatory operations of the Exchange. See New LLC Agreement, Schedule A.

GEMX states that the Nasdaq Exchanges will separately file proposed rule changes to harmonize the distribution provisions in their respective governing documents with the language in Section 15 of the New LLC Agreement. See Notice, *supra* note 3, at 40031 n. 38.

¹¹² 15 U.S.C. 78f(b)(1).

ensure compliance with the rule filing requirements under the Act. Additionally, the Commission finds these changes to be consistent with Section 19(b)(1) of the Act and Rule 19b-4 thereunder,¹¹³ which require that a self-regulatory organization file with the Commission all proposed rules, as well as all proposed changes in, additions to, and deletions of its existing rules. These provisions clarify that amendments to the New Governing Documents constitute proposed rule changes within the meaning of Section 19(b)(2) of the Act and Rule 19b-4 thereunder, and are subject to the filing requirements of Section 19 of the Act and the rules and regulations thereunder.

The Commission also finds that the prohibition on the use of regulatory fines, fees, or penalties to fund dividends is consistent with Section 6(b)(1) of the Act, because it will further the Exchange's ability to effectively comply with its statutory obligations and is designed to ensure that the regulatory authority of the Exchange is not improperly used.¹¹⁴ This restriction on the use of regulatory funds is intended to preclude the Exchange from using its authority to raise Regulatory Funds for the purpose of benefiting its shareholders.¹¹⁵

C. Related Rule Amendments

The Exchange proposes to amend its Rules to reflect the changes to its constituent documents through the adoption of the New Governing Documents to replace the Current Governing Documents. The Exchange states that it is amending its Rules to: (i) Clarify any Rules that cross-reference the Current Governing Documents in the rule text, since those documents are being replaced by the New Governing Documents;¹¹⁶ or (ii) relocate in the Rules the definitions for a number of defined terms used in the Rules that currently refer back to the Current LLC Agreement or the Current Constitution for their meanings.¹¹⁷

¹¹³ *Id.*; 17 CFR 240.19b-4.

¹¹⁴ See, e.g., Securities Exchange Act Release No. 51029 (January 12, 2005), 70 FR 3233, 3241 (January 21, 2005) (SR-ISE-2004-29) (approving an ISE rule interpretation that requires that revenues received from regulatory fees or regulatory penalties be segregated and applied to fund the legal, regulatory, and surveillance operations of the Exchange and not used to pay dividends to the holders of Class A Common Stock).

¹¹⁵ See Notice, *supra* note 3, at 40031.

¹¹⁶ The Exchange states that all such changes are non-substantive, primarily changing terminology, such as changing the term "Constitution" to "By-Laws" and removing references to the "Current LLC Agreement." See *id.* at 40041.

¹¹⁷ See *id.* at 40029. The Exchange provides that all the provisions governing the trading privileges

Specifically, the Exchange proposed changes to its Rules to, among other things:

- Relocate the concept of CMM Rights from the Current LLC Agreement¹¹⁸ to New Rule 100(a)(12), which will state that the term "CMM Rights" means the non-transferable rights held by a Competitive Market Maker.¹¹⁹
- Relocate to New Rule 100(a)(13) the definition of "Competitive Market Maker,"¹²⁰ which is currently only defined in Section 13.1(f) of the Current Constitution.
- Relocate the concept of EAM Rights to New Rule 100(a)(16), which will state that the term "EAM Rights" means the non-transferable rights held by an Electronic Access Member.¹²¹
- Relocate to New Rule 100(a)(17) the definition of "Electronic Access Member,"¹²² which is currently only defined in Section 13.1(j) of the Current Constitution.
- Relocate the definitions for "Exchange Transaction," "good standing," and "System" from the Current Constitution to the Rules,¹²³ and delete Rule 100(a)(22A), defining

associated with the Exchange Rights in the Current Governing Documents are substantially set forth in the Rules. See *id.* The Commission notes that, currently on GEMX, the Exchange Rights do not convey any ownership rights and only provide for voting rights for representation, through Exchange Directors, on the Board and the ability to transact on the Exchange. The Exchange represents that, under its Rules, the holders of Exchange Rights will continue to have the same trading privileges they currently hold as PMMs, CMMs, and EAMs, and the new Board structure of the Exchange will not change any trading privileges. Further, under the New Governing Documents, the holders of Exchange Rights will continue to have voting rights for representation on the Board through the election of Member Representative Directors. See *id.* at 40029-30.

¹¹⁸ See Current LLC Agreement, Article VI, Section 6.2(b).

¹¹⁹ CMM Rights are non-transferable rights. The holders of CMM Rights may not lease or sell these rights. As discussed above, all Exchange Rights (*i.e.*, PMM, CMM, and EAM Rights) convey only voting rights and trading privileges on the Exchange. See Notice, *supra* note 3, at 40041 n.120.

¹²⁰ The term "Competitive Market Maker" (referred to herein as "CMM") will be defined to mean a Member that is approved to exercise trading privileges associated with CMM Rights. See New Rule 100(a)(13).

The term "Member" means an organization that has been approved to exercise trading rights associated with Exchange Rights. See current Rule 100(a)(23); New Rule 100(a)(28).

¹²¹ See *supra* note 119.

¹²² The term "Electronic Access Member" (referred to herein as "EAM") will be defined to mean a Member that is approved to exercise trading privileges associated with EAM Rights. See New Rule 100(a)(17).

¹²³ "Exchange Transaction" would be relocated from Section 13.1(o) of the Current Constitution to New Rule 100(a)(21), "good standing" from Section 13.1(p) of the Current Constitution to New Rule 100(a)(24), and "System" from Section 13.1(dd) of the Current Constitution to New Rule 100(a)(55).

"LLC Agreement," as that term would no longer be used in the Rules, as amended by the proposed rule change.

- Relocate the concept of PMM Rights from Article VI of the Current LLC Agreement to New Rule 100(a)(41), which will state that the term "PMM Rights" means the non-transferable rights held by a Primary Market Maker.
- Relocate to New Rule 100(a)(42) the definition for "Primary Market Maker"¹²⁴ from Section 13.1(y) of the Current Constitution.

The Commission believes that the proposed changes to GEMX's Rules are consistent with the Act and, in particular Section 6(b)(1) of the Act,¹²⁵ which requires among other things that a national securities exchange be so organized and have the capacity to carry out the purposes of the Act. The Commission notes that many of the proposed changes to GEMX's Rules are technical in nature, such as renumbering of Rules or conforming terminology to reflect the replacement of the Current Governing Documents with the New Governing Documents. The Commission also notes that, as described above, the Exchange proposes to relocate definitions for a number of defined terms used in the Rules from the Current Governing Documents into the Rules.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹²⁶ that the proposed rule change (SR-GEMX-2017-37), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²⁷

Robert W. Errett,
Deputy Secretary.

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¹²⁴ The term "Primary Market Maker" (referred to herein as "PMM") will be defined to mean a Member that is approved to exercise trading privileges associated with PMM Rights. See New Rule 100(a)(42).

¹²⁵ 15 U.S.C. 78f(b)(1).

¹²⁶ 15 U.S.C. 78s(b)(2).

¹²⁷ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81805; File No. SR–NASDAQ–2017–099]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Obsolete Text From Options Regulatory Fee Rule

October 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on September 25, 2017, The NASDAQ Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove obsolete rule text from Chapter XV, Section 5, entitled “NASDAQ Options Regulatory Fee.”

The text of the proposed rule change is set forth below. Proposed deletions are enclosed in [brackets].

* * * * *

NASDAQ Stock Market Rules

* * * * *

Options Rules

* * * * *

Chapter XV Options Pricing

* * * * *

Sec. 5 NASDAQ Options Regulatory Fee

NOM Participants will be assessed an Options Regulatory Fee of [\$0.0021 per contract side.

Effective August 1, 2017, the ORF shall be [\$0.0027 per contract side.

The Options Regulatory Fee (“ORF”) is assessed by NOM to each NOM Participant for options transactions cleared by OCC in the Customer range where: (1) The execution occurs on NOM or (2) the execution occurs on another exchange and is cleared by a NOM Participant. The ORF is collected by OCC on behalf of NOM from (1) NOM clearing members for all Customer

transactions they clear or (2) non-members for all Customer transactions they clear that were executed on NOM. NOM uses reports from OCC when assessing and collecting ORF. The Exchange will notify Participants via an Options Trader Alert of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change.

NOM Participants who do not transact an equities business on the NASDAQ Stock Market LLC in a calendar year will receive a refund of the fees specified in Rule 7003(b) upon written notification to the Exchange along with documentation evidencing that no equities business was conducted on The NASDAQ Stock Market for that calendar year. The Exchange will accept refund requests up until sixty (60) days after the end of the calendar year.

* * * * *

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently amended its Options Regulatory Fee or “ORF” at Chapter XV, Section 5.³ At that time the rule text reflected the current fee and the proposed amendment which took effect on August 1, 2017. For clarity and ease of reference, the Exchange proposes to remove the outdated reference to the prior ORF.

This rule change is non-substantive and merely serves to update the rule text.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴ in general, and furthers the

objectives of Section 6(b)(5) of the Act,⁵ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by removing obsolete rule text.

The Exchange proposes to remove outdated references to ORF prior to August 1, 2017. The Exchange believes this rule change will provide clarity and ease of reference when Participants review the ORF rule.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is a non-substantive amendment to remove obsolete rule text.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁶ and subparagraph (f)(6) of Rule 19b–4 thereunder.⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

⁵ 15 U.S.C. 78f(b)(5).

⁶ 15 U.S.C. 78s(b)(3)(A)(iii).

⁷ 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

³ See Securities Exchange Act Release No. 81344 (August 8, 2017), 82 FR 37955 (August 14, 2017) (SR–NASDAQ–2017–68).

⁴ 15 U.S.C. 78f(b).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s Internet comment form (http://www.sec.gov/rules/sro.shtml); or
• Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2017-099 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2017-099. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s Internet Web site (http://www.sec.gov/rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission’s Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2017-099 and should be submitted on or before October 31, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Robert W. Errett, Deputy Secretary.

[FR Doc. 2017-21672 Filed 10-6-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81804; File No. SR-BX-2017-040]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Obsolete Text From Options Regulatory Fee Rule

October 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 25, 2017, NASDAQ BX, Inc. (“BX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove obsolete rule text from Chapter XV, Section 5, entitled “BX Options Regulatory Fee.”

The text of the proposed rule change is set forth below. Proposed deletions are enclosed in [brackets].

* * * * *

Rules of NASDAQ BX

* * * * *

Options Rules

* * * * *

Chapter XV Options Pricing

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Sec. 5 BX Options Regulatory Fee

BX Participants will be assessed an Options Regulatory Fee of [\$0.0004 per contract side.

Effective August 1, 2017, the ORF shall be]\$0.0005 per contract side.

The Options Regulatory Fee (“ORF”) is assessed by BX to each BX Participant

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

for options transactions cleared by OCC in the Customer range where: (1) The execution occurs on BX or (2) the execution occurs on another exchange and is cleared by a BX Participant. The ORF is collected by OCC on behalf of BX from (1) BX clearing members for all Customer transactions they clear or (2) non-members for all Customer transactions they clear that were executed on BX. BX uses reports from OCC when assessing and collecting ORF. The Exchange will notify Participants via an Options Trader Alert of any change in the amount of the fee at least 30 calendar days prior to the effective date of the change.

* * * * *

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently amended its Options Regulatory Fee or “ORF” at Chapter XV, Section 5.³ At that time the rule text reflected the current fee and the proposed amendment which took effect on August 1, 2017. For clarity and ease of reference, the Exchange proposes to remove the outdated reference to the prior ORF.

This rule change is non-substantive and merely serves to update the rule text.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁵ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and

³ See Securities Exchange Act Release No. 81341 (August 14, 2017), 82 FR 37946 (August 8, 2017) (SR-BX-2017-032).

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

open market and a national market system, and, in general to protect investors and the public interest, by removing obsolete rule text.

The Exchange proposes to remove outdated references to ORF prior to August 1, 2017. The Exchange believes this rule change will provide clarity and ease of reference when Participants review the ORF rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is a non-substantive amendment to remove obsolete rule text.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁶ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BX-2017-040 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-BX-2017-040. 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-BX-2017-040 and should be submitted on or before October 31, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2017-21671 Filed 10-6-17; 8:45 am]

BILLING CODE 8011-01-P

⁸ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81807; File No. SR-BatsBZX-2017-62]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.9, Orders and Modifiers, To Add New Optional Functionality to Minimum Quantity Orders

October 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 26, 2017, Bats BZX Exchange, Inc. ("Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(6) thereunder,⁴ which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to add new optional functionality to Minimum Quantity Orders by amending paragraph (c)(5) of Exchange Rule 11.9, Orders and Modifiers. The Exchange also proposes to amend paragraph (e)(3) of Exchange Rule 11.9 to make certain clarifying, non-substantive changes. The proposed amendments are identical changes its affiliate, Bats EDGX Exchange, Inc. ("EDGX"), recently filed with and were published by the Commission for immediate effectiveness.⁵ The Exchange also proposes to add language to the description of Minimum Quantity Orders to further describe their current operation on BZX and to harmonize the rule with that of EDGX.⁶

The text of the proposed rule change is available at the Exchange's Web site

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See EDGX Rules 11.6(h), 11.8(b)(3), and 11.10(e)(3). See also Securities Exchange Act Release No. 81457 (August 22, 2017), 82 FR 40812 (August 28, 2017) (SR-BatsEDGX-2017-34).

⁶ See EDGX Rule 11.9(h) (describing the operation of the Minimum Execution Quantity order instructions, which is functionally identical to the BZX Minimum Quantity Order).

⁶ 15 U.S.C. 78s(b)(3)(A)(iii).

⁷ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

at www.bats.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add new optional functionality to Minimum Quantity Orders by amending paragraph (c)(5) of Exchange Rule 11.9, Orders and Modifiers. The Exchange also proposes to amend paragraph (e)(3) of Exchange Rule 11.9 to make certain clarifying, non-substantive changes. The proposed amendments are identical to changes recently filed by Exchange's affiliate EDGX and were published by the Commission for immediate effectiveness.⁷ The Exchange also proposes to add language to the description of Minimum Quantity Orders to further describe their current operation on BZX and to harmonize the rule with that of EDGX.⁸ The Exchange does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on EDGX. The Exchange notes that the proposed rule text is based on BZX rules and is different only to the extent necessary to conform to the Exchange's current rules. Each of these changes are described in detail below.

Exchange Rule 11.9(c)(5), Proposed Individual Minimum Size and Harmonization With EDGX Rule 11.6(h)

A Minimum Quantity Order enables a User⁹ to specify a minimum share amount at which the order will execute.

A Minimum Quantity Order will not execute unless the volume of contra-side liquidity available to execute against the order meets or exceeds the designated minimum. Specifically, a Minimum Quantity Order is a limit order to buy or sell that will only execute if a specified minimum quantity of shares can be obtained. Orders with a specified minimum quantity will only execute against multiple, aggregated orders if such executions would occur simultaneously.¹⁰ The Exchange will only honor a specified minimum quantity on BZX Only Orders¹¹ that are non-displayed or Immediate-or-Cancel ("IOC") Orders¹² and will disregard a minimum quantity on any other order.

First, the Exchange proposes to add new optional functionality that would enhance the utility of Minimum Quantity Orders by amending paragraph (c)(5) of Exchange Rule 11.9. In sum, the proposal would permit an incoming Minimum Quantity Order to forego executions where multiple resting orders could otherwise be aggregated to satisfy the order's minimum quantity.

The Exchange has observed that some market participants avoid sending large Minimum Quantity Orders to the Exchange out of concern that such orders may interact with small orders entered by professional traders, possibly adversely impacting the execution of their larger order. Institutional orders are often much larger in size than the average order in the marketplace. To facilitate the liquidation or acquisition of a large position, market participants tend to submit multiple orders into the market that may only represent a fraction of the overall institutional position to be executed. Various strategies used by institutional market participants to execute large orders are intended to limit price movement of the security at issue. Executing in small sizes, even if in the aggregate it meets the order's minimum quantity, may impact the market for that security such that the additional orders the market participant has yet to enter into the market may be more costly to execute. If an institution is able to execute in larger sizes, the contra-party to the execution is less likely to be a participant that reacts to short term changes in the stock price, and as such, the price impact to the stock may be less acute when larger individual executions

are obtained.¹³ As a result, these orders are often executed away from the Exchange in dark pools or other exchanges that offer the same functionality as proposed herein,¹⁴ or via broker-dealer internalization.

To attract larger Minimum Quantity Orders, the Exchange proposes to add new optional functionality that would enhance the utility of Minimum Quantity Orders. In sum, the proposal would permit a User to elect that its incoming Minimum Quantity Order execute solely against one or more resting individual orders, each of which must satisfy the order's minimum quantity condition. In such case, the order would forego executions where multiple resting orders could otherwise be aggregated to satisfy the order's minimum quantity, but do not individually satisfy the minimum quantity condition.¹⁵ As discussed above, under the current rule a Minimum Quantity Order will execute upon entry against any number of smaller contra-side orders that, in aggregate, meet the minimum quantity set by the User. This default behavior will remain. For example, assume there are two orders to sell resting on the BZX Book¹⁶—the first for 300 shares and a second for 400 shares, with the 300 share order having time priority ahead of the 400 share order. If a User entered a Minimum Quantity Order to buy 1,000 shares at \$10.00 with a minimum quantity of 500 shares, and the order was marketable against the two resting sell orders for 300 and 400 shares, the System¹⁷ would aggregate both sell orders for purposes of meeting the minimum quantity, thus resulting in executions of 300 shares and then 400 shares respectively with the remaining 300 shares of the Minimum Quantity

¹³ The Commission has long recognized this concern: "[a]nother type of implicit transaction cost reflected in the price of a security is short-term price volatility caused by temporary imbalances in trading interest. For example, a significant implicit cost for large investors (who often represent the consolidated investments of many individuals) is the price impact that their large trades can have on the market. Indeed, disclosure of these large orders can reduce the likelihood of their being filled." See Securities Exchange Act Release No. 42450 (February 23, 2000), 65 FR 10577, 10581 (February 28, 2000) (SR-NYSE-99-48).

¹⁴ See *supra* note 5.

¹⁵ If no election is made, the System will aggregate multiple resting orders to satisfy the incoming order's minimum quantity.

¹⁶ The term "BZX Book" is defined as "the System's electronic file of orders." See Exchange Rule 1.5(e).

¹⁷ The term "System" is defined as "the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away." See Exchange Rule 1.5(aa).

⁷ See *supra* note 5.

⁸ See EDGX Rule 11.9(h) [sic] (describing the operation of the Minimum Execution Quantity order instructions, which is functionally identical to the BZX Minimum Quantity Order).

⁹ The term "User" is defined as "any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3." See Exchange Rule 1.5(cc).

¹⁰ Today, the System will aggregate multiple resting orders to satisfy the incoming order's minimum quantity and a User cannot elect for the incoming order to execute against a single resting contra-side order.

¹¹ See Exchange Rule 11.9(c)(4).

¹² See Exchange Rule 11.9(b)(1).

Order being posted to the BZX Book with a minimum quantity restriction of 300 shares.

The proposed new optional functionality will not allow aggregation of smaller executions to satisfy the minimum quantity of an incoming Minimum Quantity Order. Using the same scenario as above, but with the proposed new functionality and a minimum quantity requirement of 400 shares selected by the User, the Minimum Quantity Order would not execute against the two sell orders because the 300 share order with time priority at the top of the BZX Book is less than the incoming order's 400 share Minimum Execution Quantity [sic]. The new functionality will cause the Minimum Quantity Order to be cancelled or posted to the BZX Book, non-displayed, in accordance with the characteristics of the underlying order type¹⁸ when encountering an order with time priority that is of insufficient size to satisfy the minimum execution requirement. If posted, the Minimum Quantity Order will operate as it does currently and will only execute against individual orders that satisfy its minimum quantity as proposed herein. The Exchange notes that the User entering the Minimum Quantity Order has expressed its intention not to execute against liquidity below a certain minimum size, and therefore, cedes execution priority when it would lock an order against which it would otherwise execute if it were not for the minimum execution size restriction. The Exchange proposes to add language to paragraph (c)(5) of Rule 11.9 to make clear that the order would cede execution priority in such in [sic] scenario.

As amended, the description of a Minimum Quantity Order under paragraph (c)(5) of Exchange Rule 11.9 would set forth the default behavior of Minimum Quantity Orders that execute upon entry against a single order or multiple aggregated orders simultaneously. Amended Rule 11.9(c)(5) would set forth the proposed optional functionality where a User may alternatively specify that the incoming order's minimum quantity condition be satisfied by each order resting on the BZX Book that would execute against the order with the minimum quantity condition. If there are such orders, but there are also orders that do not satisfy the minimum quantity condition, the incoming Minimum Quantity Order will execute against orders resting on the

BZX Book in accordance with Rule 11.12, Priority of Orders, until it reaches an order that does not satisfy the minimum quantity condition at which point it would be posted to the BZX Book or cancelled in accordance with the terms of the order. If, upon entry, there are no orders that satisfy the minimum quantity condition resting on the BZX Book, the order will either be posted to the BZX Book or cancelled in accordance with the terms of the order.

The Exchange also proposes to re-price incoming Minimum Quantity Orders where that order may cross an order posted on the BZX Book. Specifically, where there is insufficient size to satisfy an incoming order's minimum quantity condition and that incoming order, if posted at its limit price, would cross an order(s) resting on the BZX Book, the order with the minimum quantity condition will be re-priced to and ranked at the locking price. For example, an order to buy at \$11.00 with a minimum quantity condition of 500 shares is entered and there is an order resting on the BZX Book to sell 200 shares at \$10.99. The resting order to sell does not contain sufficient size to satisfy the incoming order's minimum quantity condition of 500 shares. The price of the incoming buy order, if posted to the BZX Book, would cross the price of the resting sell order. In such case, to avoid an internally crossed book, the System will re-price the incoming buy order to \$10.99, the locking price. This behavior is similar to how the Exchange currently reprices non-displayed orders that cross the Protected Quotation of an external market.¹⁹ In addition, both the Investors Exchange, Inc. ("IEX") and the Nasdaq Stock Market LLC ("Nasdaq") also re-price similar orders to avoid an internally crossed book.²⁰

Second, the Exchange proposes to add language to the description of Minimum Quantity Orders to further describe their current operation on BZX and to harmonize the rule with that of its affiliate, EDGX, as described in EDGX Rule 11.6(h).²¹ The Exchange does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on EDGX. The Exchange notes that the proposed rule text is based on BZX rules and is different only to the extent necessary to conform to the Exchange's current rules. The Exchange

notes that, but for the proposed changes discussed above, the current operation of Minimum Quantity Orders on the Exchange and the Minimum Execution Quantity instruction on EDGX is identical.

The Exchange, therefore, proposes to amend the description of the Minimum Execution Quantity [sic] instruction to clarify its operation upon order entry and when the order is posted to the BZX Book. The Exchange proposes to clarify that upon entry, and by default, an order with a Minimum Execution Quantity [sic] will execute against a single order or multiple aggregated orders simultaneously. A User may also specify that the order only against [sic] orders that individually satisfy the order's minimum quantity condition, as proposed herein. Once posted to the BZX Book,²² the order may only execute against individual incoming orders with a size that satisfies the minimum quantity condition. Any shares remaining after a partial execution will continue to be executed at a size that is equal to or exceeds the quantity provided in the instruction. Where the number of shares remaining after a partial execution are [sic] less than the quantity provided in the order, the Minimum Quantity Order shall be equal to the number of shares remaining. The Exchange also proposed to clarify that a Minimum Quantity Order is not eligible to be routed to another Trading Center in accordance with Exchange Rule 11.13, Order Execution and Routing. These proposed changes would provide additional specificity to the operation of Minimum Quantity Orders and would harmonize the rule with the description of the Minimum Execution Quantity instruction under EDX [sic] Rule 11.6(h).

Exchange Rule 11.9(e)(3), Replace Messages

The Exchange also proposes to amend paragraph (e)(3) of Rule 11.9 to make certain clarifying, non-substantive changes. The proposed change would harmonize the description of Replace messages under Exchange Rule 11.9(e)(3) with EDGX Rule 11.10(e)(3). Exchange Rule 11.9(e)(3) currently states that other than changing a limit order to a market order, only the price, stop price, the sell long or sell short indicator, Max Floor²³ of a Reserve Order [sic], and quantity terms of the order may be changed with a Replace message. If a User desires to change any

¹⁹ See Exchange Rule 11.9(g)(4).

²⁰ See Nasdaq Rule 4703(e). See IEX Rule 11.190(h)(2).

²¹ See EDGX Rule 11.9(h) [sic] describing the operation of the Minimum Execution Quantity order instructions, which is functionally identical to the BZX Minimum Quantity Order.

²² Orders will only post to the BZX Book if they are designated with a TIF instruction that allows for posting. For example, an order with a TIF of IOC or FOK will never post to the BZX Book.

²³ See Exchange Rule 11.9(c)(1).

¹⁸ See *supra* notes 11 and 12 for a description of the functionality associated with orders that may also be Minimum Quantity Orders.

other terms of an existing order, the existing order must be cancelled and a new order must be entered. As amended, paragraph (e)(3) of Rule 11.9 would specify that the Max Floor is associated with a Reserve Order and to replace the phrase “and quantity terms” with the word “size”. The Exchange believes these changes will provide additional specificity to the rule and ensure the rule uses terminology consistent with the description of Replace messages and their impact on an order’s priority under Exchange Rule 11.12(a)(4).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act²⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act²⁵ in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Exchange Rule 11.6(h), Proposed Individual Minimum Size

The proposed rule change would remove impediments to and promote just and equitable principles of trade because it would provide Users with optional functionality that enhances the use of the Minimum Execution Quantity [sic] instruction. These proposed amendments are identical to changes recently proposed by EDGX that were published by the Commission for immediate effectiveness.²⁶ The proposed change to the functioning of Minimum Quantity Orders will provide market participants, including institutional firms who ultimately represent individual retail investors in many cases, with better control over their orders, thereby providing them with greater potential to improve the quality of their order executions. Currently, the rule allows Users to designate a minimum acceptable quantity on an order that may aggregate multiple executions to meet the minimum quantity requirement. Once posted to the book, however, the minimum quantity requirement is equivalent to a minimum execution size requirement. The Exchange is now proposing to provide Users with control over the execution of their Minimum

Quantity Orders by allowing them an option to designate the minimum individual execution size upon entry. The control offered by the proposed change is consistent with the various types of control currently provided by exchange order types. For example, the Exchange and other exchanges offer limit orders, which allow a market participant control over the price it will pay or receive for a stock.²⁷ Similarly, exchanges offer order types that allow market participants to structure their trading activity in a manner that is more likely to avoid certain transaction cost related economic outcomes.²⁸

As discussed above, the functionality proposed herein would enable Users to avoid transacting with smaller orders that they believe ultimately increases the cost of the transaction. Because the Exchange does not have this functionality, market participants, such as large institutions that transact a large number of orders on behalf of retail investors, have avoided sending large orders to the Exchange to avoid potentially more expensive transactions.²⁹ In this regard, the Exchange notes that the proposed new optional functionality may improve the Exchange’s market by attracting more order flow. Such new order flow will further enhance the depth and liquidity on the Exchange, which supports just and equitable principals of trade. Furthermore, the proposed modification to Minimum Quantity Orders is consistent with providing market participants with greater control over the nature of their executions so that they may achieve their trading goals and improve the quality of their executions. Moreover, the proposed optional functionality for Minimum Quantity Orders is also substantially similar to that offered by Nasdaq and IEX, both of which have been recently approved by the Commission.³⁰

²⁷ See Exchange Rule 11.9(a)(1).

²⁸ For example, the BZX Post Only Order. See Exchange Rule 11.9(c)(6).

²⁹ As noted, the proposal is designed to attract liquidity to the Exchange by allowing market participants to designate a minimum size of a contra-side order to interact with, thus providing them with functionality available to them on dark markets.

³⁰ See Nasdaq Rule 4703(e) (defining Minimum Quantity). See also Securities Exchange Act Release No. 73959 (December 30, 2014), 80 FR 582 (January 6, 2015) (order approving new optional functionality for Minimum Quantity Orders). See IEX Rule 11.190(b)(11) and Supplementary Material .03 (defining Minimum Quantity Orders and MinExec with Cancel Remaining and MinExec with AON Remaining). See also Securities Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41141 (June 23, 2016) (order approving the IEX exchange application, which included IEX’s Minimum Quantity Orders). See also IEX Rule 11.190(d)(3)

The Exchange also believes that re-pricing incoming Minimum Quantity Orders where they may cross an order posted on the BZX Book promotes just and equitable principles of trade because it enables the Exchange to avoid an internally crossed book. The proposed re-pricing is identical to how EDGX reprices orders with a Minimum Quantity instruction³¹ and is similar to how BZX reprices non-displayed orders that cross an external market.³² In addition, both IEX and Nasdaq also re-price minimum quantity orders to avoid an internally crossed book. In certain circumstances, Nasdaq re-prices buy (sell) orders to one minimum price increment below (above) the lowest (highest) price of such orders.³³ IEX re-prices non-displayed orders, such as minimum quantity orders, that include a limit price more aggressive than the midpoint of the NBBO to the midpoint of the NBBO.³⁴

In addition, the additional proposed changes to the description of Minimum Quantity Orders would better align Exchange rules and system functionality with identical functionality and rules on its affiliate, EDGX. Consistent descriptions of identical functionality between the Exchange and EDGX will reduce complexity and avoid potential investor confusion. The proposed rule changes do not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on EDGX. The Exchange notes that the proposed rule text is based on applicable BZX rules; the proposed language of the Exchange’s Rules differs only to extent necessary to conform to existing Exchange rule text or to account for details or descriptions included in the Exchange’s Rules.

Clarification to Exchange Rule 11.9(e)(3)

The Exchange believes the proposed amendments to paragraph (e)(3) of Rule 11.9 are also consistent with the Act in that they will provide additional specificity to the rules. In particular, the amendments to paragraph (e)(3) of Rule 11.10 [sic] will ensure the rule uses terminology consistent with the description of Replace messages and their impact on an order’s priority under Exchange Rule 11.12(a)(4). Also, the Exchange notes that the proposed change would harmonize the description of Replace messages under

(allowing the minimum quantity size of an order to be changed via a replace message).

³¹ See *supra* note 5.

³² See BZX Rule 11.9(g)(4).

³³ See Nasdaq Rule 4703(e).

³⁴ See IEX Rule 11.190(h)(2).

²⁴ 15 U.S.C. 78f(b).

²⁵ 15 U.S.C. 78f(b)(5).

²⁶ See *supra* note 5.

Exchange Rule 11.9(e)(3) with EDGX Rule 11.10(e)(3).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. On the contrary, the Exchange believes the proposed rule change promotes competition because it will enable the Exchange to offer functionality substantially similar to that offered by Nasdaq and IEX.³⁵ In addition, the proposed amendments to paragraph (e)(3) of Rule 11.10 [sic] would not have any impact on competition as they simply provide additional details to the rule and do not alter current System functionality. Therefore, the Exchange does not believe the proposed rule change will result in any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on 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: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act³⁶ and paragraph (f)(6) of Rule 19b-4 thereunder.³⁷ As required by Rule 19b-4(f)(6)(iii), the Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in

the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BatsBZX-2017-62 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-BatsBZX-2017-62. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BatsBZX-2017-62, and should be

submitted on or before October 31, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁸

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2017-21674 Filed 10-6-17; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15338 and #15339; Georgia Disaster Number GA-00101]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Georgia

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 Georgia (FEMA-4338-DR), dated 09/28/2017.

Incident: Hurricane Irma.
Incident Period: 09/07/2017 through 09/20/2017.

DATES: Issued on 09/28/2017.

Physical Loan Application Deadline Date: 11/27/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/28/2018.

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 09/28/2017, 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: Appling, Atkinson, Bacon, Baker, Baldwin, Banks, Barrow, Ben Hill, Berrien, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Charlton, Chatham, Clay, Coffee, Colquitt, Cook, Coweta, Crawford,

³⁸ 17 CFR 200.30-3(a)(12).

³⁵ See *supra* note 30.

³⁶ 15 U.S.C. 78s(b)(3)(A).

³⁷ 17 CFR 240.19b-4.

Crisp, Dawson, Dougherty, Early, Elbert, Emanuel, Evans, Fayette, Forsyth, Franklin, Gilmer, Glynn, Greene, Habersham, Hall, Hancock, Harris, Hart, Houston, Irwin, Jackson, Jasper, Jeff Davis, Jenkins, Johnson, Jones, Lamar, Laurens, Liberty, Lincoln, Long, Lumpkin, Macon, Madison, Marion, Mcintosh, Meriwether, Miller, Monroe, Montgomery, Morgan, Newton, Oconee, Oglethorpe, Peach, Pickens, Pierce, Pike, Putnam, Quitman, Rabun, Randolph, Rockdale, Schley, Screven, Seminole, Spalding, Stephens, Talbot, Taliaferro, Tattnell, Taylor, Telfair, Toombs, Treutlen, Troup, Turner, Walton, Ware, Warren, Washington, Wayne, Wheeler, Wilcox, Wilkes, Worth

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
<i>For Economic Injury:</i>	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 153388 and for economic injury is 153390.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,
Associate Administrator for Disaster Assistance.

[FR Doc. 2017-21712 Filed 10-6-17; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration Number #15337 Disaster Number #ZZ-00013]

The Entire United States and U.S. Territories Military Reservist Economic Injury Disaster Loan Program (MREIDL)

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of the Military Reservist Economic Injury Disaster Loan Program (MREIDL), dated 10/01/2017.

DATES: Issued on 10/01/2017.

MREIDL Loan Application Deadline Date: 1 year after the essential employee is discharged or released from active duty.

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 Public Law 106-50, the Veterans entrepreneurship and Small Business Development Act of 1999, and the Military Reservist and Veteran Small Business Reauthorization Act of 2008, this notice establishes the application filing period for the Military Reservist Economic Injury Disaster Loan Program (MREIDL).

Effective 10/01/2017, small businesses employing military reservists may apply for economic injury disaster loans if those employees are called up to active duty during a period of military conflict or have received notice of an expected call-up, and those employees are essential to the success of the small business daily operations.

The purpose of the MREIDL program is to provide funds to an eligible small business to meet its ordinary and necessary operating expenses that it could have met, but is unable to meet, because an essential employee was called-up or expects to be called-up to active duty in his or her role as a military reservist. These loans are intended only to provide the amount of working capital needed by a small business to pay its necessary obligations as they mature until operations return to normal after the essential employee is released from active duty. For information/applications contact 1-800-659-2955 or visit www.sba.gov.

Applications for the Military Reservist Economic Injury Disaster Loan Program may be filed at the above address.

The Interest Rate for eligible small businesses is 4.000.

The number assigned is 15337 0.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,
Associate Administrator for Disaster Assistance.

[FR Doc. 2017-21713 Filed 10-6-17; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15320 and #15321; U.S. Virgin Islands Disaster Number VI-00011]

Presidential Declaration Amendment of a Major Disaster for the U.S. Virgin Islands

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the U.S. Virgin Islands, (FEMA-4340-DR), dated 09/20/2017.

Incident: Hurricane Maria.

Incident Period: 09/16/2017 and continuing.

DATES: Issued on 09/23/2017.

Physical Loan Application Deadline Date: 11/20/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/20/2018.

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 U.S. Virgin Islands, dated 09/20/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Areas (Physical Damage and Economic Injury Loans): Saint John, Saint Thomas

Contiguous Counties (Economic Injury Loans Only): None

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. 2017-21721 Filed 10-6-17; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15322 and #15323; Puerto Rico Disaster Number PR-00031]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Puerto Rico

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA-4339-DR), dated 09/20/2017.

Incident: Hurricane Maria.

Incident Period: 09/17/2017 and continuing.

DATES: Issued on 10/02/2017.

Physical Loan Application Deadline Date: 11/20/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/20/2018.

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 Commonwealth of Puerto Rico, dated 09/20/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Municipalities (Physical Damage and Economic Injury Loans): Adjuntas, Aguada, Aguadilla, Anasco, Cabo Rojo, Camuy, Guanica, Guayanilla, Hatillo, Hormigueros, Isabela, Lajas, Lares, Las Marias, Maricao, Mayaguez, Moca, Penuelas, Quebradillas, Rincon, Sabana Grande, San German, San Sebastian, Yauco

Contiguous Municipalities (Economic Injury Loans Only): None

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. 2017-21711 Filed 10-6-17; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

[Public Notice: 10155]

Notice of Public Meeting of the President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), the PEPFAR Scientific

Advisory Board (hereinafter referred to as "the Board") will meet on Thursday, November 9, 2017 at 1800 G St. NW., Suite 10300, Washington, DC 20006. The meeting will last from 8:30 a.m. until approximately 5:00 p.m. and is open to the public.

The meeting will be hosted by the Office of the U.S. Global AIDS Coordinator and Health Diplomacy, and led by Ambassador Deborah Birx, who leads implementation of the President's Emergency Plan for AIDS Relief (PEPFAR), and the Board Chair, Dr. Carlos del Rio.

The Board serves the Global AIDS Coordinator in a solely advisory capacity concerning scientific, implementation, and policy issues that may influence the priorities and direction of PEPFAR evaluation and research, national and international epidemic control strategies and implementation activities, and the role of PEPFAR leadership in global response to the HIV epidemic. Topics for the meeting will include an overview of the Epidemic Control Team structure, the HIV prevention cascade, and new business and other updates.

The public may attend this meeting as seating capacity allows. Admittance to the meeting will be by means of a pre-arranged clearance list. In order to be placed on the list and, if applicable, to request reasonable accommodation, please register online via the following: <https://goo.gl/forms/lilOpc0qVy2c7ro13>—no later than Friday, October 27. While the meeting is open to public attendance, the Board will determine procedures for public participation. Requests for reasonable accommodation that are made after 5 p.m. on October 27 might not be possible to fulfill.

For further information about the meeting, please contact Dr. Andrew Forsyth, Designated Federal Officer for the Board, Office of the U.S. Global AIDS Coordinator and Health Diplomacy at Andrew.Forsyth@nih.gov.

Steven Towers,

Office of the U.S. Global AIDS Coordinator and Health Diplomacy, Department of State.

[FR Doc. 2017-21710 Filed 10-6-17; 8:45 am]

BILLING CODE 4710-10-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

Seventy First RTCA SC-135 Environmental Testing Plenary

AGENCY: Federal Aviation Administration, U.S. Department of Transportation.

ACTION: Seventy First RTCA SC-135 Environmental Testing Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Seventy First RTCA SC-135 Environmental Testing Plenary.

DATES: The meeting will be held October 26-27, 2017 9:00 a.m.-5:00 p.m.

ADDRESSES: The meeting will be held at: National Institute for Aviation Research, 4000 E. 17th St. N., Wichita, KS 67208. Registration is required for this plenary.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at rmorrison@rtca.org or 202-330-0654, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of the Seventy First RTCA SC-135 Environmental Testing Plenary. The agenda will include the following:

October 26-27, 2017—9:00 p.m.-5:00 p.m.

1. Chairmen's Opening Remarks, Introductions.
2. Approval of Summary From the Sixty-Ninth Meeting—(RTCA Paper No. XX-17/SC135-XXX).
3. Approval of Summary From the Seventieth Meeting—(RTCA Paper No. XX-17/SC135-XXX).
4. Review Working Group Summaries.
5. Review Ground Based Task Group Summary.
6. Review Schedule.
7. New/Unfinished Business.
8. Establish Date for Next SC-135 Meeting.
9. Closing.

Attendance is open to the interested public but limited to space availability. Registration is required to attend this event. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 4, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG-A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017-21718 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fifth Drone Advisory Committee Meeting

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

ACTION: Fifth DAC meeting.

SUMMARY: The FAA is issuing this notice to advise the public of the Fifth DAC Meeting.

DATES: The meeting will be held on November 8, 2017, 9:00 a.m.–4:30 p.m. PST.

ADDRESSES: The meeting will be held at the Amazon Meeting Center, 2031 7th Avenue, Seattle, WA 98121.

FOR FURTHER INFORMATION CONTACT: Al Secen at asecen@rtca.org or 202-330-0647, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at 202-833-9339, fax at 202-833-9434, or Web site at <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given of the Fifth DAC Meeting. The DAC is a component of RTCA, which is a Federal Advisory Committee. The agenda will likely include, but may not be limited to, the following:

Wednesday, November 8, 2017

- Official Statement of the Designated Federal Officer
- Welcome and Introductions
- Review of the Fourth DAC Meeting
- Approval of Minutes from the Fourth DAC Meeting
- Report from the DAC Chairman
- Update from the FAA
- Report from the DAC Subcommittee (SC) Co-Chairs
- Reports from the Co-Chairs of the DACSC Task Groups (TGs)
- Discussion of Reports from the Co-Chairs of the DACSC TGs
- Report from MITRE
- New Assignments/Agenda Topics/Other
- Closing Remarks
- Adjourn

Attendance is open to the interested public. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 2, 2017.

Christopher W. Harm,

Unmanned Aircraft Systems (UAS) Stakeholder and Committee Liaison, AUS-10, UAS Integration Office, FAA.

[FR Doc. 2017-21694 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017-72]

Petition for Exemption; Summary of Petition Received; Helicopter Association International

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before October 30, 2017.

ADDRESSES: Send comments identified by docket number FAA-2017-0752 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John Barcas (202) 267-7023, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2017-0752.

Petitioner: Helicopter Association International.

Section(s) of 14 CFR Affected:

Description of Relief Sought:

Helicopter Association International (HAI), petitioned the Federal Aviation Administration for an exemption from § 135.225(b)(2) of Title 14, Code of Federal Regulations. The proposed exemption, if granted, would provide HAI members relief from the requirement that mandates a current local altimeter setting for the destination airport for eligible on-demand operations.

[FR Doc. 2017-21780 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Thirty First RTCA SC-217 Aeronautical Databases Plenary Joint With EUROCAE WG-44

AGENCY: Federal Aviation Administration, U.S. Department of Transportation.

ACTION: Thirty First RTCA SC-217 Aeronautical Databases Plenary Joint with EUROCAE WG-44.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Thirty First RTCA SC-217 Aeronautical Databases Plenary Joint with EUROCAE WG-44.

DATES: The meeting will be held November 29–30, 2017 from 9:00 a.m.–5:00 p.m. and December 1, 2017 from 9:00 a.m.–12:00 p.m.

ADDRESSES: The meeting will be held at: Honeywell Aerospace, 21111 N. 19th Ave., Phoenix, AZ, United States.

FOR FURTHER INFORMATION CONTACT:

Rebecca Morrison at rmorrison@rtca.org or 202-330-0654, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of the Thirty First RTCA SC-217 Aeronautical Databases Plenary Joint with EUROCAE WG-44. The agenda will include the following:

Wednesday November 29, 2017, 9:00 a.m.–5:00 p.m.

1. Co-Chairmen's Remarks and Introductions
2. Housekeeping & Meeting Logistics
3. DFO Statement and RTCA/EUROCAE IP and Membership Policies
4. Approve Minutes From 30th Meeting of SC-217/WG-44
5. Review and Approve Meeting Agenda for 30th Meeting of SC-217/WG-44
6. Action Item List Review
7. Presentations (TBD)
8. Working Group Sessions

Thursday November 30, 2017, 9:00 a.m.–5:00 p.m.

9. Working Group Sessions

Friday December 1, 2017, 9:00 a.m.–12:00 p.m.

10. Working Group Sessions
11. Meeting Wrap-Up: Main Conclusions and Way Forward
12. Review of Action Items
13. Review of Document Update Status
14. Next Meetings
15. Any Other Business
16. Adjourn

Attendance is open to the interested public but limited to space availability. Registration is required for attendance. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public

may present a written statement to the committee at any time.

Issued in Washington, DC, on October 2, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG-A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017-21715 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Seventeenth RTCA SC-209 Plenary Session Joint With EUROCAE WG49

AGENCY: Federal Aviation Administration, U.S. Department of Transportation.

ACTION: Seventeenth RTCA SC-209 Plenary Session Joint with EUROCAE WG49.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Seventeenth RTCA SC-209 Plenary Session Joint with EUROCAE WG49.

DATES: The meeting will be held October 26, 2017 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: Boeing—Longacres 25-01 Building, 1301 SW 16th Street, Renton, WA 98055.

FOR FURTHER INFORMATION CONTACT:

Albert Secen at asecen@rtca.org or 202-330-0647, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of the Seventeenth RTCA SC-209 Plenary Session Joint with EUROCAE WG49. The agenda will include the following:

1. Host and Co-Chairs Welcome, Introductions, and Remarks
2. Review of Meeting Agenda
3. Review and Approval of the Minutes From Meeting #16 of SC-209
4. WG-1—ATCRBS/Mode S Transponder
 - a. Status of MOPS Revisions
5. EUROCAE WG-49—SSR Mode S Transponders
 - a. Status of MOPS Revisions
 - b. Update on European Activity
6. Other Business
7. Date, Place, and Time of Future Meetings
8. Review of Action Items

9. Adjournment

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 4, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG-A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017-21716 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Ninety Ninth RTCA SC-159 Navigation Equipment Using the Global Navigation Satellite System (GNSS) Plenary

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

ACTION: Ninety Ninth RTCA SC-159 Navigation Equipment Using the Global Navigation Satellite System (GNSS) Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Ninety Ninth RTCA SC-159 Plenary. SC-159 is a subcommittee to RTCA.

DATES: October 27, 2017. 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:

Rebecca Morrison at rmorrison@rtca.org or 202-330-0654, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of the Ninety Ninth RTCA SC-159 Plenary. The agenda will include the following:

October 27, 2017 9:00 a.m.–5:00 p.m.

1. Introductory Remarks: DFO, RTCA and Co-Chairs

2. Approval of Summaries of Previous Meetings
 - a. Ninety-Eighth Meeting held May 11, 2017, RTCA Paper No. 0xx-17/SC159-105x.
3. Final Review and Comment (FRAC) activities
 - a. DO-235() Update
 - b. GNSS L1/L5 Antenna MOPS
4. Review Working Group (WG) Progress and Identify Issues for Resolution.
 - a. GPS/WAAS (WG-2)
 - b. GPS/GLONASS (WG-2A)
 - c. GPS/Inertial (WG-2C)
 - d. GPS/Precision Landing Guidance (WG-4)
 - e. GPS/Interference (WG-6)
 - i. Discussion regarding taking draft DO-292 revision into Final Review and Comment (FRAC)
 - f. GPS/Antennas (WG-7)
5. Review of EUROCAE Activities and Discussion of Joint Activity with EUROCAE on a Dual-Frequency, Multi-Constellation GNSS Receiver MOPS
6. Update on ICAO/Navigation Systems Panel Dual Frequency/Multi Constellation Concept of Operations (CONOPS)
7. Discussion of Terms of Reference Updates
8. Action Item Review
9. Assignment/Review of Future Work
10. Other Business
11. Date and Place of Next Meeting
12. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the “**FOR FURTHER INFORMATION CONTACT**” section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on October 4, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG-A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017-21717 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Transport Airplane and Engine Subcommittee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting on transport airplane and engine (TAE) issues.

SUMMARY: This notice announces a public meeting of the FAA’s Aviation Rulemaking Advisory Committee (ARAC) Transport Airplane and Engine (TAE) Subcommittee to discuss TAE issues.

DATES: The meeting will be held on Wednesday, November 1, 2017, starting at 9:00 a.m. Pacific Standard Time. Arrange for oral presentations by October 25, 2017.

ADDRESSES: The meeting will take place at 1601 Lind Ave SW., Renton, WA 98057. Participation is open to the public, but will be limited to the availability of teleconference lines.

FOR FURTHER INFORMATION CONTACT: Thuy H. Cooper, Office of Rulemaking, FAA, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-4715, Fax (202) 267-5075, or email at 9-awa-arac@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. III), notice is given of an ARAC subcommittee meeting to be held on November 1, 2017.

The agenda for the meeting is as follows:

- Opening Remarks, Review Agenda and Minutes
- FAA Report
- ARAC Report
- Transport Canada Report
- EASA Report
- Flight Test Harmonization Working Group Report
- Metallic and Composite Structures Working Group Report
- Crashworthiness and Ditching Working Group Report
- Any Other Business
- Action Item Review

Participation is open to the public, but will be limited to the availability of teleconference lines.

To participate, please contact the person listed in **FOR FURTHER INFORMATION CONTACT** by email or phone for the teleconference call-in number and passcode. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are participating as a public citizen, please indicate so. Participants are responsible for any telephone, data usage or other similar expenses related to this meeting.

The public must make arrangements by October 25, 2017, to present oral or written statements at the meeting.

Written statements may be presented to the Subcommittee by providing a copy to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Copies of the documents to be presented to the Subcommittee may be made available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on October 3, 2017.

Dale Bouffiou,

Alternate Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2017-21693 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twelfth RTCA SC-233 Addressing Human Factors/Pilot Interface Issues for Avionics Plenary

AGENCY: Federal Aviation Administration, U.S. Department of Transportation.

ACTION: Twelfth RTCA SC-233 Addressing Human Factors/Pilot Interface Issues for Avionics Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Twelfth RTCA SC-233 Addressing Human Factors/Pilot Interface Issues for Avionics Plenary.

DATES: The meeting will be held October 23, 2017 10:00 a.m.–11:00 a.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036 to be hosted as a virtual meeting.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at rmorrison@rtca.org or 202-330-0654, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of the Twelfth RTCA SC-233 Addressing Human Factors/Pilot Interface Issues for Avionics

Plenary. The agenda will include the following:

October 23, 2017 10:00 a.m.–11:00 a.m.

1. Introduction, DFO Statement, Opening Remarks
2. September 2017 Minutes Approval
3. Consider a Motion To Approve Submitting the Document to the Program Management Committee
4. Other Business
5. Action Items
6. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 4, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG-A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017-21714 Filed 10-6-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the procurement of a John Deere 640R Standard Farm Loader for recreational trail maintenance by the St. Marys Area Snowmobile Association (through the Pennsylvania Department of Conservation and Natural Resources) because the equipment is not available to be produced using 100 percent domestic steel or iron.

DATES: The effective date of the waiver is October 11, 2017.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via email at gerald.yakowenko@dot.gov. For legal questions, please contact Mr. William Winne, FHWA Office of the Chief Counsel, 202-366-1397, or via email at william.winne@dot.gov. Office hours for

the FHWA are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov> and the Government Publishing Office's database at: <http://www.access.gpo.gov/nara>.

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for a John Deere 640R Standard Farm Loader for recreational trail maintenance by the St. Marys Area Snowmobile Association in Pennsylvania because this equipment is not available to be produced by domestic manufacturers using 100 percent domestic steel or iron.

Consistent with the Consolidated Appropriations Act of 2017 (Pub. L. 115-31), FHWA published a notice on its Web site, <https://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=148> on March 22 seeking comments on whether a waiver of Buy America requirements is appropriate. The FHWA received no comments in response to the publication. Both the St. Marys Area Snowmobile Association and Pennsylvania Department of Conservation and Natural Resources were unable to verify that equipment meeting its specifications could be produced by domestic manufacturers. The applicant requires and all-terrain, all-season, medium frame tractor to pull snow grooming equipment and clear the trail of vegetation. The applicant could not locate a domestically manufactured model of all season, medium frame tractors that can accommodate its existing snow grooming equipment. The FHWA also contacted a potential domestic manufacturer and a domestic vendor to verify whether the subject materials or a suitable substitute were reasonably available. Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers of a John Deere

640R Standard Farm Loader for recreational trail maintenance by the St. Marys Area Snowmobile Association in Pennsylvania for which all its iron and steel is domestically manufactured.

The St. Marys Area Snowmobile Association, the Pennsylvania Department of Conservation and Natural Resources, Pennsylvania DOT, contractors, and subcontractors involved in the procurement of John Deere 640R are reminded of the need to comply with the Cargo Preference Act in 46 CFR part 38, if applicable.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the waiver page noted above.

Authority: (23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410)

Issued on: October 2, 2017.

Brandye L. Hendrickson,
Acting Administrator, Federal Highway Administration.

[FR Doc. 2017-21862 Filed 10-5-17; 11:15 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2015-0105, Notice 2]

Decision That Nonconforming Model Year 2010 Lamborghini Murcielago Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: This document announces a decision by the National Highway Traffic Safety Administration that certain model year (MY) 2010 Lamborghini Murcielago passenger cars (PCs) that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S. certified

version of the MY 2010 Lamborghini Murcielago PC), and they are capable of being readily altered to conform to the standards.

DATES: This decision became effective on October 3, 2017.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified as required under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc., of Santa Ana, CA (G&K) (Registered Importer #RI–90–007), petitioned NHTSA to decide whether MY 2010 Lamborghini Murcielago PCs are eligible for importation into the United States. NHTSA published a notice of the petition on May 2, 2017 (82 FR 20532) to afford an opportunity for public comment. No comments were received in response to this petition. The reader is referred to the receipt notice for a thorough description of the petition.

NHTSA's Conclusions

NHTSA has reviewed the petition and has concluded that the vehicles covered by the petition are substantially similar to MY 2010 Lamborghini Murcielago PCs and are capable of being readily altered to comply with all applicable FMVSS.

NHTSA has also concluded that each RI who imports and modifies one of these vehicles must include in the

statement of conformity and associated documents (“conformity package”) it submits to the NHTSA under 49 CFR part 592.6(d) explicit proof to confirm that the vehicle was, where applicable, originally manufactured to conform to, or was successfully altered to conform to, FMVSS No. 101 *Controls and Displays*, FMVSS No. 138, *Tire Pressure Monitoring Systems*, FMVSS No. 208, *Occupant Crash Protection*, and FMVSS No. 301 *Fuel System Integrity*. This proof must include detailed descriptions of all modifications made, including a detailed description of systems in place (if any) on the vehicle as delivered to the RI, and a similarly detailed description of alterations made to the vehicle and said systems, including photographs of all required labeling. The descriptions must also include parts assembly diagrams and associated part numbers for all components that were removed from or installed in the vehicle, an accounting of any computer programming modifications undertaken and a description of how compliance was verified after alteration of the vehicle.

In addition to the information specified above, each conformity package must also include evidence showing how the RI verified that the changes it made in loading or reprogramming vehicle software to achieve conformity with each separate FMVSS, did not also cause the vehicle to fall out of compliance with any other applicable FMVSS.

Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that MY 2010 Lamborghini Murcielago passenger cars that were not originally manufactured to comply with all applicable FMVSS, are substantially similar to MY 2010 Lamborghini Murcielago passenger cars manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal Motor Vehicle Safety Standards.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–595 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–21665 Filed 10–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0096; Notice 1]

Forest River, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Forest River, Inc. (Forest River), has determined that certain model year (MY) 2008–2016 Glaval, 2012–2016 Starcraft, and 2014–2016 StarTrans buses do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 217, *Bus emergency exits and window retention and release*. Forest River filed reports dated April 14, 2016, and subsequently revised those reports on June 7, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Forest River then petitioned NHTSA under 49 CFR part 556 for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is November 9, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the

Federal Docket Management System (FDMS) Web site at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided.

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. All 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.

All documents submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <https://www.regulations.gov/> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in the **Federal Register** notice published on April 11, 2000, (65 FR 19477-78).

SUPPLEMENTARY INFORMATION:

I. Overview

Forest River, Inc. (Forest River), has determined that certain model year (MY) 2008-2016 Glaval, 2012-2016 Starcraft, and 2014-2016 StarTrans buses do not fully comply with paragraph S5.5.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 217, *Bus emergency exits and window retention and release*. Forest River filed reports dated April 14, 2016, and subsequently revised those reports on June 7, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Forest River then petitioned NHTSA under 49 CFR part 556, pursuant to 49 U.S.C. 30118(d) and 30120(h) and their implementing

regulations at 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Forest River's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Buses Involved

Affected are approximately 476 MY 2014-2016 StarTrans Bus Senator 2, Senator HD, Candidate 2, President, and PS 2 model buses manufactured between May 16, 2014 and April 6, 2016; approximately 7,716 MY 2012-2016 Starcraft Bus Xpress, Starquest, Starlite, Allstar, Allstar XL, MVP, Ultrastar, and XLT model buses manufactured between January 1, 2012 and April 6, 2016; and approximately 1,860 MY 2008-2016 Forest River, Inc. Glaval Bus Apollo, Concorde II, Entourage, Legacy, Primetime, Sport, Titan, Titan II and Titan II Low Floor model buses manufactured between August 1, 2008 and March 6, 2016.

III. Noncompliance

Forest River explains that the noncompliance results from the misplacement of the emergency egress labels on the emergency exit doors of the subject buses. Specifically, the emergency egress labels on the affected buses were centered on the window and are located within 25 centimeters of each of the release mechanisms, and not within 16 centimeters, as required by paragraph S5.5.1 of FMVSS No. 217. The labels are approximately 11 centimeters (or 4 inches) from where they are required to be on the exit doors.

IV. Rule Text

Paragraph S5.5.1 of FMVSS No. 217 requires in pertinent part:

S5.5.1 *In buses other than school buses, and except for windows serving as emergency exits in accordance with S5.2.2.3(b) and doors in buses with a GVWR of 10,000 pounds or less, each emergency exit door shall have the designation "Emergency Door" or "Emergency Exit," and every other emergency exit shall have the designation "Emergency Exit" followed by concise operating instructions describing each motion necessary to unlatch and open the exit, located within 16 centimeters of the release mechanism. . . .*

V. Summary of Forest River's Petition

Forest River described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Forest River submitted the following reasoning:

(a) Since the promulgation of the FMVSS No. 217 original final rule, the primary purpose in requiring the emergency exit markings to be located within a set distance from the release mechanism has been to ensure that they are: (1) Located near the point of release and (2) are visible to passengers. *See* 37 FR 9394, 9395 (May 10, 1972, final rule). Both of these safety objectives are still met in the affected Forest River vehicles.

(b) All of the emergency egress windows are located on the rear wall of the affected buses. The markings are readable and the instructions on how to operate the release mechanism are concise and understandable as currently installed. The release mechanism is painted red, and contrasts with the black window frame and hardware. Centered in the window, the emergency exit marking is unobstructed by any other part of the window or the vehicle and should be readily apparent to passengers. Consequently, the location of the emergency egress designation labels in relation to the release mechanism do not compromise safety with regard to a passenger's ability to identify an emergency egress location or easily operate the release mechanism.

(c) The affected vehicles are transit buses, generally operated by private companies and would typically have trained drivers operating the vehicles and present to assist passengers exiting the vehicle in the event of an emergency. With a trained professional driver present, an emergency exit marking that is located approximately 4 inches further than allowed from the release mechanism is unlikely to have any tangible impact on passenger safety.

(d) The agency has previously granted petitions for inconsequential noncompliance under FMVSS No. 217 for conditions with the potential for a more direct and serious impact on safety. *See* NHTSA Docket No. 98-3791, New Flyer of America, Inc. (granting petition for inconsequential noncompliance where buses were manufactured with only one emergency exit instead of two); NHTSA Docket No. 2005-20545, IC Corporation, (granting petition for inconsequential noncompliance where school buses were manufactured with two emergency doors under the same post and roof bow panel space).

(e) Forest River is not aware of any complaints, warranty claims, accidents, injuries, or other field incidents related to the emergency egress markings not meeting the requirements of the standard. Forest River has corrected the

noncompliance on all of the remaining windows in its possession. Forest River is also advised that Lippert Components, Inc. (LCI), the manufacturer of the windows and emergency exit marking labels, has corrected the noncompliance in its own production beginning on April 7, 2016.

Forest River's complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) Web site at: <https://www.regulations.gov/> and following the online search instructions to locate the docket number listed in the title of this notice.

In summation, Forest River believes that the described noncompliance in the subject buses is inconsequential as it relates to motor vehicle safety, and that its petition to exempt Forest River from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and remedying the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject buses that Forest River no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant buses under their control after Forest River notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120; Delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,
Director, Office of Vehicle Safety Compliance.
[FR Doc. 2017-21666 Filed 10-6-17; 8:45 am]
BILLING CODE 4910-59-P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

AGENCY: United States Institute of Peace.
DATE/TIME: Friday, October 20, 2017 (10:00 a.m.–1:00 p.m.).

LOCATION: 2301 Constitution Avenue NW., Washington, DC 20037.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98-525.

AGENDA: October 20, 2017 Board Meeting; Chairman's Report; Vice Chairman's Report; President's Report; Approval of Minutes of the One Hundred and Sixty Second Meeting (April 21, 2017) and the One Hundred and Sixty Third Meeting (July 21, 2017) of the Board of Directors; Reports from USIP Board Committees; Ukraine/Russia Working Group Report; and Israel/Palestine Program Report.

CONTACT: William B. Taylor, Executive Vice President: wtaylor@usip.org.

Dated: October 3, 2017.

William B. Taylor,
Executive Vice President.

[FR Doc. 2017-21692 Filed 10-6-17; 8:45 am]

BILLING CODE 6820-AR-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0379]

Agency Information Collection Activity Under OMB Review: Time Record (Work Study Program)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 9, 2017.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to oir_submission@omb.eop.gov. Please refer to "OMB Control No. 2900-0379" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461-5870 or email Cynthia.harvey.pryor@va.gov. Please refer to "OMB Control No. 2900-0379" in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3485.

Title: Time Record (Work-Study Program), (VA Form 22-8960).

OMB Control Number: 2900-0379.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 22-8960 is a time sheet report used by a supervisor and an eligible individual to record and report the number of hours completed by the trainee. The form should be submitted after the trainee completes at least 50 hours of work. VA uses the data collected to ensure that the amount of benefits payable to a claimant who is pursuing work-study is correct.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 64 on April 5, 2017, page 16665.

Affected Public: State, Local or Tribal Governments.

Estimated Annual Burden: 6,275 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 75,306.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017-21824 Filed 10-6-17; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

VA Prevention of Fraud, Waste, and Abuse Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the VA Prevention of Fraud, Waste, and Abuse Advisory Committee will meet on November 7, 2017, at 810 Vermont Avenue NW., Sonny Montgomery Conference Room 230, Washington, DC,

from 8:00 a.m. until 5:00 p.m. (EST). All sessions will be open to the public.

The purpose of the Committee is to advise the Secretary, through the Assistant Secretary for Management and Chief Financial Officers, on matters relating to improving and enhancing VA's efforts to identify, prevent, and mitigate fraud, waste, and abuse across VA in order to improve the integrity of VA's payments and the efficiency of its programs and activities.

The agenda will include briefings from the Deputy Secretary of VA, the Advisory Committee Management Office, the Office of General Counsel, presentations on VA's programs, and an overview of committee objectives, committee business, and activities.

Time will be allocated for receiving comment from the public in the afternoon. A sign-up sheet for 5-minute comments will be available at the meeting. For interested parties who cannot attend in person, the dial-in number is (800) 767-1750, access code 030905#. *Note: The telephone line will be muted until the Committee Chairman opens the floor for public comment.* Individuals who wish to address the Committee may submit a 1–2 page summary of their comments for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Tamika Barrier via email at tamika.barrier@va.gov.

Because the meeting is being held in a government building, a photo I.D. must be presented as part of the clearance process. Therefore, any person attending should allow an additional 30 minutes before the meeting begins. Any member of the public seeking additional information should contact Tamika Barrier, Designated Federal Officer, at (757) 254-8630.

Dated: October 3, 2017.

Jelessa M. Burney,
Federal Advisory Committee Management Officer.

[FR Doc. 2017-21696 Filed 10-6-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Research and Health Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Veterans' Rural Health Advisory Committee will meet on November 1–2, 2017. The meeting will be held at 333 John Carlyle St., 4th Floor Conference Room, in Alexandria, VA 22314 on

November 1–2; both meeting sessions will begin at 8:30 a.m. (EST) each day and adjourn at 5:00 p.m. (EST). The meetings are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on rural health care issues affecting Veterans. The Committee examines Programs and policies that impact the delivery of VA rural health care to Veterans and discusses ways to improve and enhance VA access to rural health care services for Veterans.

The agenda will include updates from Department leadership, the Assistant Deputy Under Secretary for Health for Policy and Services, Director Office of Rural Health and Committee Chairman, as well as presentations on general health care access.

Public comments will be received at 4:30 p.m. on November 1, 2017. Interested parties should contact Ms. Judy Bowie, via email at VRHAC@va.gov, via fax at (202) 632-8615, or by mail at 810 Vermont Avenue NW., (10P1R), Washington, DC 20420. Individuals wishing to speak are invited to submit a 1–2 page summary of their comment for inclusion in the official meeting record. Any member of the public seeking additional information should contact Ms. Bowie at the phone number or email address noted above.

Dated: October 4, 2017.

LaTonya L. Small,
Federal Advisory Committee Management Officer.

[FR Doc. 2017-21770 Filed 10-6-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of the Advisory Committee on Cemeteries and Memorials will be held on October 31–November 1, 2017. The meeting sessions will take place at the Jefferson Barracks Medical Center, 1 Jefferson Barracks Drive, Building 56, St. Louis, MO 63125. Sessions are open to the public, except when the Committee is conducting tours of VA facilities, participating in off-site events, and participating in workgroup sessions. Tours of VA facilities are closed, to protect from disclosure Veterans' information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of national cemeteries, soldiers' lots and plots, the selection of new national cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee will make recommendations to the Secretary regarding such activities.

On the morning of Tuesday, October 31st, the Committee will convene with an open session at the Jefferson Barracks Medical Center, 1 Jefferson Barracks Drive, Building 56, St. Louis, MO 63125, from 8:30 a.m. to 12:00 p.m. The agenda will include briefings on NCA Modernization efforts and Committee recommendations. In the afternoon, from 1:00 p.m. to 4:00 p.m. the Committee will reconvene a closed session, as it tours the NCA National Training Center co-located at the meeting site and Jefferson Barracks National Cemetery at 2900 Sheridan Road, St. Louis, MO 63125.

On November 1st, the meeting will convene an open session at the Jefferson Barracks Medical Center, 1 Jefferson Barracks Drive, Building 56, St. Louis, MO 63125, from 8:30 a.m.–4:00 p.m. The agenda will include a continuation of briefings on Committee Recommendations and a briefing on the Veterans Legacy Program.

Time will be allocated for receiving oral presentations from the public each day. Any member of the public wishing to attend the meeting should contact Ms. Christine Hamilton, Designated Federal Officer, at (202) 461-5680. The Committee will also accept written comments. Comments may be transmitted electronically to the Committee at Christine.hamilton1@va.gov or mailed to the National Cemetery Administration (40A1), 810 Vermont Avenue NW., Washington, DC 20420. In the public's communications with the Committee, the writers must identify themselves and state the organizations, associations, or persons they represent.

Dated: October 3, 2017.

Jelessa M. Burney,
Federal Advisory Committee Management Officer.

[FR Doc. 2017-21695 Filed 10-6-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0393]

Agency Information Collection Activity: Department of Veteran Affairs Acquisition Regulation (VAAR) Part 813, Simplified Acquisition Procedures

AGENCY: The Office of Management (OM), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Management (OM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 11, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Ricky Clark, Office Of Acquisition and Logistics (003A2A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to Ricky.Clark@va.gov. Please refer to "OMB Control No. "2900-0393" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461-5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM functions, including whether the information will have practical utility; (2) the accuracy of OM estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the

information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521).

Title: Department Of Veteran Affairs Acquisition Regulation (VAAR) Part 813, Simplified Acquisition Procedures.

OMB Control Number: 2900-0393.

Type of Review: Extension of a currently approved collection.

Abstract: This request for an extension covers the competitive acquisition of commercial and non-commercial goods or services conducted under the simplified acquisition procedures of FAR Part 13 and VAAR Part 813 that exceed \$25,000. The collection of procurement information is an integral part of the Federal acquisition process. VA cannot award contracts, issue purchase orders, or enter into blanket purchase agreements (BPAs) or other contract actions without the collection of information. The Federal Acquisition Regulation (FAR) contains PRA control numbers for the collection of information under FAR Parts 14, Sealed Bidding, and 15, Contracting by Negotiation. All VA invitation for bid (IFB) (*i.e.*, sealed bid) and request for proposal (RFP) (*i.e.*, negotiated) acquisitions exceeding \$150,000 (or exceeding \$ 7 million for commercial items) are conducted in accordance with FAR Parts 14 or 15 and are covered by the FAR PRA control numbers. In addition, many of VA's commercial item acquisitions between \$150,000 and \$7 million are also conducted in accordance with FAR Parts 14 or 15. Therefore, the OMB PRA control numbers assigned to the FAR already cover VA acquisition activities under FAR Parts 14 and 15 and VAAR Parts 814 and 815. There are no separate collections of information in VAAR Parts 814 and 815 that are over and above those already required by the FAR. However, the FAR does not have an OMB PRA control number for Part 13. Thus, this VAAR PRA number 2900-0393 covers VA's acquisition activities conducted under FAR Part 13 and under VAAR Part 813, since those activities are not covered by a PRA number assigned to the FAR.

Affected Public: Business or other for-profit and not-for-profit institutions.

Estimated Annual Burden: VAAR Part 813—20,845 Burden Hours.

Estimated Average Burden per Respondent: VAAR Part 813—1 Hour.

Frequency of Response: On occasion.

Estimated Number of Respondents: VAAR Part 813—20,845.

By direction of the Secretary.

Cynthia Harvey-Pryor,
*Department Clearance Officer, Office of Quality, Privacy and Risk (OQPR),
Department of Veterans Affairs.*

[FR Doc. 2017-21700 Filed 10-6-17; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0668]

Agency Information Collection Activity: Supplemental Income Questionnaire (for Philippine Claims Only)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 11, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Nancy Kessinger, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0668" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461-5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 1521, 1541, 1542.

Title: Supplemental Income Questionnaire (For Philippine Claims Only) (VA Form 21P-0784).

OMB Control Number: 2900-0668.

Type of Review: Extension without change of a currently approved collection.

Abstract: Eligibility to benefits may be established based on service in the Philippine Scouts, Commonwealth Army of the Philippines, or recognized guerrilla organizations (38 U.S.C. 107). Title 38 U.S.C. 1521, 1541, and 1542 provide for payment of Pension to eligible veterans, surviving spouses, and surviving children. A claimant's eligibility for pension is determined, in part, by countable family income and net worth. Income information is requested by this form under the authority of 38 U.S.C. 1506.

VBA uses VA Form 21P-0784 to gather income information that is necessary to determine eligibility for Pension benefits. Entitlement to pension cannot be determined without complete information about a claimant's family income and net worth. Claimants residing in the Philippines have different types of income than claimants residing in the United States, and this form better captures those types of income than other VA Pension forms.

Affected Public: Individuals and households.

Estimated Annual Burden: 30 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 120.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017-21702 Filed 10-6-17; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0510]

Agency Information Collection Activity: Application for Exclusion of Children's Income

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 11, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Dawn Johnson, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to Dawn.Johnson7@va.gov. Please refer to "OMB Control No. 2900-0510" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461-5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites

comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 1521, 38 U.S.C. 1541.

Title: Application for Exclusion of Children's Income (VA Form 21P-0571).

OMB Control Number: 2900-0510.

Type of Review: Extension without change of a currently approved collection.

Abstract: A veteran's or surviving spouse's rate of Improved Pension is determined by family income. Normally, income of children who are members of the household is included in this determination. However, children's income may be excluded if it is unavailable or if consideration of that income would cause hardship.

38 U.S.C. 1521(h) and 1541(g) provide the authority for the exclusion of children's income based on unavailability or hardship. VA Form 21P-0571, Application for Exclusion of Children's Income, is being transferred from Compensation Service to Pension and Fiduciary Service, due to changes in business lines.

VA Form 21P-0571 is used for the sole purpose of collecting the information needed to determine whether children's income is available to the beneficiary, and if it would cause hardship to consider their income.

Affected Public: Individuals and households.

Estimated Annual Burden: 2,025 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 2,700.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017-21701 Filed 10-6-17; 8:45 am]

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